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PROVINCE OF QUÉBEC

2nd SESSION

35th LEGISLATURE

QUÉBEC, 19 JUNE 1997

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 19 June 1997

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

55 An Act to amend the Act respecting the Ministère des Transports and the Highway Safety Code

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

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 55
(1997, chapter 40)

An Act to amend the Act respecting the Ministère des Transports and the Highway Safety Code

Introduced 7 November 1996
Passage in principle 19 November 1996
Passage 17 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

The purpose of this bill is to enable the Government to entrust the Minister of Transport with the management of highways not subject to the Act respecting roads so that he can carry out work thereon, or delegate that power to a local municipality or band council.

In addition, it provides that the Government may determine that all or certain provisions of the Highway Safety Code will not apply to such highways.

Lastly, the bill extends the powers of the Minister of Transport in the matter of subsidies for roads granted to band councils.

Bill 55

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DES TRANSPORTS AND THE HIGHWAY SAFETY CODE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 3 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended

(1) by replacing paragraph *i* by the following paragraph :

"(*i*) in respect of any highway that may be determined by the Government from among the highways to which the Act respecting roads (chapter V-9) does not apply, carry out, or cause to be carried out, construction, repair or maintenance work or delegate the power to carry out such work to a local municipality that consents thereto, and ensure the financing thereof ;" ;

(2) by adding the following paragraph :

"For the purposes of subparagraph *i* of the first paragraph, the term "local municipality" includes a native community represented by its band council within the meaning of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5) or the Cree-Naskapi (of Quebec) Act (Statutes of Canada, 1984, chapter 18). In addition, the work referred to therein may be carried out even outside the territory of the local municipality or the band council to which the powers are delegated."

2. Section 10.1 of the said Act is amended

(1) by adding, at the end, the words "or of a highway to which paragraph *i* of section 3 applies" ;

(2) by adding the following paragraph :

"For the purposes of this section, the word "municipality" includes a native community represented by its band council within the meaning of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5) or the Cree-Naskapi (of Quebec) Act (Statutes of Canada, 1984, chapter 18)."

3. Section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2), amended by section 2 of chapter 56 and by section 70 of chapter 60 of the statutes of 1996, is again amended by adding, in the definition of "public highway", the following paragraph :

"(3) highways which the Government determines, under section 5.1, as being exempt from the application of this Code ;".

4. The said Code is amended by inserting, after section 5, the following section :

"**5.1.** The Government may, by order in council published in the *Gazette officielle du Québec*, determine that a highway to which paragraph *i* of section 3 of the Act respecting the Ministère des Transports (chapter M-28) applies is not a public highway within the meaning of section 4, or that certain provisions of this Code or of a regulation thereunder do not apply to such a highway."

5. This Act comes into force on 19 June 1997.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 92
(1997, chapter 44)

An Act respecting the Commission de développement de la métropole

Introduced 19 December 1996
Passage in principle 29 May 1997
Passage 13 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

This bill establishes the Commission de développement de la métropole whose primary object is to promote the development of Greater Montréal. To that end, the Commission is to promote, stimulate and coordinate the economic, cultural and social development of Greater Montréal by ensuring that the actions of local and regional authorities are undertaken in a concerted and coherent manner in conformity with Greater Montréal's orientations. The Commission is also responsible for promoting coordinated relations between local, regional and governmental authorities.

The metropolitan area under the jurisdiction of the Commission is the combined territory of the Communauté urbaine de Montréal and of the neighbouring municipalities listed in the schedule.

The affairs of the Commission are to be administered by a council composed of a chairman, of representatives of the municipal sector, who will account for two-thirds of the members, and of government-appointed representatives of various socio-economic groups. The council designates from the municipal sector two vice-chairmen, one of whom must be a representative of the island of Montréal and the other a representative of the neighbouring municipalities in the territory of the Commission. The establishment of an executive committee is provided for, which is to be headed by the chairman of the Commission and to comprise, in addition, the two vice-chairmen, and five members designated by the council, three of whom are to be selected among the municipal sector representatives. The Minister of State for Greater Montréal is to be the chairman of the Commission.

Among the main functions assigned to the Commission are the preparation, in conjunction with the Ministers concerned or the Agence métropolitaine de transport, of guidelines and priorities for strategic action for economic development and the adoption of a metropolitan land use plan and an integrated transportation plan for persons and goods within its territory. The plans of the Commission are to be submitted to the Government for approval.

Furthermore, the Commission is to advise the Minister on any matter of metropolitan interest. It will also make recommendations to the Government, within specified time limits, regarding

administrative structures within its territory, recreational, touristic and cultural infrastructures and equipment and socio-cultural or sports events of metropolitan interest, the management of environment quality in its territory and the Agence métropolitaine de transport. It may make recommendations on any other matter.

The Commission may carry out, or cause to be carried out, any other related mandate entrusted to it by the Government and enter into agreements or undertake joint projects with any other person or body.

Lastly, the bill contains provisions relating to the funding of the Commission, amending provisions, transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);

– Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02);

– Act respecting land use planning and development (R.S.Q., chapter A-19.1);

– Charter of the French language (R.S.Q., chapter C-11);

– Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

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

– Act to preserve agricultural land (R.S.Q., chapter P-41.1);

– Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);

– Charter of the city of Montréal (1959-60, chapter 102).

Bill 92

AN ACT RESPECTING THE COMMISSION DE DÉVELOPPEMENT DE LA MÉTROPOLE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

DIVISION I

ESTABLISHMENT

1. The Commission de développement de la métropole is hereby established.

The Commission is a legal person established in the public interest.

2. The territory of the Commission shall consist of the territories of the municipal entities listed in Schedule I.

The Government may, by regulation and on the recommendation of the Commission, amend the schedule.

3. The primary object of the Commission is to promote the development of the metropolitan area.

To that end, the Commission shall promote, stimulate and coordinate the economic, cultural and social development of Greater Montréal by ensuring that the actions of local and regional authorities are undertaken in a concerted and coherent manner on the basis of the guidelines established for the metropolitan area.

The Commission shall also promote collaboration and partnership between local, regional and governmental authorities.

4. In the pursuit of its object, the Commission shall act more specifically in the following areas:

(1) economic development;

(2) land use planning;

(3) transportation.

5. The head office of the Commission shall be located within its territory at the place it determines.

Notice of that location and of any change in location shall be published in the *Gazette officielle du Québec* and in a newspaper distributed in the territory of the Commission.

DIVISION II

COMPOSITION

§1. — *Council*

6. The affairs of the Commission shall be administered by a council composed of a chairman, of members representing the municipal sector, and of members representing the various socio-economic sectors.

7. The Minister of State for Greater Montréal shall be the chairman of the council of the Commission.

8. The members representing the municipal sector shall be

(1) the mayor of Ville de Montréal and six other persons designated by the city council from among the other council members;

(2) the mayor of Ville de Laval and another person designated by the city council from among the other council members;

(3) the mayor of Ville de Longueuil;

(4) the wardens of the regional county municipalities listed in Schedule I, the warden of the Municipalité régionale de comté de Vaudreuil-Soulanges, the mayor of Ville de Mirabel, and, if the mayor of Ville de Longueuil is the warden of the Municipalité régionale de comté de Champlain, a person designated by the council of the regional county municipality from among the other council members;

(5) the chairman of the Conférence des maires de la banlieue de Montréal and four members of the council of the Communauté urbaine de Montréal, designated by and from among the representatives, on that council, of municipalities other than Ville de Montréal;

(6) the chairman of the executive committee of the Communauté urbaine de Montréal.

9. At the request of the chairman of the executive committee of the Communauté urbaine de Montréal, a meeting of the representatives of municipalities other than Ville de Montréal on the urban community council shall be called by the secretary of the urban community in the same manner as

a special meeting of the council in order to designate the four members referred to in paragraph 5 of section 8.

The meeting shall be open to the public and presided by the secretary and the quorum shall be the majority of the representatives. Each representative shall have one vote. At the opening of the meeting, the representatives shall decide, by a majority of the votes cast, whether the persons are to be designated by an oral vote or by secret ballot.

The secretary shall establish the nomination and voting procedure. The secretary shall draw up the minutes of the meeting, table them before the council of the urban community at its next ensuing meeting, and send a copy of the minutes to the Commission.

10. Any member representing the municipal sector may be replaced by a substitute if the member is absent or unable to act.

The substitute for a designated member shall be selected, when the member is appointed, by the council of the municipal body of which he is a member or by the body of electors by which he was selected.

11. The Government shall appoint 13 other members to the council, after consulting socio-economic groups in Greater Montréal that are representative of, in particular, the business, labour, culture, community work, environment, transportation, agriculture and tourism sectors.

12. A deputy minister may, with the authorization of the chairman, take part in the discussions of the council on a matter that concerns his department, but he is not entitled to vote.

13. The council shall appoint two vice-chairmen from among the council members from the municipal sector, including one from among the members referred to in paragraphs 1, 5 and 6 of section 8 and one from among the members referred to in paragraphs 2 to 4 of section 8.

14. A member of the council appointed by the Government who has a direct or indirect interest in any enterprise causing his personal interest to conflict with that of the Commission must, on pain of forfeiture of office, disclose such interest to the council in writing and refrain from taking part in any debate or decision bearing on the enterprise in which the interest is held, and in any part of a sitting of the council during which the interest is discussed.

15. The members of the council must disclose their pecuniary interests in the territory of the Commission to the council in accordance with sections 357 to 363 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

Failure by a member to disclose his pecuniary interests or to file such a disclosure shall disqualify that member from taking part in the meetings of the council or its committees.

16. The term of a designated member from the municipal sector shall end on the date on which the membership of the member in the council of the municipal organization ceases, or on the date on which a person is designated to replace him.

17. The term of office of the members appointed by the Government shall not exceed three years.

Such members shall, however, remain in office at the expiry of their term until replaced or reappointed.

18. The members of the council 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 the expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

§2. — *Executive committee*

19. The executive committee of the Commission is hereby established.

20. The executive committee is composed of the chairman and the vice-chairmen of the council and of five other members designated by the council for the term it determines, including three members from among the members representing the municipal sector and two members from among the members appointed by the Government.

DIVISION III

OPERATION

§1. — *Council*

21. The chairman shall call and preside at sittings of the council and ensure that they are properly conducted.

22. A vice-chairman may, at the request of the chairman, preside at sittings of the council.

23. One of the vice-chairmen may, in accordance with the internal management by-laws, replace the chairman when the latter is absent or unable to act.

24. The council shall meet at least four times every year.

Nine members of the council may require that the chairman call a special sitting. The special sitting must be held within 10 days after the requisition is received.

25. The members of the council may, by unanimous agreement, take part in a sitting by means of any device that allows oral communication, in particular the telephone. The participants are, in such a case, deemed to attend the sitting.

26. The term of a member of the council appointed by the Government who fails to attend three consecutive regular sittings of the council shall terminate at the close of the first sitting following the last of the three sittings the member failed to attend, unless the member attends that sitting.

However, the council may, at the fourth sitting, grant a grace period if the member was in fact unable to attend the sittings.

27. The sittings of the council shall be open to the public.

28. The quorum at sittings of the council is a majority of its members.

29. Every member of the council present at a sitting has one vote and is required to vote unless prevented from voting by a personal interest in the matter concerned.

The chairman is not entitled to vote.

30. Every decision shall be made by a majority vote of the members present.

31. The council may regulate the exercise of its powers and the other aspects of its internal management.

32. The council may set up committees to examine particular matters, determine their mode of operation and designate the persons who are to sit on the committees.

Each committee shall be presided by a member of the council designated by the council.

33. No judicial proceedings may be brought against the members of the council by reason of an act done in good faith in the performance of their functions.

34. No act, document or writing shall bind the Commission unless it is signed by the chairman or a vice-chairman, the director general of the Commission or, to the extent determined by the Commission, by a member of its personnel.

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

35. The minutes of the sittings of the council, approved by the council and certified by the chairman, a vice-chairman, the secretary or by any other member of the personnel so authorized by the council, are authentic, as are documents and copies emanating from the Commission or forming part of its records if signed or certified by such a person.

36. The council shall designate a director general, a secretary and a treasurer.

The director general is responsible for the administration and direction of the Commission within the scope of its policies and by-laws. The functions of director general shall be exercised on a full-time basis.

The director general shall also exercise any other function assigned by the council.

37. The employees of the Commission shall be appointed according to the staffing plan and the standards established by by-law of the Commission. The by-law shall also determine the standards and scales of remuneration, employment benefits and other conditions of employment of the employees.

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

38. No employee of the Commission may, on pain of forfeiture of office, have a direct or indirect interest in an enterprise causing the personal interest of the employee to conflict with that of the Commission. However, forfeiture is not incurred where the interest devolves by succession or gift, provided it is renounced or disposed of with dispatch.

§2. — *Executive committee*

39. The chairman shall call and preside at sittings of the executive committee and ensure that they are properly conducted.

40. A vice-chairman may, at the request of the chairman, preside at sittings of the executive committee.

41. The members of the executive committee may, by unanimous agreement, take part in a sitting by means of any device that allows oral communication, in particular the telephone. The participants are, in such a case, deemed to attend the sitting.

42. The sittings of the executive committee shall be closed to the public.

The council may, however, provide that all or part of the sittings of the executive committee are to be open to the public. The council or the executive committee may also, on a case by case basis, provide that all or part of a sitting of the executive committee is to be open to the public.

A member of the council who is not a member of the executive committee may attend a sitting that is not open to the public.

43. The quorum at sittings of the executive committee is four members who are entitled to vote.

44. Every member present at a sitting of the executive committee has one vote.

The chairman is not entitled to vote.

45. Every decision shall be made by a majority vote of the members present who are entitled to vote.

46. The executive committee shall see to the day-to-day administration of the affairs of the Commission.

It shall also exercise the powers delegated to it by the council.

47. The executive committee shall report on all its decisions to the council at its next ensuing meeting; the council may amend or cancel the decisions.

48. The executive committee may make internal management by-laws for the conduct of its affairs.

49. The executive committee may make a report to the council on any matter within the competence of the executive committee or of the council.

The executive committee shall furnish to the council any information requested of it in writing by a member of the council.

CHAPTER II

FUNCTIONS AND POWERS

DIVISION I

GENERAL PROVISIONS

50. The Commission shall advise the Minister on any matter of metropolitan interest that the Minister submits to it. It shall provide the Minister with any advice it considers appropriate.

51. The Commission shall make recommendations to the Government on the following matters:

(1) the municipal, regional and governmental structures within its territory, in particular, for the purpose of simplifying them;

(2) the recreational, touristic or cultural infrastructures and equipment or the socio-cultural or sports events of metropolitan interest, as well as their management and financing;

(3) the quality of the environment within its territory, in particular as regards the management of air and water quality and waste management, and the financing of the activities relating thereto, in order to ensure sustainable development as regards such activities and a fair apportionment of the cost of the activities among the municipal bodies in the territory of the Commission.

52. The Commission shall make recommendations to the minister responsible for the administration of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) concerning the composition, powers and financing of the agency.

It may also make recommendations to the Minister concerning the directives that the Minister may give concerning the aims and objectives pursued by the agency in the exercise of its functions.

53. The Commission may make recommendations to the Government on the following matters:

(1) the broadening of its functions and powers, in particular as regards culture and tourism;

(2) changes to its territory, changes in the composition of its council or executive committee and changes in the manner in which their members are appointed, and the diversification of the Commission's methods and sources of funding;

(3) the organization and financing of municipal services;

(4) the creation of specialized bodies to carry out certain of its functions or other functions of metropolitan interest;

(5) the creation and funding of an economic development fund.

54. The Commission may, according to law, enter into an agreement with a foreign government or any of its departments or with an international organization or an agency of such government or organization.

The Commission may also, with the authorization of the minister responsible for the administration of Division II of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), enter into an agreement with a government in Canada or with a department or agency of such a government.

The Commission may also enter into agreements or take part in joint projects with any person.

Every municipality and body to which section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) applies may enter into agreements or take part in joint projects referred to in the third paragraph.

55. In the pursuit of its object, the Commission may, in particular,

(1) carry out studies and research and hold consultations;

(2) provide financial assistance to a municipal or governmental body, a Native community represented by its band council or a non-profit body;

(3) solicit and receive gifts, bequests, subsidies and other contributions, provided that any attached conditions are consistent with the pursuit of its object.

56. The Commission shall carry out or cause to be carried out any other mandate related to its object and conferred on it by the Government where all or part of the related costs are borne by the Government.

The order conferring such a mandate must be tabled, within 15 days after it is made, in the National Assembly if it is in session or, if it is not sitting, within 15 days of resumption.

DIVISION II

ECONOMIC DEVELOPMENT

57. The Commission shall, in cooperation with the Minister of Industry, Trade, Science and Technology and in accordance with agreements on the priorities and the regional lines of development referred to in section 3.28 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), prepare guidelines and set priorities for strategic action for economic development in its territory, in particular as regards the soliciting of foreign investment and the promotion of foreign tourism.

58. The guidelines and priorities for economic development shall be adopted by the Commission.

59. The Commission may enter into a general agreement with the Government concerning the application of its guidelines and priorities for economic development.

DIVISION III

LAND USE PLANNING

60. The Commission shall prepare a metropolitan land use plan for its territory, in collaboration with the Minister of Municipal Affairs.

61. The Minister of Municipal Affairs shall inform the Commission of the government policy for land use planning in its territory, including any projected equipment and infrastructures.

62. The metropolitan land use plan shall, in particular,

(1) set out overall guidelines for land use;

(2) set out urbanization criteria for the territory, in particular in relation to employment and population growth, the availability and capacity of existing public infrasctructures and equipment, and the cost of proposed public infrastructures and equipment;

(3) define the poles of activity and the parts of the territory of the Commission that are of metropolitan interest;

(4) specify the location, capacity and purpose of infrastructures and equipment of metropolitan interest, whether existing or projected;

(5) set out criteria governing the harmonization of the development plans of the regional county municipalities and the Communauté urbaine de Montréal, which shall include a comparison between the potential capacity of the residential, commercial and industrial sectors shown on the plans and the growth forecast for the territory of the Commission and the consistency of the plans with the integrated transportation plan;

(6) set out rules for the financing of public infrastructures and equipment.

63. The Commission shall adopt, by resolution, a draft metropolitan land use plan.

It shall submit the draft plan for public consultation on the conditions and in the manner it determines.

64. The Commission shall pass a by-law for the adoption of the metropolitan land use plan.

The by-law must be adopted by a majority vote of the members from the municipal sector who are present at a meeting of the council the quorum of which is constituted by a majority of such members.

65. The Commission shall transmit the metropolitan land use plan to the Minister of Municipal Affairs for approval by the Government.

66. The Government shall approve the metropolitan land use plan with or without amendment.

If the Government considers that the metropolitan land use plan is inconsistent with government policy, it shall request that the Commission amend the plan within the time it indicates in its notice, setting out the reasons for its request.

If the Commission fails to amend the plan within that time, the Government shall adopt a land use plan which shall become the metropolitan land use plan of the Commission.

67. The order approving or adopting the metropolitan land use plan shall state the manner in which the Government and government departments and bodies are bound by the plan.

68. Before issuing a notice under section 51, 53.7, 56.4, 56.14 or 65 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) in respect of a development plan, an interim control by-law or an amendment to either which affects part of the territory of the Commission, the Minister of Municipal Affairs shall consult the Commission.

The Minister shall mention in such a notice any objection to the document submitted to the consideration of the Minister as regards such elements of the metropolitan land use plan as the Minister may indicate and specify the grounds for the objection.

For the purposes of the said sections, the notice relating to elements of the land use plan shall be considered to be a notice relating to aims and projects.

DIVISION IV

TRANSPORTATION

69. The Commission shall prepare an integrated plan for the transportation of persons and goods within its territory in collaboration with the Minister of Transport and the Agence métropolitaine de transport.

70. The Minister of Transport shall inform the Commission of government transportation policy within its territory.

71. The transportation plan shall, in particular,

(1) designate the metropolitan road network;

(2) identify existing or proposed metropolitan transportation infrastructures and equipment, especially in connection with shared transportation and air, sea and rail transportation;

(3) set out guidelines concerning the role, development and operation of metropolitan transportation infrastructures and equipment;

(4) identify the improvements to be made to existing metropolitan infrastructures and equipment to increase their capacity or effectiveness;

(5) set out measures governing the coordination of traffic and parking policies;

(6) contain a fare policy for shared transportation;

(7) set out measures to promote the use of means of transportation other than the automobile;

(8) specify the means by which the measures under the plan are to be financed.

72. The Commission shall adopt, by resolution, a draft integrated transportation plan.

It shall submit the plan for public consultation on the conditions and in the manner it determines.

73. The Commission shall pass a by-law for the adoption of the integrated transportation plan.

74. The Commission shall transmit the integrated transportation plan to the Minister of Transport for approval by the Government.

75. The Government shall approve the integrated transportation plan, with or without amendment.

The order in council shall state the extent to which the transportation plan is binding on the Government and on government departments and bodies.

76. The Commission may enter into an agreement with the Minister of Transport concerning the implementation of the integrated transportation plan and on the contribution to be made by the Government towards the financing of the measures or proposals involved.

The Commission may also enter into an agreement with the Agence métropolitaine de transport, a municipality or a public transit authority concerning the implementation of the measures contained in the integrated transportation plan.

CHAPTER III

FINANCIAL PROVISIONS

77. The fiscal year of the Commission ends on 31 December.

78. The Government may, on the conditions and according to the terms and conditions it determines, grant a subsidy to the Commission to provide for its obligations.

79. The amounts received by the Commission must be applied to the payment of its obligations. The remainder shall be paid into a fund the use of which is authorized by the Government.

80. The Commission shall, each year, submit its budget for the following fiscal year to the Minister, at the time, in the form and with the content determined by the Minister.

81. No decision of the Commission and no report authorizing or recommending an expenditure shall have effect before the production of a certificate of the treasurer attesting that funds are or will be available at the proper time for the purposes for which such expenditure is planned.

82. In the budget of the Commission, expenditures must not exceed revenues.

83. The Commission shall post as revenue in its budget any surplus anticipated for the current year and any other surplus at its disposal.

In addition, the Commission shall post as expenditure in its budget any deficit for the preceding year.

84. The books and accounts of the Commission shall be audited by the Auditor General of Québec each year and whenever so ordered by the Government.

The auditor's report must accompany the report of activities and the financial statements of the Commission.

85. The Commission must submit to the Minister, not later than 30 June each year, a report on its activities and its financial statements for the preceding fiscal year.

The documents must contain all the information required by the Minister.

86. The Minister shall table the annual report and the financial statements before the National Assembly within 15 days of receiving them if it is in session or, if it is not sitting, within 15 days of resumption.

CHAPTER IV

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

87. The Commission must submit to the Government

(1) not later than 31 March 1998, its first recommendations under paragraph 1 of section 51 in connection with governmental and regional structures;

(2) not later than 31 December 1998, its first recommendations under the said paragraph in connection with municipal structures, together with its recommendations under paragraph 2 of the said section;

(3) not later than 30 June 1999, its first recommendations under paragraph 3 of the said section.

The Commission must, not later than 30 June 1999, submit its first recommendations under the first paragraph of section 52 to the Minister responsible for the Act respecting the Agence métropolitaine de transport, to allow that minister to take them into consideration for the purposes of the report he must table in the National Assembly concerning the administration of that Act.

88. The Commission must, not later than 30 June 1998, adopt its first economic development guidelines and priorities under section 58.

89. The Commission must, not later than 31 October 1998, adopt a draft metropolitan land use plan under section 63.

It must also, not later than 30 June 1999, adopt its first metropolitan land use plan under section 64.

90. If the Commission considers that a development plan revised before the date of coming into force of the first metropolitan land use plan is inconsistent with the latter plan, it shall inform the Minister of Municipal Affairs.

If the Minister, after receiving the notice of the Commission or acting on his own initiative, considers that the development plan of a regional county municipality or of the Communauté urbaine de Montréal is inconsistent with the metropolitan land use plan, he shall request that the municipality or urban community amend its plan to ensure its conformity within the time he prescribes, which may not exceed six months.

Upon a failure by the regional county municipality or urban community to amend its development plan within the prescribed time, the Government shall adopt amendments to the plan.

The amended plan, once adopted by the Government, shall become the development plan of the municipality or urban community concerned.

91. The Commission must, not later than 31 October 1998, adopt a draft integrated transportation plan under section 72.

It must, not later than 30 June 1999, adopt its first integrated transportation plan under section 73.

92. Section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), amended by section 13 of chapter 2 of the statutes of 1996, is again amended by inserting the words "the Commission de développement de la métropole" at the beginning of paragraph 2, before the word "an".

93. Section 76 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) is amended by inserting the words ", after consultation with the Commission de développement de la métropole," after the word "revised" in the second paragraph.

94. Section 86 of the said Act is replaced by the following section:

"**86.** The Agency must consult the Commission de développement de la métropole regarding its fares, projected capital expenditures and budget."

95. Section 172 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

"The Minister shall also take into account the recommendations of the Commission de développement de la métropole."

96. Section 264.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 82 of chapter 25 of the statutes of 1996, is again amended by adding, at the end of the third paragraph, the words: "Similarly, the provisions of this Act concerning the effects of the coming into force of a revised development plan or a by-law amending a revised development plan, and the rules relating to the conformity of a planning program or of an instrument with the objectives of a revised development plan and the provisions of a complementary document pertaining to a revised development plan, are not incompatible with the said Charter. However, the council of Ville de Montréal is not required to adopt or amend a by-law that is not provided for in its Charter; if the Charter provides for a by-law that corresponds to a by-law that the provisions of this Act mentioned in this paragraph require the council to adopt or amend, the council shall adopt or amend it, and shall amend the planning program provided for in its Charter in accordance with the Charter and with the applicable provisions of this Act, adapted as required. Furthermore, the council is not required to meet the obligations concerning the conformity of certain by-laws with the planning program that constitute one of the effects of the coming into force of a revised development plan."

97. The said Act is amended by inserting, after section 267.1 enacted by section 70 of chapter 26 of the statutes of 1996, the following section:

"**267.2.** The Minister of Municipal Affairs shall ensure that government planning policy, in the regional county municipalities whose territories are adjacent to the territory of the Commission de développement de la métropole, is consistent with the metropolitan land use plan adopted by the Commission."

98. The Schedule to the Charter of the French language (R.S.Q., chapter C-11) is amended by inserting, after paragraph 2, the following paragraph:

"2.1 The Commission de développement de la métropole;".

99. Section 20 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing the words "and from the Société de transport" in the first paragraph by the words ", from the Société de transport and from the Commission de développement de la métropole".

100. Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 75 of chapter 2 of the statutes of 1994 and by section 64 of chapter 16, section 70 of chapter 21 and section 6 of chapter 39 of the statutes of 1996, is again amended

(1) by inserting the words "the Commission de développement de la métropole, to" after the words "belonging to" in the first line of paragraph 5;

(2) by inserting the words "the Commission or of" after the words "mandatary of" in the second line of paragraph 5.

101. Section 236 of the said Act, amended by section 76 of chapter 2 of the statutes of 1994, section 28 of chapter 14, section 65 of chapter 16 and section 70 of chapter 21 of the statutes of 1996, is again amended by inserting the words "the Commission de développement de la métropole," after the words "county municipality," in the first line of subparagraph *b* of paragraph 1.

102. Section 58.4 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1), introduced by section 35 of chapter 26 of the statutes of 1996, is amended

(1) by adding, at the end of the first paragraph, the following sentence: "It must make a similar request to the Commission de développement de la métropole if the application concerns a lot within the territory of that commission.";

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

"The recommendation from the Commission de développement de la métropole must take into consideration the objectives of the metropolitan general land use plan and be submitted together with a statement as to whether the application is consistent with such documents."

103. Section 62 of the said Act, amended by section 812 of chapter 2 and section 38 of chapter 26 of the statutes of 1996, is again amended

(1) by adding, at the end of subparagraph 5 of the second paragraph, the words "or a lot situated in the territory of the Commission de développement de la métropole";

(2) by adding, at the end of subparagraph 1 of the third paragraph, the words "or with the objectives of the land use plan of the Commission de développement de la métropole".

104. The said Act is amended by inserting, after section 62.3, the following section:

"**62.4.** Where, in the opinion of the commission, the project to which the application relates is likely to affect the development process for the land use plan of the Commission de développement de la métropole, the commission may, on that ground alone, decide to postpone its decision until the land use plan has been approved or adopted by the Government.

Such a decision may not be contested."

105. Section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by inserting the words "the Commission de développement de la métropole" after the word "means" in the first line of paragraph 2.

106. Article 89 of the charter of the city of Montréal (1959-60, chapter 102), amended by section 13 of chapter 97 of the statutes of 1960-61 and by section 5 of chapter 77 of the statutes of 1973, is again amended by inserting, after paragraph *c*, the following paragraph:

"*c*.1 every replacement of or amendment to the planning program;".

107. Article 110.19 of the said charter, introduced by section 6 of chapter 74 of the statutes of 1995, is amended

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

"(1.1) every draft replacement of or amendment to the planning program;";

(2) by inserting the figure ", 1.1" after the figure "1" in the second paragraph.

108. The said charter is amended by inserting, at the beginning of Chapter II of Title IX, before Division I, the following division:

“DIVISION 0.1

“PLANNING PROGRAM

“**519.1.** The council may, by a by-law adopted by a majority vote of the members of the council, adopt or amend a planning program.

“**519.2.** A planning program must include

(1) the general aims of land development policy in the territory of the city;

(2) the general policies on land uses and land occupation densities;

(3) the planned layout and the type of the principal thoroughfares and transport systems within the meaning of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

“**519.3.** A planning program may include

(1) the zones to be renovated, restored or protected;

(2) the nature, location and type of the equipment and infrastructure intended for community use;

(3) the estimated costs pertaining to the implementation of the components of the program;

(4) the nature and intended layout of the main waterworks, sewer, electricity, gas, telecommunications and cable distribution systems, networks and terminals;

(5) the delimitation within the municipal territory of development areas that may be the subject of special planning programs.

“**519.4.** A planning program may also include a special planning program for part of the territory of the city.

A special planning program may include

(1) the detailed land use and the land occupation density;

(2) the intended layout and the type of the thoroughfares and of the public transport, electricity, gas, telecommunications and cable distribution networks;

(3) the nature, layout and type of the equipment and infrastructure intended for community use;

(4) the catalogue of the intended works, their estimated costs and indication of the bodies concerned;

(5) the proposed zoning, subdivision and building rules;

(6) the sequence in which urban public services and waterworks and sewer systems and terminals are to be constructed;

(7) the estimated duration of the works;

(8) the special land redevelopment, restoration and demolition programs.

A special planning program may also include a program of acquisition of immovables in view of alienating or leasing the immovables for purposes contemplated in the special planning program.

"**519.5.** Where a special planning program and planning by-laws consistent with the program are in force, the city may carry out any program of acquisition of immovables provided for in the special planning program in view of alienating or leasing the immovables for purposes contemplated in the program.

The city may also acquire any immovable situated in that part of its territory contemplated by the special planning program even if the acquisition is not provided for in a program of acquisition of immovables, in view of alienating or leasing it to a person who requires it to carry out a project that is consistent with the special planning program, if the person is already the owner of lands, or the beneficiary of a promise of sale of lands, representing two-thirds of the area he requires to carry out the project.

"**519.6.** For the purposes of article 519.5, the city may, in particular,

(1) acquire an immovable by agreement or by expropriation;

(2) hold and manage the immovable;

(3) carry out the required development, restoration, demolition or clearing work on the immovable;

(4) alienate or lease the immovable for the purposes contemplated.

"**519.7.** The coming into force of the planning program or of an amendment to the planning program does not create any obligation in respect of the calendar or the terms and conditions of implementation of the public services and infrastructure provided for therein."

109. The planning program adopted by the council of Ville de Montréal on 18 December 1992 is deemed to have been adopted by by-law pursuant to article 519.1 of the charter of the city of Montréal, enacted by section 108 of this Act.

110. The employees, including managerial personnel, of the Government of Québec who are assigned to the Commission become, subject to the provisions of a collective agreement applicable to them, employees of the Commission to the extent provided in the transfer order.

Such employees shall occupy the position and exercise the functions assigned to them by the Commission, subject to the provisions of the collective agreement applicable to them.

111. Every employee of the Commission who, upon being appointed to the Commission, was a public servant with permanent tenure may apply for a transfer to a position in the public service or enter a competition for promotion to such a position in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

Section 35 of the said Act applies to an employee referred to in the first paragraph who enters such a competition.

112. Every employee referred to in section 111 who applies for a transfer or enters a competition for promotion 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 Commission.

If the employee is transferred, the deputy minister or chief executive officer shall assign to him a classification compatible with the assessment provided for in the first paragraph.

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

113. Where some or all of the activities of the Commission are discontinued or if there is a shortage of work, an employee referred to in section 111 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 111.

114. An employee placed on reserve pursuant to section 113 shall remain with the Commission until the chairman of the Conseil du trésor is able to assign him a position.

115. Subject to the remedies available under a collective agreement, an employee referred to in section 111 who is dismissed may bring an appeal under section 33 of the Public Service Act.

116. The sums required for the implementation of this Act in the fiscal year during which this section comes into force shall, to the extent and according to the terms and conditions determined by the Government, be taken out of the appropriations granted for that purpose to the Ministère de la Métropole.

117. The Minister of State for Greater Montréal is charged with the administration of this Act.

118. This Act comes into force on 19 June 1997, except sections 93 and 94 which come into force on 1 January 1998 and section 103 which comes into force on the date of coming into force of paragraph 3 of section 38 of chapter 26 of the statutes of 1996.

SCHEDULE I

MUNICIPAL BODIES WHOSE COMBINED TERRITORIES FORM THE TERRITORY OF THE COMMISSION DE DÉVELOPPEMENT DE LA MÉTROPOLE

(*Section 2*)

Communauté urbaine de Montréal
Municipalité régionale de comté de Champlain
Municipalité régionale de comté de Deux-Montagnes
Municipalité régionale de comté de Lajemmerais
Municipalité régionale de comté de L'Assomption
Municipalité régionale de comté de La Vallée-du-Richelieu
Municipalité régionale de comté des Moulins
Municipalité régionale de comté de Roussillon
Municipalité régionale de comté de Thérèse-De-Blainville
Ville de Hudson
Ville de Laval
Municipalité des Cèdres
Ville de L'Île-Cadieux
Ville de L'Île-Perrot
Ville de Mirabel
Paroisse de Notre-Dame-de-l'Île-Perrot
Ville de Pincourt
Village de Pointe-des-Cascades
Paroisse de Saint-Lazare
Municipalité de Terrasse-Vaudreuil
Ville de Vaudreuil-Dorion
Village de Vaudreuil-sur-le-Lac

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 95
(1997, chapter 28)

An Act to establish a fund to combat poverty through reintegration into the labour market

Introduced 13 March 1997
Passage in principle 15 April 1997
Passage 10 June 1997
Assented to 12 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

The object of this bill is to establish a fund to combat poverty through reintegration into the labour market.

The fund will be devoted to financing measures to combat poverty by fostering the entry of the disadvantaged into the labour market.

The bill gives effect to the Statement made by the Minister of Finance on 26 November 1996 concerning the establishment of such a fund.

Bill 95

AN ACT TO ESTABLISH A FUND TO COMBAT POVERTY THROUGH REINTEGRATION INTO THE LABOUR MARKET

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. A fund to combat poverty through reintegration into the labour market is hereby established at the Ministère du Conseil exécutif.

The fund shall be dedicated to the financing of measures to combat poverty by fostering the entry of the disadvantaged into the labour market.

2. The Government shall fix the date on which the fund begins to operate and determine its assets and liabilities and the nature of the costs and expenses that may be charged to the fund.

3. The fund shall be made up of the following sums:

(1) the sums paid into the fund by the Minister of Revenue pursuant to section 1186.5 of the Taxation Act (R.S.Q., chapter I-3), enacted by section 289 of chapter 14 of the statutes of 1997;

(2) the gifts, legacies and other contributions paid into the fund to further the attainment of the objects of the fund;

(3) the sums paid into the fund by the Minister of Finance pursuant to sections 5, 6 and 14;

(4) the sums paid into the fund by a government department out of the appropriations granted for that purpose by Parliament.

4. The management of the sums making up the fund shall be entrusted to the Minister of Finance. Those 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 (R.S.Q., chapter A-6), the Minister shall keep the books of account of the fund and record the financial commitments chargeable to it. In addition, the Minister shall certify that the commitments and the payments arising therefrom do not exceed and are consistent with the available balances.

5. 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.

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

Any advance paid to a fund shall be repayable out of that fund.

6. The minister designated under section 12 may, as Minister responsible for the carrying out of this Act, borrow from the Minister of Finance sums taken out of the financing fund of the Ministère des Finances.

7. The following sums shall be paid out of the fund:

(1) the sums required for the payment of sums pursuant to programs, complementary to regular programs, established or approved by the Government to combat poverty through reintegration into the labour market;

(2) the sums required for the payment of any other expenditure related to the activities and priority interventions established or approved by the Government to foster the entry of the disadvantaged into the labour market;

(3) the sums required for the payment of the remuneration and expenses relating to employment benefits and other conditions of employment of the persons who, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), are assigned to the operation of the fund.

8. 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.

9. The fiscal year of the fund ends 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 to combat poverty through reintegration into the labour market the sums required for the execution of a judgment against the Crown that has become *res judicata*.

11. The Prime Minister shall table a report on the operation of the fund for each fiscal year in the National Assembly.

The competent parliamentary committee of the National Assembly shall examine the report.

12. The Prime Minister shall be responsible for the administration of this Act and the Government shall designate the minister responsible for the carrying out of this Act.

13. The committee formed by the Government under Order in Council 79-97 (1997, G.O. 2, 1085) shall advise the Prime Minister and make recommendations concerning the use of the sums making up the fund.

14. The Minister of Finance shall pay into the fund, before 1 April 2000, the sums required to ensure that the fund receives not less than $250,000,000. Such sums shall be taken out of the consolidated revenue fund.

Any sum not used on the date on which this Act ceases to have effect not exceeding $250,000,000 shall be appropriated to the financing of such complementary measures consistent with the objects of the fund as are determined by the Government, in the manner fixed by the Government.

Any sum remaining in the fund on the date on which this Act ceases to have effect in excess of $250,000,000 shall be paid into the consolidated revenue fund and shall be appropriated to the financing of such complementary measures consistent with the objects of the fund as are determined by the Government, in the manner fixed by the Government.

15. This Act has effect from 26 November 1996. It will cease to have effect on 1 April 2000 or on any later date determined by the Government.

16. This Act comes into force on 12 June 1997.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 96
(1997, chapter 45)

An Act to amend the Act respecting labour standards as regards the duration of a regular work week

Introduced 13 March 1997
Passage in principle 10 April 1997
Passage 12 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

This bill amends the Act respecting labour standards in order to progressively reduce the duration of a regular work week from 44 to 40 hours, at the rate of one hour as of 1 October every year from the year 1997 to the year 2000.

The bill proposes transitional measures to govern the temporary application of every provision relating to the duration of a regular work week that is contained in a collective agreement, or an arbitration award in lieu thereof, or in a collective agreement decree in force or expired on the date of assent to the Act.

Bill 96

AN ACT TO AMEND THE ACT RESPECTING LABOUR STANDARDS AS REGARDS THE DURATION OF A REGULAR WORK WEEK

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 52 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by adding, at the end, the following paragraph:

"The regular work week shall be gradually reduced to forty hours by means of a one-hour reduction as of 1 October every year from the year 1997 to the year 2000."

2. Every provision relating to the duration of a regular work week contained in a collective agreement within the meaning of the Labour Code (R.S.Q., chapter C-27) or an arbitration award in lieu thereof that is in force or is expired on 19 June 1997 shall continue to have effect, even if the provision departs from the provisions of the second paragraph of section 52 of the Act respecting labour standards enacted by section 1 of this Act, until

(1) the date on which the right to strike or to lock out is exercised where the collective agreement or arbitration award does not contain a clause ensuring the maintenance of conditions of employment as provided for in section 59 of the Labour Code,

(2) the date occurring one year after the date of expiration of the collective agreement or the arbitration award if it is in force on 19 June 1997 or, as the case may be, 19 June 1998 if the collective agreement or arbitration award is expired on 19 June 1997,

(3) the date of the arbitration award or, as the case may be, of the new arbitration award,

(4) the date of coming into force of the collective agreement, determined pursuant to section 72 of the Labour Code or, as the case may be, the date of coming into force of the new collective agreement, or

(5) 1 October 2002,

whichever occurs first.

3. Every provision relating to the duration of a regular work week contained in a collective agreement decree within the meaning of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) that is in force on 19 June 1997 shall continue to have effect, even if the provision departs from the provisions of the second paragraph of section 52 of the Act respecting labour standards enacted by section 1 of this Act, until the amendment or repeal of the decree or, as the case may be, until the expiration of the decree pursuant to section 37 or 38 of the Act to amend the Act respecting collective agreement decrees (1996, chapter 71).

4. This Act comes into force on 19 June 1997.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 107
(1997, chapter 46)

An Act to amend the Act respecting the Ministère des Transports

Introduced 24 April 1997
Passage in principle 10 June 1997
Passage 12 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

The object of this bill amending the Act respecting the Ministère des Transports is to allow the Minister of Transport to transfer, by gratuitous title, as part of a cadastral renovation, an immovable valued at less than $5,000 that is no longer required in favour of the owner of a contiguous immovable.

The bill also empowers the Government to make regulations prohibiting the provision of road service on certain thoroughfares maintained by the Minister of Transport, including certain bridges and other infrastructures.

Finally, the bill contains an amendment for purposes of harmonization with the Civil Code of Québec.

Bill 107

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 11.4 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended by replacing the words "public domain" in the first and second lines of the first paragraph by the words "domain of the State".

2. The said Act is amended by inserting, after section 11.5, the following section:

"**11.5.1.** Notwithstanding section 11.5, during a cadastral renovation, the Minister may transfer, by gratuitous title, all or part of an immovable the value of which is less than $5,000 in favour of the owner of a lot contiguous to the immovable.

The Minister shall, if he obtains the written consent of the owner of the lot, authorize the land surveyor preparing the cadastral renovation plan to enter that owner as the owner of the immovable.

Transfer of ownership is effected by the opening of a land file in the land register by the registrar.

The Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) and sections 28 and 29 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1) do not apply to the transfer of an immovable by gratuitous title by the Minister pursuant to this section."

3. Section 12.1.1 of the said Act is amended

(1) by inserting the words "provision of road service or" after the words "prohibit the" in the first line;

(2) by replacing the words "autoroutes, sections of autoroutes and bridges" in the second and third lines by the words "roads, autoroutes and bridges or other infrastructures".

4. This Act comes into force on 19 June 1997.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 109
(1997, chapter 47)

An Act to amend the Education Act, the Act respecting school elections and other legislative provisions

Introduced 24 April 1997
Passage in principle 13 June 1997
Passage 19 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

This bill amends the provisions of the Education Act to provide for the establishment of French language and English language school boards.

The bill introduces changes to the provisions governing the establishment of such school boards, particularly to the rules dealing with the formation, composition and operation of the provisional councils which will be responsible for implementing the preparatory measures required to allow French language and English language school boards to begin operating on 1 July of the year following the year of publication of the territorial division order establishing the new school boards.

The bill also introduces new rules concerning the transfer of the personnel of the existing school boards to and their reassignment in the new French language and English language school boards, as well as new rules governing their representation by unions.

In addition, a system of provisional governance is instituted as regards confessional rights which will apply during the period extending from 1 July of the year following the year of publication of the territorial division order establishing French language and English language school boards until 30 June of the year following the year of publication of a proclamation of the Governor General under the Great Seal of Canada declaring that paragraphs 1 to 4 of section 93 of the Constitution Act, 1867 do not apply in respect of Québec.

Under the system of provisional governance, the confessional school boards are terminated and a Catholic confessional council and a Protestant confessional council are established within each French language or English language school board whose territory intersects with the territory of the city of Montréal or Québec to exercise a supervisory role concerning confessional matters within the school board.

The bill terminates the five existing dissentient school boards, but maintains, for the Catholic and Protestant minorities, the right to dissent upon or after the establishment of French language and English language school boards. The bill also simplifies the rules governing the exercise of the right to dissent and specifies that a

Catholic or Protestant dissentient school board will be either a French language or an English language school board. It empowers the Government to amalgamate dissentient school boards of the same religious confession, Catholic or Protestant, and of the same category, French language or English language, even if their territories are not contiguous, and to terminate any dissentient school board that does not itself provide any educational services.

The provisions dealing with regional school boards are repealed.

As regards the Act respecting school elections, the bill establishes new rules governing participation in the election of commissioners and the drawing up of lists of electors of French language and English language school boards.

The bill also contains a schedule that proposes further amendments to the Education Act to apply in the event of a constitutional amendment occurring before 1 January of the year following the year of publication of the territorial division order establishing French language and English language school boards.

Lastly, the bill proposes consequential amendments and transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL:

– Labour Code (R.S.Q., chapter C-27);

– Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60);

– Act respecting school elections (R.S.Q., chapter E-2.3);

– Education Act (R.S.Q., chapter I-13.3);

– Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2).

Bill 109

AN ACT TO AMEND THE EDUCATION ACT, THE ACT RESPECTING SCHOOL ELECTIONS AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATION ACT

1. Section 95 of the Education Act (R.S.Q., chapter I-13.3) is amended

(1) by striking out the words "or schools under the jurisdiction of a confessional school board or a Catholic dissentient school board" in the second, third and fourth lines;

(2) by striking out the words "or schools under the jurisdiction of a confessional school board or a Protestant dissentient school board" in the fifth, sixth and seventh lines.

2. Section 111 of the said Act is amended

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

"The order shall assign a name temporarily to each school board; the name may contain a number.";

(2) by replacing the words "between 1 January and 1 March" in the first and second lines of the fourth paragraph by the words "not later than 31 August".

3. The said Act is amended by inserting, after section 111, the following section:

"**111.1.** After consulting each school board established by the territorial division order, the Government shall determine its name.

The order comes into force 10 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein."

4. Division II of Chapter V of the said Act, containing sections 122 to 142, is repealed.

5. Section 143 of the said Act is amended by striking out paragraph 3.

6. Section 146 of the said Act is repealed.

7. Section 147 of the said Act is amended

(1) by striking out the words "or representing the parents of the minority of students described in section 146" in the second line of the first paragraph;

(2) by striking out the words "or 146" in the second line of the second paragraph.

8. Section 148 of the said Act is amended

(1) by striking out the words "or the parents of the minority of students described in section 146" in the first and second lines of the first paragraph;

(2) by striking out the words ", or to be a member of the council of commissioners of the regional school board of which the school board is a member" in the third, fourth and fifth lines of the second paragraph.

9. Section 149 of the said Act is amended by striking out the words "or of the parents of the minority of students described in section 146" in the third and fourth lines of the first paragraph.

10. Section 153 of the said Act is amended

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

(2) by striking out the words "or 146" in the second line of the third paragraph.

11. Section 179 of the said Act is amended

(1) by replacing the words "of any commissioner representing the parents' committee and, where such is the case, of any commissioner representing the parents of the minority of students described in section 146" in the third, fourth and fifth lines of the first paragraph by the words "and of any commissioner representing the parents' committee";

(2) by striking out the second paragraph.

12. Section 189 of the said Act is replaced by the following section:

"**189.** A parents' committee, composed of one representative from each school committee, shall be established within each school board."

13. Section 191 of the said Act is amended by striking out the words "and any commissioner representing the parents of the minority of students contemplated in section 146" in the fourth, fifth and sixth lines of the first paragraph.

14. Section 193 of the said Act is amended by striking out the words "or, as the case may be, the school board's integration into the regional school board or its withdrawal therefrom" in the second and third lines of paragraph 1.

15. Section 198 of the said Act is amended by striking out the second paragraph.

16. Section 206 of the said Act is repealed.

17. Section 207 of the said Act is amended by replacing the words ", a confessional school board or a dissentient school board shall be made on the" in the second and third lines of the first paragraph by the words "is made upon an".

18. Section 209 of the said Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

"(2) provide educational services itself or entrust the provision of educational services to a school board, body or person with which or whom it has entered into an agreement pursuant to any of sections 213 to 215;".

19. Section 210 of the said Act is replaced by the following section:

"**210.** A French language school board shall provide educational services in French; an English language school board shall provide educational services in English.

However, adult education services shall be provided in French or in English according to law; the same applies in respect of educational services provided to persons coming under the jurisdiction of a school board of another category pursuant to section 213, 467 or 468.

Nothing in this section shall prevent the teaching of a second language in that language."

20. Section 213 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

"A school board may, pursuant to an agreement under this section, provide services to persons who do not come under its jurisdiction."

21. Section 218 of the said Act is amended

(1) by striking out the words ", unless it is a confessional or dissentient school board," in the third and fourth lines of the second paragraph;

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

"The school board must apply for such a withdrawal where the orientation committee and the school committee so request after ascertaining the opinions of the parents of the students attending the school."

22. Section 233 of the said Act is amended by striking out the second paragraph.

23. Section 262 of the said Act is amended by striking out the words "other than a confessional or dissentient school board" in the first and second lines.

24. Section 263 of the said Act is amended by striking out the words "other than a confessional or dissentient school board" in the first and second lines.

25. Sections 305 and 306 of the said Act are replaced by the following sections:

"**305.** An immovable owned by a natural person to whom section 304 does not apply and whose name is entered on the latest list of electors of a school board having jurisdiction over the territory where the immovable is situated or who has since effected the voting option referred to in section 18 of the Act respecting school elections (chapter E-2.3) is taxable exclusively by that school board.

"**306.** An immovable owned by a natural person to whom sections 304 and 305 do not apply, and who has elected to pay the tax to a school board is taxable exclusively by that school board.

An election as to the levy of school taxes shall be made by way of a notice transmitted before 1 April to the school board in whose favour the election is made; that school board must, without delay and in writing, inform any other school board which has jurisdiction over the territory where the immovable is situated.

Such an election remains in force until the person revokes it in the manner provided in the second paragraph, until he applies for admission of one of his children to the educational services of another school board having jurisdiction over the territory where the immovable is situated or until his name is entered on the list of electors of another school board."

26. Division VIII of Chapter V of the said Act, containing sections 354 to 391, is repealed.

27. Section 425.1 of the said Act is repealed.

28. Chapter IX of the said Act is replaced by the following chapter:

“CHAPTER IX

“PROVISIONAL GOVERNANCE OF CONFESSIONAL RIGHTS

“DIVISION I

“INTRODUCTORY PROVISIONS

“**493.** The purpose of this chapter is, in the context of the application in respect of Québec of paragraphs 1 to 4 of section 93 of the Constitution Act, 1867,

(1) to establish a Catholic confessional council and a Protestant confessional council within every French language or English language school board whose territory wholly or partly coincides with the territory of the city of Montréal or Québec ;

(2) to maintain, elsewhere in Québec, the right to dissent in respect of French language and English language school boards.

The provisional governance system established by this chapter shall operate during the period beginning on 1 July of the year following the year of publication of the territorial division order made pursuant to section 111 and ending on 30 June of the year following the year of publication of the proclamation of the Governor General under the Great Seal of Canada declaring that paragraphs 1 to 4 of section 93 of the Constitution Act, 1867 do not apply in respect of Québec.

“DIVISION II

“PROVISIONAL CONFESSIONAL COUNCILS

“§ 1. — *Establishment*

“**494.** During the provisional governance period, a Catholic confessional council and a Protestant confessional council shall be established within every school board whose territory wholly or partly coincides with the territory of the city of Montréal or Québec

“**495.** The territory of a confessional council shall correspond to the territory of the school board that is situated within the city of Montréal or Québec or, in the case described in section 508.18, to the entire territory of the school board.

“§ 2. — *Composition and formation*

“**496.** Each confessional council shall be composed of three of the parents of students who declare themselves to be of the same religious confession as the council, elected by a majority vote of the parents of such students.

"**497.** Each year, the secretary general of the school board shall see that the parents of the students who declare themselves to be of the same religious confession as the confessional council elect, before the third Sunday of November, from among such parents who are not employees of the school board, the members of the confessional council.

The secretary general shall preside over the election; the election procedure shall be determined by the school board.

The elected representatives shall take office on the third Sunday of November following their election. Their term of office shall be one year.

If the secretary general fails to fulfil all or any of his obligations under this section, the Minister shall appoint a person to carry out the unfulfilled formalities at the expense of the school board.

"**498.** The members of a confessional council shall be members of the council of commissioners referred to in section 143.

In addition, the executive committee referred to in section 179 shall include one commissioner from the membership of each confessional council.

"**499.** The office of member of a confessional council becomes vacant in the same cases as those provided for commissioners elected under the Act respecting school elections (chapter E-2.3).

Such a vacancy shall be filled in accordance with the procedure prescribed in section 497, but only for the unexpired portion of the term.

However, the extension of the territory of a confessional council does not terminate an unexpired term of office.

"**500.** Where a new confessional council is established pursuant to section 494 following the establishment of a new school board whose territory wholly or partly coincides with the territory of the city of Montréal or Québec, the secretary generals of the school boards concerned proceed jointly with the election of the members of the confessional council within the 30 days preceding the date on which the changes are to take effect.

The election shall be held in accordance with the procedure set out in section 497. The persons elected shall remain in office until they are replaced by persons elected in accordance with that section.

"**501.** Within 35 days from taking office, every commissioner who is a member of a confessional council shall swear before the director general, or the person designated by the director general, that he will fulfill his duties faithfully and to the best of his judgment and ability.

The oath shall be recorded in the Minutes of Proceedings of the school board.

"**502.** A commissioner who is a member of a confessional council shall have the same rights, powers and obligations as other commissioners.

Notwithstanding the foregoing, such a commissioner does not have the right to vote at meetings of the council of commissioners or the executive committee and may not be appointed chairman or vice-chairman of the school board.

"§ 3. — *Operation*

"**503.** A confessional council has the right to meet on the premises of the school board.

It also has the right to use the administrative support services and facilities of the school board in the manner agreed with the council of commissioners.

"**504.** A confessional council shall establish its rules of internal procedure.

Section 169, adapted as required, applies to the confessional council.

"**505.** No member of a confessional council may be prosecuted for an act performed in good faith in the discharge of his functions.

"**506.** A confessional council shall adopt its annual operating budget, see to its administration and give an account thereof to the school board.

The budget shall maintain a balance between the expenditures of the confessional council and the financial resources allocated to it by the school board.

"§ 4. — *Functions and powers*

"**507.** Every student coming under the jurisdiction of a school board referred to in section 494 who resides or is placed in the territory of a confessional council and who declares himself to be of the religious confession of the confessional council may elect to also come under the jurisdiction of the council as regards educational services provided in schools.

The election is made on the application for admission to the educational services provided in schools of the school board referred to in section 207, and remains in force until the student make another election.

"**508.** The school board shall, subject to any agreements entered into under section 213, establish, pursuant to section 211 and after consulting the confessional council, in the territory of the council and under its supervision, one or more Catholic or Protestant schools, as the case may be, and the school board is required to enrol in those schools the students coming under the jurisdiction of the council who have chosen to be enrolled in those schools pursuant to section 4.

The criteria, referred to in section 239, for the enrollment of students in such schools are subject to the approval of the confessional council.

"**508.1.** The deed of establishment of a school of a school board within which a confessional council is established shall state, in addition to that which is prescribed by section 38, whether the school is placed under the supervision of a Catholic or Protestant confessional council.

Before withdrawing a school from the supervision of a confessional council, the school board shall consult the orientation committee, the school committee and the parents of the students of the school in accordance with the regulation of the Minister made under section 457, adapted as required.

"**508.2.** A school placed under the supervision of a confessional council is a common school, unless the confessional council decides otherwise with respect to a school placed under its supervision which is situated outside the city of Montréal or Québec.

However, all regulations of the Catholic committee or the Protestant committee to ensure the confessional character of educational institutions recognized as Catholic or Protestant apply to a school placed under the supervision of a confessional council.

Any member of the Catholic committee or the Protestant committee, any Roman Catholic priest or any Protestant minister may visit a school placed under the supervision of a confessional council of his religious confession.

"**508.3.** Every confessional council shall ensure that the students coming under its jurisdiction receive a full and equal share of the educational services to which they are entitled.

In addition, the confessional council shall see that the educational services provided in a school placed under its supervision are compatible with the school's confessional character.

"**508.4.** Resolutions of the school board concerning the following matters are inoperative in respect of schools placed under the supervision of the confessional council so long as they have not been approved by the confessional council:

(1) the by-laws for the management of schools, referred to in section 212;

(2) the enrichment and adaptation of the programs of studies established by the Minister, referred to in section 222;

(3) the development of local programs of studies, referred to in section 223;

(4) the criteria for the selection of textbooks and instructional material required for the programs of studies established by the Minister and for the programs of studies adopted by the school board, referred to in section 229.

The confessional council may refuse to approve a resolution only on the ground that it is incompatible with the confessional character of the schools placed under its supervision.

At the request of a confessional council, the school board shall make the changes to resolutions concerning matters mentioned in the first paragraph that are proposed by the confessional council to ensure such compatibility.

"**508.5.** The following are subject to the approval of the confessional council:

(1) the rules of conduct and safety rules, referred to in section 78, adopted by the orientation committee of a school placed under the supervision of the confessional council;

(2) an agreement, referred to in section 213, for the provision of educational services to a student coming under the jurisdiction of the confessional council;

(3) the enrolment of a student coming under the jurisdiction of the confessional council in another school or the expulsion of such a student from the schools pursuant to section 242.

"**508.6.** The confessional council may, notwithstanding the first paragraph of section 223, develop and offer, in the schools placed under its supervision, local programs of studies in Catholic or Protestant moral and religious instruction to meet special needs of the students and attribute to such programs, with the authorization of the Minister, a number of credits greater than that provided for in the basic school regulation.

The local programs of studies in Catholic or Protestant moral and religious instruction shall be submitted to the Catholic committee or Protestant committee for approval in accordance with section 22 of the Act respecting the Conseil supérieur de l'éducation (chapter C-60).

For the purposes of this section, the confessional council may requisition the services of the school board in the manner agreed with the council of commissioners.

"**508.7.** Every school board shall ensure that schools placed under the supervision of a confessional council receive an equitable allocation of

(1) the educational services referred to in section 236;

(2) the personnel referred to in section 261;

(3) the movable and immovable property referred to in section 266;

(4) the financial resources referred to in section 275.

"**508.8.** The confessional council may refer to the Minister any dispute between the school board and the confessional council concerning the allocation of the services and resources referred to in section 508.7.

The school board may refer to the Minister any dispute between the confessional council and the school board concerning a matter referred to in subparagraphs 1 to 4 of the first paragraph of section 508.4.

"**508.9.** The Minister may submit the dispute for examination to a person designated by him or to a committee formed by him; the person or committee shall transmit their findings to the Minister with any recommendations.

In the case described in the second paragraph of section 508.8, the Minister must designate a person or form a committee. The Minister shall consult the Catholic committee or the Protestant committee, as the case may be, on the choice of the person to be designated or on the composition of the committee to be formed.

During the examination of the dispute, all interested persons must be given the opportunity to present observations.

"**508.10.** The Minister shall rule on the dispute and, where appropriate, shall order that the school board take any remedial action indicated by him.

If the school board refuses or fails to act on such an order, the Minister may take the remedial action in the place and stead of the school board and any expenditures incurred for that purpose by the Minister shall, subject to the second paragraph of section 477, be taken out of the subsidies intended for the school board. The Minister's decisions shall replace the school board's decisions, subject to the rights of third persons in good faith.

"**508.11.** A confessional council may, on behalf of the school board, sollicit any sum of money by way of gifts, legacies, subsidies or other voluntary contributions from any person or any public or private body wishing to assist in the carrying out of the educational project of the schools placed under the supervision of the council.

However, the confessional council may not solicit gifts, legacies, subsidies or other contributions to which direct or indirect charges are attached.

All contributions received shall be paid into a designated fund created for that purpose by the school board; all sums making up the fund and any interest accrued shall be assigned to the schools placed under the supervision of the confessional council in accordance with the distribution plan established by the council.

The school board shall keep separate books and accounts in respect of the transactions pertaining to the fund.

The administration of the fund shall be subject to the supervision of the confessional council; the school board shall, on the request of the confessional council, allow it to examine the records of the fund and shall provide any account, report or information pertaining to the fund.

"DIVISION III

"PROVISIONAL DISSENTIENT SCHOOL BOARDS

"**508.12.** Any dissentient school board established pursuant to Division II.1 of Chapter X shall be governed by this chapter.

"**508.13.** Any number of natural persons of full age domiciled in the territory of a school board, except persons domiciled in the territory of the city of Montréal or Québec, who are of a religious confession, Catholic or Protestant, different from that of the majority of persons whose names are entered on the school board's latest list of electors or on the part of that list which corresponds to its territory situated outside the territory of the city of Montréal or Québec may serve on the school board a notice in writing stating their dissatisfaction with the measures taken by the school board for the management of its schools and informing the school board of their consequent intention to exercise the right to dissent.

Before serving the notice of dissent, the persons who wish to exercise the right to dissent shall request the school board to recognize that they are of a religious minority, Catholic or Protestant.

"**508.14.** Where the school board does not recognize that the persons who wish to exercise the right to dissent are of a religious minority, Catholic or Protestant, it shall without delay contact the persons entered on its latest list of electors or on the part of that list which corresponds to its territory situated outside the territory of the city of Montréal or Québec to verify whether they are of the religious confession of the persons who wish to exercise the right to dissent.

The list of electors is the list which was used at the last general election of commissioners, subject to applications for entry, striking off or correction. The director general shall deposit the latest list of electors at the head office of the school board and give public notice thereof. The provisions of the Act respecting school elections (chapter E-2.3) concerning the revision of the list of electors apply; for that purpose, the director general shall exercise the functions and powers of the returning officer.

Persons who refuse to answer or who cannot be contacted are deemed not to be of the religious confession of the persons who wish to exercise the right to dissent.

As soon as the results of the verification are known, the school board shall inform the persons wishing to exercise the right to dissent thereof.

"**508.15.** When effecting the verification under section 508.14, the school board shall inform each elector

(1) of the fact that persons of the Catholic or Protestant religious confession domiciled in the territory of the school board have served a notice of their intention to exercise the right to dissent;

(2) of the rule whereby persons who refuse to answer or who cannot be contacted are deemed not to be of the religious confession of the persons who wish to exercise the right to dissent;

(3) of the fact that the persons who wish to exercise the right to dissent may serve a notice of dissent as soon as it is confirmed by the results of the verification that they are of a religious minority, Catholic or Protestant.

"**508.16.** If the school board fails to fulfil all or any of its obligations under sections 508.14 and 508.15, the Minister shall appoint a person to carry out the unfulfilled formalities at the expense of the school board.

"**508.17.** The notice of dissent may be served when the school board has recognized that the persons wishing to exercise the right to dissent are of a religious minority, Catholic or Protestant or, as the case may be, when the results of the verification indicate such a fact.

"**508.18.** The notice of dissent must be served on the school board and on the Minister before 31 December.

As of the date of service of the notice, the dissentient school board is established in all or part of the territory of the school board as described in the notice of dissent or, in the case of a school board whose territory wholly or partly coincides with the territory of the city of Montréal or Québec, the Catholic or Protestant confessional council acquires jurisdiction over the entire territory of the school board.

"**508.19.** The notice of dissent shall contain

(1) the name of the dissentient school board;

(2) the description of the territory of the dissentient school board;

(3) the names of three persons who will form a provisional council;

(4) the name of the person who will act as director general of the dissentient school board until the council of commissioners appoints a person to that office.

In addition, each person concerned shall indicate, in the notice, his name, address, age and religious confession and affix his signature opposite such information.

However, in the case of a school board whose territory wholly or partly coincides with the territory of the city of Montréal or Québec, the notice of dissent shall not contain the information referred to in the first paragraph.

"**508.20.** A dissentient school board belongs either to the French language category or to the English language category.

"**508.21.** Where a notice of dissent is served on more than one school board of the same category by persons of the same religious minority, Catholic or Protestant, the Government may, by order, establish a single dissentient school board responsible for providing educational services in the territory determined by the Government.

The order shall determine the name of the new dissentient school board. It comes into force on the date of its publication in the *Gazette officielle du Québec*.

The members of the provisional councils of the dissentient school boards concerned form, from the publication of the order, the provisional council of the new dissentient school board.

However, the Minister may limit the number of members from the provisional council of each dissentient school board; the members shall, in such a case, be designated by their respective provisional councils.

"**508.22.** The provisional council shall be responsible for taking such preparatory measures as are required for the operation of the dissentient school board in its territory from 1 July of the year following the year of service of the notice of dissent as well as such measures as are required for the organization of the first school year beginning on the same date.

For that purpose, the provisional council shall exercise the functions and powers of the dissentient school board as if it were the council of commissioners.

Not later than 1 March of the year following the year of service of the notice of dissent, the provisional council shall, in co-operation with the school boards concerned, proceed with admissions to educational services provided in schools for the school year beginning in the same year.

"**508.23.** The provisional council of the dissentient school board and the school board on which the notice of dissent has been served shall apportion the rights and obligations of the latter school board between that school board and the dissentient school board.

In the case provided for in section 508.21, each school board on which the notice of dissent has been served shall be a party to the apportionment.

The Minister shall rule on any dispute among the school boards concerned except disputes respecting the transfer and reassignment of employees who are represented by a certified association within the meaning of the Labour Code (chapter C-27) or of employees for whom a regulation of the Government under section 451 provides a special recourse. The Minister shall ensure that his decision does not deprive the dissentient school board of the property necessary for its operation.

Section 121 applies to the transfer of ownership of immovables.

"**508.24.** The Act respecting school elections (chapter E-2.3) applies to the election of the first commissioners of the dissentient school board.

Between 1 January and 1 March of the year following the year of service of the notice of dissent, the provisional council shall divide the territory of the dissentient school board into electoral divisions in accordance with the rules provided in the Act respecting school elections. The date of the poll shall be the second Sunday of the following month of June.

The first commissioners shall take office on the following 1 July and shall exercise the functions of the council of commissioners on their own until the representatives of the parents' committee are elected. The first commissioners shall remain in office until the date fixed for the next general election.

"**508.25.** For the purposes of the Act respecting school elections (chapter E-2.3),

(1) the number of electoral divisions shall be three unless the Government authorizes the provisional council, at its request, to establish a greater number of divisions;

(2) the date of admission to educational services referred to in the first paragraph of section 15 of the said Act is 1 March;

(3) an elector who, as of 1 March preceding polling day, does not have a child admitted to educational services provided in schools of any school board having jurisdiction over the territory in which the elector is domiciled may, in addition to what is provided for in the second paragraph of section 15 of the said Act, choose to vote at the election of the commissioners of the dissentient school board; the provisions of sections 17 and 18, adapted as required, are applicable;

(4) the list of electors of the dissentient school board shall be drawn up, pursuant to section 40 of the said Act, by drawing from the list transmitted by the chief electoral officer the name of every elector who, as of 1 March preceding polling day, has a child admitted to educational services provided

in schools of that school board and the name of every elector who has exercised his voting option in favour of that school board, and the list of electors of the French language school board or English language school board shall be modified accordingly, if need be.

If the elector chooses to vote at the election of the commissioners of the dissentient school board, the notice referred to in section 18 of the said Act must be accompanied by a statement of the elector to the effect that he is of the same religious confession as the dissentient school board.

"**508.26.** At the request of dissentient school boards of the same category or of a majority of electors of such dissentient school boards, the Government may, by order, amalgamate their territories to form a new school board or extend the boundaries of the territory of one of the school boards by annexing the whole territory of the other school board.

In the case of amalgamation, a new dissentient school board shall be established in the territory determined by the order and the school boards whose territories are amalgamated shall cease to exist.

Where the whole territory of a school board is annexed, the school board shall cease to exist.

Sections 119 and 121, adapted as required, apply to these changes.

"**508.27.** The Government may, by order, divide the territory of any dissentient school board upon request by the school board and establish a new dissentient school board territory or annex part of its territory to that of another dissentient school board of the same category that consents thereto.

In the case of a division for the purpose of establishing a new territory, a new dissentient school board shall be established in the territory determined in the order.

Sections 120 and 121, adapted as required, apply to these changes.

"**508.28.** The Government may, of its own initiative and without the consent referred to in section 508.27, make an order under section 508.26 or 508.27.

"**508.29.** An order under section 508.26, 508.27 or 508.28 shall, where applicable, determine the name of the new dissentient school board.

The order comes into force on 1 July following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

"**508.30.** Where the territories of dissentient school boards are amalgamated, the commissioners of such school boards form, from the

publication of the order, the provisional council of the new dissentient school board resulting from the amalgamation of the territories.

However, the Minister may limit the number of commissioners from each dissentient school board; the members of the provisional council shall, in such a case, be designated by their respective councils of commissioners.

"**508.31.** Where the territory of a dissentient school board is divided to allow for the establishment of new dissentient school boards, the provisional council of a new dissentient school board shall, from the publication of the order, consist of every commissioner whose entire electoral division has been incorporated into the territory of the new dissentient school board and of every commissioner the part of whose electoral division in which the majority of electors reside has been incorporated into that territory.

"**508.32.** The provisional council shall be responsible for taking such preparatory measures as are required for the operation of the new dissentient school board in its territory from the date of coming into force of the order as well as such measures as are required for the organization of the first school year beginning on the same date.

For that purpose, the provisional council shall exercise the functions and powers of the new dissentient school board as if it were the council of commissioners. However, the representatives of parents' committees are not entitled to vote at meetings of the provisional council.

"**508.33.** The Government may, by order, terminate any dissentient school board which does not itself provide any educational services.

Likewise, the Government may withdraw from the jurisdiction of a confessional council the part of a confessional council's territory that is situated outside the territory of the city of Montréal or Québec if the council does not have any students coming under its jurisdiction in that part of the territory.

The order comes into force on 30 June following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

Before the coming into force of the order, the Minister shall apportion the rights and obligations of the dissentient school board among the school boards of the same category whose territories wholly or partly coincide with that of the dissentient school board.

Section 121 applies to the transfer of ownership of immovables.

"**508.34.** Dissentient school boards are governed, as though they were French language or English language school boards, by the provisions of Chapters I to VIII, except the provisions of the second and third paragraphs of section 218 and sections 262 and 263.

The Government shall grant to a dissentient school board a subsidy equal to any amount it may be required to pay pursuant to section 424 or 425 for the purposes of the other school boards on the island of Montréal or of the Conseil scolaire de l'île de Montréal.

"**508.35.** As regards the application of Division VI of Chapter V in respect of educational services provided in schools, the only persons coming under the jurisdiction of a dissentient school board are persons of the same religious confession as the dissentient school board who elect to come under the jurisdiction of that school board.

In addition, in the case of an English language dissentient school board, only those persons who, according to law, may receive instruction in English come under the jurisdiction of that school board.

The election to come under the jurisdiction of a dissentient school board is made upon an application for admission to the educational services of the school board.

The election remains in force until the person makes a new election.

This section shall not operate to prevent a dissentient school board from providing, pursuant to an agreement under section 213, educational services to persons not coming under its jurisdiction.

"**508.36.** The regulations made by the Catholic committee or the Protestant committee to ensure the confessional character of educational institutions recognized as Catholic or Protestant apply to the educational institutions of dissentient school boards.

"**508.37.** A French language dissentient school board shall provide educational services in French; an English language dissentient school board shall provide educational services in English. However, adult education services shall be provided in French or in English according to law; the same applies in respect of educational services provided to persons coming under the jurisdiction of a school board of another category pursuant to section 213, 467 or 468.

Nothing in this section shall prevent the teaching of a second language in that language.

"**508.38.** As regards the application of the Act respecting school elections (chapter E-2.3) in the territory of a dissentient school board,

(1) the number of electoral divisions shall be three unless the Government has authorized the school board, at its request, to establish a greater number of divisions;

(2) an elector who, as of 30 September preceding polling day, does not have a child admitted to educational services provided in schools of any school board having jurisdiction over the territory in which the elector is domiciled may, in addition to what is provided for in the second paragraph of section 15 of the said Act, choose to vote at the election of the commissioners of the dissentient school board; the provisions of sections 17 and 18, adapted as required, are applicable;

(3) the list of electors of the dissentient school board shall be drawn up, pursuant to section 40 of the said Act, by drawing from the list transmitted by the chief electoral officer the name of every elector who, as of 30 September preceding polling day, has a child admitted to educational services provided in schools of that school board and the name of every elector who has exercised his voting option in favour of that school board, and the list of electors of the French language school board or English language school board shall be modified accordingly, if need be.

If the elector chooses to vote at the election of the commissioners of the dissentient school board, the notice referred to in section 18 of the said Act must be accompanied by a statement of the elector to the effect that he is of the same religious confession as the dissentient school board.

"**508.39.** The management negotiating committee for French language school boards established under section 30 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is deemed to be the management negotiating committee for French language dissentient school boards.

Likewise, the management negotiating committee for English language school boards is deemed to be the management negotiating committee for English language dissentient school boards.

"DIVISION IV

"END OF PROVISIONAL GOVERNANCE

"**508.40.** The right to dissent shall be abolished on the date of publication of the proclamation referred to in section 493.

Confessional councils and dissentient school boards shall cease to exist on 1 July of the year following that date.

"**508.41.** Before a dissentient school board ceases to exist, the Minister shall determine the apportionment of the rights and obligations of the dissentient school board among the school boards of the same category whose territories wholly or partly coincide with the territory of the dissentient school board.

Section 121 applies to the transfer of ownership of immovables.

"**508.42.** A school established in premises or immovables that were under the jurisdiction of a dissentient school board or a school placed under the supervision of a confessional council is deemed to be a school recognized as Catholic or Protestant according to the confession of the dissentient school board or the confessional council. The school shall retain this recognition until the Catholic committee or the Protestant committee revokes it of its own initiative or at the request of the school board.

The French language or English language school board is required, before the end of the third school year in which it provides educational services in such a school, to consult the persons and bodies referred to in section 218 on the advisability of maintaining such recognition.

Any property remaining in a designated fund created pursuant to section 508.11 shall be allocated to schools recognized as Catholic or Protestant according to the confession of the confessional council."

29. The heading of Chapter X of the said Act is amended by replacing the word "ORGANIZATION" by the word "ESTABLISHMENT".

30. Section 509 of the said Act, amended by section 13 of chapter 78 of the statutes of 1990, is replaced by the following section:

"**509.** In this chapter,

(1) "existing school board" means any school board as it exists on the date of publication of the territorial division order made pursuant to section 111;

(2) "new school board" means any French language or English language school board established by the territorial division order or any dissentient school board established pursuant to Division II.1 of this chapter."

31. Divisions II and II.1 of Chapter X of the said Act are replaced by the following divisions:

"DIVISION II

"PROVISIONAL COUNCILS OF FRENCH LANGUAGE AND ENGLISH LANGUAGE SCHOOL BOARDS

"**510.** A provisional council shall be established for each new French language or English language school board.

All existing school boards, other than regional school boards, to whose educational services provided in schools at least 100 students residing or placed in the territory of the new school board were admitted as of the preceding 30 September to receive instruction in the language of the new school board, shall be concerned by the establishment of the provisional council.

"**511.** If a single school board is concerned by the establishment of the provisional council, its commissioners as a group shall form the provisional council.

"**512.** If more than one school board is concerned, the members of the provisional council shall be designated as follows:

(1) commissioners elected by universal suffrage to the school boards concerned shall be designated by their respective councils of commissioners according to the scale prescribed by section 513;

(2) two commissioners representing the parents' committees of the school boards concerned shall be elected by a majority vote of their peers present at the general meeting called pursuant to section 514.3.

"**513.** The number of commissioners elected by universal suffrage to be assigned to the provisional council by each school board concerned shall be a function of the ratio between the number of its students residing or placed in the territory of the new school board who, as of the preceding 30 September, were admitted to the educational services provided in schools to receive instruction in the language of the new school board and the total number of such students of all the school boards concerned. The number shall be fixed by the Minister, according to the following scale:

(1) one commissioner if the ratio is less than 10%;

(2) two commissioners if the ratio is from 10% to 18% exclusive;

(3) three commissioners if the ratio is from 18% to 26% exclusive;

(4) four commissioners if the ratio is from 26% to 34% exclusive;

(5) five commissioners if the ratio is from 34% to 42% exclusive;

(6) six commissioners if the ratio is from 42% to 50% exclusive;

(7) seven commissioners if the ratio is from 50% to 58% exclusive;

(8) eight commissioners if the ratio is from 58% to 66% exclusive;

(9) nine commissioners if the ratio is from 66% to 74% exclusive;

(10) ten commissioners if the ratio is from 74% to 82% exclusive;

(11) eleven commissioners if the ratio is from 82% to 90% exclusive;

(12) twelve commissioners if the ratio is 90% or over.

"**514.** The commissioners elected by universal suffrage who may be designated to the provisional council by their respective councils of commissioners are the commissioners who would be entitled to have their names entered on the list of electors of the new school board on the date of designation.

The commissioners representing parents' committees who may be elected to the provisional council are those who have children residing or placed in the territory of the new school board and who are receiving instruction in the language of the new school board.

"**514.1.** Where the number of persons on the council of commissioners of a school board concerned or among the commissioners representing the parents' committees of the school boards concerned who may be designated or elected to the provisional council falls short of the required number, the council of commissioners or the general meeting called pursuant to section 514.3 shall complete its representation by designating or electing persons domiciled in the territory of the new school board who have the required status.

"**514.2.** For the purposes of section 15 of the Act respecting school elections (chapter E-2.3), in the cases described in the first paragraph of section 514 and in section 514.1, children admitted to educational services provided in schools of an existing school board are deemed to be admitted to the educational services of a French language school board or, if they receive instruction in English, they are deemed to be admitted to the educational services of an English language school board; furthermore, the date of admission to educational services shall be 30 September of the year preceding the year of publication of the territorial division order.

"**514.3.** The meetings of the councils of commissioners and the general meeting called to designate or elect the members of the provisional council shall be held within 30 days after the date of publication of the territorial division order. Such meetings and general meeting shall be called by a person appointed in writing by the Minister, by means of a notice of at least seven clear days transmitted to each person concerned by such provisions.

The person appointed by the Minister shall preside over the election of the members referred to in paragraph 2 of section 512; the election procedure shall be determined by that person.

"**514.4.** The person appointed by the Minister shall call the members of the provisional council to the first meeting of the council within 15 days after the date on which the designation and election of members are completed.

The provisional council shall choose its chairman and its vice-chairman from among the commissioners elected by universal suffrage.

"**514.5.** Before the calling of the meetings and general meeting referred to in section 514.3, the Minister shall publish in the *Gazette officielle du Québec* a notice indicating, opposite the name of each new school board, the number of commissioners elected by universal suffrage to be assigned to the provisional council by each school board concerned, the name of the person appointed to exercise the functions specified in sections 514.3 and 514.4 and the address for service of a notice of intention to exercise the right to dissent under section 515.1.

Within the same time, the Minister shall send a copy of the notice to the council of commissioners and parents' committee of each school board concerned.

"**515.** The operation of a provisional council shall be governed by sections 158 to 178, except section 174, adapted as required; for that purpose, the word "commissioner" shall designate a member of the provisional council.

The commissioners representing the parents' committees referred to in paragraph 2 of section 512 shall have the same rights, powers and obligations as the other members of the provisional council, except the right to vote.

"DIVISION II.1

"EXERCISE OF THE RIGHT TO DISSENT

"**515.1.** Any number of natural persons of full age domiciled in the territory of a new school board, except persons domiciled in the territory of the city of Montréal or Québec, who are of a religious confession, Catholic or Protestant, different from that of the majority of the persons who would be entitled to have their names entered on the list of electors of that school board or on the part of that list which corresponds to the school board's territory outside the city of Montréal or Québec if an election were held on 31 December of the year of publication of the territorial division order may, before 15 October of the year of publication of the territorial division order, serve on the provisional council of the new school board a notice in writing informing the provisional council of their intention to exercise the right to dissent.

Before serving the notice of dissent, the persons shall request that the provisional council recognize that they are of a religious minority, Catholic or Protestant.

"**515.2.** Where the provisional council does not recognize that the persons wishing to exercise the right to dissent are of a religious minority, Catholic or Protestant, it shall, not later than the following 30 November, draw up the list of electors of the new school board or the part of that list which corresponds to the school board's territory outside the territory of the city of Montréal or Québec according to the rules prescribed by the Act respecting school elections (chapter E-2.3) as if an election was to be held on 31 December of the same year.

"**515.3.** For the purposes of section 15 of the Act respecting school elections (chapter E-2.3), children admitted to educational services provided in schools of an existing school board are deemed to be admitted to educational services of a French language school board or, if they receive instruction in English, they are deemed to be admitted to educational services of an English language school board.

"**515.4.** In drawing up the list of electors or the part of that list which corresponds to the school board's territory outside the territory of the city of Montréal or Québec, the provisional council shall verify whether the electors are of the religious confession of the persons who wish to exercise the right to dissent.

Electors who refuse to answer or who cannot be contacted are deemed not to be of the religious confession of the persons who wish to exercise the right to dissent.

As soon as the results of the verification are known, the provisional council shall inform the persons who wish to exercise the right to dissent thereof.

"**515.5.** When drawing up the list of electors, the provisional council shall inform each elector

(1) of the fact that persons of the Catholic or Protestant religious confession domiciled in the territory of the school board have served a notice of their intention to exercise the right to dissent;

(2) of the rule whereby persons who refuse to answer or who cannot be contacted are deemed not to be of the religious confession of the persons who wish to exercise the right to dissent;

(3) of the fact that the persons who wish to exercise the right to dissent may serve a notice of dissent as soon as it is confirmed by the results of the verification that they are of a religious minority, Catholic or Protestant;

(4) of the possibility for any elector who, as of 30 September, did not have a child admitted to educational services provided in schools of any existing school board in the territory in which he is domiciled to file the notice referred to in section 18 of the Act respecting school elections (chapter E-2.3), and of the time period and address for service of such a notice.

"**515.6.** The notice of dissent may be served when the provisional council has recognized that the persons wishing to exercise the right to dissent are of a religious minority, Catholic or Protestant or, as the case may be, when the results of the verification indicate such a fact.

"**515.7.** The notice of dissent must be served on the provisional council and on the Minister before 31 December of the year of publication of the territorial division order, and must be in conformity with section 508.19.

As of the date of service of the notice of dissent, the dissentient school board is established in all or part of the territory of the new school board as described in the notice of dissent or, in the case of a school board whose territory wholly or partly coincides with the territory of the city of Montréal or Québec, the Catholic or Protestant confessional council, as the case may be, acquires jurisdiction over the entire territory of the school board.

"**515.8.** Where a notice of dissent is served on more than one new school board of the same category by persons of the same religious minority, Catholic or Protestant, the Government may, by order, establish a single dissentient school board responsible for providing educational services in the territory determined by the Government.

The order shall determine the name of the new dissentient school board. It comes into force on the date of its publication in the *Gazette officielle du Québec*.

The members of the provisional councils of the dissentient school boards concerned form, from the publication of the order, the provisional council of the new dissentient school board.

However, the Minister may limit the number of members from the provisional council of each dissentient school board; the members shall, in such a case, be designated by their respective provisional councils.

"**515.9.** The first paragraph of section 515 applies to the provisional council of a dissentient school board."

32. The said Act is amended by inserting, before section 516, the following heading:

"§ 1. — *General provisions*".

33. Section 517 of the said Act is amended

(1) by replacing the words "Government pursuant to section 451" in the third line of the second paragraph by the word "Minister";

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

"The director general shall take office on the day of his appointment."

34. The said Act is amended by inserting, after section 518, the following section:

"**518.1.** Not later than 1 March of the year following the year of publication of the territorial division order, the provisional council shall proceed with admissions to educational services provided in schools for the school year beginning in the same year.

Section 508.35 applies in respect of admissions to educational services provided in schools in the territory of a dissentient school board.

Moreover, if confessional councils have been established within the new school board, the provisional council shall ask Catholic or Protestant students individually whether or not they elect to come under the jurisdiction of the Catholic or Protestant confessional council."

35. Section 519 of the said Act is amended

(1) by striking out the words ", or with the confessional school boards where such is the case" in the second and third lines of the first paragraph;

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

"However, an immovable premises of which are, on 24 April 1997, at the disposal of one or more schools which provide instruction exclusively in the language of the new school board shall be allocated to the new school board, except where the provisional councils concerned decide otherwise."

36. Section 520 of the said Act is amended by replacing the fourth paragraph by the following paragraphs:

"Unless it has been placed under the supervision of a confessional council, a school established in premises or immovables situated outside the territory of the city of Montréal or Québec which were, on 30 September of that year, under the jurisdiction of a confessional or dissentient school board or at the disposal of a school recognized as Catholic or Protestant is deemed to be a school recognized as Catholic or Protestant according to the confession of the confessional or dissentient school board or, as the case may be, shall retain that recognition until the Catholic committee or the Protestant committee revokes it of its own initiative or at the request of the provisional council or the new school board.

Moreover, a school established in premises or immovables situated in the territory of the city of Montréal or Québec which were, on 30 September of that year, under the jurisdiction of a confessional or dissentient school board or at the disposal of a school recognized as Catholic or Protestant shall be placed under the supervision of the Catholic or Protestant confessional council, according to the religious confession of the confessional or dissentient school board or according to the recognition of the school as Catholic or Protestant.

The new school board, unless it is a dissentient school board, is required, before the end of the third school year in which it provides educational services, to consult the persons and bodies referred to in section 218 on the advisability of maintaining such recognition or the persons and bodies referred to in section 508.1 on the advisability of withdrawing the school from the supervision of the confessional council."

37. Section 521 of the said Act is amended by striking out the words "or with confessional school boards, where such is the case," in the second line.

38. Section 522 of the said Act is repealed.

39. Section 523 of the said Act is amended

(1) by striking out paragraph 1;

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

"For the purposes of section 306, the notice provided for in the second paragraph of that section may be transmitted before 15 June."

40. The said Act is amended by inserting, after section 523, the following subdivision:

"§ 2. — *Special provisions respecting the transfer and reassignment of personnel*

"**523.1.** The personnel of an existing school board shall be distributed among and transferred to the school boards concerned in accordance with the applicable transfer and reassignment standards and procedure, which may not operate to reduce the conditions of employment that are in force, particularly those relating to the right of a person who is in a bargaining unit to be recalled to work.

"**523.2.** The transfer standards and procedure are provisions that allow the employer of a personnel member to be determined as of 1 July of the year following the year of publication of the territorial division order. The transfer of a personnel member does not sever the employment relationship.

The reassignment standards and procedure applicable to teachers are provisions concerning the application of the assignment process provided for in the applicable conditions of employment.

The reassignment standards and procedure applicable to employees who are non-teaching personnel are provisions that allow them to be assigned a position or a place of employment as of 1 July of the year following the year of publication of the territorial division order.

"**523.3.** The transfer and reassignment standards and procedure applicable to personnel who are not represented by a certified association within the meaning of the Labour Code (chapter C-27), as well as the rights of and remedies available to a person who believes he has been wronged in the application of such standards and procedure, shall be determined by regulation of the Minister, after consulting the associations representative, at the provincial level, of management personnel.

The Regulations Act (chapter R-18.1) does not apply to such regulation or proposed regulation. The regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

"**523.4.** The transfer and reassignment standards and procedure applicable to personnel who are employees represented by a certified association within the meaning of the Labour Code (chapter C-27), and the rights of and remedies available to such an employee who believes he has been wronged in the application of such standards and procedure, shall be negotiated and ratified by the management and union parties in the education sector identified in the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2).

The management and union parties may also negotiate and ratify conditions of employment incidental to the transfer and reassignment of employees.

"**523.5.** Failing an agreement between the management and union parties before 30 November of the year of publication of the territorial division order, the disagreement shall be submitted to a single arbitration tribunal established for each class of personnel referred to in section 29 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2).

However, if the disagreement concerns the support staff class, it shall be submitted to a single arbitrator.

"**523.6.** The arbitration tribunal shall be composed of one person designated by the management negotiating committees referred to in paragraphs 1 and 2 of section 30 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2), of one person designated by the groups of associations of employees referred to in section 26 of the said Act and of a president appointed by agreement between the persons so designated or, failing agreement, appointed by the Minister of Labour.

If a party fails to designate a representative, the tribunal may proceed in the absence of that party's representative.

The single arbitrator shall be appointed by agreement between the management negotiating committees referred to in paragraphs 1 and 2 of section 30 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) and the groups of associations of employees referred to in section 26 of the said Act or, failing agreement, by the Minister of Labour.

The members of the tribunal or the single arbitrator shall be designated before 5 December of the year of publication of the territorial division order.

"**523.7.** Where the employees of a class are represented by different negotiating agents, each agent may intervene during the arbitration and make any recommendations the agent considers fair and expedient.

"**523.8.** The arbitration award shall determine the transfer and reassignment standards and procedure, and the rights of and remedies available to an employee who believes he has been wronged in the application of such standards and procedure.

The tribunal or the single arbitrator may also determine any condition of employment it or he considers incidental to the transfer and reassignment of an employee.

The arbitration award must operate to determine the employer and assignment of every employee who would have been in the employ of an existing school board on 1 July of the year following the year of publication of the territorial division order; the award may not operate to require a school board to hire a greater number of employees than the total number of employees entitled to transfer and reassignment.

The award may not operate to provide conditions of employment that entail higher costs than those entailed by the application of the conditions of employment applicable at the time the disagreement was submitted to arbitration, or to increase the staff.

"**523.9.** The decision must be rendered by the arbitration tribunal or the single arbitrator not later than 15 January of the year following the year of publication of the territorial division order.

"**523.10.** The management and union parties may agree on any mechanism for settling disputes other than the mechanism provided for in sections 523.5 to 523.9; they may, in particular, agree to substitute a single arbitrator for the arbitration tribunal.

"**523.11.** The provisional council shall establish the administrative structure of the new school board and determine, in co-operation with the other provisional councils concerned, the distribution of the personnel not represented by a certified association within the meaning of the Labour Code (chapter C-27) in accordance with the transfer and reassignment standards and procedure referred to in section 523.3.

"**523.12.** The provisional council shall prepare a staffing plan to determine the staffing needs of the new school board in respect of each class of employees represented by a certified association within the meaning of the Labour Code (chapter C-27) and shall, in co-operation with the other provisional councils concerned, prepare a transfer plan. The staffing and transfer plans shall be prepared in accordance with the standards and procedure established pursuant to sections 523.4 to 523.10.

"**523.13.** The provisional council shall consult the associations representative of the personnel concerned concerning the establishment of the administrative structure of the new school board and the distribution plan for the personnel not represented by a certified association within the meaning of the Labour Code (chapter C-27).

The provisional council shall also consult the associations of employees concerning the establishment of the administrative structure of the new school board.

"**523.14.** The provisional council shall transmit a copy of the distribution plan for the personnel not represented by a certified association within the meaning of the Labour Code (chapter C-27) and a copy of the transfer plan for the other personnel members to each representative association, within an existing school board, of a class of personnel affected by the plans.

"**523.15.** Not later than 30 June of the year following the year of publication of the territorial division order, the provisional council shall give written notice to each personnel member of the name of his employer as of 1 July of that year.

"**523.16.** The provisional council shall reassign the personnel members who are employees represented by a certified association within the meaning of the Labour Code (chapter C-27) in accordance with the conditions of employment applicable on 1 July of the year following the year of publication of the territorial division order and with the transfer and reassignment standards and procedure established pursuant to sections 523.4 to 523.10."

41. Section 524 of the said Act is amended by inserting, at the end of the first paragraph, the following sentence: "Nor may an existing school board fill a vacancy in a position that must be held by a personnel member who is not represented by a certified association within the meaning of the Labour Code (chapter C-27) otherwise than by way of a provisional appointment or assignment."

42. Section 525 of the said Act is repealed.

43. Section 527 of the said Act is amended by striking out the words ", except the confessional school boards," in the first line.

44. Section 529 of the said Act is replaced by the following sections:

"**529.** The Act respecting school elections (chapter E-2.3) applies to the election of the first commissioners of a new school board.

For the purposes of section 15 of the said Act, the date of admission to educational services is 1 March.

The list of electors may be drawn up on the basis of the list of electors drawn up pursuant to section 515.2, if any.

In the case of a dissentient school board, section 508.38 shall apply, except that the reference therein to 30 September shall be replaced by a reference to 1 March.

"**529.1.** The division of the territory of the new school board into electoral divisions shall take place between 1 January and 1 March of the year following the year of publication of the territorial division order.

The scale prescribed by section 6 of the Act respecting school elections (chapter E-2.3) is applicable by reference to the number of students who, as of the preceding 30 September, resided or were placed in the territory concerned by the election and were admitted to educational services provided in schools to receive instruction in the language of the new school board.

"**529.2.** Notwithstanding section 3 of the Act respecting school elections (chapter E-2.3), the Government shall determine, by order, the polling date and the dates of the various steps leading to the polling.

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

45. Section 530 of the said Act, amended by section 21 of chapter 78 of the statutes of 1990, is again amended by striking out the part of the first paragraph which follows the word "division".

46. The said Act is amended by inserting, after section 530, the following:

"**530.1.** The first confessional councils in a new school board whose territory wholly or partly coincides with the territory of the city of Montréal or Québec must be established not later than 31 December of the year of publication of the territorial division order and the members of the councils shall become, upon their election, members of the provisional council of the school board.

The confessional councils may take such preparatory measures within their powers as are required for the implementation, upon its coming into force, of the system of provisional governance of confessional rights in their territory.

Sections 494 to 508.11 shall apply for those purposes.

"**530.2.** The commissioners representing the parents' committees referred to in paragraph 2 of section 512 shall become, on 1 July of the year following the year of publication of the territorial division order, members of the council of commissioners of the new school board until they are replaced by persons elected in accordance with section 145.

The members of the confessional councils referred to in section 530.1 shall become, on the date referred to in the first paragraph of this section, members of the council of commissioners of the new school board until they are replaced by persons elected in accordance with section 497.

"DIVISION IV.1

"UNION REPRESENTATION

"**530.3.** The provisions of the Labour Code (chapter C-27) relating to union representation apply, except where incompatible with the provisions of this division.

Notwithstanding section 23 of the Labour Code, the labour commissioner general may appoint any person temporarily to ensure the carrying out of this division.

"**530.4.** Any association of employees representing personnel of a class of employees that is certified, as of 30 June of the year following the year of publication of the territorial division order or as of the date of the transfer notice referred to in section 523.15, to represent a group of employees of the same class within an existing school board whose territory wholly or partly coincides with the territory of the new school board shall be entitled to apply for certification to represent that group of employees.

"**530.5.** An application for certification shall be made by means of a petition filed not later than 30 September at the office of the labour commissioner general.

The petition shall be accompanied by a copy of the decision certifying the petitioning association, and by any other information required in the form provided to that end by the labour commissioner general, except applications for membership.

"**530.6.** Failure to file the petition for certification at the office of the labour commissioner general within the prescribed time entails dismissal of the petition.

"**530.7.** Upon receipt of one or more petitions, the labour commissioner general shall proceed as follows:

(1) if he comes to the conclusion that the petitioning association is the only association possessing certification in the territory of the new school board or that the petitioning association is the only association to have filed a petition, he shall certify it and indicate what group of employees constitutes the bargaining unit;

(2) if he comes to the conclusion that the petitioning association has obtained the agreement of all associations of employees entitled to certification

to represent a group of employees, he shall certify the petitioning association and indicate what group of employees constitutes the bargaining unit;

(3) if he comes to the conclusion that all petitioning associations have agreed that one petitioning association be certified to represent a group of employees, he shall certify that petitioning association and indicate what group of employees constitutes the bargaining unit;

(4) if he comes to the conclusion that all the petitioning associations agree to amalgamate into a single association, he shall certify the association resulting from the amalgamation and indicate what group of employees constitutes the bargaining unit;

(5) if he comes to the conclusion that there is no agreement between the petitioning associations as to certification of one association to represent a group of employees, he shall determine what group of employees constitutes the bargaining unit and order a vote by secret ballot.

"**530.8.** Only employees who are in a bargaining unit may participate in the secret ballot vote.

All employees whose names appear on the new school board's transfer plan as of 1 July of the year following the year of publication of the territorial division order are presumed to form the bargaining unit for the purposes of the vote.

The vote by secret ballot shall be held under the responsibility of the labour commissioner general and in the manner he determines, and shall take place not later than 31 January of the year which follows the year following the year of publication of the territorial division order.

"**530.9.** Where there is a disagreement by reason of the fact that the persons actually forming part of a bargaining unit as of 1 July of the year following the year of publication of the territorial division order are not the same as the persons whose names appear on the transfer plan, an association entitled to certification or the new school board may file a petition with the labour commissioner general asking that he decide the matter. Such a petition shall not prevent the certification of the association having received the greatest number of votes.

If the labour commissioner to whom the matter is referred determines that granting the petition could affect the result of the vote, he shall settle the disagreement and, if necessary, order a new vote by secret ballot.

Where a different association is awarded certification, the only conditions of employment applicable from the date of the final judgment shall be those in force on 30 June of the year following the year of publication of the territorial division order to which that association was a party.

"**530.10.** The newly certified association shall be subrogated by operation of law to the rights and obligations arising out of a collective agreement to which a certified association it replaces was a party.

"**530.11.** Fifteen days after the decision made under section 530.7, the only conditions of employment applicable to a group of employees shall be those in force before that date to which the association having obtained certification in accordance with this division was a party.

Where the newly certified association was a party to two or more collective agreements or in the case of a voluntary amalgamation referred to in paragraph 4 of section 530.7, the conditions of employment applicable shall be those provided in the collective agreement chosen by agreement between the management and union parties from among the collective agreements applicable to the employees concerned or, failing an agreement, those provided in the collective agreement applicable to the largest group of employees.

Any other conditions of employment applicable, at that date, to employees of that group shall lapse in respect of those employees from that date.

"**530.12.** Notwithstanding the second and third paragraphs of section 530.11, every employee of the support staff shall retain

(1) the right to cash out any cash-convertible sick-leave days to his credit if he is entitled thereto under the conditions of employment applicable to him at 30 June of the year following the year of publication of the territorial division order, according to the value and terms and conditions determined in those conditions of employment;

(2) the non-cash-convertible sick-leave days he has accumulated at 30 June of that year, if he is entitled thereto under the conditions of employment applicable to him as of that date;

(3) the right to housing, if he is entitled thereto at 30 June of that year.

"**530.13.** If, in the case of teaching personnel, the conditions of employment applicable to the association having obtained certification do not contain provisions governing the assignment of teachers, the newly certified association shall choose, from among the collective agreements applicable before its certification, provisions governing the assignment of teachers. Such provisions shall form part of the applicable conditions of employment."

47. Section 533 of the said Act, amended by section 22 of chapter 78 of the statutes of 1990, is again amended by replacing the second paragraph by the following paragraph:

"Where the dispute is between the provisional council of a French language or English language school board and the provisional council of a dissentient school board, the Minister shall ensure that his decision does not deprive the dissentient school board of the property necessary for its operation."

48. Section 534 of the said Act is amended by striking out the second paragraph.

49. Section 536 of the said Act is repealed.

50. Section 540 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

"The Regulations Act (chapter R-18.1) does not apply to such regulation or proposed regulation."

51. Section 704 of the said Act is amended by striking out the words ", including a regional school board," in the fourth and fifth lines.

52. The English text of the said Act is amended

(1) by replacing the word "affiliation" wherever it appears in sections 5, 20, 21, 228 and 726 by the word "confession";

(2) by replacing the words "order respecting territorial division" wherever they appear in sections 516, 520, 523, 524, 527, 530, 534, 535, 539 and 540 by the words "territorial division order".

ACT RESPECTING SCHOOL ELECTIONS

53. Section 1 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended by striking out the words "regional school boards," in the first line.

54. The said Act is amended by inserting, after section 1, the following chapter:

"CHAPTER I.1

"OPERATION OF THE ACT

"**1.1.** The integration of immigrants into the French-speaking community being a priority for Québec society, this Act shall not operate

(1) to amend, directly or indirectly, the provisions of the Charter of the French language (chapter C-11) relating to the language of instruction;

(2) to modify or confer any minority language educational rights.

More particularly, the fact that a person who does not have a child admitted to the educational services provided in schools of a school board chooses to vote at the election of the commissioners of an English language school board and pays school taxes to that school board, or runs for office within an English

language school board, does not make the person, or the person's children, eligible to receive preschool, elementary or secondary instruction in English."

55. Section 8 of the said Act is repealed.

56. Section 15 of the said Act is replaced by the following section:

"**15.** Any elector who, as of 30 September preceding polling day, has a child who is admitted to educational services provided in schools of a school board having jurisdiction over the territory in which the elector is domiciled may vote at the election of commissioners of that school board.

Any elector who, as of the same date, does not have a child who is admitted to educational services provided in schools of any school board having jurisdiction over the territory in which the elector is domiciled may vote at the election of the commissioners of the French language school board, unless he has chosen to vote at the election of the commissioners of the English language school board having jurisdiction over the territory in which he is domiciled."

57. Section 16 of the said Act is repealed.

58. Section 17 of the said Act is amended by adding, at the end, the following paragraph:

"Such an option applies for every election, unless the elector revokes it in accordance with the procedure under section 18 or unless one of his children is admitted to educational services provided in schools of a school board having jurisdiction over the territory in which the elector is domiciled."

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

"**18.** The voting option shall be effected by sending a notice in writing to the returning officer of the English language school board, who shall inform the returning officer of the French language school board.

The notice must include the name, date of birth and domiciliary address of the elector."

60. Section 21 of the said Act is amended by striking out the words "or of the regional school board of which the school board is a member" in subparagraph 4 of the first paragraph.

61. Section 38 of the said Act, amended by section 78 of chapter 23 of the statutes of 1995, is again amended by adding, at the end, the following paragraph:

"The notice shall also indicate that any elector who, as of 30 September preceding polling day, does not have a child admitted to educational services provided in schools of any school board having jurisdiction over the territory in which the elector is domiciled may serve the notice referred to in section 18, as well as the time period and address for service of such a notice."

62. Section 39.1 of the said Act, enacted by section 79 of chapter 23 of the statutes of 1995, is replaced by the following section:

"**39.1.** The returning officer shall, jointly with the returning officer of every other school board whose territory wholly or partly coincides with the territory of the school board, draw up the list of electors for each electoral division of the school board between the seventy-fifth and the forty-fifth day before polling day, on the basis of the list transmitted by the chief electoral officer."

63. Section 40 of the said Act is replaced by the following section:

"**40.** The list of electors of an English language school board shall be drawn up by drawing from the list transmitted by the chief electoral officer the name of every elector who, as of 30 September preceding polling day, has a child admitted to educational services provided in schools of the school board concerned and the name of every elector who has exercised his voting option in favour of that school board.

The list of electors of a French language school board shall be the list transmitted by the chief electoral officer from which the names of the electors referred to in the first paragraph who do not have children admitted to educational services provided in schools of the French language school board have been withdrawn."

OTHER LEGISLATIVE AMENDMENTS

64. Section 11 of the Labour Code (R.S.Q., chapter C-27) is amended

(1) by striking out the words "a regional school board or" in the first line of the first paragraph;

(2) by striking out the words ", but the latter may not require an association of employees to negotiate a collective agreement applicable to a territory greater than that of a regional school board" in the third, fourth and fifth lines of the fourth paragraph.

65. Section 22 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60) is amended

(1) by replacing subparagraph *e* of the first paragraph by the following subparagraph:

"(*e*) to make regulations to recognize educational institutions as Catholic or Protestant and to ensure the confessional character of educational institutions recognized as Catholic or Protestant;";

(2) by striking out the words "other than those of a confessional or dissentient school board" in the first and second lines of subparagraph *f* of the first paragraph;

(3) by striking out the third paragraph.

66. Section 30 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended by replacing paragraphs 1 and 2 by the following paragraphs:

"(1) a management negotiating committee for French language school boards;

"(2) a management negotiating committee for English language school boards".

TRANSITIONAL AND FINAL PROVISIONS

67. The management negotiating committee for the school boards for Catholics, Catholic confessional school boards and dissentient school boards for Catholics established under section 30 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) as it read on (*insert here the date of the day preceding the day of coming into force of this section*) is deemed to be the management negotiating committee for French language school boards.

Likewise, the management negotiating committee for the school boards for Protestants, Protestant confessional school boards and dissentient school boards for Protestants is deemed to be the management negotiating committee for English language school boards.

68. If a proclamation of the Governor General under the Great Seal of Canada declaring that paragraphs 1 to 4 of section 93 of the Constitution Act, 1867 do not apply in respect of Québec is published before 1 January of the year following the year of publication of the territorial division order made pursuant to section 111 of the Education Act (R.S.Q., chapter I-13.3), this Act and the Education Act, as amended by this Act, are amended pursuant to the Schedule as of the date of publication of the proclamation.

69. The provisions of sections 205 and 207 of the Education Act (R.S.Q., chapter I-13.3) and the provisions of sections 17 and 25 of this Act shall apply for the school year following the year of publication of the territorial division order and for every subsequent school year.

70. The advisory committee established by section 514 of the Election Act (R.S.Q., chapter E-3.3) shall be responsible, in cooperation with the chief electoral officer, for examining the procedure for the drawing up of the first list of electors of the English language and French language school boards, including the information provided to the public.

71. The provisions of this Act which grant the right to choose to vote at the election of the commissioners of an English language school board and pay school taxes to that school board, or to run for office within an English language school board, and the Government's power to fix the coming into force thereof, do not constitute the consent referred to in section 4 of the Act respecting the Constitution Act, 1982 (1982, chapter 21) or the authorization referred to in subsection 59(2) of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom) and may not operate to authorize the coming into force in respect of Québec of paragraph 23 (1)(*a*) of the latter Act.

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

SCHEDULE

(*Section 68*)

1. Section 28 of this Act is repealed.

2. Section 509 of the Education Act (R.S.Q., chapter I-13.3), replaced by section 30 of this Act, is amended by striking out the words "or any dissentient school board established pursuant to Division II.1 of this chapter" in paragraph 2.

3. Section 514.5 of the said Act, enacted by section 31 of this Act, is amended by replacing the comma after the word "concerned" in the fifth line of the first paragraph by the word "and" and by striking out the part of that paragraph which follows the figure "514.4".

4. Division II.1 of Chapter X of the said Act, replaced by section 31 of this Act, is repealed.

5. Section 518.1 of the said Act, enacted by section 34 of this Act, is amended by striking out the second and third paragraphs.

6. Section 520 of the said Act, amended by section 36 of this Act, is again amended by replacing the last three paragraphs by the following paragraphs:

"A school established in premises or immovables which were, on 30 June of that year, at the disposal of a school recognized as Catholic of Protestant shall retain that recognition until the Catholic committee or the Protestant committee revokes it of its own initiative or at the request of the provisional council or the new school board.

Moreover, a school established in premises or immovables which were under the jurisdiction of a confessional or dissentient school board is deemed to be a school recognized as Catholic or Protestant according to the religious confession of the confessional or dissentient school board. The school shall retain that recognition until the Catholic committee or the Protestant committee revokes it of its own initiative or at the request of the provisional council or the new school board.

The new school board is required, before the end of the third school year in which it provides educational services, to consult the persons and bodies referred to in section 218 on the advisability of maintaining such recognition."

7. Section 529 of the said Act, replaced by section 44 of this Act, is amended by striking out the last two paragraphs.

8. Section 530.1 of the said Act, enacted by section 46 of this Act, is repealed.

9. Section 530.2 of the said Act, enacted by section 46 of this Act, is amended by striking out the second paragraph.

10. Section 533 of the said Act, amended by section 47 of this Act, is again amended by striking out the second paragraph.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 114
(1997, chapter 48)

An Act to amend the Fire Prevention Act

Introduced 30 May 1997
Passage in principle 6 June 1997
Passage 19 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTE

This bill amends the Fire Prevention Act to enable the Government to make a regulation determining the training requirements and other qualifications required of members of fire departments.

Bill 114

AN ACT TO AMEND THE FIRE PREVENTION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 4 of the Fire Prevention Act (R.S.Q., chapter P-23) is amended

(1) by replacing the word "Minister" in the first paragraph by the word "Government" and by replacing the words "he" and "him" wherever they appear in subparagraphs *b* and *e* by the word "it";

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

"(*a*.1) determine the training requirements and the other qualifications required of members of fire departments, according to determined classes;";

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

2. This Act comes into force on 19 June 1997.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 120
(1997, chapter 35)

An Act to amend the Act respecting the Inspector General of Financial Institutions and other legislative provisions

Introduced 8 May 1997
Passage in principle 28 May 1997
Passage 10 June 1997
Assented to 12 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTE

The object of this bill is to replace the positions of superintendents appointed to assist the Inspector General of Financial Institutions by a single position of Deputy Inspector General, and to extend to the Deputy the benefits of immunity from prosecution.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1);

– Deposit Insurance Act (R.S.Q., chapter A-26);

– Companies Act (R.S.Q., chapter C-38);

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

Bill 120

AN ACT TO AMEND THE ACT RESPECTING THE INSPECTOR GENERAL OF FINANCIAL INSTITUTIONS AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 5 of the Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1) is amended

(1) by replacing the words "or is unable to act, the Government may appoint a person to" in the first paragraph by the words ", is absent or is unable to act, the Deputy Inspector General shall";

(2) by striking out the second paragraph.

2. Section 20 of the said Act is amended by inserting the words "or the Deputy Inspector General" after the word "General" in the first line.

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

"**23.** The Government shall appoint a person to act as Deputy Inspector General for a period of not more than five years. The Government shall fix the remuneration, employment benefits and other conditions of employment of the Deputy Inspector General.

On the expiry of his term, the Deputy Inspector General shall remain in office until reappointed or replaced."

4. Section 26 of the said Act is amended by inserting the words "or Deputy Inspector General" after the word "General" in the first line of the first paragraph.

5. Section 27 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**27.** If the Inspector General or Deputy Inspector General has a direct or indirect interest in a partnership or legal person governed by an Act assigned to the Inspector General's administration or that confers functions or powers on him, he must, under pain of forfeiture of office, disclose it in writing to the Minister."

6. Section 28 of the said Act is replaced by the following section:

"**28.** The Inspector General or Deputy Inspector General may not contract a loan with a partnership or legal person governed by an Act assigned to the Inspector General's administration or that confers functions or powers on him unless the Minister has prior information thereof in writing."

7. Section 29 of the said Act is amended by replacing the words "a superintendent" in the first line by the words "the Deputy Inspector General".

8. Section 41 of the said Act is amended by replacing the word "corporations" in the second paragraph by the words "legal persons".

9. Section 6 of the Deposit Insurance Act (R.S.Q., chapter A-26) is amended by replacing the words "Deputy Minister of Finance and Superintendent of Deposit Institutions" in paragraph *a* by the words "Deputy Inspector General of Financial Institutions and Deputy Minister of Finance".

10. Section 7 of the said Act is amended by replacing the words "Deputy Minister of Finance or to the Superintendent of Deposit Institutions" in the second and third lines of the first paragraph by the words "Deputy Inspector General or to the Deputy Minister of Finance".

11. Section 8 of the said Act is amended by replacing the words "Deputy Minister of Finance or the Superintendent of Deposit Institutions" in the second and third lines of the first paragraph by the words "Deputy Inspector General or the Deputy Minister of Finance".

12. Section 8.3 of the said Act is amended by replacing the words "Superintendent of Deposit Institutions" in the second line by the words "Deputy Inspector General".

13. Section 10 of the said Act is amended by replacing the words "Superintendent of Deposit Institutions" in the second line by the words "Deputy Inspector General".

14. Section 134 of the Companies Act (R.S.Q., chapter C-38) is amended by replacing the words "superintendent of insurance" in the last line of subparagraph *j* of the second paragraph by the words "Inspector General".

15. The Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by striking out paragraph 9 of Schedule II.

16. The term of office of a superintendent appointed under section 23 of the Act respecting the Inspector General of Financial Institutions and in office on 12 June 1997 shall end on the date fixed for the end of his term in the order in council under the authority of which he was appointed or, if that date is

passed, on the date on which the Deputy Inspector General appointed under section 23 of the said Act, as replaced by section 3, enters upon his duties of office.

17. In all Acts, statutory instruments, orders, contracts or other documents, unless the context indicates otherwise, a reference to the "superintendent of insurance", the "Superintendent of Deposit Institutions" and the "Superintendent of Market Intermediaries" appointed under section 23 of the Act respecting the Inspector General of Financial Institutions is a reference to the Inspector General of Financial Institutions.

18. This Act comes into force on 12 June 1997.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 122
(1997, chapter 49)

An Act to amend the Act respecting the Société de l'assurance automobile du Québec and other legislative provisions

Introduced 13 May 1997
Passage in principle 10 June 1997
Passage 17 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

This bill amends the Act respecting the Société de l'assurance automobile du Québec to transfer the administration of the vehicle adaptation program from the Office des personnes handicapées du Québec to the Société de l'assurance automobile du Québec.

In addition, the bill proposes to combine the two programs that allow access to parking spaces reserved for the exclusive use of handicapped persons, and to entrust the administration of the unified program to the Société.

The bill also sets out transitional and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

– Highway Safety Code (R.S.Q., chapter C-24.2);

– Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);

– Act respecting the Société de l'assurance automobile du Québec (R.S.Q., chapter S-11.011);

– Act respecting administrative justice (1996, chapter 54).

Bill 122

AN ACT TO AMEND THE ACT RESPECTING THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Act respecting the Société de l'assurance automobile du Québec (R.S.Q., chapter S-11.011) is amended by inserting, after paragraph *f* of subsection 1, the following paragraph:

"(*g*) to establish a program for the adaptation of a road vehicle so that it may be driven by or be accessible to a handicapped person."

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

"**2.1.** For the purposes of the program referred to in paragraph *g* of subsection 1 of section 2, "handicapped person" means a handicapped person within the meaning of paragraph *g* of section 1 of the Act to secure the handicapped in the exercise of their rights (chapter E-20.1)."

3. The said Act is amended by inserting, after section 16.3, the following section:

"**16.4.** Any person who believes himself aggrieved by a decision of the Société concerning the adaptation of a road vehicle so that it may be driven by or be accessible to a handicapped person may contest the decision before the Administrative Tribunal of Québec within 60 days of notification of the decision."

4. Section 10.1 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended

(1) by striking out the words "or an identification sticker" in the third and fourth lines of the first paragraph;

(2) by replacing the word "stickers" in the first line of the second paragraph by the word "sticker".

5. Section 11 of the said Code is replaced by the following section:

"**11.** The Société may, on the terms and conditions determined by regulation, issue to a handicapped person an identification sticker authorizing

the person to use parking spaces reserved for the exclusive use of handicapped persons.

Such sticker is issued upon payment of the fees fixed by regulation.

The Société may also issue such a sticker to a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5) that owns a motor vehicle equipped with devices to secure wheelchairs against movement."

6. Section 31 of the said Code is amended by striking out the words "and, where such is the case, the identification sticker" in the first and second lines.

7. Section 388 of the said Code is amended by striking out subparagraph 2 of the first paragraph.

8. Section 618 of the said Code, amended by section 77 of chapter 60 of the statutes of 1996, is again amended

(1) by replacing the words "sticker and the identification sticker issued to a handicapped person" in the first and second lines of paragraph 17 by the word "stickers";

(2) by replacing paragraphs 20 to 22 by the following paragraph:

"(20) determine terms and conditions for obtaining, using and renewing the identification sticker provided for in section 11 and fix its period of validity;".

9. Section 30.1 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is repealed.

10. Section 21 of the Act respecting administrative justice (1996, chapter 54) is amended by adding, after subparagraph 2 of the second paragraph, the following subparagraph:

"(3) under section 16.4 of the Act respecting the Société de l'assurance automobile du Québec, to contest a decision concerning a road vehicle to be adapted so that it may be driven by or be accessible to a handicapped person."

11. Section 1 of Schedule I to the said Act is amended by adding, after paragraph 5, the following paragraph:

"(6) proceedings under section 16.4 of the Act respecting the Société de l'assurance automobile du Québec (chapter S-11.011)."

12. Until the coming into force of the provisions of the Act respecting administrative justice instituting the Administrative Tribunal of Québec, the reference to that tribunal in section 16.4 of the Act respecting the Société de l'assurance automobile du Québec, enacted by section 3, shall be read as a reference to the Commission des affaires sociales.

13. Beginning on 1 July 1997, the Société de l'assurance automobile du Québec shall be responsible for the application of section 30.1 of the Act to secure the handicapped in the exercise of their rights and the regulatory provisions thereunder.

14. The Regulation respecting identification stickers issued to handicapped persons made by Order in Council 1689-87 (1987, G.O. 2, 3949) remains in force until it is replaced by a regulation made under paragraph 20 of section 618 of the Highway Safety Code enacted by section 8 of this Act.

15. Stickers issued under section 30.1 of the Act to secure the handicapped in the exercise of their rights and stickers issued under section 11 of the Highway Safety Code as it read before (*insert here the date of coming into force of section 5 of this Act*) remain valid until their expiry date.

16. This Act comes into force on 1 July 1997, except sections 4 to 7 and section 9 which come into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 136
(1997, chapter 52)

An Act to amend the Act respecting police organization and the Police Act as regards police ethics

Introduced 13 May 1997
Passage in principle 20 May 1997
Passage 19 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

This bill amends the provisions of the Act respecting police organization governing the mechanisms and functioning of the police ethics system in Québec.

The bill provides that a citizen wishing to file a complaint regarding a police officer's conduct may do so with any police force or with the police ethics commissioner. The members of the staff of the police ethics commissioner are required to assist the complainant and to help him in identifying the evidence required to substantiate his complaint. The members of the staff of the commissioner or of the police force, as the case may be, must ensure that the evidence collected by the complainant are secured and must give him a copy of the complaint together with a list of the documents and evidence collected. After making a preliminary analysis of the complaint, the police ethics commissioner must decide whether it should be dealt with under his authority, as is the case for all events involving the public interest or events involving death or serious bodily injury, and also for complaints that are clearly frivolous or trivial. In other cases, the commissioner will designate a conciliator. If conciliation fails, the complaint is returned to the commissioner who must decide whether to reject it or to order an investigation.

Where an investigation is considered to be appropriate, the commissioner will designate an investigator who must complete the investigation within three months. An investigator may not, however, be assigned to a case involving a police force to which he belongs or formerly belonged. Following an investigation, the commissioner may reject the complaint or summon the police officer before the police ethics committee.

The bill provides that sittings of the ethics committee will be held by one member who is an advocate. The bill also provides that the part-time members of the committee are members of a Native community and will sit on the committee when a complaint relates to a Native police officer.

The bill further provides that a motion may be made to the Court of Québec to have the Court summarily dismiss an improper or dilatory appeal from a decision of the police ethics committee.

Lastly, the bill contains technical and consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting police organization (R.S.Q., chapter O-8.1);

– Police Act (R.S.Q., chapter P-13).

Bill 136

AN ACT TO AMEND THE ACT RESPECTING POLICE ORGANIZATION AND THE POLICE ACT AS REGARDS POLICE ETHICS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 39 of the Act respecting police organization (R.S.Q., chapter O-8.1) is replaced by the following section:

"**39.** The Government may appoint a deputy commissioner and fix his remuneration, employment benefits and other conditions of employment."

2. Section 40 of the said Act is replaced by the following section:

"**40.** The deputy commissioner shall be appointed for a specified term not exceeding five years. His term may be renewed."

3. Section 41 of the said Act is amended

(1) by replacing the word "commissioners" in the first line of the first paragraph by the word "commissioner";

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

"The commissioner and deputy commissioner shall do so before a judge of the Court of Québec."

4. Section 42 of the said Act is amended by replacing the word "commissioners" in the second line by the word "commissioner".

5. Section 43 of the said Act is replaced by the following section:

"**43.** The commissioner, the deputy commissioner and the members of their staff, the investigators and the certified police ethics conciliators cannot be sued by reason of any official act done in good faith in the performance of their duties."

6. Section 44 of the said Act is amended

(1) by striking out the words "designated by the Government" in the second line of the first paragraph;

(2) by replacing the words “If a” in the first line of the second paragraph by the words “If the”.

7. Section 46 of the said Act is amended

(1) by replacing the word “commissioners” in the first line of the first paragraph by the word “commissioner”;

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

“He may delegate, in writing, all or some of his powers to the deputy commissioner, except the powers conferred on him by sections 48, 49 and 83.”

8. Section 47 of the said Act is amended by replacing the words “commissioners or the members of his staff shall not” in the second line by the words “commissioner, the deputy commissioner, the members of their staff, the investigators and the certified police ethics conciliators may not be”.

9. Section 51 of the said Act is amended by inserting the words “or with any police force” after the word “commissioner” in the first line.

10. The said Act is amended by inserting, after section 51, the following sections:

“**51.1.** The members of the staff of the commissioner shall assist any person who requires assistance in lodging a complaint.

They shall, in particular, assist the complainant in identifying the evidence required to substantiate his complaint.

In the case of complaints lodged with the commissioner or a police force, the members of the staff of the commissioner or of the police force shall see that the documents and evidence collected by the complainant are secured. They shall provide the complainant with a copy of the complaint together with a list of the documents and evidence collected by the complainant.

“**51.2.** The members of the staff of the commissioner or of the police force who receive the complaint shall, within five days of receipt, forward a copy of the complaint to the director of the police force concerned, together with a copy of the evidence collected. Where the complaint is received by a police force, the documents shall also be sent within the same time to the commissioner.

“**51.3.** The commissioner shall inform the complainant of the procedure for dealing with complaints and, in particular, of the conciliation procedure.

"**51.4.** Every complaint shall be submitted to conciliation. However, a complainant may object to conciliation by stating the reasons why he believes conciliation is inappropriate in his case. He shall give a written statement of the reasons to the commissioner within 30 days after the lodging of the complaint.

The commissioner may reject the complaint, giving reasons, if in his opinion, the reasons stated by the complainant do not validly justify his refusal of conciliation. The commissioner shall inform the complainant of his right to obtain a review of the decision if he submits new facts or elements to the commissioner within 15 days. The commissioner shall render his decision within ten days and the decision is final.

The complainant may at any time before the final decision accept conciliation by withdrawing his objection.

"**51.5.** Every complaint relating to an event that in the opinion of the commissioner involves the public interest, in particular, events in which death or serious bodily harm has occurred, situations potentially injurious to the public's confidence in police officers, criminal offences, repeat offences or other serious matters, shall be dealt with under his authority. Complaints which are clearly frivolous or vexatious and complaints in respect of which the commissioner is satisfied that the complainant has valid reasons for objecting to conciliation shall also be dealt with under the commissioner's authority.

"**51.6.** Within 40 days of receipt of a complaint or of identification of the police officer concerned, the commissioner shall, after making a preliminary analysis of the complaint,

(1) decide whether the complaint is to be dealt with under his authority or whether he must reject the complaint;

(2) refer the complaint to the appropriate police force for the purposes of a criminal investigation if it appears to him that a criminal offence may have been committed;

(3) where applicable, designate the conciliator and transmit the file to him;

(4) inform the complainant, the police officer and the director of the police force concerned of his decision to refer the complaint to conciliation, to deal with it under his authority or to reject it;

(5) notify the police officer concerned in writing of the substance of the complaint and of the facts enabling the event that gave rise to the complaint to be identified."

11. Section 52 of the said Act is replaced by the following section:

"**52.** The right to lodge a complaint regarding police ethics is prescribed one year after the date of the event or knowledge of the event that gave rise to the complaint."

12. Section 53 of the said Act is amended by inserting the words ", is dismissed or retires" after the word "resigns" in the first line.

13. Section 54 of the said Act is repealed.

14. Section 57 of the said Act is repealed.

15. Section 58 of the said Act is replaced by the following sections:

"**58.** The commissioner shall designate conciliators for complaints regarding police ethics; the conciliators must not be, nor have been, police officers.

"**58.1.** The costs connected with conciliation shall be borne by the employer of the police officer concerned by the complaint in accordance with the rates established by the Minister.

"**58.2.** The object of the conciliation procedure is to resolve the complaint lodged against one or more police officers through a settlement accepted by both parties.

"**58.3.** During the conciliation proceedings, the complainant and the police officer may be accompanied by a person of their choice.

The presence of the police officer, who may not be in uniform, and of the complainant is mandatory. The conciliation proceedings take place in the presence of both parties; however, the conciliator may meet separately with each party in order to arrive at a settlement.

"**58.4.** As soon as the conciliator concludes that conciliation will not lead to a settlement, he shall report to the commissioner, and the file shall be returned to the commissioner to be dealt with under his authority.

"**58.5.** The conciliation proceedings must be completed within 45 days from the date on which the commissioner refers the complaint to conciliation. The commissioner may authorize and fix the terms and conditions of any extension.

"**58.6.** The commissioner may terminate the conciliation proceedings if in his opinion it is in the public interest to do. In such a case, the complaint shall be returned to the commissioner to be dealt with under his authority.

"**58.7.** Despite an unsuccessful attempt at conciliation, if the commissioner is of the opinion that settlement of the complaint is possible and if the police officer and the complainant consent, the commissioner may return the complaint to conciliation."

16. Section 62 of the said Act is amended by adding, at the end, the following sentence: "The holding of an investigation shall not prevent the conciliation procedure from being resumed if the parties consent."

17. Section 65 of the said Act is amended by replacing paragraph 2 by the following paragraph:

"(2) the complainant without valid reasons refuses to participate in the conciliation procedure or refuses to cooperate in the investigation;".

18. Section 66 of the said Act is amended

(1) by inserting the words ", the director of the police force concerned" after the word "complainant" in the second line;

(2) by replacing the words "submit the decision to review by the Comité de déontologie policière" in the fourth and fifth lines by the words "obtain a review of the decision by submitting new facts or elements to the commissioner, within 15 days. The commissioner shall make his decision upon the review within ten days and the decision is final."

19. Section 67 of the said Act is amended by replacing the words "conduct the investigation or entrust it to the police force to which the police officer whose conduct is the subject-matter of the complaint belongs or to any other police force" in the second, third, fourth and fifth lines of the first paragraph by the words "order the holding of an investigation".

20. Section 68 of the said Act is replaced by the following sections:

"**68.** Within 15 days of his decision to hold an investigation, the commissioner shall designate a person to act as the investigator.

An investigator may not be assigned to a file involving the police force to which he belongs or has belonged.

"**68.1.** The costs connected with the investigation shall be borne by the employer of the police officer concerned by the investigation in accordance with the rates established by the Minister."

21. Section 69 of the said Act is repealed.

22. Section 72 of the said Act is amended

(1) by replacing the figure "60" in the first line by the figure "45";

(2) by replacing the word “monthly” in the second line by the words “as needed”.

23. The said Act is amended by inserting, after section 72, the following section:

“**72.1.** The investigation report shall be submitted to the commissioner within three months, except where the commissioner is satisfied that exceptional circumstances warrant otherwise.”

24. Section 73 of the said Act is replaced by the following section:

“**73.** The commissioner may, on receiving the investigation report, order a supplementary investigation to be conducted within the time and in the manner he determines.”

25. Section 74 of the said Act is amended

(1) by striking out the word “clearly” in the second line of subparagraph 1 of the first paragraph;

(2) by replacing the word “complaint” in the second line of subparagraph 2 of the first paragraph by the word “evidence”.

26. Section 76 of the said Act is amended

(1) by replacing the words “15 days after notification of the decision made by the commissioner pursuant to section 65 or” in the first and second lines of the first paragraph by the words “30 days after notification of the decision rendered by the commissioner pursuant to”;

(2) by striking out the second paragraph.

27. Section 80 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Where the ethics committee quashes a decision, it may order the commissioner to hold a new investigation, to resume the investigation within the time it indicates or to cite the police officer to appear before it within 15 days of its decision.”

28. Section 91 of the said Act is repealed.

29. Section 92 of the said Act is amended by replacing the second and third paragraphs by the following paragraph:

“The ethics committee may hold sittings anywhere in Québec.”

30. Section 94 of the said Act is replaced by the following section:

"**94.** The ethics committee shall be composed of advocates who have been members of the Bar for not less than ten years in the case of full-time members, and for not less than five years in the case of part-time members."

31. Section 95 of the said Act is amended

(1) by striking out the words "or part-time" in the second and third lines of the first paragraph;

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

"The Government shall also appoint, for a fixed term of not more than five years, part-time members who are members of a Native community to act where a complaint relates to a Native police officer. Their term may be renewed."

32. Section 96 of the said Act is replaced by the following section:

"**96.** The Government shall designate a chairman and a vice-chairman from among the full-time members."

33. Sections 97, 100, 101 and 105 of the said Act are repealed.

34. Section 106 of the said Act is amended by striking out the words "designated by the Government" in the second line of the first paragraph.

35. Section 107 of the said Act is repealed.

36. Section 107.1 of the said Act is replaced by the following section:

"**107.1.** The sittings of the ethics committee are held by one member."

37. Section 107.2 of the said Act is repealed.

38. Section 107.7 of the said Act is amended by replacing the word "a" after the word "chairman" in the second line by the word "the".

39. Section 111 of the said Act is replaced by the following section:

"**111.** The citation shall contain as many counts as there are alleged transgressions. Each count of a citation must describe the conduct constituting a transgression of the Code of ethics and indicate what provision of the code has allegedly been transgressed, as well as the time and place of the alleged transgression."

40. Section 115 of the said Act is amended by replacing the words "vice-chairman appointed to the division concerned" in the first and second lines by the word "chairman".

41. Section 119 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**119.** Each party shall summon the witnesses whose testimony may be useful and may require the production of any pertinent document."

42. Section 125 of the said Act is amended

(1) by replacing the words "an indictable offence" in the third line of the first paragraph by the words "a criminal offence";

(2) by replacing the words "an indictable offence" in the second line of the third paragraph by the words "a criminal offence".

43. Section 127 of the said Act is amended

(1) by replacing the words "The citation" in the first line of the first paragraph by the words "Any of the counts in the citation";

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

"However, the committee shall not, except with the consent of the parties, allow any amendment to a count that would result in a new count unrelated to the original count. In such a case, the commissioner shall file a new citation."

44. Section 128 of the said Act is repealed.

45. Section 130 of the said Act is amended

(1) by replacing the words "one of the following penalties on the police officer" in the third and fourth lines by the words "on the police officer, for each count, one of the following penalties which may, where applicable, be consecutive";

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

"(2.1) a rebuke;";

(3) by adding, after paragraph 5, the following paragraph:

"In addition, where a penalty cannot be imposed on a police officer because he has resigned, has been dismissed or has retired, the police officer may be declared disqualified from exercising the functions of a peace officer for a period of not more than five years."

46. Section 131 of the said Act is amended by inserting the words "and other benefits attaching to the position that" after the word "salary" in the fifth line of the second paragraph.

47. Section 132 of the said Act is amended by inserting the words ", on the director of the police force or employer concerned" after the word "parties" in the third line.

48. Section 134 of the said Act is amended by adding, after the second paragraph, the following paragraph:

"The director of the police force or the employer shall inform the commissioner of the imposition of the penalty decided by the ethics committee."

49. The said Act is amended by inserting, after section 141, the following section:

"**141.1.** A judge of the Court of Québec may, on a motion served and filed at the clerk's office within 10 days after service of the motion of appeal, summarily dismiss an appeal he deems improper or dilatory, or subject it to the conditions he determines.

The matter may also be raised, on the initiative of the Court, at the hearing it holds on the appeal."

50. Sections 268 and 268.1 of the said Act are repealed.

POLICE ACT

51. Schedule A to the Police Act (R.S.Q., chapter P-13) is amended by inserting the words "and in accordance with the Code of ethics of Québec police officers," after the words "honestly and justly" in the third line.

TRANSITIONAL AND FINAL PROVISIONS

52. This Act applies to any complaint regarding police ethics received by the commissioner before 1 October 1997. The commissioner may refer the complaint to conciliation if he considers it advisable to do so.

53. Every complaint regarding police ethics that gave rise to a citation before the ethics committee and in respect of which a hearing has commenced before 1 October 1997 shall continue to be dealt with in accordance with the provisions of the Act respecting police organization, as they read on 30 September 1997.

54. Prescription under the terms of section 52 of the Act respecting police organization as amended by section 11 of this Act applies to any event that occurred before 1 October 1997 except if the period of time left to run is less than one year, in which case that period applies.

55. The term of office of the deputy police ethics commissioners shall terminate on 1 October 1997.

56. The term of office of the members of the police ethics committee terminates on 1 October 1997 except the term of office of committee members who have been members of the Barreau for at least ten years which shall continue until the date of expiry.

A member whose term has terminated under the first paragraph may continue to hear and decide a matter notwithstanding that termination.

57. This Act comes into force on 1 October 1997.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 138
(1997, chapter 54)

An Act to amend the Act respecting lotteries, publicity contests and amusement machines

Introduced 14 May 1997
Passage in principle 4 June 1997
Passage 12 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

This bill amends the Act respecting lotteries, publicity contests and amusement machines to clarify the regulatory powers of the Régie des alcools, des courses et des jeux and those of the Government as regards bingo licences and bingo hall operator's licences.

The bill empowers the board to divide Québec into territories for the issue of licences, to cease issuing licences for a period not exceeding one year, and to determine the maximum number of licences it may issue in each territory. It also sets out the criteria to be considered by the board in issuing bingo licences.

Lastly, the bill authorizes the Government to vary the maximum number of video lottery machines authorized for certain race tracks, and also contains transitional provisions.

Bill 138

AN ACT TO AMEND THE ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6) is amended by adding, after subparagraph *l* of the first paragraph, the following subparagraph:

"(*m*) "consultative committee" means a group of persons having an interest in the game of bingo in a given territory, in particular holders of bingo licences in that territory."

2. Section 20 of the said Act is amended

(1) by replacing subparagraph *h* of the first paragraph by the following subparagraph:

"(*h*) the determination of criteria for the assignment or redistribution of a bingo licence or a bingo hall operator's licence the board may issue in each territory subject to a quota;";

(2) by inserting, after subparagraph *i*.1 of the first paragraph, the following subparagraphs:

"(*i*.2) the determination of the minimum percentage of net profits and the maximum percentage of administrative expenses that the holder of a bingo licence must comply with, which may vary according to territories;

"(*i*.3) the determination of the maximum percentage of net profits and the maximum percentage of gross revenues of a bingo that may be collected by the holder of a bingo hall operator's licence;";

(3) by inserting, after subparagraph *j* of the first paragraph, the following subparagraph:

"(*j*.1) the determination of the minimum price that players may be charged for a bingo board, booklet, sheet or card, which price may vary according to territories and according to criteria specified in the rules;";

(4) by inserting the words "and promotion" after the word "advertising" in subparagraph *k* of the first paragraph;

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

"Any rules made by the board pursuant to subparagraphs *i*.2, *i*.3 and *j*.1 of the first paragraph are not subject to the publication requirement prescribed by section 8 of the Regulations Act (R.S.Q., chapter R-18.1)."

3. Section 20.1.1 of the said Act is amended

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

"The Government may, on the joint recommendation of the Minister of Industry, Trade, Science and Technology, the Minister of Finance and the Minister of Public Security, change the maximum number of video lottery machines authorized for each race track mentioned in the first paragraph.";

(2) by replacing the word "second" in the first line of the third paragraph by the word "third";

(3) by replacing the words "Agriculture, Fisheries and Food" in the third and fourth lines of the third paragraph by the words "Industry, Trade, Science and Technology".

4. The said Act is amended by inserting, after section 49, the following section:

"**49.0.1.** Before issuing a bingo licence, the board must ensure that the charitable or religious purposes pursued by the applicant are consistent with those defined by regulation and that the activities for which a licence is applied for are compatible with the applicant's constitutive charter or other documents evidencing its existence.

In order to ensure the orderly development of bingo, to maximize profitability for bingo licence holders and to enable the community to derive the greatest possible benefit from bingo proceeds, the board may consider, among other things,

(1) all documents or information establishing the applicant's need for funds;

(2) the other fund-raising methods available to the applicant;

(3) the economic consequences of the issue of the licence applied for on existing licences in the territory concerned;

(4) the characteristics and specific needs of the territory.

In addition, where a consultative committee has informed the board of its existence, the board must consult the consultative committee."

5. The said Act is amended by inserting, after section 50, the following sections:

"**50.0.1.** The board may divide Québec into territories for the issue of bingo licences and bingo hall operator's licences.

"**50.0.2.** The board may, to ensure orderly development in the bingo market in Québec or in a particular territory, suspend the issue of bingo licences or bingo hall operator's licences for a period not exceeding one year, determined by the board. That period may be extended.

At the end of that period, the board may determine the maximum number of bingo licences or bingo hall operator's licences it may issue in each territory and shall assign or redistribute such licences in accordance with the criteria set out in its rules."

6. Section 55 of the said Act is amended by replacing the words "49 to 50.1" in the first line by the words "49, 49.1 to 50, 50.1".

7. Section 119 of the said Act is amended by replacing subparagraph *c* of the first paragraph by the following subparagraph:

"(*c*) determine the amount of duties for the issue, modification or renewal of a licence or the obtention of an authorization, the fees for the examination of an application for the issue, modification or renewal of a licence or the obtention of an authorization, the fees for the issue of a duplicate and the terms and conditions of payment or reimbursement, which may vary according to the category of licence or authorization, according to factors specified in the regulation or, in the case of a licence relating to video lotteries, according to the number of machines authorized under the licence;".

8. The first rule relating to the game of bingo as well as any rule amending the Lottery Scheme Rules made before (*insert here the date occurring 180 days after the date of coming into force of this section*) by the Régie des alcools, des courses et des jeux under section 20 of the Act respecting lotteries, publicity contests and amusement machines, as amended by section 2 of this Act, subject to paragraph 5 of the latter section, are not subject to the publication requirement prescribed by section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

The same applies in respect of the first regulation relating to the game of bingo as well as any regulation amending the Lottery Scheme Regulation made before (*insert here the date occurring 180 days after the date of coming into force of this section*) by the Government under section 119 of the said Act, as amended by section 7 of this Act.

9. Any operator of a bingo hall may continue to operate it if an application for the issue of a licence for the operation of a bingo hall is made to the Régie des alcools, des courses et des jeux within 90 days after the coming into force

of the regulation relating to the game of bingo made by the Government under section 119 of the Act respecting lotteries, publicity contests and amusement machines, as amended by section 7 of this Act, until the Régie des alcools, des courses et des jeux makes a decision on the application.

10. This Act comes into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 141
(1997, chapter 55)

An Act respecting the Agence de l'efficacité énergétique

Introduced 14 May 1997
Passage in principle 21 May 1997
Passage 12 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

This bill establishes an energy efficiency agency to be known as the "Agence de l'efficacité énergétique". The affairs of the agency will be administered by a board of directors composed of not fewer than seven nor more than ten members appointed by the Government and representing the sectors concerned, and of the director general of the agency.

The bill provides that the objects of the agency include informing and enhancing the awareness of energy consumers, by all appropriate means, regarding the advantages of energy efficiency, providing technical support for research and development in the field of energy efficiency, and developing and administering energy efficiency programs. The agency may advise the Government and the Régie de l'énergie on any energy efficiency matter and will be responsible for the follow-up of the Government's commitments as regards energy efficiency.

The bill also provides that, in the pursuit of its object, the agency may join with a partner active in the field of industrial, institutional, commercial or residential energy efficiency. Moreover, the agency may make a loan or subsidy under an energy efficiency program or provide financial support for research and development in the field of energy efficiency.

The bill provides that the Government may require energy distributors to pay a contribution under a special energy efficiency program.

Lastly, the bill amends the Act respecting the Régie de l'énergie (1996, chapter 61) in particular to empower the Government to authorize the Minister of Finance to advance funds to the Régie de l'énergie.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the Régie de l'énergie (1996, chapter 61).

Bill 141

AN ACT RESPECTING THE AGENCE DE L'EFFICACITÉ ÉNERGÉTIQUE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ESTABLISHMENT AND ORGANIZATION

1. An energy efficiency agency to be known as the "Agence de l'efficacité énergétique" is hereby established.

The agency is a legal person.

2. The agency is a mandatary of the Government. The property of the agency forms part of the domain of the State, but the execution of the obligations of the agency may be levied against its property.

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

3. The head office of the agency shall be situated in the territory of the Communauté urbaine de Québec.

Notice of the location of the head office of the agency, and of any change of location, shall be published in the *Gazette officielle du Québec*.

4. The affairs of the agency shall be administered by a board of directors composed of

(1) not fewer than seven nor more than 10 members appointed by the Government for a term not exceeding five years and representing the sectors concerned; and

(2) the director general of the agency, who is a member of the board *ex officio*.

A member of the board of directors appointed under subparagraph 1 of the first paragraph may be reappointed.

5. The Government shall appoint a chairman from among the members of the board of directors.

The board members shall appoint a vice-chairman from among their number. The vice-chairman shall exercise the functions of chairman if the chairman is absent or unable to act.

6. The director general of the agency shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1). The director general is responsible for the administration and direction of the agency within the scope of its by-laws. The office of director general is a full-time office.

The other board members shall receive no remuneration except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

7. The quorum at meetings of the board is the majority of its members, including the chairman or vice-chairman.

Decisions of the board are made by a majority vote of the members present. In the case of a tie-vote, the chairman has a casting vote.

8. The chairman shall call, preside over and see to the proper conduct of the meetings of the board. The chairman shall exercise any other functions assigned to the chairman by the agency.

9. The board members may, if they all agree, take part in a meeting using means which allow them to communicate with each other orally, such as the telephone. They are, in that case, deemed to have attended the meeting.

10. Any board member who has a direct or indirect interest in any enterprise that causes his personal interest to conflict with the interest of the agency must, on pain of forfeiture of office, disclose that interest to the board in writing and withdraw from any meeting for the duration of the discussion or the vote on any matter relating to the enterprise in which the member has an interest.

The director general may not, on pain of forfeiture of office, have a direct or indirect interest in an enterprise putting his personal interest in conflict with that of the agency. However, such forfeiture is not incurred if the interest devolves to him by succession or gift, provided he renounces or disposes of it with dispatch.

11. The agency may adopt rules of internal management for the conduct of its affairs.

12. The agency shall designate a secretary from among the members of its personnel.

13. The members of the personnel of the agency shall be appointed and remunerated in accordance with the Public Service Act. The director general shall exercise in their regard the powers conferred by the said Act on the chief executive officer of an agency.

14. No act, document or writing shall bind the agency unless it is signed by the chairman, the director general or, to the extent determined by by-law of the agency, by a member of its personnel.

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

15. The minutes of the meetings of the board, approved by the board and certified by the chairman, by the secretary or by any other personnel member so authorized by the board, are authentic, as are documents and copies emanating from the agency or forming part of its records if signed or certified by any such person.

DIVISION II

OBJECT AND POWERS

16. The object of the agency, in keeping with the principle of sustainable development, is to promote energy efficiency for all forms of energy, in all sectors of activity and for the benefit of all the regions of Québec.

17. The agency may, in particular, in the pursuit of its object,

(1) collect information and data concerning energy efficiency;

(2) inform, and enhance the awareness of, energy consumers, by all appropriate means, regarding the advantages of energy efficiency;

(3) advise the Government on any energy efficiency matter and on legislative or regulatory measures relating to energy efficiency;

(4) advise the Régie de l'énergie on any energy efficiency matter;

(5) ensure the follow-up of government commitments as regards energy efficiency;

(6) develop and administer energy efficiency programs;

(7) provide technical support for research and development in the field of energy efficiency.

For the purposes of this section, the agency may join with a partner active in the field of industrial, institutional, commercial or residential energy efficiency.

18. In addition, the agency may

(1) participate financially in research and development in the field of energy efficiency by way of a loan or subsidy under an energy efficiency program or by way of financial support;

(2) receive gifts, bequests, subsidies and other contributions, provided that any conditions attached are compatible with the achievement of the object of the agency; and

(3) follow up and verify the work carried out under an energy efficiency program involving the financial participation of the agency.

19. Every energy efficiency program involving the financial participation of the agency must set eligibility requirements, determine the nature of the participation and fix scales, limits and an awarding procedure.

20. In no case may the agency, without the authorization of the Government,

(1) make a financial commitment that is incompatible with the limits and the terms and conditions determined by the Government; or

(2) contract a loan that increases the aggregate of its outstanding loans to more than the amount determined by the Government.

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

21. Each year, the agency shall submit a development plan to the Government for approval.

The form and tenor of the development plan and the time when it is to be submitted shall be determined by the Government.

22. The agency may enter into an agreement in accordance with the law with another government or a department or body of such a government or with an international organization or a body of such an organization.

The agency may also enter into agreements or take part in joint projects with any other person or body.

DIVISION III

FINANCIAL PROVISIONS, ACCOUNTS AND REPORTS

23. The Government may, on the terms and conditions it determines,

(1) guarantee the repayment in capital and interest of any loan contracted by the agency and the performance of the other obligations of the agency; and

(2) authorize the Minister of Finance to advance to the agency any amount considered necessary for the pursuit of its object.

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

24. Each year, the agency shall submit its budgetary estimates for the ensuing fiscal year and its budgetary rules to the Government for approval, at the time, in the form and with the content determined by the Government.

25. Not later than 30 June each year, the agency shall transmit to the Minister its financial statements and an activity report for the preceding fiscal year. The documents must contain all information required by the Minister.

26. The Minister shall lay the financial statements, activity report and development plan of the agency before the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

27. The agency shall, in addition, furnish to the Minister any information required by the Minister concerning its activities.

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

29. Moreover, the Government may require that every electric power distributor, natural gas distributor, petroleum products distributor or steam distributor as defined in section 2 of the Act respecting the Régie de l'énergie (1996, chapter 61) pay a contribution to the Minister under a special energy efficiency program established by the Government, according to the conditions it determines.

The Government shall by regulation fix the rates and the terms and conditions of payment of the contribution.

DIVISION IV

DIRECTIVES AND REGULATIONS

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

The directives must be approved by the Government and come into force on the day of their approval. Once approved, they are binding on the agency, which must comply therewith.

Every directive shall be laid before the National Assembly within 15 days after it is approved by the Government. If the National Assembly is not sitting, the directive shall be laid before the Assembly within 15 days after resumption.

31. The Government may make regulations determining the rates and terms and conditions of payment of the contribution payable to the Minister.

Rates and terms and conditions may vary, in particular according to distributors or classes of distributors. The regulation may exclude a distributor or class of distributors.

DIVISION V

AMENDING AND FINAL PROVISIONS

32. The Act respecting the Régie de l'énergie (1996, chapter 61) is amended by inserting, after section 105, the following section:

"**105.1.** The Government may, on the terms and conditions it determines, authorize the Minister of Finance to advance to the Régie any amount considered necessary for the pursuit of its objects.

The sums required shall be taken out of the consolidated revenue fund."

33. Section 159 of the said Act is amended by adding the following paragraph:

"The same applies to a regulation made by the Government under paragraph 1 of section 67 of the Act respecting the Régie du gaz naturel."

34. The appropriations granted to the Ministère des Ressources naturelles for the operation of the Direction de l'efficacité énergétique for the fiscal year in which this section comes into force shall be transferred to the agency to the extent and on the terms and conditions determined by the Government.

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

36. Section 33 has effect from 2 June 1997.

37. The provisions of this Act come into force on the date or dates to be fixed by the Government except sections 32, 33 and 36 which come into force on 19 June 1997.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 143
(1997, chapter 56)

An Act to amend the Act respecting the conservation and development of wildlife

Introduced 15 May 1997
Passage in principle 28 May 1997
Passage 17 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

This bill amends the Act respecting the conservation and development of wildlife to authorize the Government to enter into agreements with Native communities for the purpose of, among other things, further facilitating the development and management of wildlife resources by Native communities.

The bill also empowers the Government to provide, by regulation, adaptations to certain of the regulations under that Act in order to better reconcile wildlife conservation and management requirements with the activities pursued by Native communities for food, ritual or social purposes.

Bill 143

AN ACT TO AMEND THE ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 2.1 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is repealed.

2. The said Act is amended by inserting, after section 24, the following chapter:

"CHAPTER II.1

"PROVISIONS SPECIFIC TO NATIVE COMMUNITIES

"**24.1.** The Government is authorized, to better reconcile wildlife conservation and management requirements with the activities pursued by Native people for food, ritual or social purposes, or to further facilitate wildlife resource development and management by Native people, to enter into agreements with any Native community represented by its band council in respect of any matter to which Chapter III, IV or VI applies.

The provisions of the agreements shall prevail over the provisions of this Act or the regulations. However, a community, undertaking or person to whom or which an agreement applies shall be exempted from the application of irreconcilable provisions of this Act and the regulations only insofar as the community, undertaking or person abides by the terms of the agreement.

The agreements entered into under this section shall be tabled before the National Assembly within 15 days of the date on which they are signed if the Assembly is in session, or, if it is not sitting, within 15 days of resumption. They shall also be published in the *Gazette officielle du Québec*.

"**24.2.** The Government is also authorized, to better reconcile wildlife conservation and management requirements with the activities pursued by Native people for food, ritual or social purposes, to provide, by regulation, adaptations to the provisions of the regulations under Chapters III, IV and VI.

The regulatory provisions made pursuant to the first paragraph shall, if necessary, identify the Native communities and the territories or zones to which they apply. In addition, they may determine, from among the penal and

administrative sanctions provided for in Chapters VII and VII.1, those which will apply in case of contravention.

Any draft regulation under this section shall be published in the *Gazette officielle du Québec* with a notice stating that the regulation may be made by the Government, with or without amendment, on the expiry of 60 days from publication. In addition, the draft regulation must, within the same time limit, be submitted to the Native communities concerned for their advice."

3. This Act comes into force on 19 June 1997.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 144
(1997, chapter 57)

An Act respecting family benefits

Introduced 15 May 1997
Passage in principle 28 May 1997
Passage 19 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

This bill replaces the current program of family assistance allowances with a family benefits scheme. The new scheme provides for the granting of a family allowance that will vary according to the income and composition of each family, and for the granting of an allowance for handicapped children.

The bill provides that every child will be entitled to family benefits until the age of eighteen, except in the cases prescribed by regulation. Family benefits will be paid to the person who assumes the major responsibility for a child's care and education, and who habitually lives with the child.

The amount of the family allowance may increase in cases where a person has sole responsibility for a child. To allow the amount of the family allowance to be calculated, the person applying to receive the allowance, and the person's spouse, must file a statement of their income.

The bill assigns responsibility for administering the family benefits scheme to the Régie des rentes du Québec, and sets out penal provisions as well as amending and transitional provisions, in particular, provisions to give effect to a measure announced in the 1997-98 Budget Speech, concerning the introduction of a unified housing allowance.

LEGISLATION REPLACED BY THIS BILL:

– Act respecting family assistance allowances (R.S.Q., chapter A-17).

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);

– Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1);

– Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);

– Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);

– Act respecting income security (R.S.Q., chapter S-3.1.1);

– Act respecting administrative justice (1996, chapter 54).

Bill 144

AN ACT RESPECTING FAMILY BENEFITS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

OBJECT AND SCOPE

1. The family benefits scheme established by this Act provides for the granting of a family allowance, to vary according to the income and composition of each family, and the granting of an allowance for handicapped children.

2. Every person having one or more dependent children is entitled to the family benefits provided for by this Act, provided the person is resident in Québec for the purposes of the Taxation Act (R.S.Q., chapter I-3) and provided the person, or the person's spouse, is

(1) a Canadian citizen;

(2) a permanent resident within the meaning of the Immigration Act (Revised Statutes of Canada, 1985, chapter I-2);

(3) a visitor or a person in possession of a permit within the meaning of the Act cited in subparagraph 2, who has resided in Canada for at least 18 months; or

(4) a refugee, within the meaning of the Geneva Convention, who has been recognized as such by the competent Canadian authority.

Foreign nationals to whom sections 982 and 983 of the Taxation Act apply, and those to whom a regulation made under subparagraphs *a* to *c* of the first paragraph of section 96 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) applies, are excluded.

3. To determine if a person is the spouse of another person, section 2.2.1 of the Taxation Act shall apply, adapted as required.

CHAPTER II

CONTENT AND CONDITIONS FOR THE GRANTING OF FAMILY BENEFITS

DIVISION I

JOINT PROVISIONS FOR THE FAMILY ALLOWANCE AND THE ALLOWANCE FOR HANDICAPPED CHILDREN

4. Every child is entitled to family benefits until the age of eighteen, except in the cases prescribed by government regulation.

5. Family benefits must be used for the needs of the child or children concerned.

6. Family benefits shall be paid by the Régie des rentes du Québec, referred to as the Board, to the person mainly responsible for the care and education of the child, and who normally lives with the child, except in the cases prescribed by government regulation.

Only one person shall be recognized as having the right to receive benefits for a given child. However, the Government may, by regulation, determine who is to receive the benefits where more than one person is responsible for the child.

7. Family benefits shall be granted only on application, except where an exemption is provided for by government regulation. The Government shall specify, by regulation, the information and documents that must be submitted with an application. The Board may require an applicant to provide any other information or document it considers relevant.

DIVISION II

SPECIAL PROVISIONS CONCERNING THE FAMILY ALLOWANCE

8. The Government shall determine, by regulation, the method for determining the family allowance. The regulation may, in particular,

(1) provide for the amount of an allowance to be based, among other factors, on the spousal status of the person entitled to receive the allowance, the income of the person and the person's spouse, and the rank and number of the dependent children;

(2) determine the method for determining income under subparagraph 1;

(3) determine the reference period during which the spousal status of the person entitled to receive the allowance is to be taken into consideration in fixing the amount of the allowance, and the changes in a person's spousal status that give rise to a review of the amount of the allowance during that period;

(4) fix the amount below which the Board is not required to pay an allowance.

A regulation under subparagraph 1 of the first paragraph may have effect from any date occurring not more than six months before the date of its coming into force.

9. The amount of a family allowance may be increased if a person has sole responsibility for a child.

A person is deemed to have sole responsibility for a child if the person has no spouse.

10. A person who applies to receive a family allowance, and the person's spouse, must provide a statement of their income at the intervals and on the conditions prescribed by government regulation.

DIVISION III

SPECIAL PROVISIONS CONCERNING THE ALLOWANCE FOR HANDICAPPED CHILDREN

11. An allowance for handicapped children shall be granted for a handicap within the meaning assigned by government regulation. Such a regulation may, in particular, determine the degree or duration of a disorder or impairment giving rise to the handicap, state what is or is not considered to be a handicap, define the criteria governing the assessment of the nature or extent of the cause of the handicap, and specify the information or documents to be provided and the circumstances in which and time at which the entitlement to the allowance ceases.

Where divergent opinions exist concerning the assessment of a handicap, the Board may require that a child be examined by the physician it designates or by any other expert. If valid grounds are presented to oppose the choice of the physician or expert, the Board shall designate another physician or expert.

The amount of the allowance shall be determined by government regulation.

CHAPTER III

PAYMENT AND RECOVERY OF BENEFITS

DIVISION I

PAYMENT

12. Family benefits are payable on the first day of the month following the month during which the conditions on which they are granted are met. However, where a delay occurs in the filing of the statement of income referred to in section 10, the benefits may be paid retroactively from the first day of the month following the month in which the other conditions were met.

A government regulation may provide for cases in which benefits are to be paid in advance.

Benefits may be paid otherwise than monthly, according to the rules prescribed by government regulation.

13. Family benefits may be paid retroactively for a period of 12 months, including the month of the application.

14. In the event of a *de facto* separation of spouses, the following rules apply:

(1) a spouse may not be considered to be separated until the separation, resulting from the breakdown of the relationship, has lasted for at least 90 days;

(2) the revised amount of family benefits that may result from the separation shall be paid from the first day of the fourth month following the separation; the benefits shall, however, be paid retroactively from the first day of the month following the separation.

15. Family benefits cease to be payable on the first day of the month following the month during which the conditions for entitlement cease to be met. However, the death of a child in the month following its birth shall not give rise to a loss of entitlement to a benefit for that month.

16. Where a person receiving family benefits does not use them for the needs of the child or children concerned, the Board may pay them to another person or to an organization.

The person or organization must keep accounts detailing the administration of the benefits received for each child concerned, and must, on request, account to the Board for the administration.

DIVISION II

RECOVERY

17. A person who receives family benefits without entitlement or does not use them for the needs of the child concerned must repay them to the Board, except if the benefits were paid as the result of an administrative error of which the person could not reasonably have been aware.

If it is established that another person should have received the benefits, their payment shall be considered validly made if the benefits were used for the needs of the child concerned.

18. A formal notice demanding the repayment of an amount received without entitlement shall state the grounds for the demand for repayment and the amount to be repaid, and the right to apply for a review of the decision within the time limit set out in section 26.

The notice interrupts prescription of the debt.

19. The amount owed must be repaid within the time and according to the terms and conditions prescribed by government regulation, unless the debtor and the Board agree otherwise.

The Board may deduct the amount owed from any family benefit up to the percentage or amount fixed by regulation, or as it considers equitable in the circumstances.

20. If the amount owed is not repaid, the Board may, at the expiry of the time prescribed for applying for a review of the decision or for contesting the decision before the Administrative Tribunal of Québec or, where applicable, on the day following the day on which a decision of the Tribunal confirms all or part of the Board's decision, issue a certificate

(1) setting out the name and address of the person who received the benefits subject to repayment;

(2) stating the amount of the debt;

(3) stating that the person has not contested the decision pursuant to section 18 or, as the case may be, setting forth the final decision upholding the original decision.

Upon the deposit of the certificate at the clerk's office of the competent court, the decision of the Board or of the Administrative Tribunal of Québec becomes executory as a final decision of the competent court.

21. The Board may, even after a decision has become executory, cancel all or part of a debt if it considers that, in the circumstances, recovery of the debt would be inappropriate.

DIVISION III

SPECIAL PROVISIONS

22. Family benefits are untransferable and unseizable.

However, at the request of the Minister of Income Security, the Board shall deduct the benefits recoverable under section 35 of the Act respecting income security (R.S.Q., chapter S-3.1.1) from the family benefits payable under this Act. The Board shall remit any amount so deducted to the Minister of Income Security.

23. Proceedings for the payment of family benefits are prescribed after three years. However, the prescription does not run in respect of a payment resulting from a new computation of the income taken into account in determining the amount of the family allowance.

Proceedings instituted by the Board for the recovery of unduly paid benefits are prescribed after three years. In the case of bad faith on the part of the person who received the benefits, proceedings are prescribed three years after the date on which the Board became aware of the fact that the sum was payable. However, in such a case, no proceeding may be instituted if 15 years have elapsed since the date on which the benefits were paid.

24. Every person receiving family benefits must advise the Board of any change in the person's situation that may affect the person's entitlement to benefits.

The Government may, by regulation, determine the cases in which the Board may consider itself to have been advised of a change in situation.

25. Every person who receives family benefits without entitlement must advise the Board of that fact with dispatch.

CHAPTER IV

REVIEW AND CONTESTATION PROCEEDINGS

26. The Board may, on application, review any decision it has made.

An application for review must be made within 90 days of notification of the decision, unless an extension is granted by the Board. The application must set out briefly the grounds for review.

27. The Board shall make a decision with dispatch and inform the person concerned of the person's right to contest the decision in the manner set out in section 28.

Any unfavourable decision of the Board must include reasons.

28. Any review decision may be contested before the Administrative Tribunal of Québec within 60 days of notification.

29. The accuracy of the information disclosed by the Ministère du Revenu to allow the determination of the amount of a family allowance is not within the jurisdiction of the Board or the Administrative Tribunal of Québec. Any contestation thereof must be brought under the Taxation Act.

CHAPTER V

ADMINISTRATIVE PROVISIONS

30. The Régie des rentes du Québec, referred to as the Board, is responsible for the administration of this Act. For the purposes of its administration it shall, in addition to powers granted by this Act, exercise its powers under the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) as necessary, including its power of inquiry under section 30 of that Act.

In exercising its functions, the Board may, in addition,

(1) conduct or commission studies and research, and make recommendations to the Minister concerning any matter relating to this Act;

(2) perform any task assigned to it by the Government.

31. The Board may require a person receiving family benefits to provide it with documents or information to ascertain whether the person is entitled to receive benefits and is using them for the needs of the child concerned.

The Board may, during its inquiry, suspend the payment of benefits if it has reasonable grounds to believe that the benefits are being received without entitlement or are not being used for the needs of the child concerned and the person receiving the benefits fails to provide the documents and information required by the Board.

The Board shall give written notice of the suspension of payment, setting out the reasons for the suspension.

32. The Board shall make its decision with dispatch and inform the persons concerned of their right to apply for a review of the decision within the time limit prescribed by section 26.

Any unfavourable decision of the Board must include reasons.

33. The Board may enter into an agreement with any person, association, partnership or body, and with the government, a government department or a government body.

It may also enter into an agreement in accordance with the law with a government in Canada or elsewhere, a department or agency of such a government, an international organization or an agency of such an organization.

34. The Board shall make agreements with certain public bodies, in particular the Ministère du Revenu and the Ministère de la Sécurité du Revenu, concerning the communication of the information required for the purposes of this Act.

35. The Board may, as the debtor organization for family benefits, borrow moneys from the Minister of Finance out of the financing fund of the Ministère des Finances established under section 69.1 of the Financial Administration Act (R.S.Q., chapter A-6).

The Minister of Finance may advance moneys from the consolidated revenue fund to the Board, with the authorization of the Government and on the conditions it fixes.

36. The expenses incurred by the Ministère du Revenu in communicating information to the Board for the purposes of this Act shall be reimbursed according to the procedure determined by the Government.

37. The Board may delegate any power under this Act to a member of its board of directors, to a member of its personnel, or to a committee composed of persons to whom the Board may delegate such powers.

The Board may also, in the instrument of delegation, authorize the subdelegation of the delegated powers. In such case, it shall designate the member of the board of directors or the personnel member to whom such powers may be subdelegated.

The instrument of delegation shall be published in the *Gazette officielle du Québec*.

38. Where the law of a State provides for the payment of benefits similar to the benefits provided for by this Act, the Minister may enter into social security agreements in accordance with the law with that State or with a department or agency of that State.

Such an agreement may include

(1) special provisions, that may depart from the provisions of this Act, concerning the entitlement of a national of that other State who resides or works in Québec to receive family benefits for any accompanying child, and the conditions for receiving such benefits;

(2) the terms and conditions governing the payment of benefits under this Act to such a national;

(3) the terms and conditions governing the payment of benefits, in respect of any accompanying child, under the laws of that other State to a Canadian national who resides or works in that other State and who was a resident of Québec upon departing for that other State;

(4) provisions to allow the necessary financial adjustments to be made;

(5) the procedure for communicating the information required.

The Government may, by regulation, provide for the application of any agreement entered into under this section.

39. The Board must, not later than 30 June each year, report on its administration of this Act to the Minister. The report must be tabled by the Minister within 15 days before the National Assembly if it is sitting, or if it is not in session, within 15 days of resumption.

The report must contain all the information required by the Minister.

CHAPTER VI

PENAL PROVISIONS

40. The following persons are liable to a fine of $250 to $1,500:

(1) every person who, in order to obtain family benefits, provides information knowing it to be false or misleading, or misrepresents a material fact;

(2) every person who assists or encourages another person to obtain or receive benefits, knowing that the person is not entitled thereto;

(3) every person who fails to perform an obligation mentioned in section 5 or the second paragraph of section 16.

CHAPTER VII

APPLICATION OF THE ACT

DIVISION I

AMENDING PROVISIONS

ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

41. Section 21 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34), amended by section 104 of chapter 32 of the statutes of 1996, is again amended by replacing paragraph *b* by the following paragraph:

"(*b*) the contestations of decisions concerning entitlement to benefits brought under section 28 of the Act respecting family benefits (1997, chapter 57);".

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

42. Section 108 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1), amended by section 34 of chapter 48 of the statutes of 1996, is again amended by replacing the words "assistance allowances or family" in the third line of subparagraph 6 of the first paragraph by the word "benefits".

ACT RESPECTING THE MINISTÈRE DU REVENU

43. Section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), amended by section 13 of chapter 46 of the statutes of 1994, section 213 of chapter 1 of the statutes of 1995, section 14 of chapter 36 of the statutes of 1995, section 50 of chapter 43 of the statutes of 1995, section 277 of chapter 63 of the statutes of 1995, section 22 of chapter 69 of the statutes of 1995, section 18 of chapter 12 of the statutes of 1996, section 4 of chapter 33 of the statutes of 1996 and section 104 of chapter 3 of the statutes of 1997, is again amended by replacing subparagraph *n* of the first paragraph by the following subparagraph:

"(*n*) the Régie des rentes du Québec, to the extent that the information

(1) relates to the earnings and contributions of contributors and is required for the determination of the amount of the benefits payable and the amount of a financial adjustment;

(2) is required for the keeping of a Record of Contributors within the meaning of the Act respecting the Québec Pension Plan;

(3) is required to ascertain a person's entitlement to receive a family allowance under the Act respecting family benefits (1997, chapter 57) and to determine the amount of the allowance;".

ACT RESPECTING THE QUÉBEC PENSION PLAN

44. Section 1 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by replacing paragraph *v* by the following paragraph:

"(*v*) "recipient of family benefits": the person who, in respect of a child less than seven years of age,

(1) receives a family allowance or benefit under the Statutes of Québec or of Canada, other than an allowance or benefit paid for the month of the child's birth;

(2) would, were it not for the person's income, have received benefits under the Act respecting family benefits (1997, chapter 57);

(3) is considered, in respect of the child, to be an eligible individual for the purposes of the child tax benefit provided for in the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), or would have been so considered had he filed the notice prescribed for that purpose."

45. Section 101 of the said Act is amended by replacing the words "is the beneficiary of a family allowance" in the first line of subparagraph *c* of the second paragraph by the words "receives family benefits".

46. Section 103 of the said Act is amended by replacing the words "was the beneficiary of a family allowance" in the sixth and seventh lines of the first paragraph by the words "received family benefits".

ACT RESPECTING INCOME SECURITY

47. Section 6 of the Act respecting income security (R.S.Q., chapter S-3.1.1) is amended by replacing the words "prescribed by regulation, and increased, where applicable," in the third and fourth lines of paragraph 2 by the words "for adults prescribed by regulation, increased, where applicable, by the amount of the additional amounts for dependent children, in the cases and on the conditions prescribed by regulation, and also".

48. Section 7 of the said Act, amended by section 1 of chapter 69 of the statutes of 1995, is again amended by replacing the words "the applicable amount according to the scale of needs" in paragraph 6 by the words ", on the date of the application, the amount".

49. Section 8 of the said Act is amended

(1) by replacing the words "and adding to it, where applicable," in the second line of subparagraph 1 of the first paragraph by the words "for adults and adding to it, where applicable, the amount of the additional amounts for dependent children and";

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

"(1.1) by subtracting from the amount of the additional amounts for dependent children determined by regulation, the family allowances received by the family for that month under the Act respecting family benefits (1997, chapter 57);";

(3) by replacing the words "subparagraph 1" in the first line of subparagraph 2 of the first paragraph by the words "subparagraphs 1 and 1.1";

(4) by inserting the words "subparagraph 1.1 and under" after the word "under" in the fourth line of paragraph *a* of subparagraph 2 of the first paragraph.

50. Section 11 of the said Act is amended by replacing the words "prescribed by regulation, and increased, where applicable," in the third and fourth lines by the words "for adults prescribed by regulation and increased, where applicable, by the amount of the additional amounts for dependent children, in the cases and on the conditions prescribed by regulation, and".

51. Section 13 of the said Act is amended

(1) by replacing the words "and adding to it, where applicable," in the second line of subparagraph 1 of the first paragraph by the words "for adults and adding to it, where applicable, the amount of the additional amounts for dependent children and";

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

"(1.1) by subtracting from the amount of the additional amounts for dependent children determined by regulation, the family allowances received by the family for that month under the Act respecting family benefits;";

(3) by replacing the words “subparagraph 1” in the first line of subparagraph 2 of the first paragraph by the words “subparagraphs 1 and 1.1”;

(4) by inserting the words “subparagraph 1.1 and under” after the word “under” in the fourth line of paragraph *a* of subparagraph 2 of the first paragraph.

52. Section 48.1 of the said Act is amended

(1) by striking out the words “section 48.4 and of” in the eighth line of the first paragraph;

(2) by striking out the words “section 48.4 and of” in the second line of the second paragraph.

53. Section 48.4 of the said Act is repealed.

54. Section 49 of the said Act is amended by striking out the words “, minus the premiums and contributions referred to in paragraphs *a* and *b* of section 752.0.18.1 of the said Act” in the fifth and sixth lines of the first paragraph.

55. Section 51 of the said Act is amended by replacing the words “and 48.2 to 48.4” in the second line by the words “, 48.2 and 48.3”.

56. Section 56 of the said Act is amended

(1) by replacing the word “adult,” in the second line of subparagraph 1 of the first paragraph by the words “adult and, except for the address, of”;

(2) by striking out subparagraph 5 of the first paragraph.

57. Section 65 of the said Act is amended by adding, at the end, the following paragraph:

“Notwithstanding the first paragraph, the beneficiary is not required to declare the amount of the family allowance paid to him by the Régie des rentes du Québec under the Act respecting family benefits, unless so required by the Minister.”

58. Section 91 of the said Act, amended by section 20 of chapter 69 of the statutes of 1995 and by section 6 of chapter 78 of the statutes of 1996, is again amended

(1) by replacing subparagraph 4 of the first paragraph by the following subparagraphs:

"(4) prescribe a scale of needs for adults establishing monthly amounts for the purposes of the last resort assistance program and the amounts of the additional amounts for dependent children, and determine the cases in which and conditions on which such amounts are granted;

"(4.1) prescribe, for the purposes of the last resort assistance program, that the scales of needs for adults increased, where applicable, by the amount of the additional amounts for dependent children, are reduced in respect of lodging by an amount established according to the method and to the extent prescribed by regulation;";

(2) by replacing the words "scale of needs required for the determination of the applicable amount" in the second and third lines of subparagraph 6.1 of the first paragraph by the words "amount required for computing the benefits for the month of the application";

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

"(7.1) determine the additional amounts for dependent children from which are subtracted the family allowances received under the Act respecting family benefits, the cases in which and conditions on which such allowances are deemed to have been received by the family, and prescribe their exclusion from the application of certain provisions relating to income;";

(4) by striking out subparagraph 33 of the first paragraph;

(5) by inserting the figure "4.1," after the figure "4," in the first line of the second paragraph;

(6) by inserting the figure "7.1," after the figure "6.1," in the first line of the second paragraph;

(7) by inserting the words " and in particular, in the case of a child, the age, rank and occupation of the child, whether the child has a handicap within the meaning of the Act respecting family benefits, the child's place of residence and time spent in day care" after the first occurrence of the word "family" in the fifth line of the second paragraph;

(8) by inserting, after the second paragraph, the following paragraph:

"The provisions of a regulation made as a consequence of a provision of a regulation made under subparagraph 1 of the first paragraph of section 8 of the Act respecting family benefits may have effect on any earlier date occurring not more than six months before the date of their coming into force."

ACT RESPECTING ADMINISTRATIVE JUSTICE

59. Section 21 of the Act respecting administrative justice (1996, chapter 54) is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) under section 28 of the Act respecting family benefits (1997, chapter 57), to contest a decision determining, pursuant to section 11 of that Act, whether a child has a handicap within the meaning assigned by government regulation;".

60. Section 1 of Schedule I to the said Act is amended by inserting, after paragraph 2, the following paragraph:

"(2.1) proceedings against decisions pertaining to entitlement to benefits under section 28 of the Act respecting family benefits (1997, chapter 57);".

DIVISION II

TRANSITIONAL PROVISIONS

61. This Act replaces the Act respecting family assistance allowances (R.S.Q., chapter A-17).

However, the Act respecting family assistance allowances continues to apply with regard to the payment of allowances for newborn children under sections 8 to 12.1 of that Act in respect of children who, on 30 September 1997, give or have given rise to entitlement to such allowances and in respect of children placed for adoption in a family before 1 October 1997, even if, in the latter case, the required adoption judgment has yet to be pronounced.

The provisions of sections 6 and 6.1 of the Regulation respecting family assistance allowances made by Order in Council 1498-89 (1989, G.O. 2, 3833) pertaining to allowances for handicapped children continue to apply until the coming into force of the regulatory provisions made under the first paragraph of section 11, adapted as required, and to the extent that they are consistent with this Act.

62. The Act respecting family assistance allowances continues to apply to cases pending before the Board on 31 August 1997, and to applications for allowances made after that date in connection with situations existing prior to 1 August 1997.

Every application for the review of a decision made by the Board pursuant to the Act respecting family assistance allowances shall be dealt with in accordance with that Act.

63. The conditions governing entitlement to family benefits under this Act apply from 1 August 1997 for benefits payable in September 1997.

The payment due for the month of September shall replace any payment payable under the Act respecting family assistance allowances as an allowance for the month of August 1997, except an allowance for newborn children.

64. Until the provisions establishing the Administrative Tribunal of Québec come into force, every reference to that Tribunal in this Act shall be read as a reference to the Commission des affaires sociales.

65. The deductions provided for in the second paragraph of section 19 of this Act shall apply to any amount owing or recoverable under this Act or under the Act respecting family assistance allowances.

Section 21 applies to debts exigible under the Act respecting family assistance allowances.

66. All agreements entered into in connection with the Act respecting family assistance allowances shall remain in force as if entered into under this Act.

67. The first regulation made under this Act is not subject to the publication requirements of section 11 of the Regulations Act (R.S.Q., chapter R-18.1).

The regulation shall come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein, notwithstanding section 17 of that Act. It may, however, once published and if it so provides, apply from any date not prior to 1 August 1997.

The regulation shall not include any regulatory provision that may be made under the first paragraph of section 11 of this Act.

68. In any Act or in any regulation, order in council, order, agreement, contract and other document, unless the context indicates otherwise and taking account of the necessary modifications,

(1) a reference to a provision of the Act respecting family assistance allowances is a reference to the corresponding provision of this Act;

(2) the expressions “Act respecting family assistance allowances” and “family assistance allowances”, and the word “allowances” where it designates such allowances, are replaced by the expressions “Act respecting family benefits” and “family benefits” and the word “benefits”, respectively.

69. The Government may, in a regulation made under the Act respecting income security, prescribe, in the cases and on the conditions it determines, that certain additional amounts for dependent children shall be granted only to families eligible for the last resort assistance program on 31 August 1998.

70. The benefits of an adult eligible for the “parental wage assistance program” for the year 1997 shall be increased by an amount established

according to the calculation method determined by regulation, in the cases and on the conditions prescribed therein. The second paragraph of section 91 of the Act respecting income security applies to such a regulation.

The Minister of Income Security shall inform the Minister of Revenue, on the conditions prescribed by section 56 of the Act respecting income security, of the amount of the additional amounts established pursuant to the first paragraph. The Minister shall transmit a copy of the information to the adult concerned.

71. The second paragraph of section 91 of the Act respecting income security is deemed to have always read as amended by paragraph 7 of section 58 of this Act.

72. The first regulation made under section 91 of the Act respecting income security as a consequence of a provision of this Act or of a regulation referred to in section 67 is not subject to the publication requirements of section 11 of the Regulations Act.

The same applies to the first regulation made to amend the By-law respecting the conditions for the leasing of dwellings in low-rental housing under section 86 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8), in concordance with the first regulation referred to in the first paragraph.

The regulations referred to in this section shall come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein, notwithstanding section 17 of the Regulations Act. They may, however, once published and if they so provide, apply from any date not prior to 1 August 1997.

73. Sections 54 and 70 have effect with respect to payments to be made with respect to the period following 31 August 1997. Sections 52, 53, 55, paragraph 2 of section 56 and paragraph 4 of section 58 have effect with respect to any payments to be made with respect to the period following the date of coming into force of the order in council concerning the unified housing benefit program made under the Act respecting the Société d'habitation du Québec.

74. The appropriations granted to the Ministère de la Sécurité du revenu for expenditures relating to the administration of the Act respecting family assistance allowances shall, to the extent determined by the Government, be applied by the Minister responsible for the application of this Act to the payment of expenditures relating to the administration of this Act.

The appropriations already granted to the Ministère de la Sécurité du revenu for the period following 31 August 1997 in relation to dependent children under full age to whom the Act respecting income security applies shall, to the extent determined by the Government, be applied by the Minister

responsible for the administration of this Act to the payment of benefits payable under this Act.

75. The sums required for the application of the transitional measure provided for in the second paragraph of section 61 shall, to the extent determined by the Government, be taken out of the consolidated revenue fund.

76. The appropriations granted to the Ministère de la Sécurité du revenu for the period following the coming into force of the order in council concerning the unified housing benefit program for the purposes of the Act respecting income security in connection with the special benefits granted to families for lodging expenses under the "work and employment incentives program" and the "financial support program" and the additional amounts of benefits granted under the "parental wage assistance program" in respect of monthly family lodging expenses shall, to the extent determined by the Government, be transferred to the "Société d'habitation du Québec" program of the Ministère des Affaires municipales, and be used for the payment of allowances under the unified housing benefit program established under the Act respecting the Société d'habitation du Québec.

77. In addition to the transitional provisions set out in this chapter, the Government may, by a regulation made before 1 September 1998, make any other transitional provision needed to provide for the application of this Act.

Such a regulation may, if it so provides, apply from any date not prior to 1 August 1997.

DIVISION III

FINAL PROVISIONS

78. The Government shall designate the minister responsible for the administration of this Act.

79. The Minister must, not later than 19 June 2002, submit a report to the Government concerning the implementation of this Act and, where applicable, the advisability of amending it.

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

The competent Committee of the National Assembly shall examine the report in the year following its tabling.

80. This Act comes into force on 1 September 1997.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 145
(1997, chapter 58)

An Act respecting the Ministère de la Famille et de l'Enfance and amending the Act respecting child day care

Introduced 15 May 1997
Passage in principle 28 May 1997
Passage 19 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

This bill creates a government department, to be known as the Ministère de la Famille et de l'Enfance, placed under the authority of the Minister of Child and Family Welfare whose mission it is to raise awareness of the importance of child and family welfare and to provide families and children with the means to achieve their full potential. The Minister is responsible for facilitating the involvement of persons and groups that are interested in family issues and for developing, and proposing to the Government, guidelines and policies that are favourable to families and children. In addition, the Minister will advise the Government on any matter relating to the welfare of families.

The bill provides for the organization of the new department and transfers responsibility for childcare to the Minister.

Amendments to the Act respecting child day care provide for the establishment of childcare centres and introduce the permit issuance and financing rules applicable to such centres.

A childcare centre is defined as an establishment which both provides educational childcare in a facility and coordinates educational home childcare in a given territory, mainly for the benefit of children in the infant to four-year-old range. The bill specifies that the coordination function respecting home childcare formerly performed by home day care agencies will be assumed by childcare centres. Moreover, it establishes the conditions subject to which a childcare centre permit may be issued.

The exemption and financial assistance available under the former provisions are replaced by a contribution payable by parents. The Government may fix such contribution and determine the cases in which a payment exemption will be granted.

As concerns the financing of childcare, the bill provides that government grants may be paid to the holders of childcare centre permits and to certain holders of day care centre permits. It also modifies the manner in which places giving entitlement to grants are determined and distributed. Additional controls are provided for in the bill, including increased powers as regards inspection and provisional administration.

New rules are introduced for day care centre, nursery school and stop over centre permits, notably as concerns the persons that may be issued such permits and their renewal and recognition. It is provided that, except in certain cases, no day care centre permits will be issued for a period of five years in respect of applications filed on or after 11 June 1997. It is further specified that childcare provided in childcare centres, day care centres and nursery schools must be educational childcare and that childcare provided at school will henceforth be governed by the Education Act and the Act respecting private education.

In addition, the bill contains consequential amendments as well as transitional and final provisions.

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 Conseil de la famille (R.S.Q., chapter C-56.2);

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

– Executive Power Act (R.S.Q., chapter E-18);

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

– Education Act (R.S.Q., chapter I-13.3);

– Government Departments Act (R.S.Q., chapter M-34);

– Act respecting income security (R.S.Q., chapter S-3.1.1);

– Act respecting child day care (R.S.Q., chapter S-4.1);

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

– Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);

– Charter of the city of Québec (1929, chapter 95);

– Charter of the city of Montréal (1959-60, chapter 102);

– Act to amend the Act respecting child day care and other legislative provisions (1996, chapter 16);

– Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions (1996, chapter 21).

Bill 145

AN ACT RESPECTING THE MINISTÈRE DE LA FAMILLE ET DE L'ENFANCE AND AMENDING THE ACT RESPECTING CHILD DAY CARE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

RESPONSIBILITIES OF THE MINISTER

1. The Ministère de la Famille et de l'Enfance shall be under the direction of the Minister of Child and Family Welfare, appointed under the Executive Power Act (R.S.Q., chapter E-18).

2. The mission of the Minister shall be to raise awareness of the importance of child and family welfare, and to provide families and children with the means to achieve their full potential.

In particular, the Minister shall ensure that society places more emphasis on child and family welfare. He shall provide parents with the support they need to meet their responsibilities fully and to protect their relationship with their children.

In his interventions, the Minister shall have regard for the diversity of family models and focus primarily on the needs of children.

3. The responsibilities of the Minister with regard to family welfare shall include

(1) ensuring that families have access, in their daily lives, to services that meet their various needs, in particular as regards housing, health care, education, childcare, safety and leisure activities;

(2) helping families to maintain conditions conducive to harmonious family relationships and to the development of their children;

(3) facilitating a reconciliation of professional and family responsibilities, and promoting an equitable division of family responsibilities;

(4) providing families, especially low-income families, with financial support to meet the essential needs of their children;

(5) providing parents with financial support to facilitate access to maternity leave, paternity leave and parental leave.

4. The responsibilities of the Minister with regard to child welfare shall include

(1) encouraging both parents to make an effective contribution to their child's education;

(2) establishing objectives to allow children to achieve their potential;

(3) developing and maintaining a system of childcare centres providing educational childcare and support services for parents;

(4) ensuring the harmonious development of childcare;

(5) facilitating access to childcare for all families.

5. The Minister shall act in collaboration with service providers in the field of family welfare, in order to ensure the complementarity and effectiveness of the action undertaken.

The Minister shall facilitate actions designed to allow families and children to achieve their potential, by granting professional, technical or financial support to persons and groups that participate in, or wish to participate in, such actions.

6. The Minister shall draw up guidelines and policies designed to help families and children achieve their potential, propose them to the Government, and supervise their implementation.

More specifically, the Minister

(1) may agree, with the government departments and bodies concerned, on arrangements to facilitate the development and implementation of such orientations and policies;

(2) may conduct or commission research, studies and analyses.

7. The Minister shall advise the Government and government departments and bodies on any matter relating to child and family welfare. The Minister shall ensure that the actions of the Government are coherent, and for that purpose, shall

(1) be involved in the development of measures and the making of ministerial decisions relating to child and family welfare, and shall give his opinion whenever appropriate in the interests of family welfare;

(2) coordinate government activities specifically relating to child and family welfare.

The Minister may require the necessary information for exercising such responsibilities from the government departments and bodies concerned.

8. The Minister shall, in addition, assume any other responsibility assigned by the Government.

9. The Minister may enter into agreements in accordance with the law with a government other than the Government of Québec, a department of such a government, an international organization, or a body under the authority of such a government or organization.

10. The Minister may also enter into agreements with any person, association, partnership or body, concerning any matter under his authority.

11. The Minister shall table before the National Assembly a report on the activities of the department for each fiscal year within six months of the end of the fiscal year or, if the Assembly is not sitting, within 30 days of resumption.

DIVISION II

DEPARTMENTAL ORGANIZATION

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

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

The Deputy Minister shall, in addition, exercise any other function assigned to him by the Government or the Minister.

14. In the exercise of his functions, the Deputy Minister has the authority of the Minister.

15. The Deputy Minister may, in writing and to the extent he indicates, delegate the exercise of his functions under this Act to a public servant or the holder of a position.

He may, in the instrument of delegation, authorize the subdelegation of the functions he indicates, and in that case shall specify the title of the public servant or holder of a position to whom the functions may be subdelegated.

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

The Minister shall determine the duties of the public servants where they are not determined by law or by the Government.

17. The signature of the Minister or Deputy Minister gives authority to any document emanating from the department.

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

18. The Government may, on the conditions it determines, allow the required signature to be affixed by means of an automatic device to the documents it determines.

The Government may also allow a facsimile of the signature to be engraved, lithographed or printed on the documents it determines. The facsimile must be countersigned by a person authorized by the Minister.

19. Any document or copy of a document emanating from the department or forming part of its records, signed or certified true by a person referred to in the second paragraph of section 17, is authentic.

DIVISION III

AMENDING PROVISIONS

CITIES AND TOWNS ACT

20. Section 29 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 125 of chapter 2 of the statutes of 1996 and by section 60 of chapter 16 of the statutes of 1996, is again amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) of a childcare centre, a day care centre, a nursery school or a stop over centre within the meaning of the Act respecting childcare centres and childcare services, for the purpose of installing the childcare centre, day care centre, nursery school or stop over centre therein."

21. Section 412 of the said Act, amended by section 151 of chapter 2 of the statutes of 1996 and by section 61 of chapter 16 of the statutes of 1996, is again amended

(1) in the English text, by replacing the heading preceding paragraph 46 by the following heading:

"XV — *Childcare*";

(2) by replacing the words "Act respecting child day care (chapter S-4.1)" in the first paragraph of paragraph 46 by the words "Act respecting childcare centres and childcare services";

(3) by striking out subparagraph *a* of the second paragraph of paragraph 46;

(4) by replacing subparagraphs *b*, *c* and *d* of the second paragraph of paragraph 46 by the following subparagraphs:

"(*b*) where it has been designated by the Minister of Child and Family Welfare under section 45.1 of the said Act to be that Minister's regional representative, act in that capacity and exercise the functions attached thereto;

"(*c*) exercise any power the said Minister authorizes it to exercise under the said section;

"(*d*) make an agreement with the said Minister under section 10 of the Act respecting the Ministère de la Famille et de l'Enfance."

MUNICIPAL CODE OF QUÉBEC

22. Article 7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 226 of chapter 2 of the statutes of 1996 and by section 62 of chapter 16 of the statutes of 1996, is again amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) of a childcare centre, a day care centre, a nursery school or a stop over centre within the meaning of the Act respecting childcare centres and childcare services, for the purpose of installing the childcare centre, day care centre, nursery school or stop over centre therein."

23. The English text of the heading of Division XVII of Chapter II of Title XIV of the said Code is replaced by the following heading:

"CHILDCARE".

24. Article 552 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996 and by section 63 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the words "Act respecting child day care (chapter S-4.1)" in the first paragraph by the words "Act respecting childcare centres and childcare services";

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

(3) by replacing subparagraphs *b*, *c* and *d* of the second paragraph by the following subparagraphs:

"(*b*) where it has been designated by the Minister of Child and Family Welfare under section 45.1 of the said Act to be that Minister's regional representative, act in that capacity and exercise the functions attached thereto;

"(*c*) exercise any power the said Minister authorizes it to exercise under the said section;

"(*d*) make an agreement with the said Minister under section 10 of the Act respecting the Ministère de la Famille et de l'Enfance."

ACT RESPECTING THE CONSEIL DE LA FAMILLE

25. The title of the Act respecting the Conseil de la famille (R.S.Q., chapter C-56.2) is amended by adding, at the end, the words "et de l'enfance".

26. The preamble to the said Act is amended by replacing the words "the family" in the last paragraph by the words "child and family welfare".

27. Section 1 of the said Act is amended by inserting the words "et de l'enfance" after the word "famille".

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

"**3.** The Conseil shall be composed of 15 members chosen from among persons able to make a contribution to the examination and resolution of any matter relating to child and family welfare."

29. Section 4 of the said Act is amended

(1) by replacing the words "responsible for the administration of this Act" in the first paragraph by the words "of Child and Family Welfare";

(2) by replacing the words "family associations or groupings" in the second paragraph by the words "associations or groups devoted to the welfare of families and children".

30. Section 7 of the said Act is amended by striking out the words ", except for five of the first members who shall be appointed for two years" in the first paragraph.

31. Section 9 of the said Act is amended

(1) by striking out the words ", who shall devote his full time to his duties," in the first paragraph;

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

"The chairman shall devote at least one-half of his time to his duties."

32. Section 10 of the said Act is amended by replacing the word "temporarily" by the words "absent or".

33. Section 12 of the said Act is amended by replacing the words "Six members" in the third paragraph by the words "A majority of the members".

34. Section 14 of the said Act is amended

(1) by replacing the words “the family” by the words “child and family welfare”;

(2) by adding the following paragraph:

“A further function of the Conseil shall be to file an annual report on the situation and needs of families and children in Québec with the Minister.”

35. Section 15 of the said Act is replaced by the following section:

“**15.** In exercising its functions, the Conseil may

(1) solicit opinions and receive and hear applications and suggestions from persons and groups concerning any matter relating to family and child welfare;

(2) notify the Minister of any matter relating to family and child welfare which deserves the attention or action of the Government, and submit its recommendations to him;

(3) conduct or commission such studies and research as it considers useful or necessary for the exercise of its functions;

(4) provide information to the public on any notice or report it has forwarded to the Minister that has been made public by him.”

36. Section 16 of the said Act is amended

(1) by replacing the words “pertaining to the family” in the first paragraph by the words “relating to family and child welfare” ;

(2) by striking out the second paragraph.

37. Section 18 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**18.** The Conseil may form committees to assist it in exercising its functions relating to family and child welfare.”

38. Section 21 of the said Act is amended by replacing the words “30 September” by the words “31 August”.

39. Section 22 of the said Act is amended by replacing the words “the report in the National Assembly within 30 days of receiving it” by the words “in the National Assembly the report of the Conseil’s activities and the report on the situation and needs of families and children in Québec within 30 days of receiving them”.

40. Section 27 of the said Act, replaced by section 36 of chapter 21 of the statutes of 1996, is amended by replacing the words "Relations with the Citizens and Immigration" by the words "Child and Family Welfare".

41. Section 28 of the said Act is amended by replacing the words "1 November 1992" in the first paragraph by the words "1 November 2002".

ACT RESPECTING PRIVATE EDUCATION

42. The Act respecting private education (R.S.Q., chapter E-9.1) is amended by inserting, after section 62, the following section:

"**62.1.** An institution may only provide childcare at school to children to whom it already provides preschool developmental and cognitive learning services or elementary school instructional services."

43. Section 111 of the said Act is amended by adding, after paragraph 7, the following paragraph:

"(8) prescribe standards for the provision of childcare at school."

EXECUTIVE POWER ACT

44. Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 47 of the Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions (1996, chapter 21), is again amended by adding, at the end, the following paragraph:

"(33) A Minister of Child and Family Welfare."

ACT RESPECTING MUNICIPAL TAXATION

45. Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 64 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing subparagraph *c* of paragraph 14 by the following subparagraph:

"(*c*) an immovable belonging to a cooperative or a non-profit organization holding a childcare centre, day care centre, nursery school or stop over centre permit issued under the Act respecting childcare centres and childcare services, which is used chiefly for the carrying on of the functions of such a childcare centre, day care centre, nursery school or stop over centre;";

(2) by striking out subparagraph *d* of paragraph 14.

46. Section 236 of the said Act, amended by section 65 of chapter 16 of the statutes of 1996, is again amended by replacing subparagraph *g* of paragraph 1 by the following subparagraph:

"(*g*) a cooperative or non-profit organization, under a childcare centre, day care centre, nursery school or stop over centre permit issued thereto under the Act respecting childcare centres and childcare services;".

EDUCATION ACT

47. Section 80 of the Education Act (R.S.Q., chapter I-13.3) is amended, in the English text, by replacing the words "day care" in paragraph 6 by the word "childcare".

48. Section 89 of the said Act is amended, in the English text, by replacing the words "day care" in paragraph 6 by the word "childcare".

49. Section 256 of the said Act, amended by section 66 of chapter 16 of the statutes of 1996, is replaced by the following section:

"**256.** A school board may provide childcare at school to children to whom preschool or elementary education is provided in its schools."

50. Section 258 of the said Act is amended by striking out the words "; in the case of day care, a financial contribution may be required from the person having parental authority or from any other person determined by regulation under the Act respecting child day care (chapter S-4.1)".

51. The said Act is amended by inserting, after section 454, the following section:

"**454.1.** The Government may, by regulation, prescribe standards for the provision of childcare at school."

GOVERNMENT DEPARTMENTS ACT

52. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 19 of the Act respecting the Ministère de la Métropole (1996, chapter 13) and section 60 of the Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions (1996, chapter 21), is again amended by adding, at the end, the following paragraph:

"(34) The Ministère de la Famille et de l'Enfance."

ACT RESPECTING INCOME SECURITY

53. Section 48.2 of the Act respecting income security (R.S.Q., chapter S-3.1.1) is amended by striking out the words ", up to that amount," in the first paragraph.

54. The said Act is amended by inserting, after section 48.4, the following sections:

"**48.5.** Where an adult eligible for benefits under the program or his spouse is required to pay the contribution fixed under the Act respecting childcare centres and childcare services to which section 48.1 does not apply, the amount of the benefit established pursuant to the preceding provisions shall be increased in accordance with the methods and criteria prescribed by regulation.

"**48.6.** The sum of the amounts obtained pursuant to the preceding provisions may not be less than zero."

55. Section 51 of the said Act, amended by section 55 of chapter 57 of the statutes of 1997, is again amended

(1) by replacing the words "and 48.3" by the words ", 48.3 and 48.5";

(2) by adding the following paragraph:

"If the spouse of the adult, for a year, is no longer his spouse on 31 December of that year, the calculation prescribed in the first paragraph shall, for the purposes of section 48.5, apply only with respect to the period of the year during which he had a spouse."

56. Section 56 of the said Act, amended by section 56 of chapter 57 of the statutes of 1997, is again amended by inserting, after subparagraph 6 of the first paragraph, the following subparagraph:

"(6.1) the amount of the increase in the benefits calculated pursuant to section 48.5;".

57. Section 91 of the said Act, amended by section 6 of chapter 78 of the statutes of 1996 and by section 58 of chapter 57 of the statutes of 1997, is again amended

(1) by inserting, before subparagraph 33.1 of the first paragraph, the following subparagraph:

"(33.0.1) prescribe, for the purposes of section 48.5, the criteria and methods to be used to calculate the increase in the benefits;";

(2) by inserting the figure "33.0.1," before the figure "33.1" in the second paragraph.

ACT RESPECTING CHILD DAY CARE

58. The title of the Act respecting child day care (R.S.Q., chapter S-4.1) is replaced by the following title:

"AN ACT RESPECTING CHILDCARE CENTRES AND CHILDCARE SERVICES".

59. Section 1 of the said Act, amended by section 1 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the definition of "home day care agency" by the following definition:

""childcare centre" means an establishment that provides educational childcare, primarily for children from birth to kindergarten age, in a facility where seven or more children are received for periods not exceeding 48 consecutive hours, and that coordinates, oversees and monitors, in a given territory, educational home childcare provided to children in the same age range. Subsidiarily, such childcare may be offered to kindergarten and elementary school age children who cannot be provided childcare at school within the meaning of the Education Act (chapter I-13.3) and the Act respecting private education (chapter E-9.1);";

(2) by replacing the definition of "day care centre" by the following definition:

""day care centre" means an establishment that provides educational childcare in a facility where seven or more children are received on a regular basis for periods not exceeding 24 consecutive hours;";

(3) by replacing the definition of "nursery school" by the following definition:

""nursery school" means an establishment that provides educational childcare in a facility where seven or more children from two to five years of age are received, in a stable group, on a regular basis for periods not exceeding four hours a day and are offered activities conducted over a fixed period;";

(4) by striking out the definition of "bureau";

(5) by striking out the definition of "school day care";

(6) by replacing the words ""home day care" means day care" in the English text of the definition of "home day care" by the words ""home childcare" means childcare";

(7) by replacing the words "day care in facilities" in the English text of the definition of "stop over centre" by the words "childcare in a facility".

60. Section 1.1 of the said Act, amended by section 2 of chapter 16 of the statutes of 1996, is replaced by the following section:

"**1.1.** The object of this Act is to enhance the quality of educational childcare provided by childcare centres, day care centres, nursery schools and home childcare providers and of childcare provided by stop over centres so as to ensure the health and safety and foster the development and well-being of the children to whom childcare is provided.

A further object of this Act is to foster the harmonious development of childcare by facilitating the development of childcare centres, having regard to the rules relating to grants."

61. Section 2 of the said Act, amended by section 3 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the words "Persons exercising such rights shall take into account" in the first line of the third paragraph by the words "Such rights shall be exercised having regard to" and by replacing the words "the rules relating to exemptions, financial assistance and grants" in the second and third lines of that paragraph by the words "the rules relating to grants, the priority that must be given, in childcare centres, to children from birth to kindergarten age";

(2) by striking out the words ", a school board" in the fourth line of the third paragraph;

(3) by replacing, in the English text of the first and second paragraphs, the words "day care" by the word "childcare".

62. The heading of Chapter II of the said Act is amended by replacing, in the English text, the words "DAY CARE" by the word "CHILDCARE".

63. The heading of Division I of Chapter II of the said Act, the French text of which was replaced by section 4 of chapter 16 of the statutes of 1996, is replaced by the following heading:

"PERMITS".

64. The heading of subdivision 1 of Division I of Chapter II of the said Act is struck out.

65. Section 3 of the said Act, replaced by section 5 of chapter 16 of the statutes of 1996, is again replaced by the following section:

"**3.** No person,

(1) except the holder of a childcare centre permit issued by the Minister, may provide or offer to provide childcare in a facility where seven or more

children are received for periods that may exceed 24 without exceeding 48 consecutive hours;

(2) except the holder of a childcare centre permit issued by the Minister, may coordinate or claim to coordinate home childcare or recognize persons as home childcare providers within the meaning of section 8;

(3) except the holder of a childcare centre or day care centre permit issued by the Minister, may provide or offer to provide childcare in a facility where seven or more children are received on a regular basis for periods not exceeding 24 consecutive hours;

(4) except the holder of a childcare centre or nursery school permit issued by the Minister, may provide or offer to provide childcare in a facility where seven or more children from two to five years of age are received, in a stable group, on a regular basis for periods not exceeding four hours a day;

(5) except the holder of a childcare centre or stop over centre permit issued by the Minister, may provide or offer to provide childcare in a facility where seven or more children are received on a casual basis, as defined by regulation, for periods not exceeding 24 consecutive hours, unless the parents of the children are on the premises and available to respond to the needs of their children.

Subject to the provisions of the second paragraph of section 8, no person, except the holder of a permit issued by the Minister, may provide or offer to provide childcare for remuneration in a private residence to more than six children.

If the childcare is provided by a natural person, the person's own children and any child of any assisting person if they are under nine years of age must be included in computing the number of children."

66. Section 4 of the said Act, amended by section 898 of chapter 2 of the statutes of 1996 and replaced by section 5 of chapter 16 of the statutes of 1996, is amended

(1) by inserting the words "a childcare centre," after the word "operate" in the first line of subparagraph 1 of the first paragraph;

(2) by inserting the words "a childcare centre," after the words "care in" in the first line of subparagraph 2 of the first paragraph;

(3) by striking out subparagraph 3 of the first paragraph;

(4) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

"(4) use a name that includes the term "childcare centre", "nursery school", "stop over centre" or " day care centre";";

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

"Notwithstanding subparagraph 4 of the first paragraph, a person or body that on 14 May 1997 uses a name which includes the term "childcare centre" and which appears in its declaration of registration filed under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (chapter P-45) may continue to use that name, provided that the name is not used in such a manner as to lead to believe that the centre is a childcare centre within the meaning of this Act.";

(6) by replacing the words "day care", wherever they occur in the English text of subparagraph 2 of the first paragraph and the second paragraph, except in the expression "day care centre", by the word "childcare".

67. Section 5 of the said Act, replaced by section 5 of chapter 16 of the statutes of 1996, is amended

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

"(2) undertakes to provide educational childcare which promotes the physical, intellectual, emotional, social and moral development of children in accordance with the program prescribed by regulation;";

(2) by striking out subparagraph 3 of the first paragraph;

(3) by replacing the second and third paragraphs by the following paragraph:

"However, the Minister may not issue a day care centre permit or a nursery school permit to a school board."

68. Section 6 of the said Act, replaced by section 5 of chapter 16 of the statutes of 1996, is again replaced by the following section:

"**6.** The Minister may issue a stop over centre permit to any person that satisfies the requirements of subparagraphs 1, 4 and 5 of the first paragraph of section 5 and undertakes to provide childcare and to operate the establishment on a regular basis in keeping with the conditions determined by regulation.

However, the Minister may not issue a stop over centre permit to a school board."

69. Section 7 of the said Act, amended by section 898 of chapter 2 of the statutes of 1996 and replaced by section 5 of chapter 16 of the statutes of 1996, is again replaced by the following section:

"**7.** The Minister may issue a childcare centre permit to a non-profit legal person or a cooperative two-thirds or more of the members of whose board of

directors of not fewer than seven members are parents who are future users of the educational childcare coordinated or provided by the childcare centre but are neither members of its staff, nor home childcare providers or their assistants.

However, the Minister may not issue a childcare centre permit to a private educational institution within the meaning of the Act respecting private education (chapter E-9.1).

The Government may make regulations establishing rules for the election of the directors of a cooperative or non-profit legal person referred to in the first paragraph, and for the operation of its board of directors."

70. Section 7. 1 of the said Act, enacted by section 5 of chapter 16 of the statutes of 1996, is replaced by the following section:

"**7.1.** To obtain a childcare centre permit, an applicant must satisfy the requirements of the first paragraph of section 5 and undertake to coordinate, monitor and supervise the educational childcare provided by the home childcare providers it recognizes.

Furthermore, the applicant must have been allotted places giving entitlement to grants and hold no other permit issued under this Act."

71. Section 7.2 of the said Act, enacted by section 5 of chapter 16 of the statutes of 1996, is repealed.

72. Section 8 of the said Act, amended by section 6 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the words "home day care agency permit" in the first paragraph by the words "childcare centre permit";

(2) by replacing the words "home day care agency permit" in the second paragraph by the words "childcare centre permit";

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

"The person must undertake to provide educational childcare which promotes the physical, intellectual, emotional, social and moral development of children in accordance with the program prescribed by regulation and agree to monitoring and supervision by the holder of the childcare centre permit having recognized the person as a home childcare provider. As well, the person must, on request, furnish to the permit holder the names and addresses of the parents of the children received by the person and any document or information required for obtaining grants under this Act, including the attendance card referred to in section 22, in keeping with the conditions prescribed by regulation.

A recognized home childcare provider may assist another home childcare provider recognized for the same childcare operation.";

(4) by inserting the words “as a home childcare provider” after the word “regulation” in the English text of the second paragraph;

(5) by replacing the words “day care” wherever they occur in the English text of the first and second paragraphs by the word “childcare”.

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

“**9.** The holder of a childcare centre permit shall coordinate, monitor and supervise the educational childcare provided by home childcare providers recognized by the permit holder and, for that purpose, shall

(1) promote the development of home childcare;

(2) recognize home childcare providers according to the needs identified by the permit holder;

(3) maintain an information service concerning available home childcare;

(4) promote the implementation of a professional training and development course for home childcare providers;

(5) offer technical and professional support to home childcare providers;

(6) implement the monitoring and supervision measures determined by regulation applicable in respect of home childcare providers recognized by the permit holder.”

74. Section 10 of the said Act, replaced by section 7 of chapter 16 of the statutes of 1996, is amended

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

“(1) the application of the educational childcare program prescribed by regulation;”;

(2) by replacing the word “establishment” in subparagraph 2 of the third paragraph by the word “ facility”;

(3) by replacing the word “establishment” in subparagraph 3 of the third paragraph by the word “facility”;

(4) by replacing the word “facilities” in subparagraph 4 of the third paragraph of the English text by the word “facility”.

75. Section 10.0.1 of the said Act, enacted by section 7 of chapter 16 of the statutes of 1996, is repealed.

76. Section 10.1 of the said Act, amended by section 8 of chapter 16 of the statutes of 1996, is replaced by the following section:

"**10.1.** A permit holder that is required under section 10 to form a parents committee shall, by way of a written notice, call a meeting of all the parents of children who are received in the day care centre or nursery school so that they may elect their representatives on the parents committee. The meeting must be held within three months after the issue of the permit and, subsequently, every year before 15 October."

77. Section 10.2 of the said Act is amended, in the English text, by replacing the word "He" in the second paragraph by the words "The permit holder".

78. Section 10.3 of the said Act, replaced by section 9 of chapter 16 of the statutes of 1996, is amended by striking out the words "or 10.0.1".

79. Section 10.4 of the said Act is amended by replacing the word "bureau" in the second line of the fourth paragraph by the word "Government".

80. Section 10.5 of the said Act is amended by replacing the words "received by" in the second line by the words "received in" and by striking out the words "or by the persons the permit holder has recognized as persons responsible for home day care" in the second and third lines.

81. Section 10.6 of the said Act is amended by replacing the words ", nursery school or home day care agency" in the first and second lines by the words "or nursery school".

82. Section 11 of the said Act, amended by section 11 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the word "establishment" in the first paragraph by the word "facility";

(2) by striking out the third and fourth paragraphs ;

(3) by replacing the words "day care" in the first paragraph of the English text, except in the expression "day care centre", by the word "childcare".

83. The said Act is amended by inserting, after section 11, the following section:

"**11.0.1.** A childcare centre permit shall indicate

(1) the name and address of the permit holder;

(2) the name and address of the childcare centre and of each of the facilities where children are received;

(3) the maximum number of children that may be received in each of the facilities;

(4) the maximum number of children per age class or per grouping of age classes that may be received in each of the facilities;

(5) the maximum total number of children that may be received by all the home childcare providers recognized by the permit holder;

(6) the maximum total number of children to whom the educational childcare coordinated or provided by the centre may be provided;

(7) the territory in which the permit holder is authorized to operate.

The Minister shall fix the territory referred to in subparagraph 7 of the first paragraph according to the criteria determined by regulation."

84. Section 11.1 of the said Act, amended by section 12 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the word "establishment" in the first paragraph by the word "facility";

(2) by striking out the last paragraph;

(3) by replacing the words "In no case may the holder of a day care centre permit" in the English text of the second paragraph, by the words "The holder of a day care permit may not", by replacing the words "nor may he" in that paragraph by the word "or", and by replacing the words "his permit" in that paragraph by the words "the permit";

(4) by replacing the words "In no case may the holder of a nursery school permit" in the English text of the third paragraph by the words "The holder of a nursery school permit may not";

(5) by replacing the words "his permit" in the English text of the fourth paragraph by the words "the permit".

85. The said Act is amended by inserting, after section 11.1, the following section:

"**11.1.1.** The holder of a childcare centre permit may not receive more children in the facilities of the centre than the maximum number indicated on the permit, or receive more children in a given facility than the maximum number indicated on the permit for that facility.

Nor may the permit holder receive children in age classes other than those indicated on the permit, or receive more children per age class or per grouping of age classes than the maximum number indicated on the permit.

Nor may the permit holder allow the recognized home childcare providers to receive more children than the total maximum number indicated on the permit, or act outside the territory indicated on the permit."

86. Section 12 of the said Act, amended by section 13 of chapter 16 of the statutes of 1996, is again amended

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

"**12.** A permit is issued or renewed for three years, unless the Minister issues or renews it for a shorter period if he considers it necessary.";

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

"Where an application for renewal has been made by the permit holder and the Minister has yet to decide the application on the date of expiry of the permit, the permit remains in force until the decision is made."

87. Section 13 of the said Act, amended by section 898 of chapter 2 of the statutes of 1996 and replaced by section 14 of chapter 16 of the statutes of 1996, and sections 13.1, 13.2 and 13.3 of the said Act, enacted by the said section 14, are replaced by the following sections:

"**13.** Every permit holder, other than a municipality, and every home childcare provider recognized by the holder of a childcare centre permit that receives a grant shall keep and preserve the books, accounts and registers determined by regulation in the manner and form prescribed by regulation.

Moreover, the Government may, by regulation, determine among such documents those which a home childcare provider is required to transmit to the permit holder by which the home childcare provider was recognized.

"**13.1.** The fiscal year of a permit holder shall end on 31 March. However, in the case of a municipality, its fiscal year as a permit holder shall end on the same date as its fiscal year as a municipality.

"**13.2.** Not later than 30 June each year, every permit holder that receives a grant under this Act shall submit a financial report for the preceding fiscal year to the Minister. In the case of a municipality, the report must be submitted not later than 31 March each year.

The financial report must be audited if the permit holder received from the Minister, during the preceding fiscal year, one or more grants totalling $25,000 or more.

The Government may, by regulation, determine the form of the report and the information it must contain.

"**13.3.** Not later than 1 March each year, every permit holder that receives a grant under this Act, other than a municipality, shall submit its budget estimates for the next fiscal year to the Minister.

The Government may, by regulation, determine the form of the estimates and the information they must contain.

"**13.4.** Not later than 30 June each year, every permit holder shall submit an activity report to the Minister. In the case of a municipality, the activity report must be submitted not later than 31 March each year.

The Government may, by regulation, determine the information which the activity report must contain."

88. Section 16 of the said Act is amended

(1) by inserting the words "in each facility," after the word "permit" in the first line;

(2) by replacing the words "his permit" in the English text by the words "the permit".

89. Section 17 of the said Act, amended by section 17 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the words "The holder of a day care centre, nursery school or stop over centre permit" in the first paragraph by the words "A permit holder";

(2) by replacing the words "programme of activities provided" in the second line of the fourth paragraph by the words "activities offered";

(3) by replacing the words "carry on his activities" in the English text of the second paragraph by the word "operate", and by replacing the word "he" in that paragraph by the words "the permit holder".

90. The said Act is amended by inserting, after section 17, the following section:

"**17.0.1.** The holder of a childcare centre permit must obtain the written authorization of the Minister before acquiring or leasing premises for the permanent relocation of a facility operated under the permit. The written authorization of the Minister must also be obtained by a permit holder to increase the number of children beyond the maximum indicated on the permit or to modify or increase the permit holder's territory of operation.

Every other permit holder that receives a grant under this Act must obtain the same authorization to increase the number of children beyond the maximum indicated on the permit.

The permit holder shall apply for authorization in writing and the Minister shall make his decision within 90 days of receipt of the application.

The Minister may refuse to grant authorization, in particular, if all places giving entitlement to financial assistance have been allotted in the territory concerned or where the Minister considers that the proposed change does not address the needs and priorities identified by the Minister considering, among other factors, the permit applications and other applications for authorization under the first paragraph in respect of which the Minister has yet to make a decision."

91. Section 17.1 of the said Act, amended by section 18 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the words "The holder of a day care centre permit, nursery school permit or stop over centre permit" in the first paragraph by the words "A permit holder";

(2) by replacing the word "establishment" in subparagraph 1 of the first paragraph by the word "facility";

(3) by replacing the words "day care services are" in the English text of subparagraph 1 of the first paragraph by the words "childcare is";

(4) by replacing the word "he" in the English text of subparagraphs1 and 2 of the first paragraph by the words "the permit holder";

(5) by replacing the words "his premises" and "premises" in the English text of subparagraphs 2 and 3 of the first paragraph by the words "the premises".

92. Section 18.1 of the said Act, replaced by section 20 of chapter 16 of the statutes of 1996, is amended

(1) by inserting the words "a childcare centre," after the words "care in" in paragraph 1;

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

"(*c*) under section 210, 212, 213, 343, 346, 362, 366, 368, 380, 397, 398, 423, 430, or any of sections 433 to 436.1 or 463 to 465 of the Criminal Code;";

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

"(5) the applicant or an officer of the applicant held a permit that was revoked or not renewed under paragraph 3, 4 or 5 of section 19 in the three years preceding the application;";

(4) by replacing the words “day care” in the English text of paragraph 1, except in the expression “day care centre”, by the word “childcare”.

93. Section 19 of the said Act, amended by section 21 of chapter 16 of the statutes of 1996, is again amended

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

“(3) the health, safety or well-being of children to whom childcare is being provided in a childcare centre, day care centre, nursery school or stop over centre or to whom home childcare is being provided is endangered;”;

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

“(6) the permit holder has refused or neglected to comply with a notice issued under section 36.1;

“(7) the permit holder has refused or neglected to pay a sum owed to the Minister under this Act or the regulations.”;

(3) by replacing the words “when he applied” in the English text of paragraph 4 by the words “upon applying”.

94. Sections 20 and 21 of the said Act, respectively amended and replaced by sections 22 and 23 of chapter 16 of the statutes of 1996, are replaced by the following sections:

“**20.** Before refusing to issue, suspending, revoking or refusing to renew a permit, the Minister shall notify the applicant or permit holder in writing and give the applicant or permit holder at least 10 days to present observations.

“**21.** The decision of the Minister shall be communicated in writing to the applicant or permit holder.”

95. Section 22 of the said Act, amended by section 24 of chapter 16 of the statutes of 1996, is again amended

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

“**22.** A permit holder or a home childcare provider shall keep and preserve, in accordance with the regulations, a registration card and an attendance card for each child and must, at the request of the child’s parent, give written or verbal communication of the card to the parent and allow, in accordance with the regulations, the parent to examine and copy the card.”;

(2) by inserting the words “or where a home childcare provider or a permit holder is required, under this Act or the regulations, to transmit information recorded on the attendance card is necessary for obtaining a grant under section 41.6” after the figure “35” in the second paragraph.

96. The heading of subdivision 2 of Division I of Chapter II of the said Act is replaced by the following heading:

"DIVISION II

"PROVISIONAL ADMINISTRATION".

97. Section 23 of the said Act, amended by section 25 of chapter 16 of the statutes of 1996, is replaced by the following sections:

"**23.** The Minister may designate a person to assume, for a period of not over 90 days, provisional administration of a childcare centre, a day care centre, a nursery school or a stop over centre

(1) if the permit under which it is operated has been suspended or revoked in accordance with this Act;

(2) if the permit holder engages in practices or tolerates a situation which could endanger the health, safety or well-being of the children;

(3) if the permit holder acts or has acted contrary to the rules of sound management applicable to an organization receiving grants out of public funds;

(4) if there has been malfeasance or breach of trust on the part of the permit holder;

(5) if the Minister has reasonable grounds to believe that the permit holder is using grants under section 41.6 for purposes other than those for which the grants were made.

"**23.1.** A provisional administrator exercising powers and functions assigned to him under this division may not be sued for any act done in good faith in the exercise of those powers and functions."

98. Section 24 of the said Act is amended by striking out the words ", upon the recommendation of the bureau,".

99. Sections 25 and 26 of the said Act, respectively amended by sections 26 and 27 of chapter 16 of the statutes of 1996, are replaced by the following sections:

"**25.** From the date on which the administrator designated by the Minister assumes provisional administration of a childcare centre, a day care centre, a nursery school or a stop over centre, the powers of the permit holder are suspended.

"**26.** As soon as possible after he assumes provisional administration of a childcare centre, a day care centre, a nursery school or a stop over centre, the

administrator shall submit his findings and recommendations to the Minister in a provisional report."

100. Sections 27 and 28 of the said Act, the latter amended by section 28 of chapter 16 of the statutes of 1996, are replaced by the following sections:

"**27.** Before the administrator submits his provisional report, the Minister must give the permit holder at least 10 days to present observations.

"**28.** If the provisional report confirms the existence of one of the situations described in section 23, the Minister may

(1) attach such restrictions to the childcare centre, day care centre, nursery school or stop over centre permit as the Minister sees fit;

(2) fix a time within which the permit holder must remedy any situation described in section 23;

(3) direct the administrator to continue to administer the childcare centre, day care centre, nursery school or stop over centre or to discontinue the administration and not resume it unless the permit holder fails to comply with the conditions imposed by the Minister pursuant to paragraph 1 or 2."

101. Section 29 of the said Act is amended by replacing the word "bureau" by the word "administrator".

102. Section 30 of the said Act, amended by section 29 of chapter 16 of the statutes of 1996, is again amended by replacing the first paragraph by the following paragraph:

"**30.** The Minister may entrust a person with making an inquiry into any matter in connection with the administration or operation of a childcare centre, a day care centre, a nursery school or a stop over centre."

103. Division II of Chapter II of the said Act is repealed.

104. Section 34 of the said Act, replaced by section 30 of chapter 16 of the statutes of 1996, is amended by replacing the words "chairman of the bureau" by the word "Minister".

105. Section 34.1 of the said Act, enacted by section 30 of chapter 16 of the statutes of 1996, is amended

(1) by replacing the words "or activities referred to in section 32 are carried on, to ascertain" in subparagraph 1 of the first paragraph by the words "are carried on, to verify";

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

"(1.1) at any reasonable time, enter any premises where home childcare governed by this Act is provided to verify whether the provisions of Division IV of Chapter II and the regulations thereunder are complied with;";

(3) by striking out the words "or a school board" in subparagraph 3 of the first paragraph.

106. Section 36 of the said Act, amended by section 31 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the words "agent of the bureau" in the first paragraph by the words "an agent of the department";

(2) by replacing the words "chairman or secretary of the bureau" in the second paragraph by the word "Minister";

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

"An inspector may not be sued for any act done in good faith in the exercise of his functions."

107. The said Act is amended by inserting, after section 36, the following section:

"**36.1.** The Minister may issue a remedial notice

(1) to advise a person of the person's non-compliance with this Act or the regulations;

(2) to advise a permit holder that the permit holder is acting or has acted contrary to the rules of sound management applicable to an organization receiving grants out of public funds;

(3) to advise the holder of a childcare centre permit that the financial situation of the childcare centre must be redressed.

The notice must be in writing and must indicate what steps should be taken to remedy the situation and fix a time within which those steps must be taken."

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

"CONTRIBUTION AND GRANTS".

109. Sections 38 and 39 of the said Act, respectively amended by sections 33 and 34 of chapter 16 of the statutes of 1996, are replaced by the following sections :

"**38.** The permit holder or the home childcare provider shall fix the amount of the contribution to be paid for each child they receive.

"**39.** The Government may, by regulation, fix an amount of contribution other than the amount payable under section 38 for certain services determined in the regulation. Subject to the provisions of the third paragraph, the amount of the contribution shall apply according to the age class, determined in the regulation, of the children to whom the services are provided and shall be payable by the parent or any other person determined in the regulation to the childcare centre permit holder or the home childcare provider.

The Government may, by regulation, determine the conditions subject to which a parent may pay the contribution fixed under the first paragraph or, in certain cases, be exempted from payment of the contribution for all or some of the services it determines.

The parent may pay the contribution fixed under the first paragraph or may be exempted from payment thereof, provided that a grant has been made for that purpose under section 41.6 in respect of the place to be occupied by the child.

The first paragraph does not apply to a home childcare provider or to a person assisting the home childcare provider, if their children are provided home childcare.

The holder of a childcare centre permit or a home childcare provider may not require payment of a contribution if the parent is exempted from payment of a contribution, or require payment of an amount other than the fixed amount of contribution if the parent is entitled, in accordance with the third paragraph, to pay the fixed amount.

"**39.1.** The Minister may, on the conditions he determines, enter into an agreement with a person that on 11 June 1997 is the holder of a daycare centre permit, in order to make it possible for that permit holder to be allotted places under section 39 for a given year, provided that grants have been made for that purpose under the provisions of section 41.6.

The regulations made under section 39 and the provisions of that section, adapted as required, apply to a permit holder that enters into such an agreement."

110. The heading of subdivision 2 of Division IV of Chapter II of the said Act is struck out.

111. Sections 40 and 41 of the said Act, replaced by section 35 of chapter 16 of the statutes of 1996, are repealed.

112. Section 41.1.1 of the said Act, enacted by section 36 of chapter 16 of the statutes of 1996, and section 41.2 of the said Act are repealed.

113. Section 41.3 of the said Act is replaced by the following section:

"**41.3.** A parent who feels aggrieved by a decision made by the holder of a childcare centre permit or day care centre permit referred to in section 39.1 regarding the contribution or exemption referred to in section 39 may apply to the Minister for a review of the decision."

114. Section 41.4 of the said Act is amended

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

"**41.4.** An application for review of a decision must be made in writing within 90 days after the day on which the parent applying for the review was notified of the decision.";

(2) by replacing the words "to the person who establishes that circumstances prevented him" in the second paragraph by the words "upon proof that the parent was prevented by circumstances".

115. Section 41.5 of the said Act is amended by replacing the second paragraph by the following paragraph:

"The decision shall be transmitted to the parent who applied for the review and to the person who made the reviewed decision."

116. Section 41.6 of the said Act, replaced by section 37 of chapter 16 of the statutes of 1996, is again replaced by the following sections:

"**41.6.** Subject to section 41.7, the Minister may make grants, in keeping with the conditions determined by regulation, to an applicant for or holder of a childcare centre permit for the benefit of the applicant or permit holder or for the benefit of a home childcare provider recognized by the applicant or permit holder. The Minister may also, in keeping with the conditions determined by regulation, make grants to a municipality that, on 19 June 1997, was the holder of a day care centre permit and was eligible for grants, and to the holder of a day care centre permit referred to in section 39.1.

The Minister may also make grants to any person or organization in order to facilitate or support the development or improvement of childcare, responses to specific childcare needs, or experimentation or innovation in the field of childcare.

"**41.6.1.** Any grant received without entitlement must be repaid to the Minister, on the terms and conditions determined by regulation, by the person or organization to whom or which or for whose benefit the grant was paid.

The Government may determine, by regulation, the conditions subject to which a sum that is due may be deducted from any future grants.

"**41.6.2.** The Minister may contact parents to verify whether the services referred to in section 39 have actually been provided."

117. Sections 41.7 and 41.8 of the said Act, respectively replaced and enacted by section 37 of chapter 16 of the statutes of 1996, are replaced by the following sections:

"**41.7.** The Minister shall establish, according to the appropriations voted annually for such purpose, the number of new places giving entitlement to grants which are to be opened in childcare centres and in day care centres operated by a permit holder referred to in section 39.1; the Minister shall allot such places according to the needs and priorities he has identified.

"**41.8.** The acquirer of a childcare centre shall retain the grants under section 41.6, subject to the other provisions of this Act and the regulations, if the acquirer obtains a childcare centre permit to operate at the same location or in the same territory.

The same applies to the acquirer of a day care centre operated by a permit holder referred to in section 39.1, if the acquirer obtains a day care centre permit to operate at the same location.

Home childcare providers recognized by a permit holder are deemed to have been recognized by the acquirer of the childcare centre upon the issue of a permit to the acquirer, subject to the other provisions of this Act and the regulations."

118. Section 44 of the said Act, amended by section 40 of chapter 16 of the statutes of 1996, is again amended by replacing the words "the holder of a day care centre, nursery school or stop over centre permit, a person responsible for home day care or a school board providing school day care" in the first paragraph by the words "a permit holder or a home childcare provider".

119. Section 45 of the said Act is amended by replacing the words "person who believes he has been wronged" in the first line of the first paragraph by the words "parent who feels aggrieved".

120. The said Act is amended by inserting, after Division V of Chapter II, the following division:

"DIVISION VI

"REPRESENTATION AND DELEGATION

"**45.1.** The Minister may designate regional representatives and determine their functions.

The Minister may also authorize, in writing, a person, department, body or a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or of the Act respecting health services and social services for Cree Native persons (chapter S-5) to exercise some or all of the powers conferred on the Minister by this Act and the regulations.

Such a person, body or public institution may not be sued for any act done in good faith in the exercise of those powers."

121. Chapter III of the said Act, comprising sections 46 to 72, is repealed.

122. Section 73 of the said Act, amended by section 898 of chapter 2 of the statutes of 1996 and by section 52 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the word "bureau" in the first line of the first paragraph by the word "Government";

(2) by inserting the words "a childcare centre or" after the words "provided in" in subparagraph 4 of the first paragraph;

(3) by replacing the words "premises of a" in subparagraph 5 of the first paragraph by the words "premises of a childcare centre,";

(4) by inserting the words "childcare centres," after the words "observed in" in subparagraph 6 of the first paragraph;

(5) by replacing subparagraphs 6.1 to 10.2 of the first paragraph by the following subparagraphs:

"(6.1) prescribing the requirements that must be satisfied by the holder of a childcare centre, day care centre, nursery school or stop over centre permit applying for authorization to engage temporarily in activities for which the permit was issued elsewhere than at the address of the facility appearing on the permit;

"(7) prescribing the educational childcare program that must be offered to children by a childcare centre, a day care centre, a nursery school or a home childcare provider;

"(8) establishing rules for the election of the directors of the cooperative or legal person referred to in the first paragraph of section 7, and for the operation of its board of directors;

"(9) determining the rules of operation of the parents committee referred to in section 10;

"(10) determining the books, accounts and registers that must be kept by every permit holder, other than a municipality, and every home childcare provider recognized by the holder of a childcare centre permit that receives a grant and prescribing the form and manner in which they must be kept and preserved;

"(10.1) determining, for the purposes of sections 13.1 to 13.4, the form of the financial report, the budget estimates and the activity report as well as the information they must contain;

"(10.2) determining the form and tenor of the registration and attendance card that must be kept for each child by the holder of a childcare centre, day care centre, nursery school or stop over centre permit or a home childcare provider and prescribing standards for the preservation, consultation and reproduction of such cards;";

(6) by replacing the words "cases and conditions in or on" in subparagraph 11.1 of the first paragraph by the words "conditions under";

(7) by striking out subparagraph 12 of the first paragraph;

(8) by replacing the words "home day care agency" in subparagraph 12.1 of the first paragraph by the words "childcare centre";

(9) by inserting, after subparagraph 13 of the first paragraph, the following subparagraph:

"(13.1) determining the monitoring and supervision measures applicable in respect of home childcare providers;";

(10) by replacing subparagraph 15 of the first paragraph by the following subparagraph:

"(15) determining the conditions subject to which grants may be made under section 41.6 and determining for such purpose the documents or information that a home childcare provider must transmit to the holder of a childcare centre permit by which the home childcare provider was recognized;";

(11) by striking out subparagraph 16 of the first paragraph;

(12) by replacing subparagraphs 16.1 to 19 of the first paragraph by the following subparagraphs:

"(16.1) requiring that a permit holder have in his employ a person responsible for the management of the childcare centre, day care centre, nursery school or stop over centre and prescribing the standards of qualification

and requirements the person must satisfy and the tasks the person must perform;

"(17) establishing standards of qualification for persons working in a childcare centre, a day care centre, a nursery school or a stop over centre or providing home childcare and prescribing the requirements they must satisfy;

"(18) determining the ratio between the number of staff members and the number of children who are received in a childcare centre, a day care centre, a nursery school or a stop over centre or to whom home childcare is being provided;

"(19) determining the child registration, admission and discharge formalities for childcare centres, day care centres, nursery schools or stop over centres and for home childcare;";

(13) by striking out the words "38 or" in subparagraph 20 of the first paragraph;

(14) by replacing subparagraphs 21 and 22 of the first paragraph by the following subparagraphs:

"(21) fixing, for the services it determines, the amount of the contribution referred to in section 39 and determining the age class to which it applies, the conditions subject to which a parent may pay it and the cases in which a parent may be exempted from payment of the contribution for all or some of the services determined;

"(22) determining the terms and conditions of repayment of a grant received without entitlement and determining the conditions subject to which such a debt may be deducted from any future grants;";

(15) by striking out subparagraphs 22.1 and 23 of the first paragraph;

(16) by replacing the figure "74.9" in subparagraph 24 of the first paragraph by the figure "74.10";

(17) by striking out the second paragraph;

(18) by replacing the words "persons responsible for home day care" wherever they occur in the English text by the words "home childcare providers";

(19) by replacing the words "person responsible for home day care" wherever they occur in the English text by the words "home childcare provider";

(20) by replacing the words "he must fulfill" in the English text of subparagraph 1 of the first paragraph by the words "to be fulfilled", by replacing the words "he must furnish" in that subparagraph by the words "to

be furnished" and by replacing the words "he must pay" in that subparagraph by the words "to be paid";

(21) by replacing the words "day care" in the English text of subparagraphs 2, 5 and 6 of the first paragraph, except in the expression "day care centre", by the word "childcare";

(22) by replacing the words "who ceases his activities" in the English text of subparagraph 3 of the first paragraph by the words "that ceases to operate";

(23) by replacing the words "engage temporarily in activities for which the permit was issued" in the English text of subparagraph 6.1 of the first paragraph by the words "operate temporarily under the permit".

123. Section 74 of the said Act, replaced by section 54 of chapter 16 of the statutes of 1996, is amended by replacing the words "first paragraph of section 4, section 7.2" by the words "section 4".

124. Section 74.1 of the said Act, enacted by section 54 of chapter 16 of the statutes of 1996, is amended by replacing the words "an agency permit that contravenes any provision of the fourth paragraph of section 11.1" in the second paragraph by the words "a childcare centre permit that contravenes any provision of section 11.1.1".

125. Section 74.2 of the said Act, enacted by section 54 of chapter 16 of the statutes of 1996, is amended by striking out the words "or holder of an agency permit that contravenes any provision of section 10.0.1, 10.2 or 10.6".

126. Sections 74.4 and 74.5 of the said Act, enacted by section 54 of chapter 16 of the statutes of 1996, are replaced by the following sections:

"**74.4.** Every holder of a childcare centre permit, holder of a day care centre permit, other than a municipality, or recognized home childcare provider that receives a grant under section 41.6 and that fails to keep the books, accounts and registers referred to in section 13 or records false or inaccurate information therein is liable to a fine of $500 to $5,000 and, in the case of a second or subsequent conviction, to a fine of $1,000 to $10,000.

"**74.5.** Every permit holder that receives a grant under section 41.6 and that fails to produce the report referred to in section 13.2 or, except in the case of a municipality, the budget estimates referred to in section 13.3, or records false or inaccurate information in the report referred to in section 13.2 is liable to a fine of $500 to $5,000 and, in the case of a second or subsequent conviction, to a fine of $1,000 to $10,000.

Furthermore, every permit holder that fails to submit the report referred to in section 13.4 or records false or inaccurate information therein is liable to a fine of $500 to $5,000 and, in the case of a second or subsequent conviction, to a fine of $1,000 to $10,000."

127. Section 74.6 of the said Act, enacted by section 54 of chapter 16 of the statutes of 1996, is amended by replacing the words "holder of a day care centre, nursery school or stop over centre permit, person responsible for home day care or school board providing day care" by the words "permit holder or home childcare provider".

128. Sections 74.7 and 74.8 of the said Act, enacted by section 54 of chapter 16 of the statutes of 1996, are replaced by the following sections:

"**74.7.** Every holder of a childcare centre permit, holder of a day care centre permit referred to in section 39.1 or recognized home childcare provider that contravenes any provision of the fifth paragraph of section 39 is liable to a fine of $250 to $1,000 and, in the case of a second or subsequent conviction, to a fine of $500 to $2,000.

"**74.8.** Every person that contravenes any provision of section 35 is liable to a fine of $250 to $1,000 and, in the case of a second or subsequent conviction, to a fine of $500 to $2,000."

129. Section 74.9 of the said Act, enacted by section 54 of chapter 16 of the statutes of 1996, is amended by replacing the words "subparagraph 24 of the first paragraph" by the words "paragraph 24".

130. Section 74.10 of the said Act, enacted by section 54 of chapter 16 of the statutes of 1996, is amended by striking out the word ", employee".

131. The said Act is amended by inserting, after section 76, the following section:

"**76.1.** The Minister may cancel or suspend, in whole or in part, the payment of grants to the holder of a childcare centre permit or holder of a day care centre permit referred to in section 39.1 that refuses or neglects, when so required, to comply with any provision of sections 13, 13.2 to 13.4, 22 and 36.1 or to pay a sum owed to the Minister under this Act or the regulations.

The Minister may also cancel or suspend the payment of grants to a home childcare provider who refuses or neglects to comply with any provision of sections 8, 13 and 22 or to pay a sum owed to the Minister under this Act or the regulations.

The Minister must, before making such a decision, allow the person concerned to present observations unless a remedial notice has already been issued to that person."

132. Section 98 of the said Act, amended by section 897 of chapter 2 of the statutes of 1996 and by section 58 of chapter 16 of the statutes of 1996, is again amended

(1) by inserting the words “childcare centres or” before the words “day care” in the first paragraph;

(2) by adding, after subparagraph 2 of the second paragraph, the following subparagraph:

“(3) the maintenance of a childcare centre operated by a person holding a day care centre permit issued by the Office des services de garde à l’enfance before 1 September 1997.”

133. Section 100 of the said Act is amended by replacing the words “Health and Social Services” by the words “Child and Family Welfare”.

134. The said Act is amended by replacing the word “bureau” wherever it appears by the word “Minister”, with the necessary modifications.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

135. Section 114 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), amended by section 67 of chapter 16 of the statutes of 1996, is again amended

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

“(1) operate a day care centre, a nursery school or a stop over centre, in accordance with the Act respecting childcare centres and childcare services and the regulations;”;

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

“(2) where it has been designated by the Minister of Child and Family Welfare under section 45.1 of the said Act to be that Minister’s regional representative, act in that capacity and exercise the functions attached thereto;”;

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

“(4) make an agreement with the said Minister under section 10 of the Act respecting the Ministère de la Famille et de l’Enfance.”

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

136. Section 135.1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5), amended by section 68 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing paragraph *a* by the following paragraph:

"(*a*) operate a day care centre, a nursery school or a stop over centre, in accordance with the Act respecting childcare centres and childcare services and the regulations;";

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

"(*b*) where it has been designated by the Minister of Child and Family Welfare under section 45.1 of the said Act to be that Minister's regional representative, act in that capacity and exercise the functions attached thereto;";

(3) by replacing paragraph *d* by the following paragraph:

"(*d*) make an agreement with the said Minister under section 10 of the Act respecting the Ministère de la Famille et de l'Enfance."

CHARTER OF THE CITY OF QUÉBEC

137. Section 4 of the Charter of the city of Québec (1929, chapter 95), amended by section 1 of chapter 85 of the statutes of 1966-67, by Order in Council 3653-78 adopted on 30 November 1978 under section 2 of the Cities and Towns Act (R.S.Q., chapter C-19), by section 194 of chapter 38 and section 1 of chapter 61 of the statutes of 1984, by section 134 of chapter 27 of the statutes of 1985, by section 2 of chapter 116 of the statutes of 1986 and by section 69 of chapter 16 of the statutes of 1996, is again amended by replacing subparagraph 4.1 of the second paragraph by the following subparagraph:

"(4.1) acquire, construct and equip, in the municipality, immovables that may be leased or disposed of gratuitously or by onerous title, in whole or in part, for the benefit of a childcare centre, a day care centre, a nursery school or a stop over centre within the meaning of the Act respecting childcare centres and childcare services, for the purpose of installing the childcare centre, day care centre, nursery school or stop over centre therein;".

CHARTER OF THE CITY OF MONTRÉAL

138. Article 9 of the Charter of the city of Montréal (1959-60, chapter 102), amended by section 3 of chapter 71 of the statutes of 1964, by section 210 of chapter 38 of the statutes of 1984, by section 143 of chapter 27 of the statutes of 1985, by section 1 of chapter 74 of the statutes of 1995 and by section 70 of chapter 16 of the statutes of 1996, is again amended by replacing paragraph *c*.2 by the following paragraph:

"(*c*.2) power to acquire, construct and equip, in the municipality, immovables that may be leased or disposed of gratuitously or by onerous title, in whole or in part, for the benefit of a childcare centre, a day care centre, a stop over centre or a nursery school within the meaning of the Act respecting childcare centres and childcare services, for the purpose of installing the childcare centre, day care centre, nursery school or stop over centre therein;".

139. Article 524 of the said Charter, amended by section 55 of chapter 59 of the statutes of 1962, by section 20 of chapter 70 of the statutes of 1963 (1st session), by section 24 of chapter 86 of the statutes of 1966-67, by section 7 of chapter 90 of the statutes of 1968, by section 1 of chapter 91 of the statutes of 1968, by section 21 of chapter 96 of the statutes of 1971, by section 4 of chapter 76 of the statutes of 1972, by section 58 of chapter 77 of the statutes of 1973, by section 48 of chapter 77 of the statutes of 1977, by section 82 of chapter 7 of the statutes of 1978, by section 10 of chapter 40 of the statutes of 1980, by section 21 of chapter 71 of the statutes of 1982, by section 670 of chapter 91 of the statutes of 1986, by section 2 of chapter 86 of the statutes of 1988, by section 12 of chapter 87 of the statutes of 1988, by section 12 of chapter 80 of the statutes of 1989, by section 4 of chapter 89 of the statutes of 1990, by section 14 of chapter 90 of the statutes of 1990, by section 16 of chapter 82 of the statutes of 1993 and by section 117 of chapter 30 of the statutes of 1994, is again amended by replacing the words “day-care centres” in the fourth line of subparagraph *dd* of paragraph 2 by the words “childcare centres or day care centres”.

ACT TO AMEND THE ACT RESPECTING CHILD DAY CARE AND OTHER LEGISLATIVE PROVISIONS

140. Sections 75 and 80 of the Act to amend the Act respecting child day care and other legislative provisions (1996, chapter 16) are repealed.

141. Section 82 of the said Act is amended

(1) by replacing the words “31 December 1997” in the third line by the words “the date fixed by the Government”;

(2) by replacing the words “31 December 1998” in the fifth line by the words “the date fixed by the Government”.

ACT RESPECTING THE MINISTÈRE DES RELATIONS AVEC LES CITOYENS ET DE L’IMMIGRATION AND AMENDING OTHER LEGISLATIVE PROVISIONS

142. Section 11 of the Act respecting the Ministère des Relations avec les citoyens et de l’Immigration and amending other legislative provisions (1996, chapter 21) is amended by striking out the word “, families” in paragraph 4.

DIVISION IV

TRANSITIONAL AND FINAL PROVISIONS

143. The Government shall acquire the rights and assume the obligations of the Office des services de garde à l’enfance.

144. Unless otherwise indicated by the context, in any Act and in any regulation, order in council, order, proclamation, ordinance, contract, agreement, accord or other document, a reference to the Office des services de garde à l'enfance shall be a reference to the Minister of Child and Family Welfare.

145. The programs administered by the Office shall continue to be administered by the Minister. The Government or the Minister, depending on which approved the program, may amend or terminate a program.

146. The regulations of the Office are deemed to be regulations of the Government.

147. The permits issued by the Office are deemed to be permits issued by the Minister.

148. The financial assistance and grants provided by the Office are deemed to be financial assistance and grants provided by the Minister.

149. The Attorney General shall become a party to any proceeding to which the Office was a party, without continuance of suit.

150. Matters before the Office shall be continued by the Minister, with no further formality.

151. The members of the personnel of the Secrétariat à la famille and of the Office des services de garde à l'enfance shall become, with no further formality, members of the personnel of the Ministère de la Famille et de l'Enfance, to the extent determined by the Government.

152. The term of office of the members of the Office shall end on (*insert here the date of coming into force of section 121*).

153. The records and other documents of the Office shall become the records and documents of the Ministère de la Famille et de l'Enfance.

154. Notwithstanding section 7 of the Act respecting the Conseil de la famille, as amended by section 30, the term of office of the next members to be appointed to that council shall be two years, for five members, and one year, for four other members.

155. The appropriations granted for the fiscal year 1997-98 for child and family welfare shall be transferred, to the extent determined by the Government, to the Ministère de la Famille et de l'Enfance.

156. For the purposes of sections 157 to 180,

a "former provision" of the "Act" is a provision of a section of the Act respecting child day care as it read before the coming into force of the provision of this Act which amends it;

a "new provision" of the "Act" is a provision of a section of the Act respecting child day care as amended by this Act.

157. Every person that, on 31 August 1997, is the holder of a day care centre permit or a home day care agency permit, is receiving, among the grants provided for in the budgetary spending program of the Office, a grant for the operating expenses of the day care centre or home day care agency and is

(1) a non-profit legal person the majority of the members of whose board of directors are parents who are users of the childcare provided by the day care centre or, in the case of an agency, by persons responsible for home day care recognized by the legal person, provided that such parents are neither members of the staff of the centre or agency, nor persons responsible for home day care or their assistants, or

(2) a cooperative whose board of directors is composed as described in subparagraph 1,

shall become, on 1 September 1997, the holder of a childcare centre permit issued under the new provisions of section 7 of the Act.

A person that becomes the holder of a childcare centre permit pursuant to this section has until 31 August 1999 to bring the composition of its board of directors into conformity with the requirements of the new provisions of the first paragraph of section 7 of the Act, and until 31 August 2002 to become a childcare centre within the meaning of the new provisions of section 1 of the Act, on pain of revocation of the permit. The person must also cease to use a name which includes the expression "day care centre" in the year following the issue of the permit.

Where the holder of a home day care agency permit becomes the holder of a childcare centre permit pursuant to this section, the persons having been recognized by the permit holder as persons responsible for home day care are deemed to be home childcare providers recognized by the permit holder, subject to the new provisions of the Act and the regulations.

158. The holder of a day care centre permit that, on 1 September 1997, becomes the holder of a childcare centre permit pursuant to section 157 of this Act and that, on the said date, is also a private educational institution within the meaning of the Act respecting private education (R.S.Q., chapter E-9.1), may not retain its childcare centre permit beyond 31 August 1999 unless it ceases to be a private educational institution.

159. A school board that, on 31 August 1997, is the holder of a day care centre permit shall retain its permit and may, notwithstanding the new

provisions of section 5 of the Act, obtain the renewal of its permit, subject to the other conditions of the said Act and the regulations, for a period expiring on 31 August 1999 at the latest.

160. The following rules apply to a person, other than a person referred to in section 157 of this Act that, on 31 August 1997, is the holder of a home day care agency permit:

(1) the person shall retain the permit and may obtain its renewal for a period expiring on 31 August 1999 at the latest;

(2) the person, and the persons recognized by the person as persons responsible for home day care, shall be governed by the former provisions of sections 7, 10.0.1, 10.1 to 10.8, 11 to 12, 13.1, 41.6, 42, 74.1, 74.2, and 74.8 to 74.10 of the Act, the new provisions of sections 8, 9, 13, 13.2, 13.4, 14 to 16, 18 to 30, 34 to 36.1, 41.6.1, 41.6.2, 44, 74.4 and 76.1 of the Act, and by the Regulation respecting home day care agencies and home day care made by Order in Council 1669-93 (1993, G.O. 2, 6863), adapted as required;

(3) the person shall also remain eligible, until 31 August 1999 at the latest, for the grants provided for by the former provisions of section 41.6 of the Act, for the benefit of that person and of the persons recognized by the person as persons responsible for home day care;

(4) if the person is neither a municipality nor a school board, the person shall become the holder of a childcare centre permit pursuant to the new provisions of section 7 of the Act if the person brings the composition of its board of directors into conformity with the requirements of subparagraph 1 of the first paragraph of section 157 of this Act and satisfies the other conditions prescribed by the new provisions of the Act and the regulations. The person has until 31 August 1999 to bring the composition of its board of directors into conformity with the requirements of the new provisions of the first paragraph of section 7 of the Act and until 31 August 2002 to become a childcare centre within the meaning of the new provisions of section 1 of the Act, on pain of revocation of the permit. The provisions of the last paragraph of section 157 apply to the persons recognized by the person as persons responsible for home day care;

(5) if the person is a municipality or a school board, the person may continue to act as a home day care agency until 31 August 1999 at the latest.

A person that acquires a home day care agency from the holder of a permit that is eligible for the grants provided for in the former provisions of section 41.6 of the Act may obtain a childcare centre permit to act within the same territory and, subject to the new provisions of the Act and the regulations, becomes eligible for the grants provided for in the new provisions of section 41.6. The provisions of the last paragraph of section 157 apply to the persons recognized by the former permit holder as persons responsible for home day care.

161. An immovable that belongs to a cooperative or a non-profit organization which is the holder of a home day care agency permit, that appears on the agency permit as the address of the agency and that is used chiefly for the carrying on of the functions of the agency is exempt from all real estate, municipal and school taxes.

162. No business tax may be levied by reason of an activity conducted by a cooperative or a non-profit organization in accordance with a home day care agency permit.

163. An applicant for a day care centre permit or home day care agency permit whose eligibility for grants and financial assistance under a development plan of the Office or following the determination and allotment of places approved by the Government for the fiscal years extending from 1989 to 1994 and for the fiscal year 1996-97 was confirmed by the Office becomes, on 1 September 1997, an applicant for a childcare centre permit, subject to the new provisions of the Act and the regulations and so long as the future permit holder satisfies the requirements of the first paragraph of section 157 of this Act.

The provisions of the second paragraph of section 157 of this Act apply to the applicant once it obtains the permit.

164. An application for a day care centre filed with the Office before 11 June 1997 or for a home day care agency permit filed with the Office before 1 September 1997 and made for or on behalf of a non-profit legal person or a cooperative whose board of directors satisfies the requirements of the first paragraph of section 157 of this Act, becomes, on 1 September 1997, an application for a childcare centre permit.

165. The provisions of the Regulation respecting day care centres made by Order in Council 1971-83 (1983, G.O. 2, 3527), adapted as required, apply to an applicant for a childcare centre permit and the holder of a day care centre permit that has become the holder of a childcare centre permit until the Regulation is amended or replaced by a regulation made under the new provisions of section 73 of the Act.

166. The provisions of the Regulation respecting home day care agencies and home day care made by Order in Council 1669-93 (1993, G.O. 2, 6863), remain in force until 31 August 1999.

The provisions of the said Regulation, adapted as required, apply to an applicant for a childcare centre permit and to the holder of a home day care agency permit.

167. A person, other than a person referred to in section 157 of this Act, that on 31 August 1997 is the holder of a day care centre permit and is eligible for the grants provided for in the former provisions of section 41.6 of the Act,

remains eligible for such grants until 31 August 2002, subject to the new provisions of the Act and the regulations.

The said permit holder is governed by the new provisions of sections 13 and 13.2, paragraphs 3 and 5 of section 23, paragraph 2 of section 36.1, and sections 41.6.1, 41.6.2, 74.4, 74.5 and 76.1 of the Act, adapted as required.

If the said permit holder is a natural person, a partnership or a profit-seeking legal person, any application for a grant made by the permit holder must include proof that the parents committee has approved the purposes for which the grant is applied for.

The acquirer of a day care centre operated by the said permit holder shall be eligible for the grants and financial assistance referred to in the first paragraph, and is subject to the other provisions of this section and the new provisions of the Act and the regulations if the acquirer obtains a day care centre permit to operate at the same location.

The fourth paragraph does not apply to the acquirer of a day care centre if the permit holder has undertaken to take part in the acquisition plan provided for in section 172 of this Act.

This section does not apply to a municipality.

168. The former provisions of sections 38 to 41, 41.1.1 and 41.2 and of subparagraphs 20, 21, 22 and 22.1 of the first paragraph of section 73 of the Act, and the provisions of the Regulation respecting exemption and financial assistance for a child in day care made by Order in Council 69-93 (1993, G.O. 2, 745) remain in force until the Government, by order, terminates the application of those provisions. The Government may, however, amend the Regulation for the period during which it remains in force.

The provisions

(1) also apply to the holder of a day care centre permit, other than one to whom or to which the former provisions of section 40 of the Act apply, that, on 14 May 1997, was eligible for financial assistance;

(2) adapted as required, also apply to the holder of a childcare centre permit issued under the new provisions of section 7 of the Act and to a home childcare provider recognized by such a permit holder.

However, a parent from whom the contribution fixed by the Government under the new provisions of section 39 of the Act is required for childcare provided to a child cannot be exempted from payment of that contribution pursuant to the former provisions of section 40 of the Act.

A parent who pays the contribution fixed under the new provisions of section 39 of the Act for childcare provided to a child is not eligible for exemption in respect of the contribution paid for childcare provided to the child.

The former provisions of sections 41.3 to 41.5 and section 45 of the Act apply to a parent who feels aggrieved by a decision made under the former provisions of section 41.5 of the Act.

169. The provisions of section 258 of the Education Act (R.S.Q., chapter I-13.3), as it read before the coming into force of section 50 of this Act, shall remain in force until the Government, by order, terminates the application of the provisions of the first paragraph of section 168 of this Act.

170. The Government may appropriate sums annually to allow the Minister to grant exemptions and financial assistance for the purposes of section 168, particularly in respect of childcare provided at school by a school board pursuant to section 256 of the Education Act, as amended by section 49 of this Act.

171. The Minister may develop and implement a plan allowing a non-profit legal person, other than one to which section 157 of this Act applies, that on 14 May 1997 is the holder of a day care centre permit, to become, subject to the conditions determined by the Minister, eligible for grants, including grants for operating expenses, determined under the new provisions of section 41.6 of the Act and included in the budgetary spending program.

The said permit holder shall become the holder of a childcare centre permit issued under the new provisions of section 7 of the Act as soon as the grants have been made by the Minister. The permit holder must, in the ensuing year, bring the composition of its board of directors into conformity with the requirements of the new provisions of the first paragraph of section 7 of the Act, and has until 31 August 2002 to become a childcare centre within the meaning of the new provisions of section 1 of the Act, on pain of revocation of the permit. The permit holder must also cease to use a name which includes the expression “day care centre” in the year following the issue of the permit.

172. The Minister may develop and implement a plan allowing an applicant for or the holder of a childcare centre permit under the new provisions of section 7 of the Act to acquire, subject to the conditions determined by the Minister, a day care centre or a home day care agency operated by a person that was the holder of a day care centre permit or home day care agency permit on 11 June 1997.

Following the acquisition, the applicant shall become the holder of a childcare centre permit and has until 31 August 2002 to become a childcare centre within the meaning of the new provisions of section 1 of the Act, on pain of revocation of the permit.

173. The Minister may, subject to the conditions he determines, enter into an agreement with the holder of a day care centre permit or home day care agency permit that undertakes to take part in the plans established under sections 171 and 172 of this Act, stipulating that the permit holder may be allotted places for which parents are to pay the fixed contribution, or for which parents are to be exempted from payment of the contribution under the new provisions of section 39 of the Act, and may be allotted the grant determined by the Minister to the extent that moneys are allocated for that purpose under the new provisions of section 41.6 of the Act.

Likewise, the Minister may enter into such an agreement with the holder of a home day care agency permit issued under the former provisions of section 7 of the Act that undertakes to satisfy the requirements of subparagraph 4 of the first paragraph of section 160 of this Act as regards the composition of its board of directors.

A permit holder that, following such an agreement, receives grants under the new provisions of section 41.6 of the Act shall be governed by the new provisions of section 13.3, the second paragraph of section 17.0.1, and sections 38, 39, 41.6.1, 41.6.2, 74.5, 74.7 and 76.1 of the Act, adapted as required, and by the provisions of subparagraph 2 of the first paragraph of section 160 and the second paragraph of section 167 of this Act, adapted as required.

The new provisions of sections 41.3 to 41.5 of the Act, adapted as required, apply to a parent who feels aggrieved by a decision concerning the contribution or exemption referred to in the new provisions of section 39 of the Act.

174. The first regulation concerning childcare centres made under the new provisions of paragraphs 1 to 10.2, 12.1 to 15, 16.1 and 24 of section 73 of the Act, and the first regulation made under the new provisions of paragraphs 20 to 22.1 of that section, are not subject to the publication requirements of section 11 of the Regulations Act (R.S.Q., chapter R-18.1), provided they are made before 1 September 1997.

The same applies in the case of the first regulation amending the Regulation respecting exemption and financial assistance for a child in day care, the Regulation respecting day care centres, the Regulation respecting home day care agencies and home day care or, for the purposes of the new section 48.5 of the Act respecting income security, the Regulation respecting income security enacted by Order in Council 922-89 (1989, G.O. 2, 2443), as amended.

Such regulations shall come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein, notwithstanding section 17 of the Regulations Act.

175. Every person operating a nursery school on the date fixed by the Government under section 141 of this Act must obtain the required permit in the ensuing year.

The same applies to every person operating a stop over centre for which a permit is required under the new provisions of section 6 of the Act.

176. Every person referred to in section 157 of this Act that, on 1 September 1997, is operating a nursery school or a stop over centre, may continue to operate it until no later than the earlier of 1 September 2002 and the day fixed by the Government for the coming into force of the provisions of section 141 of this Act.

177. Unless otherwise indicated by the context, a reference to the Act respecting child day care in any Act, regulation, by-law, order in council, contract or other document is a reference to the Act respecting childcare centres and childcare services.

178. The Government may, by way of regulations made before 1 September 1998, adopt any other transitional measures required for the application of this Act.

Regulations made under the first paragraph may, if they so provide, operate from any date not prior to 1 September 1997.

179. Until the coming into force of section 121 of this Act, the new provisions of the Act and the provisions of sections 171 to 173 of this Act that apply to the Minister shall be read, adapted as required, as if they applied to the Office.

180. No day care centre permit may be issued under the former provisions of section 5 of the Act or the new provisions of the said section following an application made on or after 11 June 1997 and before 12 June 2002, except if the application is made for the renewal of a permit in force on 11 June 1997, for the issue of a permit to the acquirer of a day care centre operated by a permit holder, or for the issue of a permit to

(1) a municipality;

(2) a public institution within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);

(3) a person that, on 11 June 1997, is a private educational institution within the meaning of the Act respecting private education (R.S.Q., chapter E-9.1).

The former provisions and the new provisions of sections 20 and 21 of the Act, and the provisions of section 42 of the Act respecting child day care and the Act respecting childcare centres and childcare services do not apply where the issue of a permit is refused pursuant to this section.

181. The provisions of this Act come into force on the date or dates to be determined by the Government, except section 180, which comes into force on 19 June 1997, section 20, paragraphs 1, 2 and 3 of section 21, sections 22 and 23, paragraphs 1 and 2 of section 24, sections 42, 43, 45 to 51 and 53 to 58, paragraphs 1 to 3 and 5 to 7 of section 59, sections 60 to 67, 69 to 97, 99 to 105, paragraphs 2 and 3 of section 106, sections 107 to 120 and 122 to 132, paragraphs 1 and 2 of sections 135 and 136 and sections 137 to 141 and 156 to 179 which come into force on 1 September 1997.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 148
(1997, chapter 59)

An Act to amend the Act respecting the Agence métropolitaine de transport

Introduced 15 May 1997
Passage in principle 27 May 1997
Passage 13 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

This bill authorizes the Agence métropolitaine de transport to accept a mandate from the public transit operating authorities to implement and operate an integrated system of public transit ticket sales and revenue collection. In connection with this, the bill provides for the extension, to certain enterprises, of the application of certain provisions of the Labour Code as regards the maintenance of essential services. Moreover, the bill enables the Government to order the carrying out of such a mandate according to the terms and conditions it determines.

The bill grants the Agence métropolitaine de transport the power to institute penal proceedings for an offence under its constituting Act. Lastly, the bill provides that the Minister of State for Greater Montréal may authorize, generally or specially, persons to act as inspectors for the purposes of that Act.

Bill 148

AN ACT TO AMEND THE ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE TRANSPORT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) is amended by inserting, after section 21, the following sections:

"**21.1.** The Agency is authorized to accept a mandate from public transit operating authorities to develop, implement and operate an integrated system of public transit ticket sales and revenue collection. A mandate from an operating authority shall be by gratuitous title and shall apply to all aspects of both local tickets, including subway tickets, and metropolitan tickets, including suburban train tickets. The mandate shall specify the duration of the mandate and shall pertain, in particular, to

(1) the choice of and procedure for acquiring, leasing and maintaining the required specialized software and all transit ticket sales and revenue collection equipment;

(2) the management and maintenance of the integrated system;

(3) data management;

(4) the manufacture, printing, distribution and marketing of public transit tickets;

(5) the allocation of metropolitan and local revenues;

(6) the terms and conditions governing the financing and payment of all the property and services to which the mandate applies, including the costs and expenses related to the preparation of a call for public tenders.

In fulfilling its mandate, the Agency may enter into contracts with any person and any partnership, in keeping with the rules governing it. The Agency may also delegate, by gratuitous title, all or part of its mandate to the Société de transport de la Communauté urbaine de Montréal and entrust the tasks it determines to the public transit operating authorities it indicates.

"**21.2.** The Government may, after consulting the public transit operating authorities concerned, make an order whereby the public transit operating

authorities it designates are deemed, from the date indicated by the Government, to have mandated the Agency under section 21.1. In such a case, the order shall specify the content of the mandate, and, from the date on which the order is made and as long as it has effect, the designated public transit operating authorities may not perform the acts to which the mandate applies.

"**21.3.** For the purposes of a contract awarded by the Agency pursuant to the second paragraph of section 21.1, a person or partnership that manages or maintains transit ticket sales or collection equipment or the integrated management system, allocates the revenues from the sales of public transit tickets, or manufactures, prints, distributes or markets the tickets, is deemed to be a transport service carried on by bus within the meaning of paragraph 4 of section 111.0.16 of the Labour Code (chapter C-27)."

2. Section 93 of the said Act is amended by replacing the words "appoint persons authorized" in the first line by the words "authorize, generally or specially, persons".

3. The said Act is amended by inserting, after section 99, the following sections:

"**99.1.** The Agency may institute penal proceedings for an offence under any of sections 96 to 99.

"**99.2.** Any municipal court in the area of jurisdiction of the Agency shall have jurisdiction in respect of an offence under any of sections 96 to 99.

In the case of an offence committed outside the area of jurisdiction of the Agency, the municipal court having jurisdiction in the area where the offence was committed shall have jurisdiction in respect of the offence.

"**99.3.** The fine belongs to the Agency, where it instituted the penal proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that 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 remitted to the defendant or imposed on the municipality under article 223 of the said Code."

4. This Act comes into force on 19 June 1997, except section 21.2 of the Act respecting the Agence métropolitaine de transport, enacted by section 1, which comes into force on the date to be fixed by the Government and section 3 which comes into force on 1 September 1997.

Coming into force of Acts

Gouvernement du Québec

O.C. 843-97, 25 June 1997

An Act respecting the Centre de recherche industrielle du Québec (1997, c. 29) — Coming into force

COMING INTO FORCE of the Act respecting the Centre de recherche industrielle du Québec

WHEREAS the Act respecting the Centre de recherche industrielle du Québec (1997, c. 29) was assented to on 12 June 1997;

WHEREAS section 42 of the Act provides that the Act comes into force on the date to be fixed by the Government;

WHEREAS it is expedient to fix 30 June 1997 as the date of coming into force of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Economy and Finance and Minister of Industry, Trade, Science and Technology and of the Minister for Industry and Trade:

THAT the Act respecting the Centre de recherche industrielle du Québec (1997, c. 29) come into force on 30 June 1997.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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Regulations and Other Acts

Gouvernement du Québec

O.C. 825-97, 25 June 1997

An Act respecting the reduction of labour costs in the public sector and implementing the agreements reached for that purpose
(1997, c. 7)

Remuneration reduction measures in the public sector
— Regulation

Remuneration reduction measures in the public sector

WHEREAS under section 4 of the Act respecting the reduction of labour costs in the public sector and implementing the agreements reached for that purpose (1997, c. 7), every public sector employer must take the remuneration reduction measures prescribed by the Government in respect of every employee in whose respect a 1.5-day period of unpaid leave or another cutback measure considered equivalent by the Government was not applied for the period from 25 December 1996 to 31 March 1997;

WHEREAS under subparagraph 3 of the first paragraph of section 26 of the Act, the Government may prescribe the cutback measures applicable to the employees referred to in section 4 of the Act, in particular the reduction of the salary paid to the employees, the reduction of the number of days of sick-leave that are credited to the employees and may be cashed out, the reduction of the indemnity standing in lieu of sick-leave or the reduction of the indemnity pertaining to the annual vacation, and prescribe the applicable level of reduction and the terms and conditions of application;

WHEREAS under subparagraph 4 of the first paragraph of section 26 of the Act, where the Government considers it appropriate having regard to the nature of the activities of the employees concerned, it may provide for the granting of leave in return for the salary reduction measures referred to in subparagraph 3 of the first paragraph of section 26, for the number of days of leave and for the terms and conditions subject to which the leave may be taken;

WHEREAS under the second paragraph of section 26 of that Act, the measures and terms and conditions prescribed under that section may vary according to the groups of employees determined by the Government;

WHEREAS under section 5 of the Act, every public sector body must apply, according to the terms and conditions determined by the Government, a cutback measure in the form of a 1.5-day period of unpaid leave to all of its members in whose respect such a measure was not applied for the period from 25 December 1996 to 31 March 1997;

WHEREAS under section 49 of the Act, section 5, adapted as required, applies to every holder of a senior position the appointment and remuneration of whom is effected or approved by the Government;

WHEREAS the Government made Décret 327-97 dated 19 March 1997 concernant la contribution des administrateurs d'État à l'objectif de réduction des coûts de main-d'oeuvre pour la période se terminant le 31 mars 1997;

WHEREAS it is expedient to prescribe the same contribution for other holders of senior positions not governed by Décret 327-97 dated 19 March 1997;

WHEREAS it is expedient to determine those measures and terms and conditions;

WHEREAS under section 27 of the Act, an order in council made under the Act takes effect on the date on which it is made or on any later date fixed therein;

IT IS ORDERED, therefore, upon the recommendation of the Chairman of the Conseil du trésor:

THAT the remuneration reduction measures attached to this Order in Council be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

SCHEDULE

REMUNERATION REDUCTION MEASURES IN THE PUBLIC SECTOR

1. Every public sector employer shall, before 31 December 1997, reduce the remuneration paid to an employee by an amount equal to 0.5 % of the annual remuneration provided for according to the wage rate applicable to him.

Such employer must also, before 31 December 1997, grant the employee a 1.3-day period of leave at a time agreed upon with the employee, or failing an agreement, determined by the employer.

The second paragraph does not apply:

(1) where the employer would have to replace the employee during the leave;

(2) to a peace officer in a house of detention;

(3) to an employee hired in a manner that is incompatible with the granting of leave, such as an employee on call or an employee hired for a specific task;

(4) to an employee to whom leave cannot be granted owing to his absence from work.

2. Notwithstanding section 1, every institution and every body classified as an institution within the meaning of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors, every regional health and social services board, any regional health and social services council and the Corporation d'urgences-santé de la région de Montréal Métropolitain shall reduce by 1 % every amount paid as total remuneration to an employee for a 6-month period. The reduction shall be applied for 13 or 26 full, consecutive pay periods according to whether the salary is paid every week or every fortnight.

3. Section 1 applies, adapted as required, to every member of a public sector body and to every holder of a senior position the appointment and remuneration of whom is effected or approved by the Government.

4. Measures identified by the employer or agreed upon with a certified association after 18 December 1996 and having for effect a reduction of the labour costs of a public sector body in an amount of at least 0.5 % of its total payroll in order to meet the object of the Act respecting the reduction of labour costs in the public sector and implementing the agreements reached for that purpose (1997, c. 7) or an agreement in principle to the same effect, are deemed equivalent to the measures prescribed in sections 1 and 2.

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Gouvernement du Québec

O.C. 826-97, 25 June 1997

An Act respecting the reduction of labour costs in the public sector and implementing the agreements reached for that purpose
(1997, c. 7)

Exemption of certain employers and certain employees
— Regulation

Exemption of certain employers and certain employees from the application of the Act respecting the reduction of labour costs in the public sector and implementing the agreements reached for that purpose

WHEREAS under section 58 of the Act respecting the reduction of labour costs in the public sector and implementing the agreements reached for that purpose (1997, c. 7), the Government may exempt from the application of the Act or any provision thereof a public sector employer identified by the Government and the employer's employees or a group of its employees determined by the Government, if it considers that the conditions of employment in force on 22 March 1997 already entail a reduction of labour costs in the same proportion as provided for by the Act;

WHEREAS it is expedient to exempt certain employers and certain employees from the application of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Chairman of the Conseil du trésor:

THAT the bodies referred to in paragraphs 4 and 5 of Schedule 1 to the Act respecting the reduction of labour costs in the public sector and implementing the agreements reached for that purpose and every operator of an ambulance service referred to in section 51 of the Act, be exempted, as regards their employees, from the application of Divisions II and III of the Act;

THAT the following be exempted from the application of Division II of the Act:

— the members of the Court of Québec, municipal judges and justices of the peace referred to in section 6 of the Act;

— the Agence métropolitaine de transport, as regards its employees;

— the Caisse de dépôt et de placement du Québec, as regards its employees;

— the Commission de la construction du Québec, as regards its employees;

— the Fonds pour la formation de chercheurs et l'aide à la recherche, as regards its employees;

— the Office franco-québécois pour la jeunesse, as regards its employees;

— the Régie de l'énergie, as regards its employees;

— the Société Innovatech du Grand Montréal, as regards its employees;

— the Société Innovatech du Sud du Québec, as regards its employees;

— the Société Innovatech Québec et Chaudière-Appalaches, as regards its employees;

— the Corporation d'urgences-santé de la région de Montréal Métropolitain, as regards the employees represented by the Rassemblement des Employés Techniciens Ambulanciers du Québec (CSN);

— the Société des établisssements de plein air du Québec, as regards the employees who are not management staff and who are working at the Manoir Montmorency or in the Wildlife Reserves Lacs Albanel - Mistassini - Waconichi and Assinica;

— the Société du Grand Théâtre de Québec, as regards its employees, except those represented by the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, local 523 (IATSE);

THAT the bodies referred to in paragraph 6 of Schedule 1 to the Act be exempted from the application of Division III of that Act as regards their employees, except:

— stage technicians represented by the International Alliance of Theatrical Stagehands Employees, Theatre Technicians and Moving Picture Operators of the United States and Canada, stage local 56 (IATSE) and the employees represented by the International Alliance of Theatrical Employees, Theatre Technicians and Moving Picture Operators of the United States and Canada, stage local 863 (IATSE), working at the Société de la Place des Arts de Montréal;

— the employees represented by the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, local 523 (IATSE), working at the Grand Théâtre de Québec;

THAT this Order in Council does not apply to members of public bodies and holders of senior positions the appointment or remuneration of whom is effected or approved by the Government.

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Gouvernement du Québec

O.C. 836-97, 25 juin 1997

Education Act
(R.S.Q., c. I-13.3)

Terms of Employment of Educational Administrators of Catholic School Boards Regulation — Regulation

Regulation to amend the Terms of Employment of Educational Administrators of Catholic School Boards Regulation

WHEREAS under section 451 of the Education Act (R.S.Q., c. I-13.3), the Government may, by regulation, establish for all or certain school boards, a classification of positions, the maximum number of positions in each job category, working conditions, remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Government made the Terms of Employment of Educational Administrators of Catholic School Boards Regulation, enacted by Order-in-Council 1325-84, dated June 6, 1984;

WHEREAS it is expedient to amend such regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Education:

THAT the Regulation to amend the Terms of Employment of Educational Administrators of Catholic School Boards Regulation, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Terms of Employment of Educational Administrators of Catholic School Boards Regulation

Education Act
(R.S.Q., c. I-13.3, s. 451)

1. The Terms of Employment of Educational Administrators of Catholic School Boards Regulation enacted by Order in Council 1325-84 dated 6 June 1984 and amended by the regulations enacted by Orders in Council 857-85 dated 8 May 1985, 425-86 dated 9 April 1986, 950-87 dated 17 June 1987, 1458-88 dated 28 September 1988, 1857-88 dated 14 December 1988, 1690-89 dated 1 November 1989, 433-90 dated 4 April 1990, 1514-90 dated 24 October 1990, 808-91 dated 12 June 1991, 87-92 dated 29 January 1992, 891-92 dated 17 June 1992, 931-92 dated 23 June 1992, 1135-92 dated 5 August 1992, 1061-93 dated 21 July 1993, 401-94 dated 23 March 1994, 1120-94 dated 20 June 1994, 124-97 dated 5 February 1997 and 233-97 dated 26 February 1997 is further amended by replacing Schedules 3, 3.1 and 7 by Schedules 3, 3.1 and 7 attached to this regulation.

2. Section 2 of Schedule 11 of the said Regulation is amended by replacing the number "1.5" by "1.3" where it appears.

3. The said Regulation is amended by inserting, after section 2 of Schedule 11, the following sections 3 and 4:

"**3.** These provisions shall apply for the period beginning on the date on which this regulation is adopted and ending on the expiry date of the transitional measures specified in the act respecting the pension plan applicable to an educational administrator:

1° the board may pay a severance allowance, equal to one month of salary per year of service in the employ of the board, without exceeding 12 months' salary, to an educational administrator, provided that his departure results in a reduction in the number of executives or educational administrators, with the exception of administrators of adult education centres, in a board.

The board may pay a severance allowance, equal to one month of salary per year of service in the employ of the board, without exceeding 6 months' salary, to an administrator of an adult education centre, provided that his departure results in a reduction in the number of administrators of adult education centres or school administrators, in a board. However, such premium may be greater than 6 months' salary without exceeding 12 months' salary, provided that his departure results in a reduction, by substitution, in the number of executives or service directors, with the exception of administrators of adult education centres, in a board.

The severance allowance paid to an educational administrator upon his departure may not exceed the maximum determined in the following situations:

— 12 months' salary if an educational administrator is eligible for a pension benefit less than 64 % of his average pensionable salary or is not eligible for a pension benefit;

— 9 months' salary if an educational administrator is eligible for a pension benefit equal to or greater than 64 % but less than 66 % of his average pensionable salary;

— 6 months' salary if an educational administrator is eligible for a pension benefit equal to or greater than 66 % but less than 68 % of his average pensionable salary;

— 3 months' salary if an educational administrator is eligible for a pension benefit equal to or greater than 68 % but less than 70 % of his average pensionable salary.

— 0 month of salary if an educational administrator is eligible for a pension benefit equal to or greater than 70 % of his average pensionable salary.

The amount of severance pay, determined in this paragraph, shall be reduced by:

— an amount corresponding to the value of additional benefits applicable to an educational administrator as a result of the adjustment of his pension credits under his pension plan. That value is equal to 1.9 months' salary per year of service to which the adjustment applies;

— an amount resulting from another severance payment or a preretirement leave, other than that obtained by using sick-leave days;

2° an educational administrator who is granted severance pay as a result of the application of this section must indicate his intention to not return to a position or employment in the public and parapublic sectors during the two years following the date of departure;

3° notwithstanding sections 138 to 154, an educational administrator who, under the transitional measures specified in his pension plan, leaves a board is entitled to the payment of the non-convertible sick-leave

days to his credit. The value of those days is determined in section 148.

This section shall not apply to an educational administrator who has already benefitted, prior to 22 May 1997, from an early departure incentive measure.

"**4.** These provisions shall apply for the period beginning on the day after the expiry date of the transitional measures specified in the act respecting the pension plan applicable to an educational administrator and ending on 30 June 1998:

1° the board may pay a severance allowance, equal to one month of salary per year of service in the employ of the board, without exceeding 12 months' salary, to an educational administrator, provided that his departure results in a reduction in the number of executives or educational administrator, with the exception of administrators of adult education centres, in a board;

The board may pay a severance allowance, equal to one month of salary per year of service in the employ of the board, without exceeding 6 months' salary, to an administrator of an adult education centre, provided that his departure results in a reduction in the number of administrators of adult education centres or school administrators, in a board. However, such premium may be greater than 6 months' salary without exceeding 12 months' salary, provided that his departure results in a reduction, by substitution, in the number of executives or service directors, with the exception of administrators of adult education centres, in a board;

2° an educational administrator who is granted severance pay as a result of the application of this section must indicate his intention to not return to a position or employment in the public and parapublic sectors during the two years following the date of departure;

3° notwithstanding sections 138 to 154, the board may, following an educational administrator's request to this effect, pay the non-convertible sick-leave days to his credit, provided that his departure results in a reduction in the number of executives or educational administrators in a board. The value of those days is determined in section 148.".

4. This regulation comes into force on the date it is adopted. However, section 2 of Schedule 11 of the said Regulation, as amended by section 2 of this regulation, takes effect as of 5 March 1997.

SCHEDULE 3

SALARY SCALES

1. The minimums and maximums of the salary scales for educational administrators shall be increased by 1 % as of 1 January 1998; these minimums and maximums are set forth in Tables I to IV of this Schedule.

2. The minimums and maximums of the salary scales of educational administrators shall be increased by 1 % as of 1 April 1998; these minimums and maximums are set forth in Tables V to VIII of this Schedule.

SCHEDULE 3

TABLE I

Service directors[1]

SALARY SCALES AS OF 1 JANUARY 1998

		Classes (number of students)				
Classification	**Salary**	**Class I 6999 or less**	**Class II 7000-11999**	**Class II 12000-17999**	**Class IV 18000-24999**	**25 000 or more**
D1	Maximum	72 305	73 751	75 224	76 733	78 267
	Minimum	55 827	56 843	57 935	59 044	60 006
D2[2]	Maximum	69 457	70 844	72 261	73 708	75 180
	Minimum	53 723	54 751	55 791	56 806	57 896
D3	Maximum	62 441	63 689	64 965	66 266	67 590
	Minimum	48 664	49 578	50 510	51 409	52 380

		Classes (number of students)				
Classification	**Salary**	**Class I 6999 or less**	**Class II 7000-11999**	**Class II 12000-17999**	**Class IV 18000-24999**	**25 000 or more**
C1	Maximum	64 559	65 851	67 166	68 512	69 880
	Minimum	50 195	51 138	52 107	53 035	54 050
C2	Maximum	60 227	61 433	62 660	63 914	65 190
	Minimum	46 941	47 819	48 723	49 637	50 577
CGP	Maximum			56 888		
	Minimum			40 596		

[1] Except for service directors (adult education field) and administrators of adult education centres.
[2] Classes I and II shall not apply to the position of director of data processing. Moreover, the classes for this position and that of coordinator of data processing are determined on the basis of the total number of students in the school board where these positions exist and in the school boards that receive all of their data processing services from the latter.

SCHEDULE 3

TABLE II

Service directors of adult education

SALARY SCALES AS OF 1 JANUARY 1998

		Classes (group/hours of teaching)						
Classification	**Salary**	**Class I 9999 or less**	**Class II 10 000-19 999**	**Class III 20 000-34 999**	**Class IV 35 000-54 999**	**Class V 55 000-79 999**	**Class VI 80 000-109 999**	**Class VII 110 000 or more**
DEA1	Maximum	69 499	70 884	72 305	73 751	75 224	76 733	78 267
	Minimum	53 754	54 779	55 827	56 843	57 935	59 044	60 006
CEA1	Maximum	62 052	63 296	64 559	65 851	67 166	68 512	69 880
	Minimum	48 361	49 271	50 195	51 138	52 107	53 035	54 050

SCHEDULE 3

TABLE III

Administrators of adult education centres

SALARY SCALES AS OF 1 JANUARY 1998

		Classes (group/hours of teaching)				
Classification	**Salary**	**Class I 9999 or less**	**Class II 10 000-15 999**	**Class III 16 000-35 999**	**Class IV 36 000-87 999**	**Class V 88 000 or more**
DCA	Maximum	60 317	63 333	66 499	71 820	75 413
	Minimum	45 521	47 797	50 185	54 198	56 908

		Classes (group/hours of teaching)		
Classification	**Salary**	**Class I 33 999 or less**	**Class II 34 000 - 87 999**	**Class III 88 000 or more**
DACA	Maximum	58 421	61 342	65 635
	Minimum	44 088	46 292	49 532

SCHEDULE 3

TABLE IV

Managers

SALARY SCALES AS OF 1 JANUARY 1998

		Classes (number of students)[1]				
Classification	**Salary**	**Class I 6 999 or less**	**Class II 7 000- 11 999**	**Class III 12 000- 17 999**	**Class IV 18 000- 24 999**	**Class V 25 000 or more**
R1	Maximum	51 511	53 927	55 711	57 554	59 459
	Minimum	39 860	41 770	43 624	45 555	47 572
R2	Maximum	46 357	48 499	50 741	53 229	55 671
	Minimum	34 790	36 443	38 175	39 898	43 647
			Class I 999 or less	Class II 1 000 - 1 999		Class III 2 000 or more
R3 (school)	Maximum		45 808	50 025		54 632
	Minimum		36 384	39 616		43 280

		Classes (group/hours of teaching)		
Classification	**Salary**	**Class I 43 999 or less**	**Class II 44 000 - 87 999**	**Class III 88 000 or more**
R3 (centre)	Maximum	45 808	50 025	54 632
	Minimum	36 384	39 616	43 280

		Classes (number of students transported)				
Classification	**Salary**	**Class I 6999 or less**	**Class II 7000- 11999**	**Class III 12000- 17999**	**Class IV 18000- 24999**	**Class V 25000 or more**
CO1	Maximum	N.A.	41 499	43 436	45 423	47 524
	Minimum	N.A.	34 611	36 189	37 838	39 549

		Classes	
CO2	Maximum	single class	45 192
	Minimum	single class	38 877
CO3	Maximum	single class	41 262
	Minimum	single class	35 536

[1] For the position of superintendent of transportation services, the classes are determined on the basis of the number of students transported.

SCHEDULE 3

TABLE V

Service directors[4]

SALARY SCALES AS OF 1 APRIL 1998

		Classes (number of students)				
Classification	**Salary**	**Class I 6999 or less**	**Class II 7000-11999**	**Class III 12000-17999**	**Class IV 18000-24999**	**Class V 25 000 or more**
D1	Maximum	73 028	74 489	75 976	77 500	79 050
	Minimum	56 385	57 411	58 514	59 634	60 606
D2[3]	Maximum	70 152	71 552	72 984	74 445	75 932
	Minimum	54 260	55 299	56 349	57 374	58 475
D3	Maximum	63 065	64 326	65 615	66 929	68 266
	Minimum	49 151	50 074	51 015	51 923	52 904
C1	Maximum	65 205	66 510	67 838	69 197	70 579
	Minimum	50 697	51 649	52 628	53 565	54 591
C2	Maximum	60 829	62 047	63 287	64 553	65 842
	Minimum	47 410	48 297	49 210	50 133	51 083
CGP	Maximum			57 457		
	Minimum			41 002		

[1] Except for service directors (adult education field) and administrators of adult education centres.
[2] Classes I and II shall not apply to the position of director of data processing. Moreover, the classes for this position and that of coordinator of data processing are determined on the basis of the total number of students in the school board where these positions exist and in the school boards that receive all of their data processing services from the latter.

SCHEDULE 3

TABLE VI

Service directors of adult education

SALARY SCALES AS OF 1 APRIL 1998

		Classes (group/hours of teaching)						
Classification	**Salary**	**Class I 9999 or less**	**Class II 10 000-19 999**	**Class III 20 000-34 999**	**Class IV 35 000-54 999**	**Class V 55 000-79 999**	**Class VI 80 000-109 999**	**Class VII 110 000 or more**
DEA1	Maximum	70 194	71 593	73 028	74 489	75 976	77 500	79 050
	Minimum	54 292	55 237	56 385	57 411	58 514	59 634	60 606
CEA1	Maximum	62 673	63 929	65 205	66 510	67 838	69 197	70 579
	Minimum	48 845	49 764	50 697	51 649	52 628	53 565	54 591

SCHEDULE 3

TABLE VII

Administrators of adult education centres

SALARY SCALES AS OF 1 APRIL 1998

		Classes (group/hours of teaching)				
Classification	**Salary**	**Class I 9999 or less**	**Class II 10 000-15 999**	**Class III 16 000-35 999**	**Class IV 36 000-87 999**	**Class V 88 000 or more**
DCA	Maximum	60 920	63 966	67 164	72 538	76 167
	Minimum	45 976	48 275	50 687	54 740	57 477

		Classes (group/hours of teaching)		
Classification	**Salary**	**Class I 33 999 or less**	**Class II 34 000 - 87 999**	**Class III 88 000 or more**
DACA	Maximum	59 005	61 955	66 291
	Minimum	44 529	46 755	50 027

SCHEDULE 3

TABLE VIII

Managers

SALARY SCALES AS OF 1 APRIL 1998

		Classes (number of students)[4]				
Classification	**Salary**	**Class I 6 999 or less**	**Class II 7 000- 11 999**	**Class III 12 000- 17 999**	**Class IV 18 000- 24 999**	**Class V 25 000 or more**
R1	Maximum	52 026	54 466	56 268	58 130	60 054
	Minimum	40 259	42 188	44 060	46 011	48 048
R2	Maximum	46 821	48 984	51 248	53 761	56 228
	Minimum	35 138	36 807	38 557	40 297	44 083
			Class I 999 or less	Class II 1 000 - 1 999		Class III 2 000 or more
R3 (school)	Maximum		46 266	50 525		55 178
	Minimum		36 748	40 012		43 713

		Classes (group/hours of teaching)		
Classification	**Salary**	**Class I 43 999 or less**	**Class II 44 000 - 87 999**	**Class III 88 000 or more**
R3 (centre)	Maximum	42 266	50 525	55 178
	Minimum	36 748	40 012	43 713

		Classes (number of students transported)				
Classification	**Salary**	**Class I 6999 or less**	**Class II 7000- 11999**	**Class III 12000- 17999**	**Class IV 18000- 24999**	**Class V 25000 or more**
CO1	Maximum	N.A.	41 914	43 870	45 877	47 999
	Minimum	N.A.	34 957	36 551	38 216	39 944
				Classes		
CO2	Maximum			single class	45 644	
	Minimum			single class	39 266	
CO3	Maximum			single class	41 675	
	Minimum			single class	35 891	

[1] For the position of superintendent of transportation services, the classes are determined on the basis of the number of students transported.

SCHEDULE 3.1

RULES RESPECTING SALARY REVIEW

1. Unless there are provisions to the contrary, the rules respecting salary review shall apply to an educational administrator in office on the day before and on the day on which the salaries are revised.

2. In the case of a movement of personnel on the date on which the salaries are revised, the rules respecting salary review shall apply prior to the provisions prescribed in Division 6 of Chapter 4.

3. The rules respecting salary review shall not apply to an educational administrator whose performance is deemed unsatisfactory.

4. Where the date on which salaries are revised under Division 1 coincides with 1 April under Division 2, the rates of increase shall be added up and the total amount shall be applied to an educational administrator's salary on 31 March.

DIVISION 1
SALARY REVIEW AS A RESULT OF A READJUSTMENT OF THE SALARY SCALES

5. An educational administrator's salary shall be increased, on the date on which the salary scales are readjusted, by the rate of increase specified in Schedule 3 or 7, as the case may be.

DIVISION 2
SALARY REVIEW ON 1 APRIL

Subdivision 1: General Rules

6. Where an educational administrator's salary is less than the maximum of the salary scale for his class of employment on 31 March of the year concerned, his salary shall be increased by 4 % on the following 1 April, without exceeding the maximum of the salary scale for his class of employment.

Subdivision 2: Rules Applicable to Certain Educational Administrators on Disability Leave

7. This subdivision applies to an educational administrator on disability leave on the date on which the salaries are revised and whose period of disability on that date is equal to or less than 104 weeks.

8. Section 6 of this Schedule shall apply to an educational administrator in office for at least 6 months during the period from 1 April to 31 March of the preceding year.

SCHEDULE 7

COMMISSION DES ÉCOLES CATHOLIQUES DE MONTRÉAL (CECM)

1. Subject to the provisions of this Schedule, the other provisions of the Regulation shall apply to CECM educational administrators.

2. The rules respecting the number of educational administrators for each school year are subject to approval by the Minister prior to the beginning of the school year.

3. Employment classification and Classification Plans applicable to CECM educational administrators for each school year are subject to approval by the Minister prior to the beginning of the school year.

4. The minimums and maximums of the salary scales for CECM educational administrators shall be increased by 1 % as of 1 January 1998: the minimums and maximums are set forth in Tables I and II of this Schedule.

5. The minimums and maximums of the salary scales for CECM educational administrators shall be increased by 1 % as of 1 April 1998: the minimums and maximums are set forth in Tables III and IV of this Schedule.

SCHEDULE 7

TABLE I

Service directors of the Commission des écoles catholiques de Montréal (CECM)

SALARY SCALES AS OF 1 JANUARY 1998

Classification	Salary	Special class
D1	Maximum	87 828
	Minimum	66 308
D2	Maximum	83 644
	Minimum	63 148
D3	Maximum	80 904
	Minimum	61 078
C1	Maximum	78 173
	Minimum	60 006
C2	Maximum	72 614
	Minimum	55 921
C3	Maximum	69 358
	Minimum	53 597
C4	Maximum	64 955
	Minimum	50 393

SCHEDULE 7

TABLE II

Managers of the Commission des écoles catholiques de Montréal (CECM)

SALARY SCALES AS OF 1 JANUARY 1998

Classification		Salary	
		Minimum	Maximum
R3,	Class I	36 384	45 808
	Class II	39 616	50 025
	Class III	43 280	54 632
R4,	Class S-1	48 615	57 071
R4,	Class S-2	41 579	55 562
R6		35 596	48 379
R7,	Class II	37 123	46 622
R7,	Class III	40 577	50 815
CO1,	Class I	34 611	41 499
CO1,	Class III	36 189	43 436
CO2,	Class S-1	38 877	48 125
CO2,	Class S-2	40 488	49 201
CO2,	Class S-3	31 692	41 851
CO3		35 536	41 262
CO4		28 723	37 065
CO5		35 184	43 983
CO5,	Class S-1	39 425	45 256
CO5,	Class S-2	37 124	47 984
CO5,	Class S-3	41 579	55 562
CO6,	Class S-1	35 599	52 573
CO6,	Class S-2	28 253	34 549

SCHEDULE 7

TABLE III

Service directors of the Commission des écoles catholiques de Montréal (CECM)

SALARY SCALES AS OF 1 APRIL 1998

Classification	Salary	Special class
D1	Maximum	88 706
	Minimum	66 971
D2	Maximum	84 480
	Minimum	63 779
D3	Maximum	81 713
	Minimum	61 689
C1	Maximum	78 955
	Minimum	60 606
C2	Maximum	73 340
	Minimum	56 480
C3	Maximum	70 052
	Minimum	54 133
C4	Maximum	65 605
	Minimum	50 897

SCHEDULE 7

TABLE IV

Managers of the Commission des écoles catholiques de Montréal (CECM)

SALARY SCALES AS OF 1 APRIL 1998

Classification		Salary	
		Minimum	Maximum
R3,	Class I	36 748	46 266
	Class II	40 012	50 525
	Class III	43 713	55 178
R4,	Class S-1	49 101	57 642
R4,	Class S-2	41 995	56 118
R6		35 952	48 863

Classification		Salary Minimum	Salary Maximum
R7,	Class II	37 494	47 088
R7,	Class III	40 983	51 323
CO1,	Class I	34 957	41 914
CO1,	Class III	36 551	43 870
CO2,	Class S-1	39 266	48 606
CO2,	Class S-2	40 893	49 693
CO2,	Class S-3	32 009	42 270
CO3		35 891	41 675
CO4		29 010	37 436
CO5		35 536	44 423
CO5,	Class S-1	39 819	45 709
CO5,	Class S-2	37 495	48 464
CO5,	Class S-3	41 995	56 118
CO6,	Class S-1	35 955	53 099
CO6,	Class S-2	28 536	34 894

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Gouvernement du Québec

O.C. 837-97, 25 June 1997

Education Act
(R.S.Q., c. I-13.3)

Conditions of Employment of Directors-General and Assistant Directors General of Catholic School Boards Regulation
— Regulation

Regulation to amend the Conditions of Employment of Directors-General and Assistant Directors-General of Catholic School Boards Regulation

WHEREAS under section 451 of the Education Act (R.S.Q., c. I-13.3), the Government may, by regulation, establish for all or certain school boards, a classification of positions, the maximum number of positions in each job category, working conditions, remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Government made the Conditions of Employment of Directors-General and Assistant Directors-General of Catholic School Boards Regulation, enacted by Order-in-Council 1326-84, dated June 6, 1984;

WHEREAS it is expedient to amend such regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Education:

THAT the Regulation to amend the Conditions of Employment of Directors-General and Assistant Directors-General of Catholic School Boards Regulation, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Conditions of Employment of Directors-General and Assistant Directors-General of Catholic School Boards Regulation

Education Act
(R.S.Q., c. I-13.3, s. 451)

1. The Conditions of Employment of Directors-General and Assistant Directors-General of Catholic School Boards Regulation enacted by Order in Council 1326-84 dated 6 June 1984 and amended by the regulations enacted by Orders in Council 858-85 dated 8 May 1985, 426-86 dated 9 April 1986, 1715-86 dated 19 November 1986, 951-87 dated 17 June 1987, 1459-88 dated 28 September 1988, 1858-88 dated 14 December 1988, 1691-89 dated 1 November 1989, 1515-90 dated 24 October 1990, 809-91 dated 12 June 1991, 892-92 dated 17 June 1992, 932-92 dated 23 June 1992, 1136-92 dated 5 August 1992, 1062-93 dated 21 July 1993, 402-94 dated 23 March 1994, 1121-94 dated 20 June 1994, 125-97 dated 5 February 1997 and 234-97 dated 26 February 1997 is further amended by replacing Schedules 1, 4 and 4.1 by Schedules 1, 4 and 4.1 attached to this regulation.

2. Section 2 of Schedule 10 of the said Regulation is amended by replacing the number “1.5” by “1.3” where it appears.

3. The said Regulation is amended by inserting, after section 2 of Schedule 10, the following sections 3 and 4:

"**3.** These provisions shall apply for the period beginning on the date on which this regulation is adopted and ending on the expiry date of the transitional measures specified in the act respecting the pension plan applicable to an executive:

1° the board may pay a severance allowance, equal to one month of salary per year of service in the employ of the board, without exceeding 12 months' salary, to an executive, provided that his departure results in a reduction in the number of executives or service directors, with the exception of administrators of adult education centres, in a board.

The severance allowance paid to an executive upon his departure may not exceed the maximum determined in the following situations:

— 12 months' salary if an executive is eligible for a pension benefit less than 64 % of his average pensionable salary or is not eligible for a pension benefit;

— 9 months' salary if an executive is eligible for a pension benefit equal to or greater than 64 % but less than 66 % of his average pensionable salary;

— 6 months' salary if an executive is eligible for a pension benefit equal to or greater than 66 % but less than 68 % of his average pensionable salary;

— 3 months' salary if an executive is eligible for a pension benefit equal to or greater than 68 % but less than 70 % of his average pensionable salary;

— 0 month of salary if an executive is eligible for a pension benefit equal to or greater than 70 % of his average pensionable salary.

The amount of severance pay, determined in this paragraph, shall be reduced by:

— an amount corresponding to the value of additional benefits applicable to an executive as a result of the adjustment of his pension credits under his pension plan. That value is equal to 1.9 months' salary per year of service to which the adjustment applies;

— an amount resulting from another severance payment or a preretirement leave, other than that obtained by using sick-leave days;

2° an executive who is granted severance pay as a result of the application of this section must indicate his intention to not return to a position or employment in the public and parapublic sectors during the two years following the date of departure;

3° notwithstanding sections 72 to 87, an executive who, under the transitional measures specified in his pension plan, leaves a board is entitled to the payment of the non-cash-benefit sick-leave days to his credit. The value of those days is determined in section 81.

This section shall not apply to an executive who has already benefitted, prior to 22 May 1997, from an early departure incentive measure.

"**4.** These provisions shall apply for the period beginning on the day after the expiry date of the transitional measures specified in the act respecting the pension plan applicable to an executive and ending on 30 June 1998:

1° the board may pay a severance allowance, equal to one month of salary per year of service in the employ of the board, without exceeding 12 months' salary, to an executive, provided that his departure results in a reduction in the number of executives or service directors, with the exception of administrators of adult education centres, in a board;

2° an executive who is granted severance pay as a result of the application of this section must indicate his intention to not return to a position or employment in the public and parapublic sectors during the two years following the date of departure;

3° notwithstanding sections 72 to 87, the board may, following an executive's request to this effect, pay the non-cash-benefit sick-leave days to his credit, provided that his departure results in a reduction in the number of executives or service directors, other than an administrator of an adult education centre, in a board. The value of those days is determined in section 81.".

4. This regulation comes into force on the date it is adopted. However, section 2 of Schedule 10 of the said Regulation, as amended by section 2 of this regulation, takes effect as of 5 March 1997.

SCHEDULE 1
COMMISSION DES ÉCOLES CATHOLIQUES DE MONTRÉAL (CECM)

1. Subject to sections 2 to 5 of this Schedule, the other provisions of the Regulation apply to executives of the CECM.

2. The rules respecting the number of executives of the CECM for each school year are subject to approval by the Minister prior to the beginning of the school year.

3. The job classification and classification plans applicable to executives of the CECM for each school year

are subject to approval by the Minister prior to the beginning of the school year.

4. The minimums and maximums of the salary scales for executives of the CECM shall be increased by 1 % as of 1 January 1998; these minimums and maximums are set forth in Table I of this Schedule.

5. The minimums and maximums of the salary scales for executives of the CECM shall be increased by 1 % as of 1 April 1998; these minimums and maximums are set forth in Table II of this Schedule.

TABLE I

Director-General and Assistant Directors-General (CECM)

SALARY SCALES AS OF 1 JANUARY 1998

Classification	Salary	Special grade
HC0	Maximum	111 899
	Minimum	89 450
HC1	Maximum	98 213
	Minimum	75 627

TABLE II

Director-General and Assistant Directors-General (CECM)

SALARY SCALES AS OF 1 APRIL 1998

Classification	Salary	Special grade
HC0	Maximum	113 018
	Minimum	90 345
HC1	Maximum	99 195
	Minimum	76 383

SCHEDULE 4
SALARY SCALES

1. The minimums and maximums of the salary scales for executives shall be increased by 1 % as of 1 January 1998; these minimums and maximums are set forth in Table I of this Schedule.

2. The minimums and maximums of the salary scales for executives shall be increased by 1 % as of 1 April 1998; these minimums and maximums are set forth in Table II of this Schedule.

TABLE I

Executives of School Boards

SALARY SCALES AS OF 1 JANUARY 1998

Classification	Salary	Class I 6999 or less	Class II 7000-11999	Class III 12000-17999	Class IV 18000-24999	Class V 25000 or +
HC0	Maximum	87 608	90 239	92 943	95 731	98 602
	Minimum	70 035	72 139	74 301	76 528	78 823
HC1	Maximum	80 520	82 954	84 611	86 302	88 027
	Minimum	62 881	63 880	65 155	66 460	67 786
CC	Maximum	71 806	73 239	74 705	76 202	77 726
	Minimum	55 443	56 450	57 535	58 636	59 591

TABLE II

Executives of School Boards

SALARY SCALES AS OF 1 APRIL 1998

Classification	Salary	Class I 6999 or less	Class II 7000-11999	Class III 12000-17999	Class IV 18000-24999	Class V 25000 or +
HC0	Maximum	88 484	91 141	93 872	96 688	99 588
	Minimum	70 735	72 860	75 044	77 293	79 611
HC1	Maximum	81 325	83 784	85 457	87 165	88 907
	Minimum	63 510	64 519	65 807	67 125	68 464
CC	Maximum	72 524	73 971	75 452	76 964	78 503
	Minimum	55 997	57 015	58 110	59 222	60 187

SCHEDULE 4.1
RULES RESPECTING SALARY REVIEW

1. Unless there are provisions to the contrary, the rules respecting salary review shall apply to an executive in office on the day before and on the day on which salaries are revised.

2. In the case of a movement of personnel on the date on which the salaries are revised, the rules respecting salary review shall apply prior to the provisions prescribed in Division 4 of Chapter 4.

3. The rules respecting salary review shall not apply to an executive whose performance is deemed unsatisfactory.

4. Where the date on which salaries are revised under Division 1 coincides with 1 April under Division 2, the rates of increase shall be added up and the total amount shall be applied to an executive's salary on 31 March.

DIVISION 1
SALARY REVIEW AS A RESULT OF A READJUSTMENT OF THE SALARY SCALES

5. An executive's salary shall be increased, on the date on which the salary scales are readjusted, by the rate of increase specified in Schedule 1 or 4, as the case may be.

DIVISION 2
SALARY REVIEW ON 1 APRIL

Subdivision 1: General Rules

6. Where an executive's salary is less than the maximum of the salary scale for his class of employment on 31 March of the year concerned, his salary shall be increased by 4 on the following 1 April, without exceeding the maximum of the salary scale for his class of employment.

Subdivision 2: Rules Applicable to Certain Executives on Disability Leave

7. This subdivision shall apply to an executive on disability leave on the date on which the salaries are revised and whose period of disability on that date is equal to or less than 104 weeks.

8. Section 6 of this Schedule shall apply to an executive in office for at least 6 months during the period from 1 April to 31 March of the preceding year.

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Gouvernement du Québec

O.C. 838-97, 25 June 1997

Education Act
(R.S.Q., c. I-13.3)

Terms of Employment of Principals and Vice-Principals of Catholic School Boards

Regulation to amend the Terms of Employment of Principals and Vice-Principals of Catholic School Boards Regulation

WHEREAS under section 451 of the Education Act (R.S.Q., c. I-13.3), the Government may, by regulation, establish for all or certain school boards, a classification of positions, the maximum number of positions in each job category, working conditions, remuneration, re-

courses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Government made the Terms of Employment of Principals and Vice-Principals of Catholic School Boards Regulation, enacted by Order-in-Council 1327-84, dated June 6, 1984;

WHEREAS it is expedient to amend such regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Education:

THAT the Regulation to amend the Terms of Employment of Principals and Vice-Principals of Catholic School Boards Regulation, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Terms of Employment of Principals and Vice-Principals of Catholic School Boards

Education Act
(R.S.Q., c. I-13.3, s. 451)

1. The Terms of Employment of Principals and Vice-principals of Catholic School Boards Regulation enacted by Order in Council 1327-84 dated 6 June 1984 and amended by the regulations enacted by Orders in Council 859-85 dated 8 May 1985, 427-86 dated 9 April 1986, 952-87 dated 17 June 1987, 1460-88 dated 28 September 1988, 1859-88 dated 14 December 1988, 1692-89 dated 1 November 1989, 434-90 dated 4 April 1990, 1516-90 dated 24 October 1990, 810-91 dated 12 June 1991, 88-92 dated 29 January 1992, 893-92 dated 17 June 1992, 933-92 dated 23 June 1992, 1137-92 dated 5 August 1992, 1063-93 dated 21 July 1993, 403-94 dated 23 March 1994, 1122-94 dated 20 June 1994, 126-97 dated 5 February 1997 and 235-97 dated 26 February 1997 is further amended by replacing Schedules 3 and 3.1 by Schedules 3 and 3.1 attached to this regulation.

2. Section 2 of Schedule 10 of the said Regulation is amended by replacing the number "1.5" by "1.3" where it appears.

3. The said Regulation is amended by inserting, after section 2 of Schedule 10, the following sections 3 and 4:

"**3.** These provisions shall apply for the period beginning on the date on which this regulation is adopted and ending on the expiry date of the transitional measures specified in the act respecting the pension plan applicable to a school administrator:

1° the board may pay a severance allowance, equal to one month of salary per year of service in the employ of the board, without exceeding 6 months' salary, to a school administrator, provided that his departure results in a reduction in the number of school administrators or administrators of adult education centres, in a board. However, such premium may be greater than 6 months' salary without exceeding 12 months' salary, provided that his departure results in a reduction, by substitution, in the number of executives or service directors, with the exception of administrators of adult education centres, in a board.

The severance allowance paid to a school administrator upon his departure may not exceed the maximum determined in the following situations:

— 12 months' salary if a school administrator is eligible for a pension benefit less than 64 % of his average pensionable salary or is not eligible for a pension benefit;

— 9 months' salary if a school administrator is eligible for a pension benefit equal to or greater than 64 % but less than 66 % of his average pensionable salary;

— 6 months' salary if a school administrator is eligible for a pension benefit equal to or greater than 66 % but less than 68 % of his average pensionable salary;

— 3 months' salary if a school administrator is eligible for a pension benefit equal to or greater than 68 % but less than 70 % of his average pensionable salary;

— 0 month of salary if a school administrator is eligible for a pension benefit equal to or greater than 70 % of his average pensionable salary.

— The amount of severance allowance, determined in this paragraph, shall be reduced by:

— an amount corresponding to the value of the additional benefits applicable to a school administrator as a result of the adjustment of his pension credits acquired under his pension plan. That value is equal to 1.9 months' salary per year of service to which the adjustment applies;

— an amount resulting from another severance payment or a preretirement leave, other than that obtained by using sick-leave days;

2° a school administrator who is granted severance pay as a result of the application of this section must indicate his intention to not return to a position or employment in the public and parapublic sectors during the two years following the date of departure;

3° notwithstanding sections 99 to 115, a school administrator who, under the transitional measures specified in his pension plan, leaves a board is entitled to the payment of the non-convertible sick-leave days to his credit. The value of those days is determined in section 109.

This section shall not apply to a school administrator who has already benefitted, prior to 22 May 1997, from an early departure incentive measure.

4. These provisions shall apply for the period beginning on the day after the expiry date of the transitional measures specified in the act respecting the pension plan applicable to a school administrator and ending on 30 June 1998:

1° the board may pay a severance allowance, equal to one month of salary per year of service in the employ of the board, without exceeding 6 months' salary, to a school administrator, provided that his departure results in a reduction in the number of school administrators or administrators of adult education centres, in a board. However, such premium may be greater than 6 months' salary without exceeding 12 months' salary, provided that his departure results in a reduction, by substitution, in the number of executives or service directors, with the exception of administrators of adult education centres, in a board;

SCHEDULE 3

SALARY SCALES

TABLE I

Principals and Vice-Principals

SALARY SCALES AS OF 1 JANUARY 1998

Position	Classification	Salary	Class I 499 or -	Class II 500-999	Class III 1000-1999[1]	Class IV 2000-3199	Class V 3200 or +
Principal (elementary)	DP	Maximum	62 091	64 577	67 161	N.A.	N.A.
		Minimum	46 858	48 731	50 684		
Principal (secondary)	DS	Maximum	63 333	66 499	71 820	75 413	79 183
		Minimum	47 797	50 185	54 198	56 908	59 755

2° a school administrator who is granted severance pay as a result of the application of this section must indicate his intention to not return to a position or employment in the public and parapublic sectors during the two years following the date of departure;

3° notwithstanding sections 99 to 115, the board may, following a school administrator's request to this effect, pay the non-convertible sick-leave days to his credit, provided that his departure results in a reduction in the number of executives or administrators in a board. The value of those days is determined in section 109.".

4. This regulation comes into force on the date it is adopted. However, section 2 of Schedule 10 of the said Regulation, as amended by section 2 of this regulation, takes effect as of 5 March 1997.

SCHEDULE 3

SALARY SCALES

1. The minimums and maximums of the salary scales for school administrators shall be increased by 1 % as of 1 January 1998; these minimums and maximums are set forth in Table I of this Schedule.

2. The minimums and maximums of the salary scales for school administrators shall be increased by 1 % as of 1 April 1998; these minimums and maximums are set forth in Table II of this Schedule.

			Class I 999 or -	Class II 1000-1999	Class III 2000 or +
Vice-principal (elementary or secondary)	DAP or DAS	Maximum	58 421	61 342	65 635
		Minimum	44 088	46 292	49 532
Vice-principal (secondary) (PA.1)	DAS1	Maximum	N.A.	63 901	69 968
		Minimum		48 349	52 590
Vice-principal (secondary) (PA.2)	DAS2	Maximum		58 421	
		Minimum		44 088	

[1] 1 000 or + in the case of principals (elementary).

TABLE II

Principals and Vice-Principals

SALARY SCALES AS OF 1APRIL 1998

Position	Classification	Salary	Class I 499 or -	Class II 500-999	Class III 1000-1999[(1)]	Class IV 2000-3199	Classe V 3200 or +
Principal (elementary)	DP	Maximum	62 712	65 223	67 833	N.A.	N.A.
		Minimum	47 327	49 218	51 191		
Principal (secondary)	DS	Maximum	63 966	67 164	72 538	76 167	79 975
		Minimum	48 275	50 687	54 740	57 477	60 353

			Class I 999 or -	Class II 1000-1999	Class III 2000 or +
Vice-principal (elementary or secondary)	DAP or DAS	Maximum	59 005	61 955	66 291
		Minimum	44 529	46 755	50 027
Vice-principal (secondary) (PA.1)	DAS1	Maximum	N.A.	64 540	70 668
		Minimum		48 832	53 116
Vice-principal (secondary) (PA.2)	DAS2	Maximum		59 005	
		Minimum		44 529	

SCHEDULE 3.1

RULES RESPECTING SALARY REVIEW

1. Unless there are provisions to the contrary, the rules respecting salary review shall apply to a school administrator in office on the day before and on the day on which salaries are revised.

2. In the case of a movement of personnel on the date on which the salaries are revised, the rules respecting salary review shall apply prior to the provisions prescribed in Division 3 of Chapter 4.

3. The rules respecting salary review shall not apply to a school administrator whose performance is deemed unsatisfactory.

4. Where the date on which salaries are revised under Division 1 coincides with 1 April under Division 2, the rates of increase shall be added up and the total amount shall be applied to a school administrator's salary on 31 March.

DIVISION 1

SALARY REVIEW AS A RESULT OF A READJUSTMENT OF THE SALARY SCALES

5. A school administrator's salary shall be increased, on the date on which the salary scales are readjusted, by the rate of increase specified in Schedule 3.

DIVISION 2
SALARY REVIEW ON 1 APRIL

§1. General Rules

6. Where a school administrator's salary is less than the maximum of the salary scale for his class of employment on 31 March of the year concerned, his salary shall be increased by 4 % on the following 1 April, without exceeding the maximum of the salary scale for his class of employment.

§2. Rules Applicable to Certain School Administrators on Disability Leave

7. This subdivision shall apply to a school administrator on disability leave on the date on which the salaries are revised and whose period of disability on that date is equal to or less than 104 weeks.

8. Section 6 of this Schedule shall apply to a school administrator in office for at least 6 months during the period from 1 April to 31 March of the preceding year.

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Gouvernement du Québec

O.C. 847-97, 25 June 1997

Professional Code
(R.S.Q., c. C-26)

Nurses
— Standards for equivalence of diplomas and training for the issue of a permit

Regulation respecting the standards for a diploma equivalence or training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec

WHEREAS under section 3 of the Nurses Act (R.S.Q., c. I-8), subject to that Act, the Ordre des infirmières et infirmiers du Québec, hereinafter designated "the Order", and its members shall be governed by the Professional Code (R.S.Q., c. C-26);

WHEREAS under paragraph *c* of section 93 of the Professional Code, the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing, in particular, a permit, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS under that paragraph, the Bureau of the Order, at its meeting held on 13 and 14 February 1997, duly made the Regulation respecting the standards for equivalence of diplomas and training for the issue of a permit by the Ordre des infirmières et infirmiers du Québec;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 19 March 1997 with a notice indicating, in particular, that it could be submitted to the Government, which could approve it with or without amendment at the expiry of 45 days from its publication, and inviting any person having comments to make to send them, before the expiry of the 45-day period, to the chairman of the Office des professions du Québec;

WHEREAS after the publication of the Regulation, the chairman of the Office received no comments;

WHEREAS under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be transmitted to the Office des professions

du Québec for examination and it shall be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment;

WHEREAS the Regulation was transmitted to the Office, which has examined it and formulated its recommendation;

WHEREAS it is expedient to approve the Regulation, with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the standards for a diploma equivalence or training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec, the text of which is attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the standards for a diploma equivalence or training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec

Professional Code
(R.S.Q., c. C-26, s. 93, par. *c*)

DIVISION I
GENERAL

1. This Regulation applies to a person who does not hold a diploma meeting the requirements for the permit issued by the Ordre des infirmières et infirmiers du Québec and who, for the purpose of obtaining a permit, applies to have a diploma conferred by an educational establishment outside Québec recognized as being equivalent to such diploma.

It also applies to a person who does not hold a diploma meeting permit requirements or a diploma conferred by an educational establishment outside Québec for which a diploma equivalence could be granted under this Regulation and who, for the purpose of obtaining a permit, applies to have training received in Québec or outside Québec recognized as being equivalent to a diploma meeting permit requirements.

2. The secretary of the Ordre des infirmières et infirmiers du Québec shall send a copy of this Regulation to a person who, for the purpose of obtaining a permit from the Order, applies for a diploma equivalence or training equivalence.

3. In this Regulation,

"diploma equivalence" means the recognition by the Bureau of the Order, pursuant to subparagraph *g* of the first paragraph of section 86 of the Professional Code (R.S.Q., c. C-26), that a diploma issued by an educational establishment outside Québec certifies that the holder's level of knowledge and skills is equivalent to the level that may be attained by the holder of a diploma meeting permit requirements;

"diploma meeting permit requirements" means a diploma recognized, by regulation of the Government made under the first paragraph of section 184 of the Professional Code, as meeting the requirements for the permit issued by the Order; and

"training equivalence" means the recognition by the Bureau of the Order, pursuant to subparagraph *g* of the first paragraph of section 86 of the Professional Code, that a person's training has enabled her to attain a level of knowledge and skills equivalent to that attained by the holder of a diploma meeting permit requirements.

DIVISION II
STANDARDS FOR A DIPLOMA EQUIVALENCE

4. A person holding a diploma conferred by an educational establishment outside Québec shall be granted a diploma equivalence where

1) the diploma was conferred upon completion of studies that are at least equivalent to college level III in Québec and comprise a minimum of 2 775 hours distributed as follows:

(a) biological sciences: at least 240 hours, particularly in anatomy, physiology, metabolic biology, biochemistry, epidemiology and microbiology;

(b) social sciences: at least 180 hours, particularly in human development, sociology of the family and sociology of health;

(c) introduction to nursing, including the concepts of health and illness: at least 120 hours of theory and 240 hours of laboratory and clinical experience;

(d) obstetrical nursing (mother and infant) and pediatric nursing (children and adolescents): at least 90 hours

of theory and 180 hours of laboratory and clinical experience, with a minimum of 64 hours of clinical experience in each area;

(e) medical-surgical skills for nursing of adults: at least 90 hours of theory and 180 hours of laboratory and clinical experience;

(f) adult psychiatric nursing and geriatric nursing: at least 60 hours of theory and 315 hours of laboratory and clinical experience, with a minimum of 96 hours of clinical psychiatric experience;

(g) consolidation of nursing skills: at least 75 hours of theory, with a focus on the sociocultural, legal, ethical, communicational and organizational aspects of the practice of nursing in Québec and at least 345 hours of clinical experience aimed at the practical application of the concepts related to those areas, with at least 225 hours of nursing of adults in medical-surgical settings and 120 hours in a practical elective;

(h) general courses: at least 660 hours in mother tongue and second language courses, philosophy, physical education or any other general culture course; and

(2)the diploma described in paragraph 1 was obtained subsequently to

(a) a diploma conferred by an educational establishment outside Québec and equivalent, in accordance with the equivalence standards established by the Ministère de l'Éducation, to a Secondary V secondary school leaving certificate; or

(b) a secondary school leaving certificate conferred by the Minister of Education or a diploma deemed equivalent by the Bureau of the Order.

DIVISION III
STANDARDS FOR A TRAINING EQUIVALENCE

5. A person shall be granted a training equivalence where she demonstrates to the satisfaction of the Bureau of the Order that

1) her knowledge and skills are equivalent to those that may be attained by the holder of a diploma meeting permit requirements; and

(2) she has relevant clinical experience.

6. In assessing training that is cited in support of an equivalence application, the Bureau of the Order shall consider the following factors, in particular:

(1) total years of education;

(2) the fact that the person holds one or more diplomas obtained in Québec or elsewhere;

(3) type of courses taken and course content;

(4) training periods served, and other ongoing or refresher training activities; and

(5) type and total length of clinical experience.

DIVISION IV
PROCEDURE FOR GRANTING EQUIVALENCES

7. A person who, for the purpose of obtaining a permit from the Order, requires a diploma equivalence or training equivalence shall

(1) apply therefor in writing to the secretary of the Order and enclose with the application the processing fee prescribed by the Bureau of the Order under paragraph 8 of section 86.0.1 of the Professional Code;

(2) provide the secretary of the Order with

(a) a true copy of every diploma held;

(b) a true copy of her act of birth or, failing that, a photocopy of her passport or her certificate of Canadian citizenship, certified as true by the authority that issued it and, where applicable, official proof that she is legally admitted to Canada for permanent settlement;

(c) where applicable, official proof that she is legally authorized to practise nursing outside Québec;

(d) where applicable, a document attesting to her clinical experience;

(e) where applicable, any information pertaining to the factors that the Bureau of the Order may take into consideration for the purposes of section 6; and

(3) have each educational establishment which conferred a diploma in respect of which she is applying for an equivalence, or the competent authority, draw up a document attesting to her education, describing the program taken, particularly the courses in theory and laboratory and clinical experience, and indicating the number of hours for each, and ensure that each establishment or the competent authority, as the case may be, sends the document directly to the secretary of the Order.

Where a document submitted in support of an equivalence application is written in a language other than

French or English, the applicant shall provide a translation in French or English, certified in a sworn statement by the person who did the translation.

8. The secretary of the Order shall forward the documents prescribed in section 7 to the admissions branch of the Order, which shall examine the equivalence application and make the appropriate recommendation to the Bureau of the Order.

For the purposes of making an appropriate recommendation, the admissions branch may require that a person applying for an equivalence pass an examination or serve a period of training or both.

9. At the first meeting of the Bureau of the Order following submission of the recommendation by the admissions branch, the Bureau shall decide that it will

(1) grant a diploma equivalence or training equivalence;

(2) grant a partial training equivalence; or

(3) deny a diploma equivalence or training equivalence and, therefore, reject the application.

Within 15 days following its decision, the Bureau of the Order shall inform the person concerned, in writing, by registered or certified mail.

Where the Bureau of the Order decides to grant a partial training equivalence, it shall indicate at the same time, in writing, the program of studies or additional training which, given the person's level of knowledge and skills at the time of the application, must be successfully completed for a full training equivalence to be granted.

Where the Bureau of the Order decides to deny a diploma equivalence or training equivalence, it shall indicate at the same time, in writing, the programs in nursing that lead to a diploma meeting permit requirements or, depending on the nature of the diploma cited in support of the equivalence application, shall indicate, in writing, the program of studies or additional training which, given the person's level of knowledge and skills at the time of the application, must be successfully completed for a training equivalence to be granted.

The Bureau of the Order shall deny a training equivalence in all instances where the person would have to successfully complete more than 799 hours of a program of studies or additional training, including theory and practice.

10. A person in respect of whom the Bureau of the Order grants only a partial training equivalence or denies a diploma equivalence or a training equivalence may apply to the Bureau for a hearing. She must ensure that the secretary of the Order receives an application in writing within 30 days following the date on which the decision of the Bureau is mailed.

Within 45 days following the date of receipt of an application for a hearing, the Bureau shall hear the person and revise its decision if necessary.

The secretary of the Order shall convene the person applying for a hearing, by means of a notice in writing sent by registered or certified mail not less than 10 days before the date of the hearing.

Where the Bureau revises its decision by granting a partial training equivalence, it shall inform the person concerned, in writing, of the program of studies or additional training which, given the person's level of knowledge and skills at the time of the application, must be successfully completed for a full equivalence to be granted.

The Bureau's decision is final and shall be sent to the person in writing within 30 days following the date of the hearing.

11. This Regulation replaces the Regulation respecting the standards for equivalence of diplomas for the issue of a permit by the Ordre des infirmières et infirmiers du Québec, approved by Order in Council 820-95 dated 14 June 1995.

Where the admissions branch of the Order submits its recommendation in respect of an equivalence application before the date of coming into force of this Regulation, the application in question shall be assessed in reference to the Regulation replaced by this Regulation.

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

1568

Gouvernement du Québec

O.C. 848-97, 25 June 1997

Professional Code
(R.S.Q., c. C-26)

Nurses
— Criteria and terms for the issue of permits and special authorizations

Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec

WHEREAS under section 3 of the Nurses Act (R.S.Q., c. I-8), subject to that Act, the Ordre des infirmières et infirmiers du Québec, hereinafter designated "the Order", and its members shall be governed by the Professional Code (R.S.Q., c. C-26);

WHEREAS under subparagraph *c* of the first paragraph of section 38 of the Nurses Act, every person is entitled to obtain a permit of the Order who applies therefor and who has complied with the conditions and formalities imposed under the Professional Code;

WHEREAS under paragraph *i* of section 94 of the Professional Code, the Bureau of the Order may, by regulation, determine, *inter alia*, the other terms and conditions for issuing permits, in particular the obligation to pass the professional examinations it determines;

WHEREAS under that paragraph, the Bureau of the Order, at its meeting held on 13 and 14 February 1997, duly made the Regulation respecting the conditions and terms for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 19 March 1997 with a notice indicating, in particular, that it could be submitted to the Government, which could approve it with or without amendment at the expiry of 45 days from its publication, and inviting any person having comments to make to send them, before the expiry of the 45-day period, to the chairman of the Office des professions du Québec;

WHEREAS after the publication of the Regulation, the chairman of the Office received no comments;

WHEREAS under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be transmitted to the Office des professions du Québec for examination and it shall be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment;

WHEREAS the Regulation was transmitted to the Office, which has examined it and formulated its recommendation;

WHEREAS it is expedient to approve the Regulation, with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec, the text of which is attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec

Professional Code
(R.S.Q., c. C-26, s. 94, par. *i*)

DIVISION I
GENERAL

1. To obtain a permit issued by the Ordre des infirmières et infirmiers du Québec in accordance with the Nurses Act (R.S.Q., c. I-8), the Professional Code (R.S.Q., c. C-26) and the Charter of the French language (R.S.Q., c. C-11), the applicant must pass the professional examination provided for in this Regulation and must meet the other terms and conditions determined herein.

The fees required under this Regulation shall be determined by the Bureau of the Order pursuant to paragraph 8 of section 86.0.1 of the Professional Code.

Unless otherwise indicated by the context, the provisions of this Regulation that apply to the professional examination also apply to a supplemental examination.

2. In this Regulation,

"candidate for the profession of nursing" means any person who has applied to the Order for a permit and is awaiting its issue, and who holds a diploma meeting permit requirements, or whose successful completion of a program in nursing is recognized by the Bureau of the Order or who has been granted a diploma equivalence or training equivalence by the Bureau of the Order under the Regulation respecting the standards for a diploma equivalence or training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec, approved by Order in Council 847-97 dated 25 June 1997;

"diploma meeting permit requirements" means a diploma recognized, by regulation of the Government made under the first paragraph of section 184 of the Professional Code, as meeting the requirements for the permit issued by the Order; and

"program in nursing" means the series of courses in theory and the clinical experience leading to a diploma meeting permit requirements.

DIVISION II
PROFESSIONAL EXAMINATION

§1. General

3. The professional examination shall assess the assimilation of knowledge by a candidate for the profession of nursing, as well as her ability to apply that knowledge in solving problems specific to nursing.

4. A candidate for the profession of nursing shall register for and sit the first examination following the day on which the Bureau of the Order recognizes her diploma as meeting permit requirements, recognizes that she has successfully completed a program in nursing or grants a diploma equivalence or training equivalence, as the case may be.

5. A candidate for the profession of nursing may take up to two years, from the date set for the first examination for which she must register and that she must sit, to meet all the requirements for the issue of a permit.

The Bureau of the Order may, on the conditions it determines and for reasons owing to unavoidable circumstances of which proof must be provided by the candidate for the profession of nursing, grant an extension allowing the candidate to sit the professional examination at a later date.

6. A candidate for the profession of nursing who fails to sit the examination and wishes to retain her status within the meaning of the Regulation respecting the professional acts which, on certain terms and conditions, may be performed by persons other than nurses, approved by Order in Council 849-97 dated 25 June, must be excused by the Bureau of the Order for a valid reason such as illness, accident, childbirth, the death of a member of her immediate family or unavoidable circumstances, of which she must provide proof.

7. Not less than 60 days before the date set for an examination, the secretary of the Order shall send notice of the examination to every educational establishment that confers a diploma meeting permit requirements. The notice shall be published in Québec at least once, in a French-language daily and an English-language daily.

8. Each year, the Bureau of the Order shall determine the registration fee for the examination.

9. A candidate may sit the examination in French or in English.

10. The Order shall hold at least two examinations per year, at locations determined by the Bureau of the Order. The supplemental examination shall be held at the same time.

11. The Bureau of the Order shall determine the pass mark and may decide that the examination result will be indicated simply as a pass or a failure. Within 15 days following receipt of the examination results at the head office of the Order, the secretary of the Order shall mail them to the examinees.

12. Where so decided by the professional examination committee, an examinee shall fail where she

(1) registers for the examination under false pretences; or

(2) copies or is party to copying during the examination.

Such decision by the committee may not be reviewed, and an examinee who fails for either of the foregoing reasons shall not be entitled to sit the supplemental examination.

13. Any person having failed the examination may request a review before the authority designated by the Bureau of the Order, for the purpose of verifying the result obtained. Such request shall be made in writing within 30 days following the mailing of the result and shall include the requisite fee.

14. No person may resit the examination more than twice.

§2. Professional examination committee

15. The professional examination committee formed by resolution under paragraph 2 of section 86.0.1 of the Professional Code shall be composed of five nurses and a number of substitute nurses determined by the Bureau of the Order; committee members shall hold a master's degree and shall have no less than five years of experience in nursing, in a clinical setting or in teaching in a program in nursing.

16. The Bureau of the Order shall appoint the nurses and substitute nurses to the committee for a three-year term, which may be renewed once, and shall designate a chairperson from among the committee members.

17. The committee shall be accountable to the Bureau of the Order for the entire professional examination process, in particular the development, drafting, evaluation, revision and correction of the examination questions, as well as the supervision of all examinations held.

The committee shall analyze the overall report on the results of each examination and shall make recommendations to the Bureau of the Order.

18. The committee may enlist the aid of experts, whose appointment is subject to the approval of the Bureau of the Order.

19. Nurses, substitute nurses and any experts on the committee shall swear an oath to maintain the confidentiality of all information that comes to their attention in the performance of their duties.

20. The Bureau of the Order shall determine the general operating rules of the committee in accordance with paragraph 2 of section 86.0.1 of the Professional Code.

§3. Requirements for admission to the professional examination for persons having successfully completed a program in nursing

21. To be admitted to the professional examination, a person having successfully completed a program in nursing shall

(1) have been issued a registration certificate by the secretary of the Order when the person registered for the first term of the program in nursing or no later than at the beginning of any period of professional training served under such program; and

(2) hold a diploma meeting permit requirements.

Where the diploma referred to in subparagraph 2 of the first paragraph is not available, the person shall provide proof of the successful completion of the program in nursing. Proof may be provided, in particular, in the form of a transcript sent to the secretary of the Order, no less than 30 days before the date fixed for the examination, by the educational establishment attended by the person.

§4. Registration for the professional examination

22. Any person wishing to register for the professional examination shall

(1) fill out and sign an application for registration using the form determined by the Bureau of the Order and shall ensure that the secretary of the Order receives the application no less than 30 days before the date set for the examination;

(2) enclose with the application referred to in paragraph 1, to be sent to the secretary of the Order, two identical passport-size photographs (5 cm x 7 cm) taken within the last 12 months and signed on the white signature strip. The photographs shall be authenticated on the back by any person authorized to act as a sponsor in respect of Canadian passports; and

(3) pay the examination fee no less than 30 days before the date set for the examination.

DIVISION III
OTHER TERMS AND CONDITIONS
FOR THE ISSUE OF A PERMIT

23. Any person applying for a permit shall also

(1) provide official proof that her knowledge of the French language is appropriate to the profession of nursing within the meaning of section 35 of the Charter of the French language;

(2) fill out and sign an application, using the form determined by the Bureau of the Order;

(3) pay the fees required by the Bureau of the Order for the processing of an application and the issue of a permit; and

(4) where the person is authorized to practise nursing in another jurisdiction, provide official proof that she is legally authorized to practise nursing outside Québec.

Subparagraph 1 of the first paragraph does not apply to a person applying for a temporary permit referred to in section 41 of the Professional Code.

24. This Regulation replaces the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations, which was approved by Order in Council 922-96 dated 17 July 1996 and ceases to have effect on 31 July 1997.

25. This Regulation comes into force on 31 July 1997 and will remain in force for a period of five years from that date.

1570

Gouvernement du Québec

O.C. 849-97, 25 June 1997

Professional Code
(R.S.Q., c. C-26)

Nurses
— Professional acts which may be performed by persons other than nurses

Regulation respecting the professional acts which, on certain terms and conditions, may be performed by persons other than nurses

WHEREAS under section 3 of the Nurses Act (R.S.Q., c. I-8), subject to that Act, the Ordre des infirmières et infirmiers du Québec, hereinafter designated "the Order", and its members shall be governed by the Professional Code (R.S.Q., c. C-26);

WHEREAS under paragraph *h* of section 94 of the Professional Code, the Bureau of the Order may, by regulation, determine, among the professional acts that may be engaged in by members of the Order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i* of that same section, and the terms and conditions on which such persons may engage in such acts;

WHEREAS under that paragraph, the Bureau of the Order, at its meeting held on 13 and 14 February 1997, duly made the Regulation respecting the professional acts contemplated in section 36 of the Nurses Act which, under certain conditions and terms, may be performed by persons other than nurses;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 19 March 1997 with a notice indicating, in particular, that it could be submitted to the Government, which could approve it with or without amendment at the expiry of 45 days from its publication, and inviting any person having comments to make to send them, before the expiry of the 45-day period, to the chairman of the Office des professions du Québec;

WHEREAS after the publication of the Regulation, the chairman of the Office received no comments;

WHEREAS under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be transmitted to the Office des professions du Québec for examination and it shall be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment;

WHEREAS the Regulation was transmitted to the Office, which has examined it and formulated its recommendation;

WHEREAS it is expedient to approve the Regulation, with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the professional acts which, on certain terms and conditions, may be performed by persons other than nurses, the text of which is attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the professional acts which, on certain terms and conditions, may be performed by persons other than nurses

Professional Code
(R.S.Q., c. C-26, s. 94, par. *h*)

1. In this Regulation,

"diploma meeting permit requirements" means a diploma recognized, by regulation of the Government made

under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), as meeting the requirements for the permit issued by the Ordre des infirmières et infirmiers du Québec;

"program in nursing" means the series of courses in theory and the clinical experience leading to a diploma meeting permit requirements; and

"status of candidate for the profession of nursing" means the authorization that allows a person to perform professional acts in accordance with section 2.

2. A candidate for the profession of nursing may, while awaiting the issue of her permit and her entry on the roll of the Order, perform, on the same conditions, any professional act that may be performed by a nurse, but may do so only under the direct supervision of a nurse who is present in the building in which the act is performed in a centre operated by an institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

"Candidate for the profession of nursing" means any person who holds a diploma meeting permit requirements, whose successful completion of a program in nursing is recognized by the Bureau of the Order or to whom a diploma equivalence or training equivalence is granted by the Bureau of the Order under the Regulation respecting the standards for a diploma equivalence or training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec, approved by Order in Council 847-97 dated 25 June 1997, and who has applied for a permit in accordance with the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec, approved by Order in Council 848-97 dated 25 June 1997.

Such person acquires the status of candidate for the profession of nursing, which applies from the day on which the Bureau of the Order recognizes her diploma as meeting permit requirements, recognizes that she has successfully completed a program in nursing or grants a diploma equivalence or training equivalence.

That status terminates on the day on which a permit is issued by the Order or on the expiry of a two-year period beginning on the date of the professional examination that the candidate for the profession of nursing must sit under the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec.

3. The secretary of the Order shall publish, in an official or regular publication sent by the Order to every nurse, the name of any person whose status as a candidate for the profession of nursing has terminated.

4. A graduate eligible by equivalence may, during and for the purposes of her program of studies or additional training, perform, on the same conditions, any professional act that may be performed by a nurse, but may do so only under the direct supervision of a nurse who is present in the building in which the act is performed in a centre operated by an institution within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons.

"Graduate eligible by equivalence" means any person who has undertaken a program of studies or additional training whose content is determined by the Bureau of the Order for the purposes of granting an equivalence in accordance with the Regulation respecting the standards for a diploma equivalence or training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec.

5. A person legally authorized to practise nursing outside Québec and holding special authorization under section 33 of the Professional Code to practise nursing in Québec for the purpose of serving a period of training, may practise nursing only

(1) under the supervision of a nurse or a group of nurses;

(2) in the area of nursing required for the training period and required by the person or group of persons specified in the special authorization; and

(3) during the hours stipulated for the period of training, on behalf of the person or group of persons and for the period of time specified in the special authorization.

6. This Regulation replaces the Regulation respecting the professional acts contemplated in section 36 of the Nurses Act which, under certain terms and conditions, may be performed by persons other than nurses, which was approved by Order in Council 923-96 dated 17 July 1996 and ceases to have effect on 31 July 1997.

7. This Regulation comes into force on 31 July 1997.

1569

Draft Regulations

Draft Regulation

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

Disposal of seized or confiscated property

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 of the Regulation respecting the disposal of seized or confiscated property, the text of which appears below, may be made by the Gouvernement du Québec upon the expiry of 45 days following this publication.

The purpose of the Draft Regulation is to provide for the disposal, in accordance with the legislative provisions enacted in 1992, of seized property that is perishable or likely to depreciate rapidly and to determine the compensatory indemnity for big game where the property seized is not confiscated by the court.

To accomplish that end, the Regulation proposes to allow immediate disposal, either for consideration or free of charge, of seized property that is perishable or likely to depreciate rapidly by remitting the flesh of animals or fish, where fit for consumption, to charitable organizations. The Regulation determines, *inter alia*, the indemnity payable in cases where a moose, caribou, white-tailed deer or fur-bearing animal is not confiscated.

To date, study of this matter has revealed no impact on businesses, particularly small and medium-sized businesses. As for its impact on the public, the indemnities prescribed by the Draft Regulation correspond to the average of the amounts granted in such cases by the courts.

Further information may be obtained by contacting

Mr. Serge Bergeron
Ministère de l'Environnement et de la Faune
Service de la réglementation
150, boulevard René-Lévesque Est, 4e étage, boîte 91
Québec (Québec)
G1R 4Y1

Telephone: (418) 643-4880
Fax: (418) 528-0834
Internet: serge.bergeron@mef.gouv.qc.ca

Any interested person having comments to make concerning this matter is asked to send them in writing, before the expiry of the 45-day period, to the ministère de l'Environnement et de la Faune, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30e étage, Québec (Québec), G1R 5V7.

DAVID CLICHE,
Minister of the Environment and Wildlife

Regulation respecting the disposal of seized or confiscated property

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 18.1, 20 and 162, pars. 3 and 3.1)

DIVISION I
DISPOSAL OF SEIZED PROPERTY

1. Where property seized under the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) is perishable or likely to depreciate rapidly, a conservation officer may dispose of it within 30 days following seizure, as follows:

(1) in the case of a fish, an animal or part thereof or animal flesh fit for consumption, a fur-bearing animal or an undressed pelt having a commercial value, he may remit it to a charitable or non-profit organization or sell it if that is permitted by that Act;

(2) in the case of a fish, an animal or part thereof or animal flesh unfit for consumption, a pelt, a fur-bearing animal or part thereof having no commercial value, he may remit it to a salvager or a dismembering plant referred to in the Regulation respecting food (R.R.Q., 1981, c. P-29, r. 1) or destroy it;

(3) notwithstanding paragraphs 1 and 2, in the case of an animal, regardless of whether it has a commercial value, he may remit it to an organization for educational purposes or for taxidermy; and

(4) notwithstanding paragraphs 1, 2 and 3, in the case of an animal killed by a vehicle or a train, he may remit it to a salvager or a dismembering plant referred to in paragraph 2 or to an organization for educational purposes or for taxidermy.

DIVISION II
DETERMINATION OF AN INDEMNITY

2. Where property referred to in section 1 has been disposed of and it later appears that there are no grounds for confiscation, a conservation officer shall, upon application by the person entitled thereto, remit to him the following indemnity as a replacement for that property:

(1) in the case of a moose that is whole or is divided into quarters equivalent to a whole animal:

$1 500 a male moose one year old or older;

$1 000 a female moose one year old or older;

$750 a male or female moose less than one year old;

$1 000 a moose whose age or sex cannot be determined;

(2) in the case of moose flesh:

$10 per kilogram up to a maximum of $1 500;

(3) in the case of a caribou that is whole or is divided into quarters equivalent to a whole animal:

$1 000 a male caribou one year old or older;

$750 a female caribou one year old or older;

$500 a male or female caribou less than one year old;

$750 a caribou whose age or sex cannot be determined;

(4) in the case of caribou flesh:

$10 per kilogram up to a maximum of $1 000;

(5) in the case of a white-tailed deer that is whole or is divided into quarters equivalent to a whole animal:

$750 a male white-tailed deer one year old or older;

$500 a female white-tailed deer one year old or older;

$250 a male or female white-tailed deer less than one year old;

$500 a white-tailed deer whose age or sex cannot be determined;

(6) in the case of white-tailed deer flesh:

$10 per kilogram up to a maximum of $750;

(7) in the case of a fur-bearing animal referred to in Column 1 of Schedule I to the Regulation respecting trapping and the fur trade made by Order in Council 1289-91 dated 18 September 1991 or an undressed pelt of any of those animals, the indemnity shall correspond to the proceeds of the sale if the seized property has been sold; if it has not been sold and if the animal or the pelt has a commercial value, the indemnity shall correspond to the average value of the prices obtained at the most recent auction preceding the date of the seizure.

In the case of a black bear or a beaver that is whole, the amount of the indemnity provided for in this paragraph shall be increased by 25 %; and

(8) in the case of any other animal or fish having a commercial value, the indemnity shall be equal to the selling price.

DIVISION III
DISPOSAL OF CONFISCATED PROPERTY

3. Where property seized under the Act respecting the conservation and development of wildlife has been confiscated, a conservation officer shall dispose of it as follows:

(1) in the case of property that is unusable and has no commercial value, he may remit it to a charitable organization;

(2) in the case of property having a commercial value, he shall remit it to Services gouvernementaux of the Conseil du trésor;

(3) in the case of a live animal of a native species, he may, if the animal is unharmed and after having verified that it is not diseased and does not carry any disease, set it free, or give it or sell it to a person legally authorized to keep it under the Regulation respecting animals in captivity made by Order in Council 1029-92 dated 8 July 1992 or have it put to sleep; otherwise, he shall remit it to a rehabilitation centre referred to in that Regulation;

(4) in the case of a live animal of a non-native species, he may, if the animal is unharmed, sell it or give it to a person legally authorized to keep it under the Regulation referred to in paragraph 3 or have it put to sleep; or

(5) where he cannot dispose of the property as indicated in paragraphs 1 to 4, he shall destroy it.

4. This Regulation replaces the Regulation respecting the disposal of confiscated objects (R.R.Q., 1981, c. C-61, Suppl. 1, p. 331).

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Notice

An Act respecting labour standards
(R.S.Q., c. N-1.1)

Labour standards

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 33 and 92 of the Act respecting labour standards (R.S.Q., c. N-1.1) that the Regulation to amend the Regulation respecting labour standards, the text of which appears below, may be made by the Government upon the expiry of 60 days following this publication.

The purpose of the draft regulation is to increase the general rate of the minimum wage from $6.70 per hour to $6.80, to increase the rate of employees who usually receive tips from $5.95 per hour to $6.05 and to increase the minimum wage payable to domestics residing with their employer from $260 per week to $264.

The purpose of the draft regulation is also to reduce the duration of the normal workweek of domestics residing with their employer from 51 hours to 49 hours.

Further information as well as the examination of the impacts may be obtained by contacting Mr. Luc Desmarais, policy advisor, 200, chemin Sainte-Foy, 5e étage, Québec (Québec), G1R 5S1, tel.: (418) 646-2547, or fax: (418) 644-6969.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of 60 days, to the Minister of Labour, 200, chemin Sainte-Foy, 6e étage, Québec (Québec), G1R 5S1.

MATTHIAS RIOUX,
Minister of Labour

Regulation to amend the Regulation respecting labour standards

An Act respecting labour standards
(R.S.Q., c. N-1.1, ss. 40, 89 par. 1, and 91)

1. The Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r.3), amended by the Regulations made by Orders in Council 1394-86 dated 10 September 1986, 1340-87 dated 26 August 1987, 1316-88 dated 31 August 1988, 1468-89 dated 6 September 1989, 1288-90 dated 5 September 1990, 1201-91 dated 28 August 1991, 1292-92 dated 1 September 1992, 1237-93 dated 1 September 1993, 1375-94 dated 7 September 1994, 1209-95 dated 6 September 1995, 1150-96 dated 11 September 1996 and 1224-96 dated 25 September 1996, is further amended, by substituting the amount “$6.80” for the amount “$6.70” in section 3.

2. Section 4 is amended by substituting the amount “$6.05” for the amount “$5.95”.

3. Section 5 is amended by substituting the amount “$264” for the amount “$260”.

4. Section 8 is amended by substituting the number “49” for the number “51”.

5. This Regulation comes into force on 1 October 1997.

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Erratum

O.C 687-94, 21 May 1997

An Act respecting the civil aspects of international and interprovincial child abduction
(R.S.Q., c. A-23.01)

Application of the Act

Gazette officielle du Québec, Part 2, Laws and Regulations, Volume 129, number 22, June 4, 1997, page 2265.

On page 2265, the number of the Order in Council should read “O.C. 687-97” instead of “O.C. 687-94”.

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Index Statutory Instruments

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