

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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### Summary

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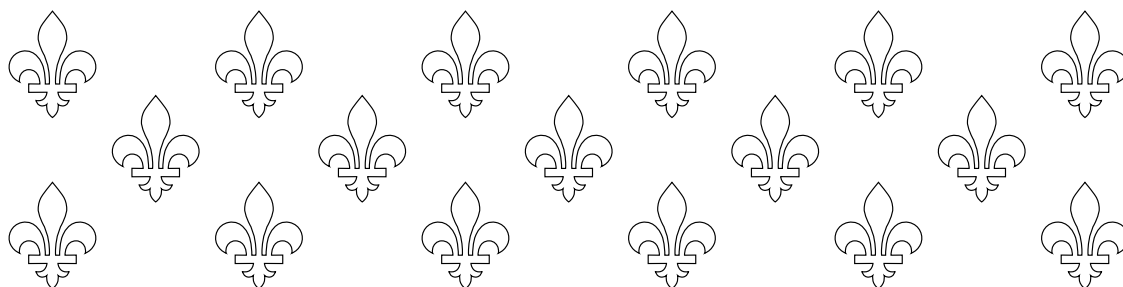
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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 89  
(1997, chapter 43)

**An Act respecting the implementation of the  
Act respecting administrative justice**

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**Introduced 19 December 1996  
Passage in principle 10 April 1997  
Passage 19 June 1997  
Assented to 19 June 1997**

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## EXPLANATORY NOTES

*The object of this bill is to implement, throughout the statutory law, the principles established by the Act respecting administrative justice.*

*Certain provisions propose that non-judicial processes for the making of individual decisions in the exercise of an administrative function be introduced in public agencies, and that necessary procedural changes be made. Other provisions also propose, in certain cases, an administrative review mechanism.*

*The bill contains rules incident to the incorporation of existing bodies such as the Commission des affaires sociales, the Bureau de révision en immigration, the Commission d'examen des troubles mentaux, the Bureau de révision de l'évaluation foncière and the Tribunal d'appel en matière de protection du territoire agricole into the Administrative Tribunal of Québec, which rules aim at harmonizing the procedure in effect before those bodies.*

*In addition, the jurisdiction of government bodies such as the Commission municipale and the Régie des marchés agricoles et alimentaires du Québec and of the Court of Québec in administrative matters and in the determination of expropriation indemnities is transferred to the Administrative Tribunal of Québec. Proceedings before the Administrative Tribunal of Québec are also provided for.*

*Moreover, the Act respecting the Régie du logement is amended to make applicable to the commissioners of the Régie the rules governing recruitment, selection, appointment, reappointment and revocation as well as the ethics rules contained in the Act respecting administrative justice.*

*Lastly, the bill enacts the transitional principle that the new law will apply immediately. It sets out transitional rules to govern members of bodies incorporated into the Administrative Tribunal as well as the members of the Régie du logement and of the Commission des lésions professionnelles, and proposes rules on procedure, time limits, transfer of personnel and records and financing.*

**LEGISLATION AMENDED BY THIS BILL :**

- Bees Act (R.S.Q., chapter A-1);
- Workmen's Compensation Act (R.S.Q., chapter A-3);
- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1);
- Act respecting detective or security agencies (R.S.Q., chapter A-8);
- Travel Agents Act (R.S.Q., chapter A-10);
- Legal Aid Act (R.S.Q., chapter A-14);
- Act respecting family assistance allowances (R.S.Q., chapter A-17);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Act respecting pressure vessels (R.S.Q., chapter A-20.01);
- Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001);
- Act respecting the National Assembly (R.S.Q., chapter A-23.1);
- Automobile Insurance Act (R.S.Q., chapter A-25);
- Health Insurance Act (R.S.Q., chapter A-29);
- Crop Insurance Act (R.S.Q., chapter A-30);
- Act respecting insurance (R.S.Q., chapter A-32);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Building Act (R.S.Q., chapter B-1.1);
- Cultural Property Act (R.S.Q., chapter B-4);
- Act respecting certain caisses d'entraide économique (R.S.Q., chapter C-3.1);

- Savings and Credit Unions Act (R.S.Q., chapter C-4);
- Savings and Credit Unions Act (R.S.Q., chapter C-4.1);
- Act respecting truck transportation (R.S.Q., chapter C-5.1);
- Charter of the French language (R.S.Q., chapter C-11);
- Cinema Act (R.S.Q., chapter C-18.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Act to promote good citizenship (R.S.Q., chapter C-20);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the marketing of marine products (R.S.Q., chapter C-32.1);
- Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);
- Act respecting the Commission municipale (R.S.Q., chapter C-35);
- Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Companies Act (R.S.Q., chapter C-38);
- Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting racing (R.S.Q., chapter C-72.1);



- Real Estate Brokerage Act (R.S.Q., chapter C-73.1);
- Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1);
- Gas Distribution Act (R.S.Q., chapter D-10);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting private education (R.S.Q., chapter E-9.1);
- Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);
- Tourist Establishments Act (R.S.Q., chapter E-15.1);
- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- Act respecting explosives (R.S.Q., chapter E-22);
- Expropriation Act (R.S.Q., chapter E-24);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Forest Act (R.S.Q., chapter F-4.1);
- Grain Act (R.S.Q., chapter G-1.1);
- Act respecting immigration to Québec (R.S.Q., chapter I-0.2);
- Crime Victims Compensation Act (R.S.Q., chapter I-6);
- Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (R.S.Q., chapter I-7);
- Act respecting piping installations (R.S.Q., chapter I-12.1);
- Act respecting electrical installations (R.S.Q., chapter I-13.01);
- Education Act (R.S.Q., chapter I-13.3);
- Act respecting market intermediaries (R.S.Q., chapter I-15.1);
- Act to promote the parole of inmates (R.S.Q., chapter L-1.1);

- Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6);
- Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5);
- Stationary Enginemmen Act (R.S.Q., chapter M-6);
- Cullers Act (R.S.Q., chapter M-12.1);
- Mining Act (R.S.Q., chapter M-13.1);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14);
- Act respecting the Ministère de l’Industrie, du Commerce, de la Science et de la Technologie (R.S.Q., chapter M-17);
- Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);
- Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1);
- Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01);
- Act respecting liquor permits (R.S.Q., chapter P-9.1);
- Act respecting beer and soft drink distributors’ permits (R.S.Q., chapter P-9.2);
- Pesticides Act (R.S.Q., chapter P-9.3);
- Act respecting prevention of disease in potatoes (R.S.Q., chapter P-23.1);
- Farm Producers Act (R.S.Q., chapter P-28);
- The Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29);
- Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30);
- Act respecting educational programming (R.S.Q., chapter P-30.1);

- Youth Protection Act (R.S.Q., chapter P-34.1);
- Public Health Protection Act (R.S.Q., chapter P-35);
- Plant Protection Act (R.S.Q., chapter P-39.01);
- Consumer Protection Act (R.S.Q., chapter P-40.1);
- Mental Patients Protection Act (R.S.Q., chapter P-41);
- Act respecting the preservation of agricultural lands and agricultural activities (R.S.Q., chapter P-41.1);
- Animal Health Protection Act (R.S.Q., chapter P-42);
- Roadside Advertising Act (R.S.Q., chapter P-44);
- Environment Quality Act (R.S.Q., chapter Q-2);
- Act respecting the class action (R.S.Q., chapter R-2.1);
- Act respecting the collection of certain debts (R.S.Q., chapter R-2.2);
- Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1);
- Act respecting the Régie des télécommunications (R.S.Q., chapter R-8.01);
- Act respecting the Régie du logement (R.S.Q., chapter R-8.1);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);
- Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

- Watercourses Act (R.S.Q., chapter R-13);
- Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1);
- Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);
- Act respecting supplemental pension plans (R.S.Q., chapter R-17);
- Ecological Reserves Act (R.S.Q., chapter R-26.1);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- Public Buildings Safety Act (R.S.Q., chapter S-3);
- Act respecting safety in sports (R.S.Q., chapter S-3.1);
- Act respecting income security (R.S.Q., chapter S-3.1.1);
- Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2);
- Act respecting correctional services (R.S.Q., chapter S-4.01);
- Act respecting childcare centres and childcare services (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);
- Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);
- Act respecting the Société québécoise d'information juridique (R.S.Q., chapter S-20);
- Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);
- Act respecting the Québec sales tax (R.S.Q., chapter T-0.1);

- Act respecting the lands in the public domain (R.S.Q., chapter T-8.1);
- Marine Products Processing Act (R.S.Q., chapter T-11.01);
- Act respecting transportation by taxi (R.S.Q., chapter T-11.1);
- Transport Act (R.S.Q., chapter T-12);
- Courts of Justice Act (R.S.Q., chapter T-16);
- Act respecting the use of petroleum products (R.S.Q., chapter U-1.1);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Act respecting roads (R.S.Q., chapter V-9);
- Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);
- Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32);
- Act to amend the Act respecting the Régie des alcools, des courses et des jeux and various Acts concerning the activities under its supervision (1993, chapter 71);
- Act respecting prescription drug insurance and amending various legislative provisions (1996, chapter 32);
- Act respecting the reconstruction and redevelopment of areas affected by the torrential rains of 19 and 20 July 1996 in the Saguenay — Lac-Saint-Jean region (1997, chapter 60);
- Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, chapter 27).



## Bill 89

### AN ACT RESPECTING THE IMPLEMENTATION OF THE ACT RESPECTING ADMINISTRATIVE JUSTICE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### BEES ACT

**1.** The Bees Act (R.S.Q., chapter A-1) is amended by inserting, after section 7, the following section :

**“7.1.** The owner or possessor of an apiary to whom an order made under section 6 or 7 is notified without prior notice because, in the Minister’s opinion, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations to the Minister so that the order may be reviewed.”

#### WORKMEN’S COMPENSATION ACT

**2.** Section 14 of the Workmen’s Compensation Act (R.S.Q., chapter A-3) is amended by replacing the word “appeal” in subsection 1 by the word “proceeding”.

**3.** Section 38 of the said Act is amended by replacing the words “Commission des affaires sociales” in subsection 3 by the words “Administrative Tribunal of Québec”.

**4.** Section 53 of the said Act, amended by section 480 of chapter 6 of the statutes of 1985, is again amended by replacing subsection 5 by the following subsection :

“(5) The commission shall determine the necessity, character, sufficiency or duration of medical assistance, if there is a disagreement on any such question.”

**5.** Section 55 of the said Act, amended by section 9 of chapter 95 of the statutes of 1986, is again amended by replacing the words “an inquiry held by a review board or the Commission des affaires sociales” in the first paragraph by the words “the examination of an application for review by a review board or of a hearing before the Administrative Tribunal of Québec”.

**6.** Section 63 of the said Act, amended by section 483 of chapter 6 of the statutes of 1985 and by section 10 of chapter 95 of the statutes of 1986, is again amended

(1) by replacing the words “appeal provided for in section 65, the Commission has exclusive jurisdiction to examine into, hear” in the first paragraph of subsection 1 by the words “proceeding provided for in section 65, the Commission has exclusive jurisdiction to examine into”;

(2) by replacing the second paragraph of subsection 1 by the following paragraphs :

“Except on a matter of jurisdiction, no recourse under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of the said Code shall lie, nor may any injunction be granted, against the Commission or its members in their official capacity.

A judge of the Court of Appeal may, on a motion, annul by summary procedure any proceeding brought or decision rendered contrary to the provisions of the preceding paragraph.”;

(3) by replacing, in the French text, the word “jurisdiction” in subsection 2 by the word “compétence”;

(4) by replacing, in the French text, the word “jurisdiction” in subsection 3 by the word “compétence”;

(5) by replacing the words “, hear and determine, in first instance” in subsection 4 by the words “and determine”;

(6) by replacing the words “, hear and determine, in second instance” in subsection 5 by the words “and determine in review”;

(7) by striking out the words “, and shall not be bound to follow the ordinary rules of evidence in civil matters” in subsection 8;

(8) by striking out subsection 9;

(9) by striking out subsection 10.

**7.** Section 64 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following sentences : “The person shall briefly set out the main grounds on which it is based and the object of the decision to which it pertains. A copy of the application shall be notified to the Attorney General by the review board.”;

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



“After giving the applicant and the Attorney General the opportunity to present observations, the review board may confirm, quash or vary the decision and, if appropriate, make the decision which, in its opinion, should have been made.

The decision must be in writing, contain reasons and be notified to the applicant and to the Attorney General and must mention that the decision may be contested before the Administrative Tribunal of Québec and the time limit for doing so.”

**8.** Section 65 of the said Act is amended

(1) by replacing the words “appeal from it to the Commission des affaires sociales, which shall dispose of the appeal in accordance with its rules of proof, procedure and practice” in the first paragraph by the words “, within 60 days after notification, contest the decision before the Administrative Tribunal of Québec”;

(2) by striking out the second paragraph.

**9.** Section 65.1 of the said Act is amended by replacing the words “or appeal under sections 64 and 65” by the words “to a review board or a proceeding before the Administrative Tribunal of Québec”.

**10.** Section 119.2 of the said Act, amended by section 32 of chapter 4 of the statutes of 1990, is again amended by replacing the words “, an examination or a hearing of the Commission, of any person designated by it or of” by the words “or the examination of a matter by the Commission, any person designated by it or a review board”.

#### ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

**11.** Section 399 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), replaced by section 24 of chapter 27 of the statutes of 1997, is amended by replacing the second paragraph by the following paragraph:

“The Conseil shall, when conducting an inquiry to determine whether a member has a permanent disability, act in accordance with the provisions of sections 193 to 197 of the Act respecting administrative justice (1996, chapter 54), adapted as required; however, the formation of an inquiry committee is subject to the rules set out in section 400.”

**12.** Section 400 of the said Act, replaced by section 24 of chapter 27 of the statutes of 1997, is amended by replacing the third paragraph by the following paragraphs:

“The Conseil shall, when examining a complaint brought against a member, act in accordance with the provisions of sections 184 to 192 of the Act respecting administrative justice, adapted as required.

However, where the Conseil, for the purposes of section 186 of the said Act, forms an inquiry committee, the committee shall be composed of one member chosen by the Conseil from a list established by the president of the board after consultation with the meeting of the commissioners and of two other members chosen from among the members of the Conseil, one of whom shall neither practice a legal profession nor be a member of the Administrative Tribunal of Québec. The member of the board or, where he is unable to act, another member of the board chosen in the same manner, shall also take part in the deliberations of the Conseil for the carrying out of section 192 of the said Act.”

**13.** Section 411 of the said Act, replaced by section 24 of chapter 27 of the statutes of 1997, is amended by replacing the last sentence of the second paragraph by the following sentence: “The Conseil shall act in accordance with the provisions of sections 193 to 197 of the Act respecting administrative justice, adapted as required; however, the formation of an inquiry committee is subject to the rules set out in section 400.”

#### ACT RESPECTING THE ACQUISITION OF FARM LAND BY NON-RESIDENTS

**14.** Section 14 of the Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) is amended

(1) by replacing the words “be heard” in the second line of the first paragraph by the words “present observations”;

(2) by adding the following paragraph:

“It shall, before rendering an unfavourable decision, notify the applicant in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the interested person at least 10 days to present observations.”

**15.** Section 18 of the said Act is amended by replacing the words “right of review” in the first line by the words “review or proceeding”.

**16.** Section 19 of the said Act is amended by replacing the word “record” in the first line by the word “head”.

**17.** Section 20 of the said Act is amended

(1) by replacing, in the French text, the word “jurisdiction” in the second line of the first paragraph and in the fourth line of the second paragraph by the word “compétence”;

(2) by replacing the word “record” in the first line of the third paragraph by the word “head”.

**18.** Section 34 of the said Act, replaced by section 64 of chapter 26 of the statutes of 1996, is amended

(1) by inserting the figure “18.6,” after the figure “18.5.”;

(2) by replacing the words “21.0.1 to 21.0.11” by the words “21.1 to 21.5”.

#### ACT RESPECTING DETECTIVE OR SECURITY AGENCIES

**19.** Section 14 of the Act respecting detective or security agencies (R.S.Q., chapter A-8) is amended by adding, at the end, the following paragraph :

“The Minister shall, before making such a decision, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations.”

#### TRAVEL AGENTS ACT

**20.** The heading of Division III of the Travel Agents Act (R.S.Q., chapter A-10) is amended

(1) by replacing the words “OF RENEWAL OF” by the words “TO ISSUE OR RENEW”;

(2) by replacing the word “APPEALS” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**21.** Section 13 of the said Act is amended

(1) by inserting the words “issue or” after the words “refusing to” in the first line;

(2) by replacing the words “give the licensee an opportunity to be heard” in the second line by the words “notify the licensee in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the licensee at least 10 days to present observations”;

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

“Where required by the situation, the president may, from the time of notification to the licensee until the rendering of his decision, confer on a trustee the temporary administration of the current business of the travel agent.

The licensee is, in such a case, required to remit to the trustee all documents, books and other effects necessary for the continuation of the current business of the travel agent.”

**22.** Section 15 of the said Act is amended

(1) by inserting the words “or the administration of whose current business has been temporarily conferred on a trustee” after the word “renewed” in the third line;

(2) by replacing the words “contemplated in section 14” in the fourth line by the words “referred to in section 13 or in section 14, as the case may be”.

**23.** Section 17 of the said Act, amended by section 15 of chapter 9 of the statutes of 1997, is again amended

(1) by inserting the words “whose licence application is refused or” after the word “person” in the first line;

(2) by replacing the words “appeal from the president’s decision to three judges of the Court of Québec of the district in which this person has his or its principal establishment,” in the first, second and third lines by the words “, within 30 days of notification of the president’s decision, contest the decision before the Administrative Tribunal of Québec.”;

(3) by striking out paragraphs *a*, *b* and *c*.

**24.** Sections 18 to 30 of the said Act are repealed.

LEGAL AID ACT

**25.** Section 75 of the Legal Aid Act (R.S.Q., chapter A-14), amended by section 40 of chapter 23 of the statutes of 1996, is again amended by replacing the words “an appeal shall lie to the review committee from the decision of the general manager within fifteen days of such decision” in the third and fourth lines of the first paragraph by the words “an application for review to the review committee may be made within 15 days after the date on which the decision of the general manager is rendered”.

**26.** Section 77 of the said Act, amended by section 41 of chapter 23 of the statutes of 1996, is replaced by the following section :

“**77.** The review committee shall, before making its decision, give to the applicant or recipient and to the person who contests the financial eligibility to legal aid, if any, an opportunity to present observations.”

**27.** Section 78 of the said Act is amended

(1) by replacing the words “Following the report of the delegate and the hearing, if any, the” in the first line by the word “The”;

(2) by striking out the words “decide the application and” in the second line;

(3) by replacing the word “parties” in the second line by the words “persons concerned”;

(4) by replacing the words “the final” in the third line by the word “its”.

#### ACT RESPECTING FAMILY ASSISTANCE ALLOWANCES

**28.** The heading of Division IV of the Act respecting family assistance allowances (R.S.Q., chapter A-17) is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**29.** Section 18 of the said Act is amended

(1) by replacing the words “Review proceedings are introduced by an application made, on the form prescribed by the Board, within ninety days from” in the first and second lines of the first paragraph by the words “An application for review shall be made within 90 days after the date of”;

(2) by replacing the word “complainant” in the second line of the first paragraph by the word “applicant”;

(3) by replacing the words “allow the complainant to apply for a review after such delay” in the third and fourth lines of the first paragraph by the words “, however, allow the applicant to present his application for review after such time”.

**30.** Section 19 of the said Act is amended by replacing the words “and the right of such person to appeal from it in accordance with this act” in the fifth and sixth lines by the words “, the right of such person to contest the decision and the time for bringing a proceeding”.

**31.** Section 20 of the said Act is amended

(1) by replacing the words “appeal from such decision” in the second line of the first paragraph by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”;

(2) by striking out the second paragraph.

**32.** Section 28 of the said Act is amended by replacing the words “drawing up an application for an allowance or review or a declaration of appeal provided for by this act” in the fourth and fifth lines by the words “the drafting of an application for an allowance or review provided for by this Act or of a motion requesting a review of the decision by the Administrative Tribunal of Québec”.

## ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**33.** Section 117.7 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing the words “Expropriation Division of the Court of Québec” in the first and second lines of the first paragraph by the words “Administrative Tribunal of Québec”.

**34.** Sections 117.8, 117.11, 117.13 and 117.14 of the said Act are amended by replacing the words “Expropriation Division” and “Division’s”, wherever they appear in those provisions, by the words “Administrative Tribunal” and “Tribunal’s”, respectively.

## ACT RESPECTING PRESSURE VESSELS

**35.** The Act respecting pressure vessels (R.S.Q., chapter A-20.01) is amended by inserting, after section 24, the following section :

**“24.1.** The person to whom an order made under paragraph 6 of section 23 or subparagraph 2 of the first paragraph of section 24 is notified without prior notice because, in the opinion of the person who made it, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations to that person so that the order may be reviewed.”

## ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES

**36.** Section 40 of the Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001) is amended by striking out the figure “, 260.18” in the first line of the second paragraph.

**37.** Section 45 of the said Act is replaced by the following section :

**“45.** A seller for whom a provisional administrator has been appointed may, within 30 days of notification, contest the president’s decision before the Administrative Tribunal of Québec.

In exercising its power to suspend the execution of a contested decision, the Tribunal must give particular consideration to the interests of consumers.”

## ACT RESPECTING THE NATIONAL ASSEMBLY

**38.** Section 68 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended by replacing the words “Expropriation Division of the Court of Québec” in the fourth line by the words “Administrative Tribunal of Québec”.

## AUTOMOBILE INSURANCE ACT

**39.** Section 83.26 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing the words “an appeal” in the first line by the words “a proceeding brought before the Administrative Tribunal of Québec”.

**40.** Section 83.31 of the said Act is amended by replacing the words “petition for review or appeal” in the first line by the words “application for review or proceeding before the Administrative Tribunal of Québec”.

**41.** Section 83.32 of the said Act is amended

(1) by replacing the words “an appeal” in the first line of the first paragraph by the words “a proceeding brought before the Administrative Tribunal of Québec”;

(2) by replacing the words “Commission des affaires sociales” in the second line of the first paragraph by the word “Tribunal”;

(3) by replacing the word “it” in the third line of the first paragraph by the words “the Société”.

**42.** The heading of Chapter IX of Title II of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**43.** Section 83.41 of the said Act is amended

(1) by replacing the words “section 83.67” in the first line of the first paragraph by the words “sections 83.49 and 83.67”;

(2) by striking out the words “, in first instance and in review,” in the first and second lines of the first paragraph;

(3) by striking out the word “, hear” in the second line of the first paragraph;

(4) in the French text, by replacing the word “affaire” in the third line of the first paragraph by the word “question”.

**44.** Section 83.42 of the said Act is replaced by the following section :

**“83.42.** The Société may by regulation establish the rules of procedure applicable to the examination of matters over which it has jurisdiction.”

**45.** Section 83.43 of the said Act is amended

(1) by striking out the words “rendered in first instance” in the first line of the first paragraph;

(2) by replacing the words “of his right to” in the second line of the second paragraph by the words “that he may”;

(3) by replacing the words “of his right to appeal therefrom to the Commission des affaires sociales” in the second and third lines of the third paragraph by the words “that he may contest the decision before the Administrative Tribunal of Québec”.

**46.** Section 83.44.1 of the said Act is amended by replacing the words “a decision has not been inscribed for review or appeal” in the first line of the first paragraph by the words “no application for review has been presented and no proceeding brought before the Administrative Tribunal of Québec in respect of a decision”.

**47.** The heading of Division II of Chapter IX of Title II of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**48.** Section 83.45 of the said Act is amended by striking out the words “in first instance” in the third line of the first paragraph.

**49.** Section 83.47 of the said Act is amended by replacing the words “any decision rendered in first instance” in the second line of the first paragraph by the words “the decision”.

**50.** Section 83.48 of the said Act is amended by replacing the words “of his right to appeal therefrom to the Commission des affaires sociales” in the first and second lines of the second paragraph by the words “that he may contest the decision before the Administrative Tribunal of Québec”.

**51.** Section 83.49 of the said Act is amended

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

(2) by replacing the words “appeal therefrom to the Commission des affaires sociales” in the third line of the first paragraph by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”;

(3) by striking out the second paragraph.

**52.** Section 83.50 of the said Act is amended by replacing the words “a debtor’s application for review or appeal” in the second line of the fourth paragraph by the words “an application for review or proceeding brought before the Administrative Tribunal of Québec by a debtor”.

**53.** Section 83.51 of the said Act is amended



(1) by replacing the words “an appeal” in the second line by the words “a proceeding brought before the Administrative Tribunal of Québec”;

(2) by replacing the words “Commission des affaires sociales” in the second line by the word “Tribunal”.

(3) by replacing the word “appeal” in the fifth line by the words “proceeding brought before the Tribunal”.

**54.** Section 83.55 of the said Act is amended

(1) by replacing the words “appeal therefrom” in the third line of the second paragraph by the words “contest the decision”;

(2) by replacing the words “Commission des affaires sociales” in the third and fourth lines of the second paragraph by the words “Administrative Tribunal of Québec”.

**55.** Section 83.56 of the said Act is amended by replacing the words “Commission des affaires sociales” in the second and third lines by the words “Administrative Tribunal of Québec”.

**56.** Section 83.67 of the said Act is amended

(1) by replacing the words “bring an appeal” in the second line of the second paragraph by the words “contest the decision before the Administrative Tribunal of Québec”;

(2) by replacing the words “An appeal brought” in the first line of the third paragraph by the words “A proceeding brought before the Tribunal”;

(3) by replacing the words “sets aside any appeal” in the first line of the third paragraph by the words “precludes any proceeding before the Tribunal”;

(4) by replacing the words “rendered in appeal” in the second line of the third paragraph by the words “made by the Tribunal”.

**57.** Section 195 of the said Act is amended

(1) by replacing the words “petition for review or appeal” in the second line of paragraph 17 by the words “application for review or proceeding before the Administrative Tribunal of Québec”;

(2) by replacing the words “of proof and procedure which apply to the examination of cases” in the first and second lines of paragraph 24 by the words “of procedure applicable to the examination of matters”.

## HEALTH INSURANCE ACT

**58.** The heading of Division II.1 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**59.** Section 18.3 of the said Act is amended by replacing the words “and of his right to appeal therefrom in accordance with this Act” in the third and fourth lines by the words “, of his right to contest the decision and of the time for bringing a proceeding”.

**60.** Section 18.4 of the said Act is amended by replacing the words “appeal from the decision to the Commission des affaires sociales in accordance with the Act respecting the Commission des affaires sociales (chapter C-34)” in the second, third and fourth lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**61.** Section 38 of the said Act is amended by replacing the word “, any” in the first line by the words “and excepting any proceeding under section 18.4 or 50, a”.

**62.** Section 47 of the said Act is amended by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

**63.** Section 50 of the said Act is amended

(1) by replacing the words “appeal therefrom to the Commission des affaires sociales in accordance with the Act respecting the Commission des affaires sociales (chapter C-34)” in the second, third and fourth lines of the second paragraph by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”;

(2) by replacing the word “appellant” in the fifth line of the second paragraph by the word “professional”.

**64.** Section 51 of the said Act is amended by replacing the words “delay for appeal, and the judgment” in the third line of the first paragraph by the words “time for bringing a proceeding under the second paragraph of section 50, if no proceeding is brought before the Administrative Tribunal of Québec, and, in that case, the decision of the Board”.

**65.** Section 52 of the said Act is amended by replacing the words “Commission des affaires sociales has disposed of the appeal” in the fifth line by the words “Administrative Tribunal of Québec has disposed of the proceeding”.

## CROP INSURANCE ACT

**66.** Section 12 of the Crop Insurance Act (R.S.Q., chapter A-30) is amended

(1) by replacing the words “which has not been appealed from to the Court” in the second and third lines of the first paragraph by the words “in respect of which no proceeding has been brought before the Administrative Tribunal of Québec”;

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

“The application for review or for cancellation must be presented in writing within 30 days of the date of the decision concerned.

The Régie shall allow the producer to present observations.”

**67.** Section 29 of the said Act is replaced by the following section :

“**29.** Where a dispute arises concerning eligibility for insurance with respect to the same cultivated farm, the producers concerned may request the intervention of the Régie so that it may endeavour to settle the matter.”

**68.** The heading of Division VI of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**69.** Section 65 of the said Act is amended by replacing the words “appeal therefrom to the Court of Québec, but only on questions of law” in the second and third lines by the words “, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**70.** Sections 66 to 67.4 of the said Act are repealed.

**71.** Section 74 of the said Act is amended

(1) by striking out paragraph *j*;

(2) by replacing the words “for its internal management” in paragraph *l* by the words “of internal management and rules of procedure for the conduct of its meetings and for the review or cancellation of its decisions”.

## ACT RESPECTING INSURANCE

**72.** Section 32 of the Act respecting insurance (R.S.Q., chapter A-32) is amended by replacing the words “justify himself” in the third line by the words “present observations”.

**73.** Section 48 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

**74.** Section 93.27 of the said Act is amended by replacing the words “appeal set out in section 123.146” in the first and second lines of the second paragraph by the words “bringing a proceeding that is set out in section 123.145”.

**75.** Section 93.27.1 of the said Act is amended by replacing the word “appeal” in the first line of the first paragraph by the words “bringing a proceeding”.

**76.** Section 93.27.4 of the said Act is amended by replacing the words “appeal from it in accordance with sections 123.145 to 123.157 of the Companies Act (chapter C-38)” in the second and third lines by the words “, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**77.** Section 174.17 of the said Act is amended by replacing the words “be heard” in the sixth line by the words “present observations”.

**78.** Section 219.1 of the said Act is amended by replacing the words “inform the corporation of his intention and provide it with a reasonable opportunity to express its views” in the second and third lines of the second paragraph by the words “notify the corporation in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the corporation at least 10 days to present observations”.

**79.** Section 285.19 of the said Act is amended by replacing the words “be heard” in the second line of the third paragraph by the words “present observations”.

**80.** Section 325.1 of the said Act is amended

(1) by replacing the words “Before issuing an order, the Inspector General shall serve on the contravener prior notice of at least 15 days” in the first and second lines of the second paragraph by the words “At least 15 days before issuing an order, the Inspector General shall notify the contravener as prescribed by section 5 of the Act respecting administrative justice,”;

(2) by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

**81.** Section 325.3 of the said Act is amended

(1) by replacing the words “delay in the holding of a hearing” in the third line of the first paragraph by the words “period of time allowed to the person concerned to present observations”;

(2) by replacing the words “apply in writing to the Inspector General for a hearing” in the third and fourth lines of the second paragraph by the words “present observations to the Inspector General”.

**82.** Section 361 of the said Act is amended by replacing the words “give its holder an opportunity to be heard” in the second line by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”.

**83.** Chapter IX of the said Act, comprising sections 366 to 377, is replaced by the following chapter :

#### “CHAPTER IX

#### “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

“**366.** Any refusal, suspension or cancellation of a licence may, within 30 days of notification of the decision, be contested before the Administrative Tribunal of Québec.

“**367.** Notwithstanding the second paragraph of section 15 of the Act respecting administrative justice, the Tribunal may only confirm or quash a contested decision.”

**84.** Section 382 of the said Act is amended

(1) by replacing the words “express his views” in the second line of the first paragraph by the words “present observations”;

(2) by replacing the words “views may be expressed” in the first line of the second paragraph by the words “observations may be presented”.

**85.** Section 383 of the said Act is amended by replacing the words “representations that the insurer has made” in the second line by the words “observations that the insurer has presented”.

#### ACT RESPECTING THE BARREAU DU QUÉBEC

**86.** Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 32 of chapter 27 of the statutes of 1997, is again amended

(1) by replacing the words “rescuers and crime victims compensation division of the Commission des affaires sociales established pursuant to the Act respecting the Commission des affaires sociales (chapter C-34)” in the fourth, fifth and sixth lines of subparagraph 3 of paragraph *a* of subsection 2 by the words “social affairs division of the Administrative Tribunal of Québec, instituted under the Act respecting administrative justice (1996, chapter 54),

in the case of a proceeding pertaining to compensation for rescuers and victims of crime, a proceeding brought under section 65 of the Workmen's Compensation Act (chapter A-3) or a proceeding brought under section 12 of the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (chapter I-7),”;

(2) by replacing the words “social aid and allowances division of the Commission des affaires sociales” in the first and second lines of subparagraph 5 of paragraph *a* of subsection 2 by the words “social affairs division of the Administrative Tribunal of Québec”;

(3) by replacing the words “Bureau de révision en immigration” in the first line of subparagraph 7 of paragraph *a* of subsection 2 by the words “social affairs division of the Administrative Tribunal of Québec”.

## BUILDING ACT

**87.** Section 75 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing the words “allow the holder an opportunity to be heard” in the first line of the first paragraph by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations”.

**88.** Section 128.5 of the said Act is amended by replacing the words “give the permit holder or the person an opportunity to be heard” in the first and second lines of the first paragraph by the words “notify the permit holder or the person in writing as prescribed by section 5 of the Act respecting administrative justice and allow the permit holder or the person at least 10 days to present observations”.

**89.** The heading of Chapter VII of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE LABOUR COURT”.

**90.** Section 160 of the said Act, amended by section 7 of chapter 74 of the statutes of 1996, is again amended by replacing the words “where such ruling, which has not been appealed from” in the second and third lines by the words “, where such ruling, in respect of which no proceeding has been brought before the Labour Court”.

**91.** Section 162 of the said Act is amended by replacing the words “express his opinion” in the second line by the words “present observations”.

**92.** The heading of Division II of Chapter VII of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE LABOUR COURT”.

**93.** Section 165 of the said Act, amended by section 8 of chapter 74 of the statutes of 1996, is again amended by replacing the words “appeal to the Labour Court on any question of law, jurisdiction or fact from a ruling of the Board or of a municipality covered by section 132” in the first, second and third lines by the words “contest a ruling of the Board or of a municipality covered by section 132 before the Labour Court,”.

**94.** Section 166 of the said Act is amended

(1) by replacing the words “appeal shall be made” in the first line of the first paragraph by the words “proceeding shall be brought”;

(2) by replacing the word “appellant” in the second line of the second paragraph by the word “applicant”.

**95.** Section 167 of the said Act is amended by replacing the words “ruling under appeal” in the second line by the words “contested ruling”.

**96.** Section 170 of the said Act is amended by replacing the word “appeal” in the first line by the word “proceeding”.

**97.** Section 172 of the said Act is amended by replacing the words “an appeal” in the second line by the words “a proceeding”.

CULTURAL PROPERTY ACT

**98.** Section 31.2 of the Cultural Property Act (R.S.Q., chapter B-4) is repealed.

**99.** Section 43 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” in the second and third lines of the second paragraph by the words “Administrative Tribunal of Québec”.

**100.** Section 50.2 of the said Act is repealed.

**101.** Section 57.2 of the said Act is amended

(1) by adding the following sentence at the end of the first paragraph: “Before revoking or amending an authorization, the Minister shall notify the interested person in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the interested person at least 10 days to present observations.”;

(2) by striking out the words “after giving him the opportunity to be heard” in the second line of the second paragraph.

## ACT RESPECTING CERTAIN CAISSES D'ENTRAIDE ÉCONOMIQUE

**102.** Section 89 of the Act respecting certain caisses d'entraide économique (R.S.Q., chapter C-3.1) is amended by replacing the words "be heard" in the second line of the first paragraph by the words "present observations".

## SAVINGS AND CREDIT UNIONS ACT

**103.** Section 103 of the Savings and Credit Unions Act (R.S.Q., chapter C-4) is amended by replacing the words "express its views" in the third line of the third paragraph by the words "present observations".

**104.** Section 110 of the said Act is amended

(1) by replacing the words "give it a notice of its default and of the penalty to which it is liable" in the first and second lines of the first paragraph by the words "notify the union in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54), advising it of the penalty to which it is liable and allow the union at least 10 days to present observations";

(2) by replacing the words "Such notice" in the second line of the first paragraph by the word "Notification";

(3) by replacing the word "Such" in the first line of the second paragraph by the word "A".

**105.** Section 111 of the said Act is amended by replacing the words "the notice contemplated in section 110" in the second and third lines by the word "notification".

## SAVINGS AND CREDIT UNIONS ACT

**106.** Section 97 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1) is amended by replacing the words "be heard" in the second line by the words "present observations".

**107.** Section 179 of the said Act is amended

(1) by replacing the words "of being heard" in the fifth line of the first paragraph by the words "for the person to present observations";

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

**108.** Section 204 of the said Act is amended by replacing the words "be heard" in the second line of the third paragraph by the words "present observations".



**109.** Section 218 of the said Act is amended by replacing the words “be heard” in the third line of the third paragraph by the words “present observations”.

**110.** Section 227 of the said Act is amended by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

**111.** Section 231 of the said Act is amended

(1) by adding the words “, as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54),” after the word “shall” in the second line of the second paragraph;

(2) by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

**112.** Section 238 of the said Act is amended by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

**113.** Section 264 of the said Act is amended by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

**114.** Section 323 of the said Act is amended by replacing the words “make representations” in the fourth line of the first paragraph by the words “present observations”.

**115.** Section 389 of the said Act is amended by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

**116.** Section 395 of the said Act is amended

(1) by adding the words “, as prescribed by section 5 of the Act respecting administrative justice,” after the word “shall” in the second line of the second paragraph;

(2) by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

**117.** Section 398 of the said Act is amended by replacing the words “be heard” in the third line of the third paragraph by the words “present observations”.

**118.** Section 429 of the said Act is amended by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

**119.** Section 450 of the said Act is amended by replacing the words “be heard” in the second line of the third paragraph by the words “present observations”.

**120.** Section 485 of the said Act is amended by replacing the words “be heard” in the fourth line of the first paragraph by the words “present observations”.

**121.** Section 500 of the said Act is amended

(1) by replacing the words “Before issuing an order, the Inspector General shall give the contravener at least 15 days’ notice” in the first and second lines of the second paragraph by the words “At least 15 days before issuing an order, the Inspector General shall, as prescribed by section 5 of the Act respecting administrative justice, notify the contravener.”;

(2) by replacing the words “be heard” in the third and fourth lines of the second paragraph by the words “present observations”.

**122.** Section 501 of the said Act is amended

(1) by replacing the words “delay to allow a hearing” in the third line of the first paragraph by the words “period of time allowed to the person concerned to present observations”;

(2) by replacing the words “apply in writing to the Inspector General for a hearing” in the third and fourth lines of the second paragraph by the words “present observations to the Inspector General”.

**123.** Section 505 of the said Act is amended

(1) by replacing the words “be heard” in the third line of the first paragraph by the words “present observations”;

(2) by replacing the words “be heard” in the fifth and sixth lines of the first paragraph by the words “present observations”;

(3) by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

#### ACT RESPECTING TRUCK TRANSPORTATION

**124.** Section 10 of the Act respecting truck transportation (R.S.Q., chapter C-5.1) is amended by replacing, in the French text, the words “le requérant” in the first line by the words “celui qui en fait la demande”.

**125.** Section 11 of the said Act is amended by replacing, in the French text, the word “requérant” in the first line by the word “demandeur”.

**126.** Section 12 of the said Act is amended by replacing, wherever it appears in the French text, the word “requérant” by the word “demandeur”.

**127.** Section 13 of the said Act is amended by replacing, in the French text, the word “requérant” in the first line by the word “demandeur”.

**128.** Section 15 of the said Act is amended by replacing, wherever it appears in the French text, the word “requérant” by the word “demandeur”.

**129.** Section 16 of the said Act is amended by replacing, in the French text, the word “requérant” in the second line by the word “demandeur”.

**130.** Section 22 of the said Act is amended by replacing, in the French text, the word “requérant” in the second line by the word “demandeur”.

**131.** Section 38 of the said Act is amended

(1) by replacing the words “summon the licensee and specify the facts that are alleged against him so that he may assert his pretensions” in the third and fourth lines of the first paragraph by the words “notify the licensee in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the licensee at least 10 days to present observations”;

(2) by replacing the word “appear” in the first line of the second paragraph by the words “present observations”.

**132.** Section 43 of the said Act is amended by replacing the words “from the date of service of the Commission’s decision on” in the first and second lines by the words “on the date the Commission’s decision is communicated to”.

**133.** The heading of Chapter III of the said Act is amended by striking out the words “AND PROOF”.

**134.** Section 47 of the said Act is amended by replacing the word “requérant”, wherever it appears in the French text, by the word “demandeur”.

**135.** Section 49 of the said Act is amended

(1) by replacing the words “by filing with the Commission a sworn statement of his objection containing the reasons on which it is based and accompanied with proof that it has been served on the applicant” in the second, third, fourth and fifth lines of the first paragraph by the words “by transmitting to the Commission a sworn statement of objection containing reasons”;

(2) by striking out the second paragraph.

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

“**50.** All public hearings must be held within 60 days of the time prescribed for making an objection. The Commission may, however, extend that time if the applicant or a person making an objection establishes that he will be unable to act within that time.

The Attorney General may intervene during public consultations.”

**137.** Section 51 of the said Act is replaced by the following section :

“**51.** At a public hearing, the opponent of a licence application is required to explain the reasons for his opposition.”

**138.** Sections 52 to 56 of the said Act are repealed.

**139.** Section 57 of the said Act is amended by replacing the second and third paragraphs by the following paragraph :

“The Commission shall communicate to the applicant and the opponents its decision in writing, containing reasons, and shall, where the decision is rendered following public hearings, transmit a copy of it to the Minister.”

**140.** Sections 60 and 61 of the said Act are replaced by the following sections :

“**60.** The Commission may, upon a request, review any decision it has rendered and in respect of which no proceeding has been brought before the Administrative Tribunal of Québec.

“**61.** An application for review must contain reasons, and be notified to the Commission within 30 days after the date on which the decision takes effect.

However, in the case of a decision to revoke a licence, the application for review must be notified within six months.

Where the Commission agrees to review a decision, execution of the decision is suspended unless the Commission decides otherwise in case of special urgency.”

**141.** Section 65 of the said Act is repealed.

**142.** The said Act is amended by replacing the heading of Chapter VI by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**143.** Sections 74 to 79 of the said Act are replaced by the following sections :

“**74.** Any decision of the Commission may be contested before the Administrative Tribunal of Québec by the person to whom the decision applies, an opponent or the Attorney General within 30 days following the date on which the decision takes effect.

“**75.** The Attorney General may, *ex officio* and without notice, take part in a hearing as if he were a party thereto.

“**76.** When assessing the facts or the law, the Tribunal may not substitute its assessment of the public interest for the assessment thereof made by the Commission before making its decision pursuant to this Act.”

**144.** Section 81 of the said Act is replaced by the following section :

“**81.** The Commission may adopt procedural and internal management rules.”

**145.** Section 96 of the said Act is amended by replacing the words “17.5 to 17.8” in the first line by the words “17.6 and 17.7”.

CHARTER OF THE FRENCH LANGUAGE

**146.** Section 82 of the Charter of the French language (R.S.Q., chapter C-11) is replaced by the following section :

“**82.** Any person to whom a decision concerning a child’s eligibility for instruction in English, made pursuant to section 73, 81, 85 or 86.1, applies may apply in writing for the review of the decision within 60 days of the date on which the person is informed of the decision.”

**147.** Section 83 of the said Charter is amended

(1) by striking out the first sentence ;

(2) by replacing the words “This committee consists” in the second line by the words “Applications for review shall be filed with a review committee consisting” ;

(3) by striking out the last sentence.

**148.** Sections 83.1 and 83.2 of the said Charter are repealed.

**149.** Section 83.3 of the said Charter is amended by inserting the word “review” after the words “of the” in the first line.

**150.** The said Charter is amended by inserting, after section 83.3, the following section:

“**83.4.** Any decision made by the review committee may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec.”

**151.** Section 85.1 of the said Charter is amended

(1) by replacing the words “Where the appeals committee cannot allow an appeal pertaining” in the first line of the first paragraph by the words “Where the review committee cannot accede”;

(2) by replacing, in the French text, the word “elle” in the third and fourth lines of the first paragraph by the word “il”;

(3) by adding, at the end of the first paragraph, the words “A copy of the report shall be sent to the person who made the application.”;

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

“The production of the report shall interrupt the time allotted for contesting a decision under section 83.4 or suspend the proceeding, as the case may be, until the Minister has made a decision in the matter.”;

(5) by replacing the word “appeals” in the second line of the second paragraph by the word “review”;

(6) by replacing the word “second” in the third line of the third paragraph by the word “third”.

**152.** Section 132 of the said Charter is amended by replacing the words “hear the persons concerned” in the second line of the first paragraph by the words “give the persons concerned the opportunity to present observations”.

#### CINEMA ACT

**153.** Section 85 of the Cinema Act (R.S.Q., chapter C-18.1) is amended

(1) by striking out the words “, after giving the person concerned the opportunity to be heard,” in the first and second lines;

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

“The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54), and allow the person at least 10 days to present observations.”

**154.** Section 101 of the said Act is amended

(1) by striking out the words “, after having given the person concerned an opportunity to be heard,” in the first and second lines ;

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

“The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice, and allow the person at least 10 days to present observations.”

**155.** Section 110 of the said Act is amended

(1) by striking out the words “, after having given the person concerned an opportunity to be heard,” in the first and second lines ;

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

“The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice, and allow the person at least 10 days to present observations.”

**156.** Section 119.1 of the said Act is amended

(1) by striking out the words “, after having given the person concerned an opportunity to be heard,” in the first and second lines ;

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

“The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice, and allow the person at least 10 days to present observations.”

**157.** Section 122.5 of the said Act is amended

(1) by striking out the words “, after having given the person concerned an opportunity to be heard,” in the first and second lines ;

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

“The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice, and allow the person at least 10 days to present observations.”

**158.** Section 122.7 of the said Act is amended

(1) by replacing the word “before” in the third line by the word “to”;

(2) by replacing the words “file with” in the fourth line by the words “send to”.

**159.** The heading of Division VI of Chapter III of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**160.** Section 151 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

**161.** Section 153 of the said Act is repealed.

**162.** Subdivision 2 of Division VI of Chapter III of the said Act, comprising sections 154 to 166, is replaced by the following subdivision :

“§2. — *Proceeding before the Administrative Tribunal of Québec*

“**154.** Every person who believes himself wronged by a decision made by the Régie, except a decision referred to in any of sections 143, 144 and 149 to 152 may, within 30 days after receiving the decision, contest the decision before the Administrative Tribunal of Québec.”

**163.** Section 167 of the said Act is amended by striking out the words “rules of proof and” in the first line of paragraph 13.

**164.** Section 182 of the said Act is amended by replacing the words “send forthwith to the person concerned a written notice of its decision” in the first and second lines of the second paragraph by the words “, without delay, send its decision in writing to the person concerned”.

#### CITIES AND TOWNS ACT

**165.** Section 465.13 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing the words “be heard” in the sixth line of the first paragraph by the words “present observations”.

**166.** Section 467.3.1 of the said Act is amended by adding the following paragraph :

“The Commission shall, before amending or revoking a permit under the first paragraph, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the permit holder at least ten days to present observations.”



**167.** Section 469 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended by replacing the words “render the decision” in the fourth line and the word “decision” in the eighth line by the words “make the arbitration award” and “arbitration award”, respectively.

#### ACT TO PROMOTE GOOD CITIZENSHIP

**168.** Section 1 of the Act to promote good citizenship (R.S.Q., chapter C-20) is amended by striking out paragraph *b*.

**169.** Section 4 of the said Act is amended

(1) by replacing the words “appears before the commission to” in the first line of the second paragraph by the word “may”;

(2) by striking out the word “to” in the second line of the second paragraph.

**170.** Section 7 of the said Act is amended by replacing the words “in the case of an appeal, of the decision of the Commission des affaires sociales” in the first and second lines by the words “where the decision is contested before the Administrative Tribunal of Québec, of the decision of the Tribunal”.

**171.** Section 19 of the said Act is amended by replacing the words “in the case of an appeal, of the Commission des affaires sociales” in the third line by the words “where the decision is contested before the Administrative Tribunal of Québec, of the Tribunal”.

#### HIGHWAY SAFETY CODE

**172.** Section 550 of the Highway Safety Code (R.S.Q., chapter C-24.2), amended by section 115 of chapter 56 of the statutes of 1996, is again amended

(1) by replacing the words “present his views” in the third line of the second paragraph by the words “present observations”;

(2) by inserting the words “or the prior notice referred to in section 553” after the words “this section” in the fourth paragraph and by inserting the words “or notice” after the words “The decision” in that paragraph.

**173.** Section 553 of the said Code is amended by replacing the first three paragraphs by the following paragraphs:

**553.** The Société shall, before making a written decision in respect of which it is required to comply with the obligations prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54), send to the person concerned a notice of its proposed decision which shall mention, among other things, that the person has 12 days from the time of mailing of the notice within which to present observations.

The proposed decision shall become the decision of the Société on the third day following the expiry of such time limit, and shall take effect unless the Société decides otherwise.

The time limit prescribed in the first paragraph may be shortened where the decision relates to the suspension of a licence or class of a licence following a proficiency examination.”

**174.** Section 554 of the said Code is amended by replacing the words “of appeal under section” in the second and third lines by the words “to bring a proceeding under section 557 or”.

**175.** The heading of Division II of Chapter I of Title X of the said Code is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**176.** Section 557 of the said Code is amended

(1) by replacing the words “and which has not been appealed from to the Court” in the second and third lines of the first paragraph by the words “in respect of which no proceeding has been brought before the Administrative Tribunal of Québec,”;

(2) by striking out subparagraphs 1 and 2 of the first paragraph.

**177.** Section 560 of the said Code is replaced by the following section :

“**560.** A decision may be contested before the Administrative Tribunal of Québec if it is

(1) a decision made by the Société under paragraphs 1, 2 and 3 of section 81, paragraphs 1 and 2 of section 82, paragraph 2 of section 83, paragraphs 1, 2 and 3 of section 190 or section 191 or a decision of the Société refusing to review such a decision or maintaining it;

(2) a decision made by the Société under paragraph 3 of section 82 or under any of sections 162, 207 and 519.61 or a decision of the Société refusing to review such a decision or maintaining it.”

**178.** Sections 561 to 573 of the said Code are repealed.

#### CODE OF CIVIL PROCEDURE

**179.** Article 782 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the words “Commission des affaires sociales” in the second line by the words “Administrative Tribunal of Québec”.

## MUNICIPAL CODE OF QUÉBEC

**180.** Article 528.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by adding the following paragraph:

“The Commission shall, before amending or revoking a permit under the first paragraph, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the permit holder at least 10 days to present observations.”

**181.** Article 623 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the word “decision” wherever it appears by the words “arbitration award”.

**182.** Article 711.14 of the said Code is amended by replacing the words “be heard” in the sixth line of the first paragraph by the words “present observations”.

## ACT RESPECTING THE MARKETING OF MARINE PRODUCTS

**183.** Section 48 of the Act respecting the marketing of marine products (R.S.Q., chapter C-32.1) is amended by replacing the words “furnish it with a reasonable opportunity to make representations” in the fourth line of the second paragraph by the words “allow it to present observations”.

## ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

**184.** The Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34) is repealed.

## ACT RESPECTING THE COMMISSION MUNICIPALE

**185.** Section 7 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by striking out the second paragraph.

**186.** Section 16 of the said Act is amended

(1) by striking out the words “practice and” in the first line of paragraph *d* of subsection 1, and by striking out the words “of practice” wherever they occur elsewhere in the section;

(2) by replacing the words “proceeding before” in the second line of subsection 2 by the words “matter examined by”.

**187.** Section 16.1 of the said Act is amended by striking out the words “of practice” in the second line.

**188.** Section 22 of the said Act is amended by replacing the second and third sentences of the fifth paragraph of subsection 1 by the following sentence: “The Commission is not bound by this requirement if a person invited in writing to present or to otherwise transmit observations within a reasonable time has refused or neglected to do so.”

**189.** Section 23 of the said Act, amended by section 465 of chapter 2 of the statutes of 1996, is again amended by striking out the words “of practice” in the third line of the third paragraph.

**190.** Section 87 of the said Act is amended by striking out the words “of practice” in the second line of the first paragraph and in the first line of the second paragraph.

#### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L'OUTAOUAIS

**191.** Section 173 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1) is amended by replacing the words “Expropriation Division of the Court of Québec” in the sixth line of the second paragraph by the words “Administrative Tribunal of Québec”.

**192.** Section 176 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” in the second line by the words “Administrative Tribunal of Québec”.

**193.** Section 198 of the said Act is amended

(1) by replacing the words “appear before” in the first line of the first paragraph by the words “present to”;

(2) by striking out the words “and to make” in the second line of the first paragraph;

(3) by striking out the words “of the hearing” in the first line of the second paragraph.

#### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

**194.** Section 118 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing the words “Expropriation Division of the Court of Québec” in the third and fourth lines by the words “Administrative Tribunal of Québec”.

**195.** Section 133.2 of the said Act is amended

(1) by replacing the words “appealed from before the Commission municipale du Québec” in the second and third lines by the words “contested before the Administrative Tribunal of Québec”;

(2) by replacing the words “to the appeal” in the fourth and fifth lines by the words “to the proceeding”;

(3) by striking out the last sentence.

**196.** Section 151.2.8 of the said Act is amended

(1) by replacing the words “appealed from before the Commission municipale du Québec” in the third and fourth lines of the first paragraph by the words “contested before the Administrative Tribunal of Québec”;

(2) by replacing the word “appeal” in the sixth line of the first paragraph by the word “proceeding”;

(3) by striking out the second paragraph.

**197.** Section 306.53 of the said Act is amended

(1) by replacing the words “appear before a” in the first line of the first paragraph by the words “make to any”;

(2) by striking out the words “judicial, quasi judicial or” in the first and second lines of the first paragraph;

(3) by striking out the words “to make or have made” in the second line of the first paragraph;

(4) by striking out the words “of the hearing” in the first line of the second paragraph.

**ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC**

**198.** Section 136.10 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended

(1) by replacing the words “appealed from before the Commission municipale du Québec” in the third and fourth lines of the first paragraph by the words “contested before the Administrative Tribunal of Québec”;

(2) by replacing the word “appeal” in the fifth line of the first paragraph by the word “proceeding”;

(3) by striking out the second paragraph.

**199.** Section 218 of the said Act is amended

(1) by replacing the words “appear before” in the first line of the first paragraph by the words “make to”;

(2) by striking out the words “and to make” in the second line of the first paragraph;

(3) by striking out the words “of the hearing” in the first line of the second paragraph.

#### COMPANIES ACT

**200.** Section 123.27.2 of the Companies Act (R.S.Q., chapter C-38) is amended

(1) by replacing the word “allow” in the first line by the words “, in accordance with section 5 of the Act respecting administrative justice (1996, chapter 54), inform”;

(2) by replacing the words “interested parties to submit their” in the second line by the words “the persons affected by the decision an opportunity to present”.

**201.** Section 123.27.3 of the said Act is amended

(1) by replacing the word “parties” in the second line of the first paragraph by the words “persons affected by the decision”;

(2) by replacing the words “appeal set out in section 123.146” in the first and second lines of the second paragraph by the words “bringing a proceeding under section 123.145 if no proceeding has been brought”.

**202.** Section 123.27.4 of the said Act is amended

(1) by replacing the word “appeal” in the first line of the first paragraph by the words “bringing a proceeding”;

(2) by replacing the words “an interested party” in the second line of the first paragraph by the words “a person concerned”.

**203.** Section 123.27.7 of the said Act is repealed.

**204.** The heading of Chapter XX of Part IA of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**205.** Section 123.145 of the said Act is amended by replacing the words “appeal from it to the Court of Québec of the district of the residence or head office of the person concerned or, in the case of an artificial person having its head office outside Québec, of the district of its principal office in Québec or

of the address of its attorney” in the second, third, fourth and fifth lines by the words “, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**206.** Sections 123.146 to 123.157 of the said Act are replaced by the following sections:

“**123.146.** Notwithstanding the second paragraph of section 15 of the Act respecting administrative justice, the Tribunal may only confirm or quash the contested decision.

“**123.147.** Where the contestation concerns a decision referred to in section 123.27.3, the Inspector General shall deposit a notice of notification of the motion in the register.

“**123.148.** The Inspector General shall, where necessary, make the required changes in the register and make an entry indicating that a decision of the Tribunal has been made where the decision concerns a decision of the Inspector General referred to in section 123.27.3.”

#### ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN THE AREA OF MONTRÉAL

**207.** Section 12.3 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended by adding, after the first paragraph, the following paragraph:

“The Commission shall, before amending or revoking a permit under the first paragraph, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the permit holder at least 10 days to present observations.”

#### ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

**208.** Section 75 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by adding, at the end, the following paragraph:

“A licence holder to whom such an order is notified without prior notice because, in the opinion of the Minister, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister.”

**209.** Section 128.14 of the said Act is amended by replacing the words “give the applicant or holder an opportunity to make representations within the time he indicates” in the second and third lines by the words “notify the

applicant or holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the applicant or holder at least 10 days to present observations”.

**210.** Section 128.15 of the said Act is amended

(1) by replacing the word “offender” in the first line of the second paragraph by the words “person concerned” ;

(2) by replacing the words “its date of service” in the second line of the third paragraph by the words “the date of its notification” ;

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

“A person to whom such an order is notified without prior notice because, in the opinion of the Minister, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister.”

**211.** Section 177 of the said Act is amended by replacing the words “give the person concerned the opportunity to make representations” in the third paragraph by the words “notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice and allow the person at least 10 days to present observations”.

ACT RESPECTING RACING

**212.** Section 49 of the Act respecting racing (R.S.Q., chapter C-72.1) is amended by replacing paragraph 5 by the following paragraph :

“(5) to fix and collect the costs prescribed by the rules for the examination of any matter or question submitted to him.”

**213.** Section 50 of the said Act is amended by replacing paragraph 3 by the following paragraph :

“(3) to fix and collect the costs prescribed by the rules for the examination of any matter or question submitted to him.”

**214.** Section 51 of the said Act is amended by replacing the word “referred” in the third line by the word “submitted”.

**215.** Section 68 of the said Act is amended

(1) by striking out the word “public” in the fourth line of the first paragraph ;

(2) by inserting the words “to allow them to make representations” after the word “hearing” in the fourth line of the first paragraph.



## REAL ESTATE BROKERAGE ACT

**216.** Section 136 of the Real Estate Brokerage Act (R.S.Q., chapter C-73.1) is amended by replacing the words “366 to 377 of the Act respecting insurance (chapter A-32)” in the second and third lines by the words “164 to 177.1 of the Professional Code (chapter C-26)”.

**217.** Section 148 of the said Act is amended

(1) by replacing the words “serve on” in the first line of the second paragraph by the words “, pursuant to section 5 of the Act respecting administrative justice (1996, chapter 54), give”;

(2) by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

**218.** Section 149 of the said Act is amended

(1) by replacing the words “delay in the holding of a hearing” in the third line of the first paragraph by the words “period of time allowed to the person concerned to present observations”;

(2) by replacing the words “apply in writing to the Inspector General for a hearing” in the third and fourth lines of the second paragraph by the words “present observations to the Inspector General”.

**219.** Section 152 of the said Act is amended by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

## ACT RESPECTING THE DEVELOPMENT OF QUÉBEC FIRMS IN THE BOOK INDUSTRY

**220.** Section 23 of the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1) is amended by striking out the second paragraph.

**221.** Section 24 of the said Act is amended by replacing the words “give the person concerned the opportunity to be heard and obtain the advice of the board” in the second and third lines by the words “obtain the advice of the board and notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the person at least 10 days to present observations”.

**222.** The heading of Division V of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**223.** Section 26 of the said Act is amended

(1) by replacing the words “appeal from the Minister’s decision to the Court of Québec, by a motion brought within thirty days of the reception of the decision of the Minister, if” in the second, third and fourth lines by the words “contest the Minister’s decision before the Administrative Tribunal of Québec within 30 days of notification of the decision”;

(2) by striking out paragraphs *a* and *b*.

**224.** Sections 27 to 30 of the said Act are repealed.

#### GAS DISTRIBUTION ACT

**225.** Section 11 of the Gas Distribution Act (R.S.Q., chapter D-10) is amended by adding, at the end, the following paragraph :

“A person to whom such an order is notified without prior notice because, in the opinion of the Board, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Board.”

#### ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

**226.** Section 62 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), amended by section 17 of chapter 73 of the statutes of 1996, is again amended by striking out the words “and of the Bureau de révision de l’évaluation foncière du Québec” in paragraph 5.

#### ACT RESPECTING PRIVATE EDUCATION

**227.** Section 121 of the Act respecting private education (R.S.Q., chapter E-9.1) is amended by replacing the words “give the institution an opportunity to present its views” in the first and second lines of the first paragraph by the words “notify the institution in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow it at least 10 days to present observations”.

**228.** The said Act is amended by inserting, after section 121, the following section :

“**121.1.** Every decision made by the Minister may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec.”

**229.** Section 124 of the said Act is amended by replacing the words “give the institution an opportunity to present its views” in the second line of the first paragraph by the words “notify the institution in writing as prescribed by section 5 of the Act respecting administrative justice and allow it at least 10 days to present observations”.

#### ACT RESPECTING THREATENED OR VULNERABLE SPECIES

**230.** Section 24 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01) is amended by replacing the words “give the applicant or holder an opportunity to make representations within the time he indicates” in the second and third lines by the words “notify the applicant or holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the applicant or holder at least 10 days to present observations”.

**231.** Section 25 of the said Act is amended

(1) by replacing the word “offender” in the first line of the second paragraph by the words “person concerned” and by replacing, in the French text, the words “qu’il” in the second line of the second paragraph by the words “qu’elle”;

(2) by replacing the word “service” in the second line of the third paragraph by the word “notification”;

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

“A person to whom such an order is notified without prior notice because, in the opinion of the Minister, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister.”

#### TOURIST ESTABLISHMENTS ACT

**232.** Section 12 of the Tourist Establishments Act (R.S.Q., chapter E-15.1) is amended by replacing the words “give the applicant or permit holder, as the case may be, the opportunity to be heard” in the second and third lines by the words “notify the applicant or permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the applicant or permit holder at least 10 days to present observations”.

**233.** The heading of subdivision 3 of Division II of the said Act is replaced by the following heading:

“§3. — *Proceeding before the Administrative Tribunal of Québec*”.

**234.** Section 15 of the said Act is amended by replacing that part preceding paragraph 1 by the following :

“**15.** The following persons may, within 30 days of notification of the decision, contest the decision of the Minister before the Administrative Tribunal of Québec:”.

**235.** Sections 16 to 21 of the said Act are repealed.

**236.** Section 27 of the said Act is amended by replacing the words “make representations” in the second line by the words “present observations”.

#### ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

**237.** Section 1 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is amended by striking out paragraph *b*.

**238.** Section 20 of the said Act is amended

(1) by replacing the word “Commission” in the third line of the third paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the word “Commission” in the first line of the fourth paragraph by the word “Tribunal”.

**239.** Section 30 of the said Act is amended by replacing the words “appeal to the Commission, which shall dispose of the appeal according to its rules of proof, procedure and practice” in the second and third lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**240.** Section 42 of the said Act is amended by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

**241.** Section 43 of the said Act is amended by adding, at the end, the following paragraph :

“The Office shall, before making such a decision, notify the adapted work centre in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow it at least 10 days to present observations.”

**242.** Section 44 of the said Act is amended by replacing the words “appeal to the Commission, which shall dispose of the appeal in accordance with its rules of proof, procedure and practice” in the second, third and fourth lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**243.** Section 48 of the said Act is amended by replacing the words “appeal therefrom to the Commission, which shall dispose of the appeal in accordance with its rules of proof, procedure and practice” in the second, third and fourth lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**244.** Section 58 of the said Act is amended by adding the following paragraph:

“The Office shall, before making such a decision, notify the handicapped person in writing as prescribed by section 5 of the Act respecting administrative justice and allow him at least 10 days to present observations.”

**245.** Section 59 of the said Act is amended by replacing the words “appeal therefrom to the Commission, which shall dispose of the appeal in accordance with its rules of proof, practice and procedure” in the second, third and fourth lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

#### ACT RESPECTING EXPLOSIVES

**246.** Section 15 of the Act respecting explosives (R.S.Q., chapter E-22), amended by section 7 of chapter 51 of the statutes of 1997, is again amended

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

“The Minister shall, before making a decision under the first or second paragraph, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow him at least 10 days to present observations.”;

(2) by replacing the words “in such a case” in the third paragraph by the words “where the Minister withdraws his permit”.

#### EXPROPRIATION ACT

**247.** The Expropriation Act (R.S.Q., chapter E-24) is amended by striking out Title I.

**248.** Section 39 of the said Act is amended by replacing the word “division” in the second line by the words “Administrative Tribunal of Québec”.

**249.** Sections 40, 40.1, 41, 42.1, 43, 44, 45, 52.1, 53, 53.5.1, 53.13, 55, 60 to 63, 65, 85, 86 and 89 of the said Act are amended by replacing the word “division”, wherever it appears, by the word “Tribunal”, with the necessary modifications.

**250.** Section 47 of the said Act is repealed.

**251.** Section 48 of the said Act is amended by striking out the first and second paragraphs.

**252.** Section 52 of the said Act is repealed.

**253.** Section 68 of the said Act is amended by replacing the word “division”, wherever it appears, by the word “Tribunal”, with the necessary modifications.

**254.** Section 87 of the said Act is amended by replacing the words “division alone shall be competent” in the first line by the words “Tribunal shall have exclusive jurisdiction”.

**255.** The said Act is amended by inserting, after section 89, the following Title:

**“TITLE III.1**

**“HOMOLOGATION**

**“89.1.** The homologation of an order of the Tribunal by the Superior Court, where required by law, is obtained by the deposit, by a party, of a certified true copy of the order at the clerk’s office of the Superior Court in the district in which the expropriated property is situated.

Prior notice of the date of deposit must be served on the other parties.

An order so deposited has the same force and effect as a judgment of the Superior Court and it may be executed as such.

**“89.2.** No appeal lies from a homologated order.”

**256.** Section 90 of the said Act is amended by striking out the first paragraph.

**ACT RESPECTING MUNICIPAL TAXATION**

**257.** Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

(1) by striking out the definition of “board”;

(2) by adding the following definition:

““Tribunal” means the Administrative Tribunal of Québec.”

**258.** Section 25 of the said Act is amended

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

“Before revoking a permit, the Commission must notify the assessor in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the assessor at least 10 days to present observations.

The decision must be made and communicated in writing.”;

(2) by replacing the words “notice, the assessor may apply to the Commission for a revocation” in the first and second lines of the third paragraph by the words “decision, the assessor may apply to the Commission for a review”;

(3) by replacing the words “be heard” in the third line of the third paragraph by the words “present observations”;

(4) by replacing the word “revoke” in the fourth line of the third paragraph by the word “review”.

**259.** Section 76 of the said Act, amended by section 5 of chapter 67 of the statutes of 1996, is again amended by replacing the word “complaint” in the second paragraph by the words “proceeding before the Tribunal”.

**260.** Section 79 of the said Act, amended by section 6 of chapter 67 of the statutes of 1996, is again amended by replacing the words “a complainant” in the fifth line of the second paragraph by the words “an applicant”, and by replacing the words “the complaint” in the sixth and seventh lines of the second paragraph by the words “a proceeding brought before the Administrative Tribunal of Québec”.

**261.** Section 80.1 of the said Act, amended by section 7 of chapter 67 of the statutes of 1996, is again amended by replacing the word “complainant” in the second paragraph by the words “person having brought a proceeding before the Administrative Tribunal of Québec”.

**262.** Chapter IX of the said Act, including sections 84 to 123, is repealed.

**263.** The heading of Chapter X of the said Act, replaced by section 10 of chapter 67 of the statutes of 1996, is amended by replacing the word “COMPLAINTS” by the words “PROCEEDING BEFORE THE TRIBUNAL”.

**264.** Section 138.4 of the said Act, enacted by section 25 of chapter 67 of the statutes of 1996, is amended by replacing the word “board” in the fifth paragraph by the word “Tribunal”.

**265.** The heading of Division II of Chapter X of the said Act, enacted by section 25 of chapter 67 of the statutes of 1996, is replaced by the following heading:

“PROCEEDINGS BEFORE THE TRIBUNAL”.

**266.** Section 138.5 of the said Act, enacted by section 25 of chapter 67 of the statutes of 1996, is amended

(1) by replacing the words “file with the board a complaint” in the first and second lines of the first paragraph by the words “bring before the Tribunal a proceeding”;

(2) by replacing the words “file a complaint before the board” in the third line of the second paragraph by the words “bring a proceeding before the Tribunal”;

(3) by replacing the word “complaint” in subparagraph 3 of the second paragraph by the word “proceeding”;

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

“A proceeding under the first paragraph must be brought before the thirty-first day after the sending to the applicant of a writing of the assessor referred to in subparagraph 1 or 2 of that paragraph or the expiry of the time limit referred to in subparagraph 3 of that paragraph, as the case may be.”;

(5) by replacing the word “complaint” in the first line of the fourth paragraph by the word “proceeding”, by replacing the word “filed” in the first line of that paragraph by the word “brought” and by replacing the word “sixty-first” in the second line of that paragraph by the word “thirty-first”;

(6) by replacing the word “complainant” wherever it appears in subparagraphs 1 to 4 of the fourth paragraph by the word “applicant”;

(7) by replacing the word “complaint” in the first line of the fifth paragraph by the word “proceeding” and by replacing the word “filed” in the second line of that paragraph by the word “brought”.

**267.** Sections 138.6 to 138.8 of the said Act, enacted by section 25 of chapter 67 of the statutes of 1996, are repealed.

**268.** Section 138.9 of the said Act, enacted by section 25 of chapter 67 of the statutes of 1996, is amended by replacing, wherever they appear, the word “complainant” by the word “applicant”, the word “board” by the word “Tribunal” and the word “complaint” by the word “motion”.

**269.** Section 138.10 of the said Act, enacted by section 25 of chapter 67 of the statutes of 1996, is amended by replacing the word “board” by the word “Tribunal”, by replacing the word “form” by the word “motion” and by replacing the word “complainant” by the word “applicant”.



**270.** Section 139 of the said Act is repealed.

**271.** Section 140 of the said Act is amended

(1) by replacing the words “chairman of the board” in the first line of the first paragraph by the words “vice-president responsible for the immovable property division of the Tribunal”;

(2) by replacing the word “board” wherever it appears by the word “Tribunal”;

(3) by replacing the word “complaint” in the second line of the first paragraph by the words “entries or omissions referred to in the motion”;

(4) by replacing the word “chairman” in the first line of each of the second and third paragraphs by the word “vice-president”;

(5) by replacing the word “complainant” in the first line of the second paragraph by the word “applicant”.

**272.** Section 141 of the said Act, amended by section 26 of chapter 67 of the statutes of 1996, is again amended

(1) by replacing the words “the hearing of a complaint” in the first line of the first paragraph by the words “a hearing”;

(2) by replacing the word “secretary” in the second line of the first paragraph and in the sixth line of the second paragraph by the word “Tribunal”;

(3) by replacing the words “complainant”, “complaint” and “board” in the second paragraph by the words “applicant”, “motion” and “Tribunal”, respectively.

**273.** Section 142 of the said Act, amended by section 27 of chapter 67 of the statutes of 1996, is replaced by the following section :

“**142.** The assessor may delegate one of his assistants to replace him as a witness.”

**274.** Section 142.1 of the said Act is amended by replacing the words “Notwithstanding section 142, the complainant” in the first line by the words “The applicant”.

**275.** Section 143 of the said Act is amended by replacing the words “board” and “complaint” by the words “Tribunal” and “proceeding”, respectively.

**276.** Section 144 of the said Act is amended by replacing the word “board” in the first line by the word “Tribunal”.

**277.** Section 147 of the said Act is amended by replacing the word “complaint” in the first line of the first paragraph by the word “proceeding”, and by replacing the word “board” wherever it appears by the word “Tribunal”.

**278.** Section 147.1 of the said Act is amended by replacing the word “board” in the first line by the word “Tribunal”.

**279.** Section 148 of the said Act is replaced by the following sections :

“**148.** Unless the Tribunal decides otherwise for special reasons and subject to section 148.3, the losing party shall pay the costs of the adverse party in accordance with the tariff determined by regulation of the Government pursuant to section 92 of the Act respecting administrative justice.

“**148.1.** The costs awarded to a party by the Tribunal shall, on a written application of the party, be taxed by the secretary of the Tribunal upon two days’ notice to the other party.

A party may, within 10 days from the decision of the secretary, contest the decision by means of a notice in writing to the secretary, before the member of the Tribunal who presided over the hearing.

“**148.2.** Witnesses, advocates, stenographers, stenotypists and persons recording and transcribing the depositions have a recourse for their taxed costs against the party retaining their services and, if the adverse party, on a decision of the Tribunal, is bound to pay the costs, against the latter party as well. The former party has a right of subrogation against the latter.

“**148.3.** Except for a motion relating to a unit of assessment or a place of business whose real estate value or rental value entered on the roll is equal to or greater than the value fixed by regulation of the Government, the only costs the applicant may be bound to pay upon a decision of the Tribunal under section 148 are those of stenography, stenotyping or the recording of the depositions and any transcription thereof.”

**280.** Section 149 of the said Act is amended by replacing the word “board” in the first line by the word “Tribunal”.

**281.** Section 156 of the said Act, amended by section 33 of chapter 67 of the statutes of 1996, is again amended

(1) by replacing the words “chairman of the board” in the first line of the first paragraph by the words “vice-president responsible for the immovable property division of the Tribunal”;

(2) by replacing the word “board” in the third line of the first paragraph and in the first line of the second paragraph by the word “Tribunal”.

**282.** Section 157 of the said Act, amended by section 34 of chapter 67 of the statutes of 1996, is again amended

(1) by replacing the word “complaint” in the first paragraph by the words “motion before the Tribunal”;

(2) by replacing the word “complaint” in the first line of the second paragraph by the word “motion”;

(3) by replacing the words “board or, in the case of an evocation, the Court of Québec” in the first and second lines of the second paragraph by the word “Tribunal”.

**283.** The said Act is amended by striking out Chapters XII and XIII, including sections 158 to 169 and section 170, respectively.

**284.** Section 173 of the said Act is amended

(1) by replacing the word “complaint” in the first and third lines by the words “proceeding before the Tribunal”;

(2) by replacing the word “board” in the second line by the word “Tribunal”;

(3) by replacing the words “relating to such complaint” in the third line by the words “before it”;

(4) by inserting, in the French text, the words “en nullité ou en cassation” after the word “recours” in the last line.

**285.** Section 174 of the said Act, amended by section 36 of chapter 67 of the statutes of 1996, is again amended by replacing, in the French text, the words “le tribunal” in the first and second lines of paragraph 2 by the words “la cour”.

**286.** Section 174.2 of the said Act, amended by section 37 of chapter 67 of the statutes of 1996, is again amended by replacing, in the French text, the words “le tribunal” in paragraph 2 by the words “la cour”.

**287.** Section 182 of the said Act, amended by section 41 of chapter 67 of the statutes of 1996, is again amended

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

“**182.** The assessor shall alter the roll to make it comply

(1) with an agreement entered into under section 138.4, as soon as possible after the agreement is entered into;

(2) with a decision of the Tribunal, as soon as possible after the decision becomes executory ;

(3) with a judgment rendered following a decision of the Tribunal, as soon as possible after the judgment has become *res judicata.*” ;

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

“An alteration referred to in the first paragraph has effect from the date fixed in the agreement, the decision or the judgment, as the case may be. An alteration referred to in the second paragraph has effect from the date fixed in the judgment or, failing that, from the date of coming into force of the roll.” ;

(3) by replacing the words “make a complaint” in the fourth paragraph by the words “bring a proceeding”.

**288.** Section 183 of the said Act, amended by section 42 of chapter 67 of the statutes of 1996, is again amended by replacing, in the French text, the words “Le tribunal” in the first line of the fourth paragraph by the words “La cour”.

**289.** Section 248 of the said Act, amended by section 51 of chapter 67 of the statutes of 1996, is again amended by replacing the words “complaint” and “hearing of the complaint”, and “board”, wherever they appear in the last sentence of the second paragraph, by the words “proceeding” and “Tribunal”, respectively.

**290.** Section 249 of the said Act, amended by section 52 of chapter 67 of the statutes of 1996, is again amended by replacing the words “complaint” and “hearing of the complaint”, and “board”, wherever they appear in the last sentence of the second paragraph, by the words “proceeding” and “Tribunal”, respectively.

**291.** Section 252.1 of the said Act, amended by section 53 of chapter 67 of the statutes of 1996, is again amended by replacing the words “or a complaint has been filed” by the words “has been filed or a proceeding before the Tribunal”.

**292.** Section 262 of the said Act, amended by section 2 of chapter 41 of the statutes of 1996 and by section 58 of chapter 67 of the statutes of 1996, is again amended

(1) by striking out paragraph 1 ;

(2) by replacing the word “board” in the fourth line of subparagraph *f* of paragraph 2 by the words “Administrative Tribunal of Québec”, and by replacing, in the French text, the words “d’un tribunal” in that line by the words “d’une cour” ;

(3) by striking out paragraph 8;

(4) by replacing the word “complaint” in the third line of paragraph 8.3 by the words “proceeding before the Tribunal”;

(5) by replacing “100, 108, 110, 114, 118 or 120” in the fourth and fifth lines of paragraph 8.3 by the words “148.3 of this Act or in section 33, 85 or 135 of the Act respecting administrative justice”.

**293.** Section 263 of the said Act, amended by section 59 of chapter 67 of the statutes of 1996, is again amended by striking out the words “and complaints, including a single form for cases in which the applicant becomes a complainant” in subparagraph *d* of paragraph 2.

**294.** Section 263.2 of the said Act, enacted by section 60 of chapter 67 of the statutes of 1996, is amended by replacing the words “complaint with the board pursuant to a regulation under paragraph 8 of section 262” in the second paragraph by the words “motion before the Tribunal pursuant to a regulation under section 92 of the Act respecting administrative justice (1996, chapter 54)”.

#### FOREST ACT

**295.** Section 17.3 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing the second paragraph by the following paragraph:

“The Minister shall, before making such a decision, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow him at least 10 days to present observations. In the cases referred to in subparagraphs 1 and 2 of the first paragraph, the prior notice shall also indicate that the permit will not be revoked if the holder remedies his default before the expiry of the time fixed in the notice.”

**296.** Section 170 of the said Act is amended by replacing the words “even though more than 30 days have elapsed since he received formal notice to comply therewith from the Minister” in the third and fourth lines by the words “. For such purpose, the Minister shall first notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow him at least 30 days to present observations”.

#### GRAIN ACT

**297.** Section 27 of the Grain Act (R.S.Q., chapter G-1.1) is amended by replacing, in the French text, the word “requérant” in the second line by the word “demandeur”.

**298.** Section 28 of the said Act is amended by replacing, in the French text, the word “requérant” in the first line of the first paragraph by the word “demandeur”.

**299.** Section 29 of the said Act is amended by replacing the first paragraph by the following paragraph :

“**29.** Before refusing to issue a permit, the board must notify the applicant in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the applicant at least 10 days to present observations.”

**300.** Section 40 of the said Act is amended by replacing the words “give the holder the opportunity to be heard” in the first and second lines of the first paragraph by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”.

**301.** The said Act is amended by inserting, after section 49, the following division :

**“DIVISION VIII.1**

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC**

“**49.1.** Any person to whom the board, under section 29, refuses to issue a permit, and any permit holder whose permit, under section 39, is suspended or revoked or the renewal of whose permit is refused by the board, may contest such a decision before the Administrative Tribunal of Québec within 30 days of notification of the decision.”

**ACT RESPECTING IMMIGRATION TO QUÉBEC**

**302.** The Act respecting immigration to Québec (R.S.Q., chapter I-0.2) is amended by replacing Division VII, including sections 17 to 39, by the following division :

**“DIVISION VII**

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC**

“**17.** A decision of the Minister may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec by

(a) any person or group of persons whose application for an undertaking is rejected or whose undertaking is cancelled;

(b) any foreign national whose selection certificate or certificate of acceptance is cancelled.”

## CRIME VICTIMS COMPENSATION ACT

**303.** Section 12 of the Crime Victims Compensation Act (R.S.Q., chapter I-6) is amended by replacing the words “Commission des affaires sociales” in the third and fourth lines by the words “Administrative Tribunal of Québec”.

**304.** Section 17 of the said Act is amended by replacing the words “appear before the Commission and contest” in the second and third lines by the words “present observations to the Commission and object to”.

## ACT RESPECTING INDEMNITIES FOR VICTIMS OF ASBESTOSIS AND SILICOSIS IN MINES AND QUARRIES

**305.** Section 12 of the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (R.S.Q., chapter I-7) is amended

(1) by replacing the words “is subject to appeal before the Social Affairs Commission, which shall dispose of it in accordance with its rules of proof, procedure and practice” in the first paragraph by the words “may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec”;

(2) by striking out the second paragraph.

## ACT RESPECTING PIPING INSTALLATIONS

**306.** The Act respecting piping installations (R.S.Q., chapter I-12.1) is amended by inserting, after section 21, the following section:

“**21.1.** The person to whom an order made under section 20.3 or 21 is notified without prior notice because, in the opinion of the inspector or member of the Sûreté du Québec, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by an inspector.”

## ACT RESPECTING ELECTRICAL INSTALLATIONS

**307.** Section 9 of the Act respecting electrical installations (R.S.Q., chapter I-13.01) is amended by inserting, after the second paragraph, the following paragraph:

“The holder of a permit or owner of an electrical installation to whom such an order is notified without prior notice because, in the opinion of the inspector, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the inspector.”

**308.** Section 14 of the said Act is amended by adding, at the end, the following paragraph:

“A person to whom such an order is notified without prior notice because, in the opinion of the inspector or member of the Sûreté du Québec, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by an inspector.”

**309.** Section 34 of the said Act, amended by section 27 of chapter 74 of the statutes of 1996, is again amended

(1) by striking out the words “Such suspension or cancellation is, however, subject to appeal to the Minister, and his decision is final.” in the third, fourth and fifth lines of the first paragraph;

(2) by adding, after the first paragraph, the following paragraphs:

“The board of examiners shall, before making such a decision, notify the holder of the licence in writing as prescribed by section 5 of the Act respecting administrative justice and allow him at least 10 days to present observations.

Such a decision may, within 30 days of receipt thereof, be contested before the Labour Court established by the Labour Code.”

**310.** Section 35 of the said Act is amended by adding, after the second paragraph, the following paragraph:

“The board of examiners shall, before making such a decision, notify the holder of the licence in writing as prescribed by section 5 of the Act respecting administrative justice and allow him at least 10 days to present observations.”

**311.** Section 35.1 of the said Act is amended

(1) by replacing the words “appealed from to” in the third line of the first paragraph by the words “contested before”;

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

“(b) where the rules prescribed in section 35 have not been complied with;”.

**312.** Section 35.2 of the said Act is amended

(1) by replacing the words “appeal to” in the second line of the first paragraph by the words “contest the decision before”;

(2) by striking out the word “from” in the second line of the first paragraph;

(3) by replacing the word “appeal” in the first line of the second paragraph by the word “proceeding”.



**313.** Section 35.3 of the said Act is amended by striking out the words “sitting in appeal”.

#### EDUCATION ACT

**314.** Section 26 of the Education Act (R.S.Q., chapter I-13.3) is replaced by the following section :

“**26.** Any natural person may file a complaint with the Minister against a teacher for a serious fault committed in the exercise of his functions or for an act derogatory to the honour or dignity of the teaching profession.

The complaint must be in writing, include reasons and be made under oath. It must briefly state the nature of the fault alleged to have been committed by the teacher and the relevant circumstances, including the time and place. The complaint shall be received by a person designated by the Minister, who shall assist any person so requesting in drawing up the complaint.

The Minister shall send a copy of the complaint to the teacher and ask him to present observations in writing to the Minister within 10 days.”

**315.** Section 27 of the said Act is amended

(1) by inserting the words “or excessive” after the word “frivolous” in the first line ;

(2) by inserting the words “and the teacher” after the word “complainant” in the second line ;

(3) by replacing the word “him” in the second line by the word “them”.

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

“**28.** Where the Minister considers that the complaint is admissible and the teacher has not admitted to having committed the alleged fault, the Minister shall set up an inquiry committee to which he shall submit the complaint.

The committee shall be composed of three members, including a chairman, selected from among the members of the Barreau, who in the opinion of the Minister is familiar with the educational community. The other two members shall be selected after consultation with bodies which the Minister considers to be most representative of administrators of educational institutions, of the teachers in those institutions and of the parents of students attending such institutions. The members shall serve until the committee has established whether or not the complaint is well-founded.

The salary of the committee members and the rules relating to the reimbursement of expenses incurred in the exercise of their functions shall be fixed by regulation of the Minister.”

**317.** Section 29 of the said Act is amended

(1) by replacing the words “required by a compelling reason and after consultation with the investigating” in the first and second lines of the first paragraph by the words “the acts alleged to have been committed by the teacher are such that, were they to continue or be repeated, the quality of educational services or the safety of students would be seriously jeopardized, and after consultation with the inquiry”;

(2) by inserting the words “, with pay,” after the word “functions” in the third line of the first paragraph.

**318.** Section 30 of the said Act is replaced by the following section :

**“30.** Within 30 days following the filing of the complaint and of the documents relating to it, the committee shall meet the teacher and the complainant to endeavour to establish whether or not the complaint is well-founded.

The committee may require any person to provide it with any information it considers necessary, and examine any relevant file.

No person may hinder the inquiry committee in any way in the exercise of its functions, mislead the committee by withholding information or making false statements, or refuse to provide any information or document relating to the inquiry or to allow the committee to make copies of such a document.”

**319.** Section 32 of the said Act is replaced by the following section :

**“32.** In conducting their inquiry, the members of the committee have the immunity provided for in sections 16 and 17 of the Act respecting public inquiry commissions (chapter C-37).”

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

**“33.** After giving the teacher the opportunity to present observations, and within 120 days of the filing of the complaint, the committee shall establish whether or not the complaint is well-founded.

The committee shall transmit its findings, with reasons, to the Minister, the complainant, the teacher and the school board.”

**321.** Section 34 of the said Act is replaced by the following section :

**“34.** Where the committee determines the complaint to be well-founded or where the teacher admits to having committed the alleged fault, the Minister may, if he deems it advisable and after giving the teacher at least 10 clear days to present observations in writing, suspend, revoke, or attach conditions to the

teaching licence of the teacher. The Minister shall request the advice of the inquiry committee that determined the complaint to be well-founded.

The Minister shall notify the complainant, the teacher and the school board in writing of his decision and the reasons therefor; the notice shall inform the teacher that he may contest the Minister's decision before the Administrative Tribunal of Québec and state the time within which a contestation must be made."

**322.** The said Act is amended by inserting, after section 34, the following sections :

**"34.1.** Where the Minister has attached conditions to the teaching licence of the teacher, the Minister may, if such conditions are not fulfilled, revoke the licence, after giving the teacher at least 30 days to present observations in writing.

**"34.2.** The Minister may issue a new teaching licence to a teacher whose behaviour has been above reproach for two years after the date of revocation of his teaching licence.

The new teaching licence may again be revoked as provided for in this subdivision. The second revocation is final.

**"34.3.** The decision of the Minister to revoke, suspend or attach conditions to a teaching licence may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec.

A proceeding brought before the Tribunal suspends the execution of the Minister's decision, unless the Tribunal, on a motion heard and decided by preference, orders otherwise owing to the serious risk to the quality of services or the safety of the students."

**323.** The said Act is amended by inserting, after section 456, the following section :

**"456.1.** The Minister shall, by regulation, establish the salary of the members of the inquiry committee set up under section 28 and rules relating to the reimbursement of expenses incurred by the members in the exercise of their functions."

## ACT RESPECTING MARKET INTERMEDIARIES

**324.** Section 36 of the Act respecting market intermediaries (R.S.Q., chapter I-15.1) is amended by replacing the words "give the holder an opportunity to be heard and transmit his decision to him" in the second line by the words "notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations. The Inspector General shall also transmit his decision to the holder".

**325.** Section 37 of the said Act is replaced by the following sections :

“**37.** Any decision of the Inspector General relating to the refusal, suspension or cancellation of a financial planner’s certificate may, within 30 days of notification of the decision, be contested before the Administrative Tribunal of Québec.

“**37.1.** Notwithstanding the second paragraph of section 15 of the Act respecting administrative justice, the Tribunal may only confirm or quash the contested decision.”

**326.** Section 43 of the said Act is amended by replacing “and 37” in the first line of the first paragraph by “, 37 and 37.1”.

**327.** Section 160 of the said Act is amended by replacing the words “section 366 and the following sections of the Act respecting insurance (chapter A-32)” in the second and third lines by the words “sections 164 to 177.1 of the Professional Code (chapter C-26)”.

**328.** Section 194 of the said Act is amended

(1) by replacing the words “Before issuing an order, the Inspector General shall serve on the offender a prior notice of not less than 15 days” in the first and second lines of the second paragraph by the words “Not less than 15 days before issuing an order, the Inspector General shall notify the offender as prescribed by section 5 of the Act respecting administrative justice,”;

(2) by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

**329.** Section 195 of the said Act is amended

(1) by replacing the words “a delayed hearing” in the third line of the first paragraph by the words “any period of time allowed to the person concerned to present observations”;

(2) by replacing the words “apply in writing to the Inspector General for a hearing” in the third and fourth lines of the second paragraph by the words “present observations to the Inspector General”.

**330.** Section 198 of the said Act is amended by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

#### ACT TO PROMOTE THE PAROLE OF INMATES

**331.** Section 10 of the Act to promote the parole of inmates (R.S.Q., chapter L-1.1) is replaced by the following section :

**“10.** A member of the commission must refuse to participate in a decision if it would put him in a situation of conflict of interest, in particular a conflict between his personal interest and his duties of office.”

**332.** Section 13 of the said Act is amended by replacing the word “sit” in the second paragraph by the words “hold sittings”.

**333.** Section 16 of the said Act is amended by striking out the words “of practice” in the first line.

**334.** Section 17 of the said Act is amended by replacing, in the French text, the word “jurisdiction” in the first line by the word “compétence”.

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

**“18.** Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the commission or against any of its members acting in their official capacity.

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

**336.** Section 32 of the said Act is amended by replacing the words “and to be heard before” in the first line of the first paragraph by the words “before and present observations to”.

**337.** Section 36 of the said Act is amended by replacing, in the French text, the word “siéger” in the second line by the word “agir”.

#### ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

**338.** Section 36.2 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6) is amended by adding, at the end, the following paragraph :

“The board may require that an association referred to in the first paragraph establish its representativeness.”

**339.** The said Act is amended by adding, after section 36.2, the following section :

**“36.2.1.** If an objection is addressed to it in accordance with section 36.2, the board shall call a hearing to allow any interested person to make representations.

At least 10 days before the hearing, the board shall send to the applicant and to any person who has filed an objection or intervention, by registered or certified mail or by service on the person, a notice indicating the date, place and time fixed by it for the holding of the hearing.”

#### ACT RESPECTING STUFFING AND UPHOLSTERED AND STUFFED ARTICLES

**340.** Section 25 of the Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5) is amended by replacing the words “give such person an opportunity to be heard” in the third line by the words “notify the person in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the person at least 10 days to present observations”.

**341.** The heading of Division VI of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC”.

**342.** Section 26 of the said Act is replaced by the following section :

“**26.** Any refusal to issue or renew a permit or any suspension or cancellation of a permit may be contested before the Administrative Tribunal of Québec within 30 days of notification of the chief inspector’s decision.

Any order of the chief inspector under section 11 may be contested before the Tribunal within five days of notification of the order.”

**343.** Sections 27 and 28 of the said Act are repealed.

**344.** Section 29 of the said Act is amended

(1) by replacing the word “appeal” in the first line by the word “proceeding”;

(2) by replacing the words “appellant” and “judge” in the third line by the words “applicant” and “Tribunal”, respectively.

**345.** Sections 30 to 36 of the said Act are repealed.

#### STATIONARY ENGINEMEN ACT

**346.** Section 9.1 of the Stationary Enginemen Act (R.S.Q., chapter M-6) is amended by adding the following paragraph :

“Before making such a decision, the examiners shall notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations.”

**347.** Section 9.2 of the said Act is amended

(1) by replacing the words “appealed from to the court contemplated” in the third and fourth lines of the first paragraph by the words “contested before the Tribunal referred to”;

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

“(b) where the rules prescribed in section 9.1 have not been complied with;”.

**348.** Section 9.3 of the said Act is amended

(1) by replacing the words “appeal to” in the second line of the first paragraph by the words “contest before”;

(2) by replacing the words “from any” in the third line of the first paragraph by the word “the”;

(3) by replacing the word “appeal” in the first line of the second paragraph by the word “proceeding”.

**349.** Section 9.4 of the said Act is amended by striking out the words “sitting in appeal”.

## CULLERS ACT

**350.** Section 20 of the Cullers Act (R.S.Q., chapter M-12.1) is amended by replacing the words “give the holder of a licence an opportunity to express his point of view” in the first and second lines by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations”.

**351.** Section 22 of the said Act is amended by replacing the words “appeal from the decision of the board to the Court of Québec” in the first and second lines by the words “contest the decision of the board before the Administrative Tribunal of Québec within 30 days of notification of the decision”.

**352.** Sections 23 to 29 of the said Act are repealed.

## MINING ACT

**353.** Section 48 of the Mining Act (R.S.Q., chapter M-13.1) is amended, in the French text, by replacing the words “requête en” in paragraph 5 by the words “demande de”.

**354.** Section 53 of the said Act is amended, in the French text, by replacing the words “requête en” in the second paragraph by the words “demande de”.

**355.** Section 280 of the said Act is amended by replacing the words “at the request” in the first line by the words “on the application”.

**356.** Section 283 of the said Act is amended, in the French text, by replacing the words “requête en” in the first line by the words “demande de”.

**357.** Section 284 of the said Act is amended

(1) by replacing the words “When acting on his own initiative, the Minister” in the first line of the first paragraph by the words “The Minister”;

(2) by replacing the words “give the holder a notice stating the grounds for the suspension or revocation and send a copy of the notice to the registrar” in the second, third and fourth lines of the first paragraph by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54), send a copy of the notice to the registrar, and allow the holder at least 15 days to present observations”;

(3) by striking out the second paragraph.

**358.** Section 285 of the said Act is amended

(1) in the French text, by replacing the words “requête en” in the first line of the first paragraph by the words “demande de”;

(2) by replacing the word “applicant” in the second line of subparagraph 1 of the first paragraph by the words “interested person”;

(3) in the French text, by replacing the word “requête” in the first line of subparagraph 4 of the first paragraph by the word “demande”;

(4) in the French text, by replacing the word “requête” in the second paragraph by the word “demande”.

**359.** Section 306 of the said Act is amended, in paragraph 29, by replacing the words “a motion” in the first line by the words “an application”.

#### ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION

**360.** Section 36.14 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended

(1) by replacing the words “bring an appeal before the Régie des marchés agricoles et alimentaires du Québec from any decision of the Minister referred to in section 36.13” in the first, second and third lines of the first paragraph by the words “contest any decision of the Minister referred to in section 36.13 before the Administrative Tribunal of Québec”;



(2) by replacing the words “forty-five days after the day on which a copy of the decision is sent” in the third line of the first paragraph by the words “30 days after notification of the decision”;

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

#### ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

**361.** Section 3.0.1 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), enacted by section 1 of chapter 6 of the statutes of 1997, is amended by adding, at the end of the last paragraph, the following: “Nor does this section apply to the Conseil de la justice administrative, the Administrative Tribunal of Québec and its members, adjudicative bodies in respect of which the Conseil is conferred jurisdiction by the law over the hearing of complaints against one of their members for a breach of professional conduct, or the members of those bodies.”

#### ACT RESPECTING THE MARKETING OF AGRICULTURAL, FOOD AND FISH PRODUCTS

**362.** Section 5 of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) is amended by replacing the word “disputes” in the third line of the first paragraph by the word “problems”.

**363.** Section 12 of the said Act is repealed.

**364.** Section 19 of the said Act is amended by replacing the words “prevented from being heard” in the second line of subparagraph 2 of the first paragraph by the words “unable to present observations”.

**365.** Section 25 of the said Act is amended by replacing the words “and practice for the conduct and hearing of” in the first and second lines of the second paragraph by the words “applicable to”.

**366.** Section 26 of the said Act is amended by replacing the words “settle any dispute which arises” in the first line by the words “endeavour to settle any problem arising”.

**367.** Section 27 of the said Act is amended by replacing the words “be heard” in the second line of the first paragraph by the words “present observations”.

**368.** Section 28 of the said Act is amended by replacing the words “will be heard” in the second line of the second paragraph by the words “are to be made”.

**369.** Section 29 of the said Act is amended

(1) by striking out the words “, after giving the interested person the opportunity to be heard,” in the first and second lines;

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

“Before making its decision, the Régie shall notify the producer in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the producer at least 10 days to present observations.”

**370.** Section 30 of the said Act is amended by replacing the words “be heard” in the first and second lines of the first paragraph by the words “present observations”.

**371.** Section 35 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

**372.** Section 37 of the said Act is amended

(1) by replacing the words “be heard” in the second line of the first paragraph by the words “present observations”;

(2) by adding, at the end of the third paragraph, the following sentence: “Where such a decision relates to the application of section 60, the Régie shall first notify the marketing board or its directors in writing as prescribed by section 5 of the Act respecting administrative justice and allow the marketing board at least 10 days to present observations.”

**373.** Section 38 of the said Act is amended

(1) by replacing the words “will be heard” in the third line of the second paragraph by the words “are to be made”;

(2) by inserting the word “public” before the word “hearing” in the third line of the third paragraph.

**374.** Section 41 of the said Act is amended

(1) by striking out the words “, after giving the interested person the opportunity to be heard,” in the first and second lines of the first paragraph;

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

“Before making any such decision, the Régie shall notify the interested person in writing as prescribed by section 5 of the Act respecting administrative justice and allow the interested person at least 10 days to present observations.”

**375.** Section 41.1 of the said Act is amended by replacing the words “, expenses and costs” in the first and second lines by the words “and costs”.

**376.** Section 47 of the said Act is amended by replacing the word “request” in the first line by the word “application”.

**377.** Section 48 of the said Act is amended, in the French text, by replacing the word “requérants” in the second line of paragraph 6 by the word “demandeurs”.

**378.** Section 50 of the said Act is amended, in the French text, by replacing the word “requérants” in the first line by the word “demandeurs”.

**379.** Section 51 of the said Act is amended

(1) by replacing the word “request” in the first line of the first paragraph by the word “application”;

(2) in the French text, by replacing the word “requérants” in the first line of the second paragraph by the word “demandeurs”.

**380.** Section 52 of the said Act is amended

(1) by replacing the word “hearing” in the first line of the first paragraph by the words “having received representations from”;

(2) by replacing the word “request” in the first line of the first paragraph by the word “application,”.

**381.** Section 53 of the said Act is amended by replacing the word “request” in the first line by the word “application”.

**382.** Section 54 of the said Act is amended, in the second paragraph,

(1) by replacing the words “contest the status of interested producer of any person whose name appears on the list” in the first and second lines of subparagraph 3 by the words “oppose the inclusion of a person on the list on the grounds that the person does not have the status of interested producer”;

(2) by replacing the word “contest” in the first line of subparagraph 4 by the word “oppose”.

**383.** Section 61 of the said Act is amended by replacing the words “become *ipso facto* a party without continuance of suit to any proceeding relating thereto, in the place and stead of the transferor” in the fifth and sixth lines of the second paragraph by the words “forthwith be substituted for the transferor in any procedure relating thereto”.

**384.** Section 62 of the said Act is amended by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

**385.** Section 81 of the said Act is amended by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

**386.** Section 84 of the said Act is amended by replacing the word “dispute” in the second line of subparagraph 2 of the first paragraph by the word “problem”.

**387.** Section 111 of the said Act is amended by replacing the words “be heard” in the second line of the third paragraph by the words “present observations”.

**388.** Section 117 of the said Act is amended by replacing the words “be heard” in the third line by the words “present observations”.

**389.** Section 118 of the said Act is amended by replacing the words “be heard” in the seventh line of the first paragraph by the words “present observations”.

**390.** Section 134 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

**391.** Section 137 of the said Act is amended

(1) by replacing the words “join to their request” in the first line of the first paragraph by the words “attach to their application”;

(2) in the French text, by replacing the word “requérants” in the first line of the second paragraph by the word “demandeurs”.

**392.** Section 138 of the said Act is amended by replacing the word “request” in the first line by the word “application” and, in the French text, by replacing the word “requérants” in the first line of paragraph 1 by the word “demandeurs”.

**393.** Section 140 of the said Act is amended by replacing the words “be heard” in the fifth line by the words “present observations”.

**394.** Section 151 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

**395.** Section 153 of the said Act is amended

(1) by replacing the words “give the holder the opportunity to be heard” in the first and second lines of the first paragraph by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”;

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

“However, the Régie is not bound by the requirements prescribed by the first paragraph where it suspends a certificate for not more than 15 days if it has reasonable grounds for believing that the holder is or is about to become insolvent.”

**396.** Section 165 of the said Act is amended

(1) by inserting the word “public” before the word “hearing” in the first line of the first paragraph;

(2) by replacing the word “witnesses” in the second line of the first paragraph by the words “any person for examination”;

(3) by replacing the words “giving evidence before” in the second line of the second paragraph by the words “examined by”.

**397.** The said Act is amended by inserting, after section 191, the following Title and section:

**“TITLE IV.1**

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC**

**“191.1.** Any interested person may contest a decision made by the Régie under section 29, 30 or 41, the third paragraph of section 111 or section 152 before the Administrative Tribunal of Québec within 30 days of notification of the decision.”

**ACT RESPECTING COMMERCIAL FISHERIES AND AQUACULTURE**

**398.** Section 14 of the Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01) is amended by replacing the words “allowed the interested person to make representations” in the first and second lines of the second paragraph by the words “notified the person concerned of his intention and the reasons therefor and allowed the person to present observations”.

**399.** The heading of Chapter III of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**400.** Section 19 of the said Act is amended by replacing the words “allowed the interested person to make representations” in the first and second lines of the first paragraph by the words “notified the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allowed the person at least 10 days to present observations”.

**401.** The heading of Division II of Chapter III of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**402.** Section 21 of the said Act is amended by replacing the portion before paragraph 1 by the following :

“**21.** Any decision of the Minister may be contested before the Administrative Tribunal of Québec, within 30 days of notification of the decision, by any person”.

**403.** Sections 22 to 28 of the said Act are repealed.

**404.** Section 47 of the said Act is amended by inserting, after the first paragraph, the following paragraph :

“The operator to whom such a prescription is notified without prior notice because, in the inspector’s opinion, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified, present observations to the inspector so that the prescription may be reviewed.”

#### ACT RESPECTING LIQUOR PERMITS

**405.** Section 80 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by replacing the word “heard” in the first line of the first paragraph by the word “examined”.

**406.** Section 84 of the said Act is amended by replacing the word “heard” in the first line of the second paragraph by the word “examined”.

**407.** Section 99 of the said Act, amended by section 50 of chapter 51 of the statutes of 1997, is again amended by adding, at the end, the following paragraph :

“The board may require of any association referred to in the first paragraph that it establish its representativeness.”

**408.** The said Act is amended by adding, after section 100, the following section :

“**100.1.** If an objection is addressed to it in accordance with section 99, the board shall call a hearing to allow any interested person to make representations.

At least 10 days before the hearing, the board shall send to the applicant and to any person who has filed an objection or an intervention, by registered or certified mail or by service on the person, a notice indicating the date, place and time fixed by it for the holding of the hearing.”

**409.** Sections 103, 105 and 106 of the said Act are repealed.

ACT RESPECTING BEER AND SOFT DRINK  
DISTRIBUTORS' PERMITS

**410.** Section 4 of the Act respecting beer and soft drink distributors' permits (R.S.Q., chapter P-9.2) is amended by adding, at the end, the following paragraph :

“The Minister shall, before revoking or suspending any permit, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations.”

PESTICIDES ACT

**411.** Section 16 of the Pesticides Act (R.S.Q., chapter P-9.3), amended by section 762 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “The Minister shall, before issuing an order under section 13, 14 or 15, transmit” in the first and second lines of the first paragraph by the words “Before issuing an order under section 13, 14 or 15, the Minister shall, as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54), notify” ;

(2) by replacing the words “make representations” in the fourth and fifth lines of the first paragraph by the words “present observations”.

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

“The person to whom an order is notified without prior notice may, within the time specified in the order, present observations to the Minister so that the order may be reviewed.”

**413.** Section 67 of the said Act is amended by replacing the words “give the holder of a permit or certificate an opportunity to be heard” in the first and second lines by the words “notify the holder of a permit or certificate in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”.

**414.** The heading of Chapter V of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC”.

**415.** Section 68 of the said Act is amended by replacing the words “appeal from the decision to the Court of Québec” in the second line of the first

paragraph by the words “contest the decision before the Administrative Tribunal of Québec within 30 days of notification of the decision”.

**416.** Section 69 of the said Act is amended

(1) by replacing the words “susceptible of appeal” in the first line by the words “referred to in section 68”;

(2) by replacing the words “of appeal” in the third line by the words “to contest the decision”.

**417.** Section 70 of the said Act is amended by replacing the words “An appeal” in the first line by the words “A proceeding”.

**418.** Sections 71 and 72 of the said Act are repealed.

**419.** Section 73 of the said Act is replaced by the following section :

**“73.** The applicant shall, within 15 days after the filing of his motion, cause a notice to be published twice in a daily newspaper distributed in the region concerned by the contested decision.

Proof of publication of the notices shall be filed at the secretariat of the Tribunal.”

**420.** Section 74 of the said Act is amended

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

**“74.** As soon as he receives a copy of the motion, the Minister shall transmit a copy to every person who has presented to him observations in writing concerning the contested decision.”;

(2) by replacing the words “made written representations” in the second line of the second paragraph by the words “presented observations in writing”;

(3) by replacing the words “for appeal to them, may cause a notice of the motion for appeal to be published in a daily newspaper distributed in the territory of the judicial district of the court to which the appeal is submitted” in the third, fourth, fifth and sixth lines of the second paragraph by the words “to them, may cause a notice to be published in a daily newspaper distributed in the region concerned by the contested decision”;

(4) by replacing the word “appellant” in the seventh line of the second paragraph by the word “applicant”.

**421.** Sections 75 to 78 of the said Act are repealed.



**422.** Section 127 of the said Act is amended by replacing the word “appeal” in the first line of the first paragraph by the word “proceeding”.

**423.** Section 129 of the said Act is amended, in subparagraph 5 of the first paragraph,

(1) by replacing the words “appeals brought” in the first line by the words “proceedings brought before the Administrative Tribunal of Québec”;

(2) by replacing the word “appeal” in the last line by the words “such proceedings”.

#### ACT RESPECTING PREVENTION OF DISEASE IN POTATOES

**424.** The Act respecting prevention of disease in potatoes (R.S.Q., chapter P-23.1) is amended by inserting, after section 12, the following section:

“**12.1.** The interested persons to whom such an order is notified without prior notice because, in the Minister’s opinion, urgent action is required or there is a danger of irreparable damage being caused may, within the time specified in the order, present observations to the Minister so that the order may be reviewed.”

#### FARM PRODUCERS ACT

**425.** Section 5 of the Farm Producers Act (R.S.Q., chapter P-28) is amended by replacing the words “send a petition” in the second line by the words “file an application” and by replacing the word “petition” in the fourth line by the word “application”.

**426.** Section 6 of the said Act is amended by replacing the words “a petition” in the first line by the words “an application”.

**427.** Section 7 of the said Act is amended by replacing the words “by the mode of proof which” in the second line by the words “in such manner as”.

**428.** Section 11 of the said Act is amended

(1) by replacing the words “make representations with the Board” in the second and third lines of paragraph *b* by the words “apply to the Board for the necessary corrections”;

(2) by replacing the words “contest the capacity of producer of every person whose name appears on such list” in the first and second lines of paragraph *c* by the words “oppose the inclusion of a person on the list on the grounds that the person does not have the status of producer”.

**429.** Section 12 of the said Act is amended by replacing the words “Such list shall not be contested” in the third and fourth lines by the words “No opposition may be filed in respect of such list”.

**430.** Section 13 of the said Act is amended by replacing the words “a petition” in the first line of the first paragraph by the words “an application”.

**431.** Section 16 of the said Act is amended by replacing the words “a petition” in the fourth line of the first paragraph and the word “petition” in the sixth line of the first paragraph by the words “an application” and “application”, respectively.

**432.** Section 20 of the said Act is amended

(1) by replacing the words “be heard” in the first line of the first paragraph by the words “present observations”;

(2) by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

**433.** Section 26 of the said Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentence: “Any federation or specialized federation whose affiliation is refused or revoked by an accredited association may apply to the Board for a review of that decision.”;

(2) by replacing the words “Such appeal must be made by the federation or specialized federation whose affiliation is refused or revoked, by a written notice sent to the Board” in the second, third and fourth lines of the first paragraph by the words “Such application for review must be forwarded to the Board in writing”;

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

“The Board shall allow the certified association and the federation or specialized federation to present observations.”;

(4) by replacing the words “Any appeal to” in the first line of the third paragraph by the words “Any application for review filed with”.

**434.** Section 46 of the said Act is amended

(1) by replacing the words “arbitrate, decide, conciliate or settle” in the second line of the first paragraph by the words “endeavour to settle, conciliate or arbitrate”;

(2) by replacing the word “decision” in the first line of the second paragraph by the words “arbitration award”.

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

“**48.** Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the Board or against any of its members acting in their official capacity.

A judge of the Court of Appeal may, upon a motion, annul by a summary proceeding any proceeding brought or decision rendered contrary to the first paragraph or to section 47.”

**436.** Section 49 of the said Act is amended by replacing the words “be heard” in the third line by the words “present observations”.

**437.** The said Act is amended by inserting, after section 51, the following division :

#### “DIVISION XI.1

##### “PROCEEDING

“**51.1.** Any decision of the Board revoking a certification under section 20 or determining under section 49 whether a person has the status of producer may, within 30 days of notification of the decision, be contested before the Administrative Tribunal of Québec.”

#### AGRICULTURAL PRODUCTS, MARINE PRODUCTS AND FOOD ACT

**438.** The heading of Division IV of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**439.** Section 16 of the said Act is amended by replacing the words “allow the holder to be heard” in the second line by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations”.

**440.** Section 17 of the said Act is replaced by the following section :

“**17.** Any person whose permit is suspended, cancelled or not renewed may contest the decision of the Minister before the Administrative Tribunal of Québec within 30 days of notification of the decision.”

**441.** Sections 18 to 30 of the said Act are repealed.

**442.** The said Act is amended by adding, after section 33.11, the following section :

**“33.12.** The person to whom an order referred to in section 33.8, 33.10 or 33.11 is notified without prior notice because, in the opinion of the Minister or the authorized person, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister or the authorized person.”

#### DAIRY PRODUCTS AND DAIRY PRODUCTS SUBSTITUTES ACT

**443.** Section 18 of the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30) is amended by replacing the words “be heard” in the fourth line by the words “present observations”.

**444.** Section 32 of the said Act is amended by striking out the second paragraph.

**445.** Section 36 of the said Act is replaced by the following section :

**“36.** Before suspending or cancelling a permit, the Board shall notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations.”

**446.** Section 39 of the said Act is amended

(1) by replacing the words “must hear the interested parties” in the first line by the words “invite the interested persons to present observations”;

(2) by replacing the word “heard” in the third line by the words “invited to present observations”.

**447.** The said Act is amended by adding, after section 48.11, the following section :

**“48.12.** The person to whom an order referred to in section 48.8 or 48.11 is notified without prior notice because, in the opinion of the Minister or inspector, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister or the inspector.”

**448.** The said Act is amended by inserting, after section 49, the following division :

**“DIVISION X.1****“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC**

**“49.1.** Every person whose permit is suspended or cancelled and every syndicate whose certification is revoked may contest the decision of the Board before the Administrative Tribunal of Québec within 30 days of notification of the decision.”

**ACT RESPECTING EDUCATIONAL PROGRAMMING**

**449.** Section 3.3 of the Act respecting educational programming (R.S.Q., chapter P-30.1), enacted by section 31 of chapter 20 of the statutes of 1996, is amended by replacing the words “request made” in the third line of the second paragraph by the words “application submitted”.

**450.** Section 3.4 of the said Act, enacted by section 31 of chapter 20 of the statutes of 1996, is amended, in the French text, by replacing the word “requérant” in the second line of the second paragraph by the word “demandeur”.

**451.** Section 4 of the said Act, amended by section 34 of chapter 20 of the statutes of 1996, is again amended by replacing the words “at the request” in the first line by the words “on the application”.

**452.** Section 5 of the said Act, amended by section 34 of chapter 20 of the statutes of 1996, is again amended

(1) by striking out the words “, by way of an application,” in the second and third lines of the first paragraph;

(2) by replacing the words “an application” in the first line of the second paragraph by the word “approval”.

**453.** Section 9 of the said Act, replaced by section 33 of chapter 20 of the statutes of 1996, is amended, in the French text, by replacing the word “requêtes” in the first line by the word “demandes”.

**YOUTH PROTECTION ACT**

**454.** Section 72.3.5 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended by replacing the words “allow an organization to make representations” in the first and second lines by the words “notify an organization in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the organization at least 10 days to present observations”.

## PUBLIC HEALTH PROTECTION ACT

**455.** Section 16.7 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended by replacing the words “bring an appeal from the decision before the Commission des affaires sociales which shall dispose of the appeal according to its rules of evidence, procedure and practice” in the second, third and fourth lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**456.** Section 16.8 of the said Act is amended by replacing the word “Appeal” in the first line by the words “A proceeding before the Tribunal”.

**457.** Section 40.3.2 of the said Act is amended by adding, at the end, the following paragraph :

“The Minister shall, before making such a decision, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations.”

**458.** Section 40.4 of the said Act is amended by adding, at the end, the following paragraph :

“The Minister shall, before making such a decision, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations.”

**459.** Section 41 of the said Act is amended

(1) by replacing the words “appeal from” in the second line by the words “, within 60 days of notification of the decision, contest”;

(2) by replacing the words “Commission des affaires sociales,” in the fourth line by the words “Administrative Tribunal of Québec.”;

(3) by striking out paragraphs *a*, *b* and *c*.

## PLANT PROTECTION ACT

**460.** The Plant Protection Act (R.S.Q., chapter P-39.01) is amended by inserting, after section 8, the following section :

**“8.1.** The person to whom such an order is notified under section 6 or 8 without prior notice because, in the inspector’s opinion, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations to the Minister so that the order may be reviewed.”

## CONSUMER PROTECTION ACT

**461.** Section 260.17 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended

(1) by replacing the words “be heard” in the second line of the first paragraph by the words “present observations”;

(2) by replacing the words “gives the merchant an opportunity to be heard within 15 days” in the second and third lines of the second paragraph by the words “allows the merchant at least 10 days to present observations”.

**462.** Section 260.18 of the said Act is repealed.

**463.** Section 333 of the said Act is replaced by the following section :

**“333.** The president, before refusing to issue a permit to a person or before suspending or cancelling the permit he has issued to him, must notify the person in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the person at least 10 days to present observations.”

**464.** The heading of Chapter III of Title V of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**465.** Section 339 of the said Act is amended by replacing the words “appeal to the Court of Québec from the decision of the president” in the fourth and fifth lines by the words “contest the decision of the president before the Administrative Tribunal of Québec within 30 days of notification of the decision”.

**466.** Sections 340 to 349 of the said Act are replaced by the following sections :

**“340.** The Tribunal shall, in exercising its power to suspend the execution of the contested decision, give particular consideration to the interests of consumers.

**“341.** When assessing the facts or the law, the Tribunal shall not substitute its assessment of the public interest or of the interest of the public for the assessment made by the president, pursuant to section 325, 329 or 335, before he made his decision.”

## MENTAL PATIENTS PROTECTION ACT

**467.** Section 1 of the Mental Patients Protection Act (R.S.Q., chapter P-41) is amended by striking out paragraph *h*.

**468.** Section 24 of the said Act is amended by replacing the word “Commission” in the second line of paragraph *b* by the words “Administrative Tribunal of Québec”.

**469.** Section 29 of the said Act is amended by replacing the word “Commission” in the third line of the first paragraph by the words “Administrative Tribunal of Québec”.

**470.** Section 30 of the said Act is amended

(1) by replacing the words “request the Commission to review such decision” in the third and fourth lines of the first paragraph by the words “contest the decision before the Administrative Tribunal of Québec within 60 days of notification of the decision”;

(2) by replacing the last sentence of the first paragraph by the following sentence: “The tutor, curator or person having legal custody of the person who is the subject of the decision may also contest the decision.”;

(3) by striking out the second paragraph.

**471.** Section 31 of the said Act is amended

(1) by replacing the word “Commission” in the second line of the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the word “Commission” in the second line of the second paragraph by the word “Tribunal”;

(3) by replacing the word “Commission” in the second line of the third paragraph by the word “Tribunal”;

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

“The Tribunal may, where it receives a notice sent in accordance with this section, act on its own initiative and make a decision as if a proceeding had been brought under section 30.”

## ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LANDS AND AGRICULTURAL ACTIVITIES

**472.** Section 4 of the Act respecting the preservation of agricultural lands and agricultural activities (R.S.Q., chapter P-41.1), amended by section 7 of chapter 26 of the statutes of 1996, is again amended by replacing the third paragraph by the following paragraph:



“A member may, with the permission of the president, continue the examination of an application referred to him and make a decision notwithstanding the expiry of his term.”

**473.** Section 7 of the said Act is amended by replacing the word “hear” in the first line by the word “examine”.

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

**475.** Section 13 of the said Act, amended by section 794 of chapter 2 of the statutes of 1996, is again amended by replacing the word “hear” in the fourth line by the words “receive the observations of”.

**476.** Section 14.1 of the said Act is replaced by the following section :

**“14.1.** Except in the case of an act performed in contravention of section 27 or 70, the commission is not authorized to make any order unless it has first notified the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allowed the person at least 10 days to present observations.

In addition, the commission shall give the other interested persons the opportunity to present observations.

The commission shall meet the person concerned or any interested person at his request.”

**477.** Section 15 of the said Act, amended by section 12 of chapter 26 of the statutes of 1996, is again amended

(1) by replacing the words “establish, at its head office, a record office for the filing of” in the first and second lines of the first paragraph by the word “keep”;

(2) by replacing the words “record office, and are filed therein” in the third line of the second paragraph by the words “commission, and are filed in the record”;

(3) by replacing the words “has access to the record office of the commission, may there examine the filed documents” in the first line of the third paragraph by the words “may consult the documents filed at the offices of the commission”;

(4) by replacing the words “filed in the record office of” in the first line of the fourth paragraph by the words “kept by”.

**478.** Section 17 of the said Act is replaced by the following section :

“**17.** Except in respect of a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the commission or against any of its members acting in their official capacity.

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

**479.** The said Act is amended by inserting, after section 18.5, the following section :

“**18.6.** The commission may, on its own initiative or on an application, review or cancel any decision or order it has made and in respect of which no proceeding has been brought before the Administrative Tribunal of Québec

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

(b) where an applicant or interested person was unable, for reasons deemed satisfactory, to present observations ;

(c) where a substantial or procedural defect is likely to invalidate the decision or order.”

**480.** Section 19.1 of the said Act, amended by section 13 of chapter 26 of the statutes of 1996, is again amended by replacing the words “evidence, procedure and practice applicable to the conduct of the matters” in the first and second lines of subparagraph 1 of the first paragraph by the words “procedure applicable to the examination of matters”.

**481.** Division II.1 of the said Act, renumbered as Division II of Chapter II by section 15 of chapter 26 of the statutes of 1996 and comprising sections 21.0.1 to 21.9, is replaced by the following division :

## “DIVISION II

### “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

“**21.1.** Any interested person may contest a decision or order of the commission before the Administrative Tribunal of Québec within 30 days of notification of the decision or order.

**“21.2.** The contestation suspends the execution of a decision, except where the Tribunal allows provisional execution.

The contestation does not suspend the execution of an order except as regards the conclusions of an order which require restoration of a site.

**“21.3.** The contestation of a decision suspends, by operation of law, any additional application for the same conclusions until the decision of the Tribunal is made.

**“21.4.** The Tribunal shall not, unless there has been a significant error of law or fact in the contested decision, reevaluate the assessment of the application made by the commission on the basis of criteria the commission was required to take into account.

Where the Tribunal ascertains, upon examination of the motion and the contested decision, that, by reason of such an error of law or fact, the commission did not assess the application on the basis of those criteria, the Tribunal may return the matter to the commission for reconsideration.

**“21.5.** A copy of the decision of the Tribunal shall be transmitted to the parties as well as to every interested person, the local municipality and the regional county municipality in which the lot to which the decision applies is situated.”

**482.** Section 32 of the said Act, replaced by section 25 of chapter 26 of the statutes of 1996, is amended by adding, at the end, the following paragraph:

“The notice of compliance may be issued on the sole basis of information obtained, without prior notice, by a member or employee of the commission.”

**483.** Section 51 of the said Act is amended by replacing the words “record office” in the second line by the words “head office”.

**484.** Section 57 of the said Act is amended by replacing the words “pending before it on that date” in the second and third lines by the words “submitted to it before that date”.

**485.** Section 60 of the said Act is amended

(1) by striking out the first paragraph;

(2) by striking out the word “also” in the first line of the second paragraph.

**486.** Section 60.1 of the said Act is replaced by the following section:

**“60.1.** The commission shall send to the applicant and to any interested person having intervened in respect of an application a report on the application indicating its preliminary intent.

The commission shall, at the same time, send the applicant and any interested person a list of the other documents forming part of the record and a notice setting out the terms of the third paragraph of section 15 and of section 60.2.

Unless the persons referred to in the first paragraph waive such right, the commission shall allow them 30 days to present observations or to request a meeting.”

**487.** Section 60.2 of the said Act is replaced by the following section :

**“60.2.** The applicant or any interested person having intervened in respect of the application referred to the commission may obtain by mail from the commission, on payment of the costs determined by regulation, a photocopy of any document indicated by him among the documents forming part of the record.”

**488.** Section 61 of the said Act, amended by section 811 of chapter 2 of the statutes of 1996, is again amended by replacing the words “parties to the application thereof” in the second and third lines by the words “applicant and any interested person having intervened in respect of the application”.

**489.** Section 62.1 of the said Act, amended by section 39 of chapter 26 of the statutes of 1996, is again amended by inserting the word “other” before the word “evidence” in paragraph 3.

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

**“62.4.** The commission shall, before making an unfavourable decision that is not clearly indicated in the report provided in section 60.1, notify the applicant in writing as prescribed by section 5 of the Act respecting administrative justice and allow the applicant at least 10 days to present observations.”

**491.** Section 64 of the said Act, amended by section 41 of chapter 26 of the statutes of 1996, is again amended by replacing the words “at the record office of” in the last line of the last paragraph by the word “with”.

**492.** Section 66 of the said Act is amended by replacing the words “record office” in the first line of the second paragraph by the words “head office”.

**493.** Section 78 of the said Act is amended by replacing the words “give that person the opportunity to be heard” in the third line by the words “notify the person in writing as prescribed by section 5 of the Act respecting administrative justice and allow the person at least 10 days to present observations”.

**494.** Section 80 of the said Act, amended by section 49 of chapter 26 of the statutes of 1996, is again amended

- (1) by striking out the words “and of the appeal tribunal” in paragraph 6;
- (2) by striking out the word “, expenses” in paragraph 8;
- (3) by striking out the words “or in respect of any application submitted to the appeal tribunal” in paragraph 8;
- (4) by striking out the words “and costs” in paragraph 9.2.

**495.** Section 96 of the said Act, amended by section 58 of chapter 26 of the statutes of 1996, is again amended

- (1) by replacing, in the French text, the word “jurisdiction” in the second line of the first paragraph by the word “compétence”;
- (2) by replacing, in the French text, the word “jurisdiction” in the fourth line of the second paragraph by the word “compétence”;
- (3) by replacing the words “in the record office of” in the first line of the third paragraph by the word “at”.

**496.** Section 100.1 of the said Act, amended by section 59 of chapter 26 of the statutes of 1996, is again amended

- (1) by striking out the words “is an administrative measure and” in the first and second lines of the sixth paragraph;
- (2) by replacing the seventh paragraph by the following paragraph:

“The notice of non-compliance issued as provided for in the preceding paragraph may be reviewed by the commission on the application of an interested person within 60 days of the date of the notice or at any time in the course of the procedure provided for in section 14.1.”

#### ANIMAL HEALTH PROTECTION ACT

**497.** The Animal Health Protection Act (R.S.Q., chapter P-42) is amended by inserting, after section 3.4, the following section:

**“3.5.** The owner or custodian of an animal to whom an order referred to in section 3.2 or 3.4 is notified without prior notice because, in the opinion of the veterinary, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the veterinary.”

**498.** Section 11.1 of the said Act is amended by adding, at the end, the following paragraph :

“The owner or custodian of an animal to whom an order is notified without prior notice because, in the opinion of the Minister, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister.”

**499.** Section 55.9.6 of the said Act, enacted by section 6 of chapter 18 of the statutes of 1993, is amended by inserting the words “by the Minister” after the word “considered” in the third line of the second paragraph.

**500.** Section 55.25 of the said Act is amended by adding, at the end, the following paragraph :

“The person having possession of an animal to whom an order is notified without prior notice because, in the opinion of the inspector, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the inspector.”

**501.** Section 55.27 of the said Act is amended by replacing the words “giving the applicant an opportunity to be heard” in the first line of the second paragraph by the words “notifying the applicant in writing and giving him the opportunity to present observations as prescribed by section 5 of the Act respecting administrative justice”.

**502.** Section 55.31 of the said Act is amended by replacing the words “giving the holder an opportunity to present his views” in the first line by the words “notifying the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allowing the holder at least 10 days to present observations”.

**503.** The heading of Division IV.4 of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC”.

**504.** Section 55.35 of the said Act is amended by replacing the portion before paragraph 1 by the following :

“**55.35.** The following persons may contest the decision of the Minister before the Administrative Tribunal of Québec within 30 days of notification of the decision:”.

**505.** Sections 55.36 to 55.42 of the said Act are repealed.

## ROADSIDE ADVERTISING ACT

**506.** Section 10 of the Roadside Advertising Act (R.S.Q., chapter P-44) is amended

(1) by striking out the words “after giving the holder an opportunity to be heard,” in the first and second lines of the first paragraph;

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

“The Minister shall, before making such a decision, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations.”

**507.** The said Act is amended by inserting, after section 10, the following section:

“**10.1.** Any holder whose permit is revoked may contest the decision of the Minister before the Administrative Tribunal of Québec within 30 days of notification of the decision.”

## ENVIRONMENT QUALITY ACT

**508.** Section 25 of the Environment Quality Act (R.S.Q., chapter Q-2), amended by section 841 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “The Minister shall, before issuing an order, serve on” in the first line of the second paragraph by the words “Before issuing an order, the Minister shall, as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54), notify to”;

(2) by replacing the words “representations may be made by whoever is responsible for the contamination. The notice” in the fourth and fifth lines of the second paragraph by the words “whoever is responsible for the contamination may present observations. The prior notice”;

(3) by replacing the words “served on” in the second line of the fifth paragraph by the words “notified to”.

**509.** Section 26 of the said Act is amended by replacing the word “service” in the second paragraph by the word “notification”.

**510.** Section 31.15.1 of the said Act is amended by replacing the word “service” in the first paragraph by the word “notification”.

**511.** Section 31.15.2 of the said Act is amended by replacing the word “service” in the first paragraph by the word “notification”.

**512.** Section 31.16 of the said Act is amended

(1) by replacing the words “Before making an order, the Minister shall serve on the operator a prior notice of 30 days” in the first and second lines of the third paragraph by the words “At least 30 days before making an order, the Minister shall, pursuant to section 5 of the Act respecting administrative justice, notify the operator”;

(2) by replacing the word “service” in the sixth line of the third paragraph by the word “notification”;

(3) by inserting, after the word “authorized” in the sixth line of the third paragraph, the words “, after giving him an opportunity to present observations,”;

(4) by replacing the words “served on” in the second line of the fourth paragraph by the words “notified to”.

**513.** Section 31.19 of the said Act is amended by replacing the words “his written arguments” in the second and third lines of the first paragraph by the words “observations in writing”.

**514.** Section 31.21.1 of the said Act is amended by replacing the words “make representations” in the second line of the third paragraph by the words “present observations”.

**515.** Section 31.26 of the said Act is amended

(1) by adding the words “, as prescribed by section 5 of the Act respecting administrative justice,” after the word “shall” in the first line of the fifth paragraph;

(2) by replacing the words “his point of view” in the fourth line of the fifth paragraph by the word “observations”.

**516.** Section 31.29 of the said Act is amended

(1) by adding the words “, as prescribed by section 5 of the Act respecting administrative justice,” after the word “shall” in the first line of the third paragraph;

(2) by replacing the words “his point of view” in the fourth line of the third paragraph by the word “observations”.

**517.** Section 31.39 of the said Act is amended

(1) by inserting the words “, as prescribed by section 5 of the Act respecting administrative justice,” after the word “shall” in the first line of the third paragraph;



(2) by replacing the words “his point of view” in the third line of the third paragraph by the word “observations”.

**518.** Section 31.42 of the said Act is amended by replacing the word “service” in the third paragraph by the word “notification”.

**519.** Section 31.43 of the said Act is amended

(1) by replacing the words “making representations” in the third paragraph by the words “presenting observations”;

(2) by replacing the words “its service” in the third paragraph by the word “notification”.

**520.** Section 31.44 of the said Act is amended

(1) by replacing the words “The Minister shall, before issuing either order, serve on” in the first line of the first paragraph by the words “At least 15 days before issuing either order the Minister shall, as prescribed by section 5 of the Act respecting administrative justice, notify” and by replacing the words “a notice of not less than 15 days setting out” in the third and fourth lines of that paragraph by the word “, stating”;

(2) by replacing, in the French text, the word “signifié” in the eighth line of the first paragraph by the word “notifié”;

(3) by replacing the words “representations may be made by whoever has been served the notice and, where applicable, by the owner of the soil concerned within the period of time specified in the notice as well as the fact that whoever has been served the notice” in the seventh, eighth, ninth and tenth lines of the first paragraph by the words “observations may be presented by whoever has been notified and, where applicable, by the owner of the soil concerned within the period of time specified in the prior notice as well as the fact that whoever has been notified”;

(4) by replacing, in the French text, the word “signifié” in the tenth line of the first paragraph by the word “notifié”;

(5) by inserting the word “prior” before the word “notice” in the first line of the second paragraph;

(6) by replacing the words “, upon making representations, where that is the case, by whoever is responsible for the source of contamination” in the second, third and fourth lines of the third paragraph by the words “, where that is the case, by whoever is responsible for the source of contamination, upon presenting observations”;

(7) by replacing the words “serving the” in the first line of the fourth paragraph by the words “notifying the prior”.

**521.** Section 31.46 of the said Act, enacted by section 4 of chapter 26 of the statutes of 1990, is amended by replacing the words “serve on the owner of the soil a notice informing him or it” in the third and fourth lines by the words “notify the owner of the soil”.

**522.** Section 31.47 of the said Act, enacted by section 4 of chapter 26 of the statutes of 1990, is amended

(1) by replacing the words “representations may be made” in the third line of the first paragraph by the words “observations may be presented”;

(2) by replacing the words “its service” in the first line of the second paragraph by the word “notification”.

**523.** Section 31.48 of the said Act, enacted by section 4 of chapter 26 of the statutes of 1990, is amended by replacing the words “make representations or after he has made representations” in the first and second lines of the first paragraph by the words “present observations or after he has presented observations”.

**524.** Section 32.3 of the said Act, amended by section 841 of chapter 2 of the statutes of 1996, is again amended by replacing the words “hear those interested” in the second line of the second paragraph by the words “allow interested persons to present observations”.

**525.** Section 64 of the said Act is amended

(1) by replacing the word “service” in the third line of the first paragraph by the word “notification”;

(2) by replacing the words “Expropriation Division of the Court of Québec” in the second line of the second paragraph by the words “Administrative Tribunal of Québec”.

**526.** Section 64.5 of the said Act is amended by replacing the words “served on” in the first line of the third paragraph by the words “notified to”.

**527.** Section 64.6 of the said Act is amended

(1) by replacing the words “motion of a party” in the first and second lines of the first paragraph by the words “application of an interested person”;

(2) by replacing the words “served on” in the second line of the second paragraph by the words “notified to”.

**528.** Section 64.7 of the said Act is amended by inserting the word “public” before the word “hearing” in the second line of the first paragraph.

**529.** Section 64.8 of the said Act is amended by replacing the words “served on” in the second line of the second paragraph by the words “notified to”.

**530.** Section 70.1 of the said Act, enacted by section 6 of chapter 80 of the statutes of 1991, is amended by replacing the word “served” in the second line of the third paragraph by the word “notified”.

**531.** Section 70.2 of the said Act, enacted by section 6 of chapter 80 of the statutes of 1991, is amended

(1) by replacing the words “Before issuing an order, the Minister shall serve on” in the first line of the first paragraph by the words “At least 15 days before issuing an order, the Minister shall, as prescribed by section 5 of the Act respecting administrative justice, notify” and by replacing the words “a notice of at least 15 days” in the second line of that paragraph by a comma;

(2) by replacing the words “make representations” in the fourth line of the first paragraph by the words “present observations”;

(3) by inserting the word “prior” before the word “notice” in the first line of the second paragraph;

(4) by inserting the word “prior” before the word “notice” in the first line of the third paragraph.

**532.** Section 70.11 of the said Act, enacted by section 6 of chapter 80 of the statutes of 1991, is amended by replacing the words “After giving the applicant the opportunity to make representations, the Minister may, however” in the first and second lines of the second paragraph by the words “As prescribed by section 5 of the Act respecting administrative justice, the Minister may, however, after notifying the applicant and allowing him to present observations”.

**533.** Section 70.15 of the said Act, enacted by section 6 of chapter 80 of the statutes of 1991, is amended by replacing the words “give the permit holder the opportunity to make representations” in the third and fourth lines of the second paragraph by the words “allow the permit holder at least 10 days to present observations”.

**534.** Section 95.4 of the said Act is amended by replacing the words “serve a denial of conformity on” in the fourth line of the first paragraph by the words “notify a denial of conformity to” and by replacing the words “served on” in the first line of the second paragraph by the word “to”.

**535.** Section 95.6 of the said Act is amended by replacing the words “in appeal by the Commission municipale du Québec” in the first and second lines of the second paragraph by the words “by the Administrative Tribunal of Québec”.

**536.** The heading of Division XI of Chapter I of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**537.** Section 96 of the said Act is amended

(1) by replacing the words “appealed from by the municipality or the person concerned to the Commission municipale du Québec if there is an error of fact or law in the reasons invoked in support of the order, if the proceedings were affected by gross irregularity or if they were not conducted with impartiality” in the third, fourth, fifth, sixth and seventh lines of the first paragraph by the words “contested by the municipality or person concerned before the Administrative Tribunal of Québec”;

(2) by replacing the word “serves” in the fourth line of the second paragraph by the word “notifies”, and by replacing the words “serves a denial of conformity on” in the eighth and ninth lines of the second paragraph by the words “notifies a denial of conformity to”;

(3) by replacing the words “appeal to the Commission in cases where the Minister approves rates with amendments pursuant to section 32.9” in the first, second and third lines of the third paragraph by the words “, where the Minister approves rates with amendments pursuant to section 32.9, contest such decision before the Tribunal”.

**538.** Section 97 of the said Act is amended

(1) by replacing the words “susceptible of appeal” in the first line by the words “referred to in section 96”;

(2) by replacing the word “serve” in the second line by the word “notify”;

(3) by replacing the words “of appeal” in the third line by the words “to contest the decision before the Tribunal”.

**539.** Section 98 of the said Act is replaced by the following section :

“**98.** The proceeding must be brought within 30 days of notification of the contested decision.”

**540.** Section 98.1 of the said Act is amended

(1) by replacing the word “appellant” in the first line of the first paragraph by the word “applicant”;

(2) by replacing the words “his petition for appeal has been served” in the first and second lines of the first paragraph by the words “filing his motion at the secretariat of the Tribunal”;

(3) by replacing the words “decision appealed from” in the third and fourth lines of the first paragraph by the words “contested decision”;

(4) by replacing the words “Commission municipale du Québec” in the second line of the second paragraph by the word “Tribunal”.

**541.** Section 98.2 of the said Act is amended

(1) by replacing the words “transmit copy of the petition for appeal to every person or municipality who has” in the first and second lines of the first paragraph by the words “, upon receiving copy of the motion, forward a copy to every person or municipality having”;

(2) by replacing the words “written representations” in the second line of each of the first and second paragraphs by the words “observations in writing”;

(3) by replacing the words “decision appealed from” in the third line of the first paragraph and in the fifth and sixth lines of the second paragraph by the words “contested decision”;

(4) by replacing the words “petition for appeal” in the third line and in the fourth line of the second paragraph by the word “motion”.

**542.** Section 99 of the said Act is amended

(1) by replacing the word “appeal” in the first line by the word “proceeding”;

(2) by replacing the words “Commission municipale, upon motion served by the appellant upon its secretary,” in the fourth and fifth lines by the word “Tribunal”.

**543.** Section 100 of the said Act is amended

(1) by striking out the first paragraph;

(2) by replacing the words “Commission municipale” in the first and second lines of the second paragraph by the word “Tribunal”.

**544.** Sections 101, 102 and 103 of the said Act are repealed.

**545.** Section 116.1 of the said Act is amended by replacing the word “appeal” in the second line of the first paragraph by the word “proceeding”.

**546.** Section 116.4 of the said Act is amended by replacing the words “submit representations” in the first line of the first paragraph by the words “present observations”.

**547.** Section 118.1 of the said Act is amended

- (1) by replacing the word “served” in the first line by the word “notified”;
- (2) by replacing “97 or 103” in the second line by “31.46 or 97”;
- (3) by replacing the word “served” in the second line by the word “notified”.

**548.** The said Act is amended by inserting, after section 118.1, the following section:

**“118.1.1.** A person or a municipality having been notified of such an order without prior notice because, in the Minister’s opinion, urgent action is required or there is a danger of irreparable damage being caused may, within the time specified in the order, present observations to the Minister so that the order may be reviewed.”

**549.** Section 118.5 of the said Act is amended

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

“(f) all proceedings brought under Division XI and all decisions rendered under that division; and”;

(2) by replacing the words “notices served” in subparagraph *n* of the first paragraph by the word “notifications”.

**550.** Section 122.4 of the said Act is replaced by the following section:

**“122.4.** Before making a decision under section 122.1, the Government shall allow the holder of an authorization certificate issued by the Government or on its behalf at least 10 days to present observations in writing.

Before making a decision under section 122.1 or 122.3, the Minister shall notify the holder of the authorization certificate, certificate, authorization, approval, permission or permit in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow him at least 10 days to present observations.

The Government or the Minister may, where urgent action is required or there is a danger of irreparable damage being caused, make a decision under section 122.1 or 122.3 without being bound by such prior obligations.

In such a case, the holder may, within the time specified, present observations for review of the decision.”

**551.** Section 123.2 of the said Act is amended

(1) by replacing the word “appeal” in the fourth line of the first paragraph by the word “proceeding”;

(2) by replacing the words “adjudication by the Commission municipale or final decision by the court, as the case may be” in the fifth and sixth lines of the first paragraph by the words “a decision of the Administrative Tribunal of Québec or a final decision of the court, as the case may be, is rendered”.

#### ACT RESPECTING THE CLASS ACTION

**552.** Section 5 of the Act respecting the class action (R.S.Q., chapter R-2.1) is amended, in the French text, by replacing the word “requérant” in paragraph *e* by the word “demandeur”.

**553.** Section 20 of the said Act is amended, in the French text, by replacing the words “requérir, par une demande écrite,” in the second line by the words “demander par écrit”.

**554.** Sections 21 and 22 of the said Act are amended, in the French text, by replacing the word “requérant” in the first paragraph by the word “demandeur”.

**555.** Section 23 of the said Act is amended

(1) by replacing, in the French text, the word “requérant” wherever it appears by the word “demandeur”;

(2) by replacing the word “hear” in the second line of the first paragraph by the words “meet with”;

(3) by adding, after the word “attorney” in the second line of the first paragraph, the words “and allow him to present observations”.

**556.** Sections 25 and 26 of the said Act are amended, in the French text, by replacing the word “requérant” wherever it appears, by the word “demandeur”.

**557.** The heading of Division III of Chapter III of Title II of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC”.

**558.** Section 35 of the said Act is replaced by the following section:

“**35.** Any applicant whose application for assistance is denied may, within 30 days of notification of the decision of the Fonds, contest the decision before the Administrative Tribunal of Québec.”

**559.** Section 36 of the said Act is repealed.

**560.** Section 37 of the said Act is amended

(1) by striking out the first and third paragraphs;

(2) by replacing the word “Court” in the first line of the second paragraph by the word “Tribunal” and by replacing, in the French text of that paragraph, the word “requérant” wherever it appears by the word “demandeur”.

#### ACT RESPECTING THE COLLECTION OF CERTAIN DEBTS

**561.** Section 16 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is replaced by the following section:

“**16.** Before refusing to issue a permit to a person or before suspending or cancelling a permit issued to a person, the president shall notify the person in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow him at least 10 days to present observations.”

**562.** Section 17 of the said Act is amended by striking out the second sentence.

**563.** The heading of Division V of Chapter III of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**564.** Section 36 of the said Act is amended by replacing the words “appeal from the decision of the president before the Court of Québec” in the second and third lines by the words “, within 30 days of notification of the decision of the president, contest the decision before the Administrative Tribunal of Québec”.

**565.** Sections 37 to 44 of the said Act are repealed.

#### ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX

**566.** Section 7 of the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1) is replaced by the following section:

“**7.** A commissioner may, with the permission of the president, continue the examination of matters referred to him and make a decision, notwithstanding the expiry of his term.”

**567.** Section 25 of the said Act, amended by section 5 of chapter 71 of the statutes of 1993, is again amended

(1) by replacing the words “rule on” in the first line of subparagraph 1 of the first paragraph by the word “decide”;



(2) by replacing the words “hear and decide” in the first line of subparagraph 2 of the first paragraph by the word “settle”;

(3) by replacing the word “or” in the seventh line of subparagraph 2 of the first paragraph by the words “, the organization and conduct of a”;

(4) by replacing, in the French text, the words “d’un litige” in the third line of subparagraph 2 of the first paragraph by the words “un différend”;

(5) by replacing the words “hear and decide” in the first line of subparagraph 3 of the first paragraph by the word “settle”;

(6) by replacing, in the French text, the words “de tout litige” in the second line of subparagraph 3 of the first paragraph by the words “tout différend”;

(7) by replacing subparagraph 7 of the first paragraph by the following subparagraph:

“(7) to determine and collect the costs prescribed for the examination of any matter submitted to it.”

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

“**25.1.** Where a dispute arises concerning the awarding of prizes under a publicity contest between a person participating therein and the person or body for whose benefit the contest is held, any such person or body may request the intervention of the board so that it may endeavour to bring them to resolve the dispute.

One commissioner or a member of the personnel designated by the president may act, in such a case, in the name of the board.”

**569.** Section 26 of the said Act is amended by replacing the word “division” in the second line by the word “panel”.

**570.** Section 27 of the said Act, amended by section 54 of chapter 51 of the statutes of 1997, is again amended

(1) by replacing the word “division” in the first line of the first paragraph by the word “panel”;

(2) by replacing the words “division shall be referred to the president so that he may refer it to another division” in the second paragraph by the words “panel shall be referred to the president so that he may refer it to another panel”.

**571.** Section 28 of the said Act, amended by section 55 of chapter 51 of the statutes of 1997, is again amended by striking out the words “hear and” in the first line of the first paragraph.

**572.** Section 29 of the said Act, amended by section 56 of chapter 51 of the statutes of 1997, is again amended

(1) by replacing the words “a division” in the third line of the third paragraph by the words “a panel”;

(2) by replacing the words “relieve a member of the board’s personnel of a case” in the first and second lines of the fourth paragraph by the words “withdraw a case from the member of the board’s personnel”;

(3) by replacing the words “at the request of a person whose application is refused, the case shall be referred to the board for review” in the fifth paragraph by the words “where the person whose application is denied so requests, the case shall be reviewed by the board”.

**573.** Section 31 of the said Act is amended

(1) by replacing the words “of proof, procedure and practice applicable to the conduct of its inquiries and hearings and those held by” in the first and second lines of the first paragraph by the words “of evidence and procedure applicable to the conduct of the matters submitted to it or to”;

(2) by replacing the last sentence of the first paragraph by the following sentence: “The Board may also prescribe costs in respect of the conduct of such matters.”

**574.** Section 32 of the said Act is amended by replacing the words “the rules of proof, procedure and practice” in the second and third lines by the words “the rules of evidence and procedure of the Board”.

**575.** Section 34 of the said Act is amended

(1) by replacing the words “a case brought before it” in the first line by the words “a matter submitted to it”;

(2) by replacing the words “parties in” in the first line by the words “persons concerned by”;

(3) by replacing the words “disposed of” in the third and fourth lines by the word “decided”.

**576.** Section 37 of the said Act, amended by section 60 of chapter 51 of the statutes of 1997, is again amended

(1) by replacing the words “from which an appeal has not been brought” in the second and third lines of the first paragraph by the words “in respect of which no appeal has been brought before the Administrative Tribunal of Québec”;

(2) by replacing the words “where a party” in subparagraph 2 of the first paragraph by the words “where the applicant or an interested person”.

**577.** Section 39 of the said Act, amended by section 61 of chapter 51 of the statutes of 1997, is again amended

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

“**39.** A copy of the decision of the board shall be transmitted to the persons concerned.”;

(2) by replacing the word “parties” wherever it appears in the second paragraph by the words “persons concerned”;

(3) by replacing the words “ordering the payment of a sum of money or prohibiting or ordering” in the first and second lines of the third paragraph by the words “, terminating a matter, in respect of which no proceeding has been brought before the Administrative Tribunal of Québec that orders the payment of a sum of money or prohibits or orders”;

(4) by striking out the words “, when it has become final,” in the second line of the third paragraph.

**578.** Section 40 of the said Act is amended by replacing the words “extraordinary recourse provided in articles 33 and 833 to 846 of the Code of Civil Procedure (chapter C-25)” in the first, second and third lines of the first paragraph by the words “remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code”.

**579.** The said Act is amended by inserting, after section 40, the following :

## “CHAPTER II.1

### “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

“**40.1.** Any person concerned by a decision of the board terminating a matter may, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec.

“**40.2.** When assessing the facts or the law, the Tribunal may not substitute its assessment of the public interest, public safety or public tranquillity for the assessment thereof made by the board before making its decision

pursuant to the Act respecting racing (chapter C-72.1), the Act respecting lotteries, publicity contests and amusement machines (chapter L-6) or the Act respecting liquor permits (chapter P-9.1).”

## ACT RESPECTING THE RÉGIE DES TÉLÉCOMMUNICATIONS

**580.** Section 8 of the Act respecting the Régie des télécommunications (R.S.Q., chapter R-8.01) is amended, in the French text, by replacing the word “instruire” by the word “examiner”.

**581.** Section 11 of the said Act is amended by striking out the second sentence.

**582.** Section 12 of the said Act is amended

(1) by replacing the words “parties and” in the third line of the first paragraph by the words “persons concerned and to”;

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

“The Régie may pay the costs, including experts’ fees and representation expenses, incurred by the persons whose participation in its proceedings it considers expedient, or require the persons concerned by its decision to assume payment, on the terms and conditions it fixes, of such proportion of the costs as it determines.”

**583.** Section 18 of the said Act is amended

(1) by inserting the words “no remedy under” after the word “jurisdiction,” in the first line;

(2) by replacing the words “does not apply to the Régie and no extraordinary recourse provided for in articles 834 to 850 of that Code may be exercised nor any” in the second, third and fourth lines by the words “or extraordinary recourse within the meaning of that Code may be exercised and no”.

**584.** Section 21 of the said Act is amended by striking out subparagraph 3 of the first paragraph.

**585.** Section 22 of the said Act is amended by replacing the words “hear any petition and render a decision on any matter referred to it” in the first and second lines by the words “also exercise the powers conferred on it”.

**586.** Section 25 of the said Act is amended

(1) by replacing the words “serve the notice on” in the second line of the first paragraph by the words “transmit the notice to”;

(2) by replacing the word “service” in the second line of the third paragraph by the word “notification”.

**587.** Section 27 of the said Act is amended by adding, at the end, the following paragraph :

“The Régie shall, before making such a decision, notify the operating company in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the company at least 10 days to present observations.”

**588.** Section 28 of the said Act is amended, in the French text, by replacing the words “l’instance en” in the first line by the words “la procédure d”.

**589.** Section 29 of the said Act is amended

(1) by replacing the words “appeal to the Expropriation Division of the Court of Québec in respect of the compensation fixed by the Régie” in the first and second lines of the third paragraph by the words “, within 30 days of notification of the decision of the Régie fixing the compensation, contest the decision before the Administrative Tribunal of Québec”;

(2) by replacing the word “appeal” in the second line of the third paragraph by the word “proceeding”.

**590.** The said Act is amended by inserting, after section 35, the following section :

“**35.1.** Where a dispute arises concerning the application of a tariff or the provision of a telecommunications service, a user of, or an operator providing, such a service may request the intervention of the Régie so that it may endeavour to settle the matter.”

**591.** Section 36 of the said Act, amended by section 849 of chapter 2 of the statutes of 1996, is again amended

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

“(1) in the absence of an agreement to that effect, allow the use of properties owned by a local municipality in the territory of which an operating company is authorized to extend its undertaking, subject to conditions fixed by the Régie;”;

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

“(2) where a dispute arises concerning the conditions fixed under subparagraph 1, and on the application of an operating company or of a local municipality, intervene and endeavour to settle the matter and, failing an agreement, fix new conditions;”.

**592.** Section 41 of the said Act is amended by replacing the word “parties” in the second line by the words “persons concerned”.

**593.** Section 42 of the said Act is amended by replacing the words “be heard” at the end of paragraph 2 by the words “present observations”.

**594.** Section 44 of the said Act is amended

(1) by replacing the words “allow every interested person to make representations” in the first line by the words “give every interested person the opportunity to present observations”;

(2) by striking out paragraph 1.

**595.** The heading of Division III of Chapter II of the said Act is amended by inserting the word “PUBLIC” before the word “HEARINGS”.

**596.** Section 49 of the said Act is amended by replacing the words “an attorney” by the words “a person designated for that purpose by the Régie”.

**597.** Section 50 of the said Act is amended by replacing the words “cause members of its staff or any other expert it may designate to give testimony” in the first and second lines by the words “examine under oath any member of its staff or any other expert it may designate”.

**598.** The heading of Chapter III of the said Act is replaced by the following heading:

### “CHAPTER III

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC”.

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

“**55.** Any person to whom a decision of the Régie or of the Attorney General applies may, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec.

In addition, the Attorney General may, *ex officio* and without notice, intervene before the Tribunal; in such a case the Attorney General becomes a party to the proceeding.”

**600.** Section 64 of the said Act is amended by replacing the words “and practice applicable to the conduct and examination” in the first and second lines of the first paragraph by the words “for the conduct”.

**601.** Section 65.1 of the said Act is amended

(1) by replacing the words “serve notice of them on” in the first line of the third paragraph by the words “send them to”;

(2) by replacing the word “parties” in the third line of the third paragraph by the words “persons concerned by the request or application submitted to the Régie”;

(3) by replacing the word “service” in the fourth line of the third paragraph by the word “sending”.

#### ACT RESPECTING THE RÉGIE DU LOGEMENT

**602.** Section 6 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is replaced by the following:

##### “DIVISION I

##### “APPOINTMENT OF COMMISSIONERS

“**6.** The board is composed of commissioners appointed by the Government in the number determined by the Government.

In places where the Government considers it necessary because of the distance and where the number of applications does not appear to justify the appointment of a full-time commissioner, the Government may appoint a part-time commissioner.”

**603.** Section 7 of the said Act is replaced by the following:

##### “DIVISION II

##### “RECRUITING AND SELECTION OF COMMISSIONERS

“**7.** Only a person who has at least ten years’ experience pertinent to the exercise of the functions of the board may be appointed to the board as a commissioner.

“**7.1.** Commissioners shall be selected among persons declared apt according to the recruiting and selection procedure established by government regulation. The regulation may, in particular,

(1) determine the publicity that must be given to the recruiting procedure and the content of such publicity;

- (2) determine the procedure by which a person may become a candidate ;
- (3) authorize the establishment of selection committees to assess the aptitude of candidates and formulate an opinion concerning them ;
- (4) fix the composition of the committees and mode of appointment of committee members, ensuring adequate representation of the population and the legal community or either of them ;
- (5) determine the selection criteria to be taken into account by the committees ;
- (6) determine the information a committee may require from a candidate and the consultations it may hold.

**“7.2.** The names of the persons declared apt shall be recorded in a register kept at the Ministère du Conseil exécutif.

A declaration of aptitude shall be valid for a period of 18 months or for such period as is determined by government regulation.

**“7.3.** Members of a selection committee shall receive no remuneration except in such cases, subject to such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, subject to the conditions and to the extent determined by the Government.

### **“DIVISION III**

#### **“TERM OF OFFICE AND RENEWAL**

**“7.4.** The term of office of a commissioner is five years, subject to the exceptions that follow.

**“7.5.** The Government may determine a shorter term of office of a fixed duration in the instrument of appointment where the candidate so requests for a valid reason or where required by special circumstances stated in the instrument of appointment.

**“7.6.** The term of office of a commissioner shall be renewed for five years

(1) unless the commissioner is notified otherwise at least three months before the expiry of his term by the agent authorized therefor by the Government ; or



(2) unless the commissioner requests otherwise and so notifies the Minister at least three months before the expiry of his term.

A variation of the term of office is valid only for a fixed period of less than five years determined in the instrument of renewal and, except where requested by the commissioner for a valid reason, only where required by special circumstances stated in the instrument of renewal.

**“7.7.** The renewal of a term of office shall be examined according to the procedure established by government regulation. The regulation may, in particular,

(1) authorize the establishment of committees;

(2) fix the composition of the committees and the mode of appointment of committee members;

(3) determine the criteria to be taken into account by the committees;

(4) determine the information a committee may require from the commissioner and the consultations it may hold.

**“7.8.** Members of an examination committee shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

#### **“DIVISION IV**

##### **“PREMATURE TERMINATION OF TERM OF OFFICE AND SUSPENSION**

**“7.9.** The term of office of a commissioner may terminate prematurely only on his retirement or resignation, or on his being dismissed or otherwise removed from office in the circumstances referred to in this division.

**“7.10.** To resign, a commissioner must give the Minister reasonable notice in writing, sending a copy to the chairman of the board.

**“7.11.** The Government may dismiss a commissioner if the Conseil de la justice administrative, instituted by the Act respecting administrative justice, so recommends, after an inquiry conducted following the lodging of a complaint pursuant to section 8.2 of this Act.

The Government may also suspend the commissioner with or without remuneration for the period recommended by the Conseil.

**“7.12.** The Government may also remove a commissioner from office because of permanent disability which, in the opinion of the Government, prevents the commissioner from performing the duties of his office satisfactorily; permanent disability is ascertained by the Conseil de la justice administrative, after an inquiry conducted at the request of the Minister or of the chairman of the board.

The Conseil shall act in accordance with the provisions of sections 193 to 197 of the Act respecting administrative justice (1996, chapter 54), adapted as required; however, the formation of an inquiry committee is subject to the rules set out in section 8.4.

#### **“DIVISION V**

##### **“OTHER PROVISIONS REGARDING TERMINATION OF DUTIES**

**“7.13.** Any commissioner may, with the authorization of and for the time determined by the chairman of the board, continue to perform his duties after the expiry of his term of office in order to conclude the cases he has begun to hear but has yet to determine; he shall be a supernumerary commissioner for the time required.

The first paragraph does not apply to a commissioner who has been dismissed or otherwise removed from office.

#### **“DIVISION VI**

##### **“REMUNERATION AND OTHER CONDITIONS OF OFFICE**

**“7.14.** The Government shall make regulations determining

(1) the mode of remuneration of the commissioners and the applicable standards and scales;

(2) the conditions subject to which and the extent to which a commissioner may be reimbursed the expenses incurred in the performance of his duties.

The Government may make regulations determining other conditions of office applicable to all or certain commissioners, including social benefits other than the pension plan.

The regulatory provisions may vary according to whether they apply to full-time or part-time commissioners or to a commissioner charged with an administrative office within the board.

The regulations come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

**“7.15.** The Government shall fix, in accordance with the regulations, the remuneration, social benefits and other conditions of office of the commissioners.

**“7.16.** Once fixed, a commissioner’s remuneration may not be reduced.

However, additional remuneration attaching to an administrative office within the board shall cease upon termination of such office.

**“7.17.** The pension plan of full-time commissioners shall be determined pursuant to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

**“7.18.** A public servant appointed as a commissioner of the board ceases to be subject to the Public Service Act (chapter F-3.1.1) for all matters concerning such office; for the duration of his term of office, he is on full leave without pay for the purpose of performing his duties of office.”

**604.** The said Act is amended by inserting, before section 8, the following heading:

#### **“DIVISION VII**

**“ETHICS”.**

**605.** The said Act is amended by inserting, after section 8, the following sections:

**“8.1.** The code of ethics shall set out the rules of conduct and the duties of the commissioners towards the public, the parties, their witnesses and the persons who represent them. It shall indicate, in particular, conduct that is derogatory to the honour, dignity or integrity of the commissioners. In addition, the code of ethics may determine activities or situations that are incompatible with their office, their obligations concerning disclosure of interest, and the duties they may perform gratuitously.

The code of ethics may provide special rules applicable to part-time commissioners.

**“8.2.** Any person may lodge a complaint with the Conseil de la justice administrative against a commissioner of the board for breach of the code of ethics, of a duty under this Act or of the prescriptions governing conflicts of interest and incompatible functions.

**“8.3.** A complaint must be in writing and must briefly state the reasons on which it is based.

It shall be transmitted to the seat of the Conseil.

**“8.4.** The Conseil, when examining a complaint against a commissioner, shall act in accordance with sections 184 to 192 of the Act respecting administrative justice, adapted as required.

However, where the Conseil, for the purposes of section 186 of the said Act, forms an inquiry committee, the committee shall be composed of one commissioner chosen by the Conseil from a list established by the chairman of the board after consultation with the meeting of the commissioners and of two other members chosen from among the members of the Conseil, one of whom shall neither practise a legal profession nor be a member of the Tribunal. The commissioner or, where he is unable to act, another member of the board chosen in the same manner shall also take part in the deliberations of the Conseil for the carrying out of section 192 of the said Act.”

**606.** Section 9 of the said Act is replaced by the following :

#### **“DIVISION VIII**

##### **“ADMINISTRATIVE OFFICE**

**“9.1.** The Government shall designate, among the commissioners of the board, a chairman and two vice-chairmen.

**“9.2.** The chairman and vice-chairmen shall exercise their duties on a full-time basis.

**“9.3.** The administrative office of the chairman or a vice-chairman is of a fixed duration determined in the instrument of appointment or renewal.

**“9.4.** The administrative office of the chairman or a vice-chairman may terminate prematurely only on the commissioner’s relinquishing such office, on the premature termination or non-renewal of his term of office as a commissioner, or on his removal or dismissal from his administrative office in the circumstances referred to in this division.

**“9.5.** The Government may remove the chairman or a vice-chairman from his administrative office if the Conseil de la justice administrative so recommends, after an inquiry conducted at the Minister’s request concerning a lapse pertaining only to his administrative duties.

The Conseil shall act in accordance with the provisions of sections 193 to 197 of the Act respecting administrative justice, adapted as required ; however, the formation of an inquiry committee is subject to the rules set out in section 8.4.

**“DIVISION IX****“DUTIES AND POWERS OF COMMISSIONERS**

**“9.6.** Before taking office, every commissioner shall take an oath, solemnly affirming the following : “ I (...) swear that I will exercise the powers and fulfill the duties of my office impartially and honestly and to the best of my knowledge and abilities.”

The oath shall be taken before the chairman of the board. The chairman of the board shall take the oath before a judge of the Court of Québec.

The writing evidencing the oath shall be sent to the Minister of Justice.

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

In addition to observing conflict of interest requirements and the rules of conduct and duties imposed by the code of ethics adopted under this Act, a commissioner may not pursue an activity or place himself in a situation incompatible, within the meaning of the code of ethics, with the exercise of his office.

**“9.8.** The commissioners are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

No judicial proceedings may be brought against them by reason of an act done in good faith in the performance of their duties.”

**607.** Section 10 of the said Act is replaced by the following :

**“DIVISION X****“OPERATION, MANAGEMENT AND ADMINISTRATION  
OF THE BOARD**

**“10.** In addition to the powers and duties that may otherwise be assigned to him, the chairman is charged with the administration and general management of the board.

The duties of the chairman include

(1) fostering the participation of commissioners in the formulation of guiding principles for the board so as to maintain a high level of quality and coherence of decisions ;

(2) coordinating the activities of and assigning work to the commissioners who shall comply with his orders and directives in that regard;

(3) seeing to the observance of standards of ethical conduct; and

(4) promoting professional development of the commissioners as regards the exercise of their functions;

(5) giving his opinion to the designated minister on any matter submitted by him, analysing the effects of the carrying out of this Act and submitting to the Minister any recommendation he considers expedient.

The vice-chairman designated for such purpose by the chairman may exercise the functions set out in subparagraph 2 of the second paragraph.

**“10.1.** The chairman shall establish a code of ethics applicable to conciliators and shall see that it is observed.

The code of ethics comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

**“10.2.** The chairman or the vice-chairman designated by the chairman shall determine which commissioners are to take part in the various sittings of the board.”

**608.** Section 13 of the said Act is amended by replacing the word “Commissioners” in the first line by the words “Full-time commissioners”.

**609.** Sections 14, 15, 16 and 17 of the said Act are repealed.

**610.** Section 20 of the said Act is amended by striking out the words “commissioner nor any” in the first line.

#### ACT RESPECTING THE QUÉBEC PENSION PLAN

**611.** Section 26 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by replacing the words “for cause” in the third line by the words “on its own initiative”.

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

**“28.** Except on a question of jurisdiction, no extraordinary recourse within the meaning of the Code of Civil Procedure (chapter C-25) may be exercised and no injunction may be granted against the Board or the members of the board of directors acting in their official capacity.”

**613.** Section 29 of the said Act is replaced by the following section :

**“29.** A judge of the Court of Appeal may, upon a motion, annul by summary proceeding any writ, order or injunction issued or granted contrary to section 27 or 28.”

**614.** Section 150 of the said Act is amended by replacing the words “the application for review or the bringing of an appeal by the debtor” in the first and second lines of the second paragraph by the words “an application for review or a proceeding brought before the Administrative Tribunal of Québec by a debtor”.

**615.** Section 151 of the said Act is amended

(1) by replacing the words “bringing an appeal or, where applicable, on the day following a decision of the Commission des affaires sociales confirming all or part of the decision of the Board” in the second, third and fourth lines of the first paragraph by the words “for contesting the review decision before the Administrative Tribunal of Québec and if no proceeding has been brought”;

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

“(3) attesting to the debtor’s failure to apply for a review of the decision rendered under section 149 or, as the case may be, to bring a proceeding before the Administrative Tribunal of Québec against a review decision upholding that decision.”;

(3) by striking out the words “or of the Commission des affaires sociales” in the second and third lines of the second paragraph.

**616.** The heading of Title V of the said Act is replaced by the following heading:

“REVIEW AND PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**617.** Section 186 of the said Act is replaced by the following section:

**“186.** The Board may, on the application of an interested person, review any decision it has rendered.

The application must be made in writing within one year from the date on which the contested decision was notified, and must state briefly the grounds on which it is based.

The Board may extend the time limit or relieve a person of the consequences of his failure to comply with it if the person shows that the application for review cannot or could not, for a valid reason, be made within the prescribed time.”

**618.** Section 187 of the said Act is amended by adding, at the end, the following paragraph :

“The decision must be in writing, state the grounds on which it is based and be sent to the interested person together with a mention of his right to contest the decision before the Administrative Tribunal of Québec within the stated time.”

**619.** Section 188 of the said Act is replaced by the following :

### “DIVISION III

#### “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

“**188.** Every review decision rendered by the Board may, within 60 days of notification, be contested before the Administrative Tribunal of Québec.”

**620.** Section 189 of the said Act is amended

(1) by replacing the words “Commission des affaires sociales” in the first line by the words “Administrative Tribunal of Québec”;

(2) by replacing the words “appeal lies from a decision of” in the second line by the words “proceeding may be brought against a review decision rendered by”.

#### ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

**621.** Section 132.1.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) is amended

(1) by inserting the words “to the Commission” after the word “review” in the second line of the first paragraph;

(2) by replacing the words “the Commission des affaires sociales” in the fifth line of the first paragraph by the word “arbitrator”.

**622.** Section 140 of the said Act is amended

(1) by inserting the words “to the Commission” after the word “apply” in the first line of the first paragraph;

(2) by replacing the words “the Commission” in the second line of the first paragraph by the word “it”;

(3) by striking out the words “to the Commission” in the first line of the second paragraph.



**623.** Section 141 of the said Act is amended by replacing the words “to hear” in the first paragraph by the words “within the Commission to decide”.

**624.** Section 142 of the said Act is amended

(1) by inserting the words “, after giving the person who applied for review the opportunity to present observations,” after the word “must” in the first line of the first paragraph;

(2) by striking out the words “de réexamen” in the second line of the first paragraph of the French text;

(3) by replacing the word “applicant” in the second line of the first paragraph by the word “person”;

(4) by replacing the word “parties” in the first line of the fourth paragraph by the words “persons concerned”.

#### ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

**625.** The Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by replacing the word “APPEAL” in the heading of Chapter X by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**626.** Section 72 of the said Act is amended by replacing the words “to hear” in the first line of the first paragraph by the words “within the Commission to decide”.

**627.** Section 73 of the said Act is amended

(1) by inserting the words “, after giving the person who applied for review the opportunity to present observations,” after the word “must” in the first line of the first paragraph;

(2) by striking out the words “for review” in the first line of the first paragraph;

(3) by replacing the word “applicant” in the second line of the first paragraph by the word “person”.

**628.** Section 74 of the said Act is amended by replacing the words “within 90 days of the date of mailing of the written notice of the review committee, appeal to the Commission des affaires sociales” in the second, third and fourth lines by the words “within 60 days of the date of notification of the decision of the review committee or of the fact that the opinions of the committee members were equally divided, contest the decision, or the decision of the Commission that is deemed to have been confirmed pursuant to section 73, before the Administrative Tribunal of Québec.”

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES  
RETIREMENT PLAN

**629.** Section 179 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by inserting the words “to the Commission” after the word “made” in the first line of the second paragraph.

**630.** Section 216.1 of the said Act is amended by replacing the words “its decision is quashed” in the third line of the fourth paragraph by the words “a decision to the contrary is made”.

**631.** Schedule I to the said Act, amended by Orders in Council 556-96 and 557-96 dated 15 May 1996, 821-96 dated 3 July 1996, 1051-96 dated 28 August 1996, 1493-96 dated 4 December 1996, 1589-96 dated 18 December 1996 and 629-97 dated 13 May 1997, is again amended

(1) by striking out the words “the Commission des affaires sociales” in paragraph 3;

(2) by striking out paragraph 7.

**632.** Schedule III to the said Act is amended by striking out the words “the Commission des affaires sociales”.

ACT RESPECTING THE TEACHERS PENSION PLAN

**633.** Section 10.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing the words “its decision is quashed” in the third line of the fourth paragraph by the words “a contrary decision is made”.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

**634.** Section 111.0.1 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing the words “its decision is quashed” in the third line of the fourth paragraph by the words “a contrary decision is made”.

**635.** Schedule II to the said Act is amended by replacing paragraph 2 by the following paragraphs :

“2. THE MEMBERS OF THE OFFICE DES PROFESSIONS DU QUÉBEC.

“2.1 THE FULL-TIME MEMBERS OF THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC ESTABLISHED UNDER THE ACT RESPECTING ADMINISTRATIVE JUSTICE (1996, chapter 54), OTHER

THAN PERSONS REFERRED TO BOTH IN THE FOURTH PARAGRAPH OF SECTION 65 OF CHAPTER 31 OF THE STATUTES OF 1973 AND IN PART VI OR VI.1 OF THE COURTS OF JUSTICE ACT (CHAPTER T-16)”.

**636.** Schedule IV to the said Act is amended by striking out the words “the Commission des affaires sociales”.

#### WATERCOURSES ACT

**637.** Section 13 of the Watercourses Act (R.S.Q., chapter R-13) is amended by replacing the words “Expropriation Division of the Court of Québec” in subsection 2 by the words “Administrative Tribunal of Québec”.

**638.** Section 14 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” in the second line by the words “Administrative Tribunal of Québec”.

**639.** Section 15 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” in the second and third lines by the words “Administrative Tribunal of Québec”.

**640.** Section 23 of the said Act is amended by striking out the words “by petition” in the first line.

**641.** Section 25 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” in the fifth and sixth lines by the words “Administrative Tribunal of Québec”.

**642.** Section 35 of the said Act is amended by replacing the words “by petition to the Government, and forward such petition” in the second and third lines of subsection 1 by the words “apply to the Government for approval of the plans and specifications. The application must be forwarded”.

**643.** Section 59 of the said Act is amended by replacing the words “by petition to the Government, and forward such petition” in the second line by the words “apply to the Government for approval of the plans and specifications. The application must be forwarded”.

**644.** Section 65 of the said Act is amended by replacing the word “petition” in the second line of the first paragraph by the word “application”.

**645.** Section 74 of the said Act is amended by replacing the words “by petition to the Government, and forward such petition” in the second line by the words “apply to the Government for approval of the plans and specifications. The application must be forwarded”.

ACT RESPECTING THE LAND REGIME IN THE JAMES BAY AND  
NEW QUÉBEC TERRITORIES

**646.** Section 45 of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1) is amended by replacing the words “Expropriation Division of the Court of Québec” by the words “Administrative Tribunal of Québec”.

**647.** Section 137 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” by the words “Administrative Tribunal of Québec”.

**648.** Section 191.29 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” by the words “Administrative Tribunal of Québec”.

SUPPLEMENTAL PENSION PLANS ACT

**649.** Section 28 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is amended by replacing the words “submit their views” in the second line by the words “present observations”.

**650.** Section 32 of the said Act is amended by replacing the words “submit their views” in the second line of the second paragraph by the words “present observations”.

**651.** Section 184 of the said Act is amended

(1) by replacing the words “submit their views” in the third and fourth lines by the words “present observations”;

(2) by replacing the words “obtaining their views” in the fifth line by the words “giving them such an opportunity”.

**652.** Section 187 of the said Act is amended by replacing the words “submit his or its views” in the fourth line of the first paragraph by the words “present observations”.

**653.** Section 188 of the said Act is amended by replacing the words “submit their views” in the fourth line of the second paragraph by the words “present observations”.

**654.** Section 199 of the said Act is amended by replacing the words “its views” in the third line of the third paragraph by the word “observations”.

**655.** Section 203 of the said Act is amended

(1) by replacing the words “submit representations” in the second line of subparagraph 4 of the first paragraph by the words “present observations”;

(2) by replacing the words “submit their views to the committee in writing” in the fourth and fifth lines of the second paragraph by the words “present observations in writing to the committee”.

**656.** Section 205 of the said Act is amended by replacing the words “make representations” in the second and third lines of the first paragraph by the words “present observations”.

**657.** The heading of Chapter XIV of the said Act is amended by adding, at the end, the words “AND PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**658.** Section 241 of the said Act is amended

(1) by replacing the words “on its own initiative or at the request of any interest” in the first line of the first paragraph by the words “at the request of any interested”;

(2) by striking out the words “or by any person or committee exercising a delegated power” in the second and third lines of the first paragraph;

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

“The application for review must be made in writing, within 60 days of notification of the contested decision or order, and must state briefly the grounds on which it is based.

The Régie may extend the 60-day time limit or relieve a person of the consequences of failing to comply with it if it is shown that the application for review cannot or could not, for a valid reason, be made within the prescribed time.

The application for review suspends execution of the contested decision or order, unless the Régie orders provisional execution where so justified by circumstances.”

**659.** Section 242 of the said Act is replaced by the following section:

“**242.** The Régie shall dispose of the application for review without delay and after giving all interested persons an opportunity to present observations.

The decision of the Régie must state the grounds on which it is based and be notified in writing to the interested persons.”

**660.** Section 243 of the said Act is replaced by the following section:

“**243.** A review decision rendered by the Régie may, within 30 days of notification of the decision, be contested before the Administrative Tribunal of Québec.”

**661.** Section 244 of the said Act is amended by replacing the words “rules of proof and procedure” in the first line of subparagraph 13 of the first paragraph by the word “procedure”.

**662.** Section 254 of the said Act is amended by replacing the words “in a matter upon which a decision must be rendered by the Régie” in the first and second lines of the first paragraph by the words “for the purposes of a decision”.

**663.** Section 286 of the said Act is amended, in the French text, by replacing the word “affaires” in the second line of the first paragraph by the word “questions”.

**664.** Section 288.2 of the said Act is amended by replacing the word “cases” in the second and seventh lines by the word “applications”.

#### ACT RESPECTING SUPPLEMENTAL PENSION PLANS

**665.** Sections 14 and 15 of the Act respecting supplemental pension plans (R.S.Q., chapter R-17) are repealed.

**666.** The said Act is amended by inserting, after section 22, the following division:

#### “DIVISION III.1

#### “REVIEW AND PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

“**22.1.** The Board may, on the application of any interested person, review any decision it has rendered.

An application must be made in writing, within 60 days of notification of the contested decision, and must state briefly the grounds on which it is based.

The Board may extend the 60-day time limit or relieve a person of the consequences of failing to comply with it if it is shown that the application for review cannot or could not, for a valid reason, be made within the prescribed time.

The application for review suspends execution of the contested decision, unless the Board orders provisional execution where so justified by circumstances.

“**22.2.** The Board shall dispose of the application for review without delay and after giving all interested persons an opportunity to present observations.

The decision of the Board must state the grounds on which it is based and be notified in writing to the interested persons.

**“22.3.** A review decision rendered by the Board may, within 30 days of notification of the decision, be contested before the Administrative Tribunal of Québec.”

**667.** Section 29 of the said Act is amended by replacing the second and third paragraphs by the following paragraphs :

“The Board shall ensure compliance with this section.

Any person who believes that an amendment infringes this section may, within six months of the amendment, file a complaint with the Board to instigate an inquiry.”

#### ECOLOGICAL RESERVES ACT

**668.** Section 9 of the Ecological Reserves Act (R.S.Q., chapter R-26.1) is amended by replacing the second paragraph by the following paragraphs :

“The Minister shall, before making such a decision, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations.

The Minister may, where urgent action is required or so as to prevent irreparable damage, make such a decision without being bound by such prior obligations.

In such a case, the holder may, within the specified time, present observations to the Minister for review of the decision.”

#### ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

**669.** Section 120 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended

(1) by replacing the words “Commission des affaires sociales” in the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the words “appeal from the decision before the Commission des affaires sociales” in the second paragraph by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec. A physician may also, within 150 days after filing his application and if no decision is transmitted within that time, refer the matter to the Tribunal as in the case of contestation of an unfavourable decision.”

**670.** Section 121 of the said Act is repealed.

## PUBLIC BUILDINGS SAFETY ACT

**671.** The Public Buildings Safety Act (R.S.Q., chapter S-3) is amended by inserting, after section 42, the following section:

“**42.1.** The person to whom an order is notified without prior notice because, in the opinion of the inspector, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister or the inspector.”

## ACT RESPECTING SAFETY IN SPORTS

**672.** Section 11 of the Act respecting safety in sports (R.S.Q., chapter S-3.1) is amended by replacing the words “a commissioner to sit alone at” in the first and second lines of the third paragraph by the words “one commissioner to hold”.

**673.** Sections 16.1, 16.2 and 16.3 of the said Act are replaced by the following section:

“**16.1.** Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised nor any injunction granted against the board or against any of its members acting in their official capacity.

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

**674.** Section 16.4 of the said Act is amended

- (1) by striking out the words “for the purposes of an inquiry or a hearing”;
- (2) by inserting the words “, in the performance of their duties,” after the word “are” in the second line.

**675.** Section 29 of the said Act is amended by replacing the words “bring an appeal before” in the fourth and fifth lines by the words “apply for a review by”.

**676.** Section 38 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**38.** Before refusing to issue, cancelling or suspending a licence, the board shall notify the applicant or holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the applicant or holder at least 10 days to present observations.”



**677.** The heading of Chapter VI of the said Act is replaced by the following heading :

“REVIEW AND PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**678.** The heading of Division I of Chapter VI of the said Act is replaced by the following heading :

“REVIEW BY THE BOARD”.

**679.** Section 47 of the said Act is amended by replacing the words “appeal from the decision to the board” in the second and third lines by the words “apply to the board for a review of the decision”.

**680.** Section 48 of the said Act is amended

(1) by replacing the words “appeal is brought by a motion” in the first line of the first paragraph by the words “application for review is”;

(2) by striking out the second paragraph.

**681.** Section 49 of the said Act is amended by replacing the word “appeal” in the first line by the words “application for review”.

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

“**50.** When examining a file, the board must give the applicant the opportunity to present observations.”

**683.** Sections 51 and 52 of the said Act are repealed.

**684.** Section 53 of the said Act is amended by replacing the word “party” in the second line by the words “interested person”.

**685.** The heading of Division II of Chapter VI of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**686.** Section 53.1 of the said Act is amended by replacing the words “appeal to the Court of Québec” in the seventh line by the words “, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**687.** Sections 53.2 to 53.7 of the said Act are repealed.

**688.** Section 55 of the said Act is amended

(1) by replacing the words “for any appeal brought before it or for any hearing it may hold” in the first and second lines of paragraph 8 by the words “applicable to the examination of questions falling within its jurisdiction”;

(2) by replacing the words “section 27” in the second line of paragraph 9 by the words “sections 27 and 47”.

## ACT RESPECTING INCOME SECURITY

**689.** Section 43 of the Act respecting income security (R.S.Q., chapter S-3.1.1) is amended

(1) by replacing the words “to apply for a review or to file an appeal,” in the second line by the words “for applying for a review of the decision requiring payment or for contesting the review decision before the Administrative Tribunal of Québec”;

(2) by replacing the words “the Commission des affaires sociales” in the third and fourth lines by the words “that tribunal”.

**690.** Section 60 of the said Act is amended by replacing the words “or an appeal has been filed” in the fourth and fifth lines of the second paragraph by the words “has been filed or a proceeding has been brought before the Administrative Tribunal of Québec”.

**691.** Section 67 of the said Act is amended by replacing the words “his views” in the first line of the second paragraph by the word “observations”.

**692.** The heading of Chapter VI of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**693.** Section 76 of the said Act is amended by replacing the words “his views” in the fifth line of the first paragraph by the word “observations”.

**694.** Section 77 of the said Act, amended by section 17 of chapter 69 of the statutes of 1995, is again amended by replacing the words “application shall be heard” in the first and second paragraphs by the words “review shall be carried out”.

**695.** Section 78 of the said Act is amended

(1) by replacing the words “appealed from to the Commission des affaires sociales” in the second and third lines of the second paragraph by the words “contested before the Administrative Tribunal of Québec”;

(2) by replacing the word “Commission” in the fourth line of the second paragraph by the word “Tribunal”.

**696.** Section 79 of the said Act is amended

(1) by replacing the words “Commission des affaires sociales” in the third line of the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the words “file an appeal” in the third line of the second paragraph by the words “contest the decision before the Administrative Tribunal of Québec”.

**697.** Section 81 of the said Act is amended by replacing the words “appeal therefrom to the Commission des affaires sociales within the period and according to the procedure provided for in the Act respecting the Commission des affaires sociales (chapter C-34)” in the second, third and fourth lines by the words “contest the decision before the Administrative Tribunal of Québec within 60 days of notification”.

**698.** Section 81.1 of the said Act, enacted by section 18 of chapter 69 of the statutes of 1995, is amended by replacing the words “Commission des affaires sociales” by the words “Administrative Tribunal of Québec”.

**699.** Section 82 of the said Act is amended by replacing the words “is reviewed or appealed from” in the first and second lines by the words “or a proceeding brought under section 81 against a decision reviewing such a decision is reviewed”.

**700.** Section 83 of the said Act is amended

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

**“83.** In the case of a proceeding involving the determination of benefits paid under Chapter III, the Administrative Tribunal of Québec must suspend the hearing where, at the request of the Minister of Revenue or of the person who brought the proceeding, it is established that the person, his spouse or a dependent child has served an opposition or filed an appeal in respect of an assessment under the Taxation Act (chapter I-3) for the year which is the subject of the proceeding and that such opposition or appeal may cause the amounts referred to in section 82 to vary.”;

(2) by replacing the word “appellant” in the fourth line of the second paragraph by the words “person who brought the proceeding referred to in the first paragraph”.

ACT RESPECTING INCOME SECURITY FOR CREE HUNTERS AND TRAPPERS WHO ARE BENEFICIARIES UNDER THE AGREEMENT CONCERNING JAMES BAY AND NORTHERN QUÉBEC

**701.** Section 31.7 of the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2) is amended by replacing the words “appeal is brought” in the second line by the words “application for a review of the decision has been brought before the general meeting”.

**702.** Section 31.9 of the said Act is amended by replacing the words “his views” in the second line by the word “observations”.

**703.** Section 31.10 of the said Act is amended by replacing the word “appeal” in the third line of the second paragraph by the words “bring an application for a review of the decision before the general meeting under section 31.12”.

**704.** The said Act is amended by striking out, after section 31.11, the following heading :

“DIVISION III  
“APPEAL”.

**705.** Section 31.12 of the said Act is amended by replacing the words “appeal to” in the second line of the first paragraph by the words “bring an application for review before”.

**706.** Section 31.13 of the said Act is amended by replacing the words “his views” in the second line by the word “observations”.

**707.** Section 31.14 of the said Act is amended by replacing the words “confirm or quash a decision submitted to it” in the first and second lines of the first paragraph by the words “, following its review, confirm or quash the decision”.

**708.** Section 31.16 of the said Act is amended

(1) by replacing the word “appeal” in the second line of the first paragraph by the words “make an application for review”;

(2) by replacing the word “appeal” in the second line of the second paragraph by the word “application”.

**709.** Section 31.17 of the said Act is amended by replacing the words “confirm or quash a decision submitted to it” by the words “, following its review, confirm or quash the decision”.

**710.** Sections 31.18 and 31.19 of the said Act are replaced by the following :

**“DIVISION III**

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC**

**“31.18.** No application for review made under section 31.12 or 31.16 shall suspend the decision of the local committee or the general meeting, as the case may be.

**“31.19.** Every person who believes himself aggrieved by a decision of the Board under section 31.17 may contest the decision before the Administrative Tribunal of Québec in accordance with section 40.”

**711.** Section 39 of the said Act is amended

(1) by replacing the words “at the request” in the fourth line of the first paragraph by the words “on the application”;

(2) by replacing the word “appeal” in the first line of the fourth paragraph by the word “application”;

(3) by replacing the last sentence of the sixth paragraph by the following sentence: “It shall immediately give notice in writing to the complainant of the decision rendered, the reasons on which it is based and his right to contest the application before the Administrative Tribunal of Québec.”

**712.** The said Act is amended by inserting, after section 39, the following heading:

**“CHAPTER VI.1**

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC”.**

**713.** Section 40 of the said Act is amended by replacing the words “appeal to the Commission des affaires sociales in accordance with the Social Affairs Commission Act (chapter C-34)” in the second, third and fourth lines by the words “, within 60 days of notification, contest the decision before the Administrative Tribunal of Québec”.

**ACT RESPECTING CORRECTIONAL SERVICES**

**714.** Section 22.9 of the Act respecting correctional services (R.S.Q., chapter S-4.01) is amended by replacing the words “be heard” in the first line by the words “present observations”.

**715.** Section 22.12 of the said Act is amended by replacing the words “appeal from” in the second line by the word “contest”.

**716.** Section 22.14.1 of the said Act is amended by replacing the words “be heard” in the first line of the second paragraph by the words “present observations”.

**717.** Section 23 of the said Act is amended

(1) by replacing the words “be heard and” in the third line of subparagraph 4 of paragraph *d.1* by the words “present observations and be”;

(2) by replacing the words “be heard by” in the fourth line of subparagraph 5 of paragraph *d.1* by the words “present observations to”.

#### ACT RESPECTING CHILDCARE CENTRES AND CHILDCARE SERVICES

**718.** The heading of Division V of Chapter II of the Act respecting childcare centres and childcare services (R.S.Q., chapter S-4.1) is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC”.

**719.** Section 42 of the said Act, amended by section 38 of chapter 16 of the statutes of 1996 and by section 134 of chapter 58 of the statutes of 1997, is again amended

(1) by replacing the words “appeal from the decision of the Minister to the Commission des affaires sociales” in the second and third lines of the first paragraph by the words “, within 60 days of notification of the decision of the Minister, contest the decision before the Administrative Tribunal of Québec”;

(2) by striking out subparagraphs 1, 2 and 3 of the first paragraph and the second paragraph.

**720.** Section 43 of the said Act, amended by section 39 of chapter 16 of the statutes of 1996 and by section 134 of chapter 58 of the statutes of 1997, is repealed.

**721.** Section 44 of the said Act, amended by section 40 of chapter 16 of the statutes of 1996 and by section 118 of chapter 58 of the statutes of 1997, is again amended by replacing the words “, upon summary motion, apply to the Commission des affaires sociales” in the fifth and sixth lines of the first paragraph by the words “, within 60 days of notification of the refusal, apply to the Administrative Tribunal of Québec”.

**722.** Section 45 of the said Act, amended by section 119 of chapter 58 of the statutes of 1997, is again amended

(1) by replacing the words “appeal from the decision to the Commission des affaires sociales” in the second and third lines of the first paragraph by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”;

(2) by striking out the second paragraph.

#### ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**723.** Section 27 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing the words “apply to the Commission des affaires sociales” in the fourth and fifth lines of the first paragraph by the words “, within 60 days of the date on which the refusal was notified to him, contest the decision before the Administrative Tribunal of Québec”.

**724.** Section 148 of the said Act is amended

(1) by replacing the words “Commission des affaires sociales” in the first and second lines of the first paragraph by the words “Administrative Tribunal of Québec”;

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

“The motion must be presented within 60 days of the date on which the results of the election are known.

On receipt of the motion, the secretary of the Tribunal shall send a copy to the person against whom the proceedings are brought and to the Minister of Health and Social Services. The Minister may intervene at any stage in the proceeding and in such case is a party thereto.”;

(3) by replacing the word “Commission” in the first line of the second paragraph by the word “Tribunal”;

(4) by replacing the word “Commission” in the first line of the third paragraph by the word “Tribunal”.

**725.** Section 190 of the said Act is amended by replacing the words “Commission des affaires sociales” in the fifth and sixth lines of the second paragraph by the words “Administrative Tribunal of Québec”.

**726.** Section 205 of the said Act is amended by replacing the words “appeal therefrom to the Commission des affaires sociales” in the fourth and fifth lines by the words “contest the decision before the Administrative Tribunal of Québec within 60 days of the date on which the decision was notified to him”.

**727.** Section 218 of the said Act is amended by replacing the words “Commission des affaires sociales” in the third and fourth lines of the second paragraph and in the third line of the third paragraph by the words “Administrative Tribunal of Québec”.

**728.** Section 252 of the said Act is amended

(1) by replacing the words “appeal therefrom to the Commission des affaires sociales” in the third and fourth lines of the first paragraph by the words “, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”;

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

“He may also apply to the Tribunal within 60 days of the expiry of the time prescribed in section 241, as if the decision were unfavourable, if no decision on his application for appointment has been sent to him within the time prescribed in that section.”

**729.** Section 253 of the said Act is amended by replacing the words “appeal therefrom to the Commission des affaires sociales” in the second and third lines by the words “, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”.

**730.** Section 365 of the said Act is amended by replacing the words “be heard” in the last line by the words “present observations”.

**731.** Section 435 of the said Act, amended by section 51 of chapter 36 of the statutes of 1996, is again amended by replacing the words “also give the institutions concerned an opportunity to submit their views” in the fifth and sixth lines of the second paragraph by the words “, pursuant to section 5 of the Act respecting administrative justice (1996, chapter 54), advise the institutions concerned and give them the opportunity to present observations”.

**732.** Section 449 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**449.** The Minister shall, before suspending, cancelling or refusing to renew a permit, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations.”

**733.** Section 450 of the said Act is amended

(1) by replacing the words “appeal from the Minister’s decision to the Commission des affaires sociales” in the second and third lines by the words “contest the Minister’s decision before the Administrative Tribunal of Québec within 60 days of the date on which the decision was notified to him.”;



(2) by striking out paragraphs 1, 2 and 3.

**734.** Section 451 of the said Act is repealed.

**735.** Section 453 of the said Act is replaced by the following section :

“**453.** The person concerned by the Minister’s decision under section 452 may contest the decision before the Administrative Tribunal of Québec.

The Minister may, if no proceeding is brought within 10 days of notification of the decision and after obtaining the authorization of the Tribunal, evacuate and relocate the persons lodged in a facility referred to in section 452.

If the decision of the Minister is contested before the Tribunal, the Minister cannot act before a decision is rendered by the Tribunal.”

**736.** Section 460 of the said Act is amended by replacing the words “give the person concerned an opportunity to be heard and seek the advice of the regional board” in the second and third lines of the second paragraph by the words “obtain the advice of the regional board and notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice and allow the person at least 10 days to present observations”.

**737.** Section 494 of the said Act is amended by replacing the words “be heard” in the third line by the words “present observations”.

**738.** Section 517 of the said Act is amended

(1) by replacing the words “appeal to the Commission des affaires sociales from” in the first line by the words “contest before the Administrative Tribunal of Québec”;

(2) by adding, after the words “section 514”, the following: “within 60 days of the date on which the decision was notified to him”.

**739.** Section 530.16 of the said Act, enacted by section 1 of chapter 58 of the statutes of 1993, is amended

(1) by replacing the words “Commission des affaires sociales” in the first and second lines of the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the words “and fourth” in the first line of the second paragraph by the words “, fourth, fifth and sixth”.

**740.** Section 606.1 of the said Act is amended

(1) by replacing the words “Commission des affaires sociales” in the first and second lines of the first paragraph by the words “Administrative Tribunal of Québec”;

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

“A motion in contestation or annulment of an election presented under this section is deemed to be a motion presented under section 148.”;

(3) by replacing the words “and fourth” in the fourth paragraph by the words “, fourth, fifth and sixth”.

#### ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

**741.** Section 1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended by striking out subparagraph *r* of the first paragraph.

**742.** Section 7 of the said Act is amended

(1) by inserting the words “d'accès à l'information” after the word “Commission” in the third line of the sixth paragraph;

(2) by replacing the words “apply to the Commission d'accès à l'information” in the fourth and fifth lines of the sixth paragraph by the words “, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”.

**743.** Section 19 of the said Act is amended by replacing the words “make a request to the Commission; such request shall be dealt with in accordance with the Act respecting the Commission des affaires sociales (chapter C-34)” in the fourth, fifth and sixth lines of the second paragraph by the words “present a motion to the Administrative Tribunal of Québec”.

**744.** Section 24 of the said Act is amended

(1) by replacing the word “Commission” in the ninth paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the word “Commission” in the tenth paragraph by the word “Tribunal”;

(3) by replacing the word “Commission” in the eleventh paragraph by the word “Tribunal”.

**745.** Section 48 of the said Act is amended

(1) by replacing the word “Commission” in the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the word “Commission” in the second paragraph by the word “Tribunal”;

(3) by replacing the word “Commission” in the third paragraph by the word “Tribunal”.

**746.** Section 59 of the said Act is amended

(1) by replacing the word “Commission” in the first line of the first paragraph by the words “Administrative Tribunal of Québec”;

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

“The motion must be presented within 60 days of the date on which the results of the election are known.

On receipt of the motion, the secretary of the Tribunal shall send a copy to the person against whom the proceedings are brought and to the Minister of Health and Social Services. The Minister may intervene at any stage in the proceeding and in such case is a party thereto.”;

(3) by replacing the word “Commission” in the first line of the second paragraph by the word “Tribunal”;

(4) by replacing the word “Commission” in the first and second lines of the third paragraph by the word “Tribunal”.

**747.** Section 87 of the said Act is repealed.

**748.** Section 114 of the said Act is amended by replacing the word “Commission” in the seventh line of the third paragraph by the words “Administrative Tribunal of Québec”.

**749.** Section 121 of the said Act is amended by replacing the words “make representations” in the second line of the third paragraph by the words “present observations”.

**750.** Section 132 of the said Act is amended

(1) by replacing the words “appeal to the Commission” in the third line of the first paragraph by the words “, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”;

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

“He may also apply to the Tribunal within 60 days of the expiry of the time prescribed in the fourth paragraph of section 130, as if the decision were unfavourable, if no decision on his application for appointment has been sent to him within the time prescribed in that paragraph.”;

(3) by replacing the words “appeal to the Commission” in the second line of the third paragraph by the words “contest the decision before the Tribunal”.

**751.** Section 139.1 of the said Act is amended by replacing the words “must give the institution concerned the opportunity to make representations to him” in the second and third lines of the third paragraph by the words “shall, pursuant to section 5 of the Act respecting administrative justice (1996, chapter 54), advise the institution concerned and give it the opportunity to present its observations”.

**752.** The heading of subdivision 2 of Division VI of the said Act is amended by replacing the word “*appeals*” by the words “*proceeding before the Administrative Tribunal of Québec*”.

**753.** Section 147 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**147.** The Minister shall, before suspending, cancelling or refusing to renew a permanent permit, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations.”

**754.** Section 148 of the said Act is amended

(1) by replacing the words “appeal from the Minister’s decision to the Commission” in the second line by the words “contest the Minister’s decision before the Administrative Tribunal of Québec within 60 days of the date on which the decision was notified to him.”;

(2) by striking out paragraphs *a*, *b* and *c*.

**755.** Section 149 of the said Act is repealed.

**756.** Section 149.25.4 of the said Act is amended

(1) by replacing the words “its views” in the second line of the second paragraph by the word “observations”;

(2) by replacing the words “representations made” in the third line of the second paragraph by the words “observations presented”.

**757.** Section 162 of the said Act is amended

(1) by replacing the words “may appeal before the Commission from any” in the first line by the words “concerned by a”;

(2) by adding, at the end, the words “may, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”.

**758.** Section 166 of the said Act is amended

(1) by replacing the words “its point of view” in the third line of the first paragraph by the word “observations”;

(2) by replacing the words “representations the institution or the regional council has made” in the first and second lines of the second paragraph by the words “observations the institution or the regional council has presented”.

**759.** Section 182.1 of the said Act is replaced by the following section :

“**182.1.** The person concerned by the Minister’s decision under section 182 may contest the decision before the Administrative Tribunal of Québec.

The Minister may, if no proceeding is brought within 10 days of notification of the decision and after obtaining the authorization of the Tribunal, evacuate and relocate the persons lodged in a facility referred to in section 182.

If the decision of the Minister is contested before the Tribunal, the Minister cannot act before a decision is rendered by the Tribunal.”

## ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

**760.** Section 30.1.1 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13) is amended by replacing the word “heard” in the second line of the first paragraph by the word “examined”.

**761.** The heading of Division III.1 of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**762.** Section 36 of the said Act is amended by replacing the words “10 days after the date of being advised of the decision, appeal the decision on any question of law by a motion to a judge of the Court of Québec, after the motion has been served on the board” in the second, third, fourth and fifth lines by the words “30 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”.

**763.** Sections 36.1 to 36.3 of the said Act are replaced by the following section :

**“36.1.** The proceeding suspends the execution of the decision of the board unless the Tribunal decides otherwise.”

#### ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D’INFORMATION JURIDIQUE

**764.** Section 21 of the Act respecting the Société québécoise d’information juridique (R.S.Q., chapter S-20) is amended

(1) by replacing the words “judicial decisions rendered by the courts and quasi judicial tribunals of Québec” in the second and third lines of the first paragraph by the words “judgments rendered by the courts of justice sitting in Québec and the decisions made by persons or bodies exercising adjudicative functions in Québec”;

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

“The company shall establish, by by-law, the procedure for collecting such judgments and decisions, criteria for the selection of those to be reported as well as the manner of reporting them.”

#### ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

**765.** Section 75 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended by replacing the words “be heard” in the second line by the words “present observations”.

**766.** Section 123 of the said Act is amended by replacing the words “be heard” in the third line of the third paragraph by the words “present observations”.

**767.** Section 196 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

**768.** Section 233 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

**769.** Section 241 of the said Act is amended by replacing the words “inform the company of its intention and give it an opportunity to be heard” in the second line of the second paragraph by the words “notify the company in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the company at least 10 days to present observations”.

**770.** Section 247 of the said Act is amended by replacing the words “give its holder an opportunity to be heard” in the second line by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”.

**771.** Subdivision 3 of Division I of Chapter XVI of the said Act, comprising sections 251 to 260, is replaced by the following subdivision :

“§ 3. — *Proceeding before the Administrative Tribunal of Québec*

“**251.** Any company whose application for a licence is refused or whose licence is suspended or cancelled may contest the decision of the Inspector General before the Administrative Tribunal of Québec.

“**252.** The motion must be filed at the secretariat of the Tribunal within 30 days of notification of the contested decision to the applicant.

“**253.** Notwithstanding the second paragraph of section 15 of the Act respecting administrative justice, the Tribunal may only confirm or quash the contested decision.”

**772.** Section 315 of the said Act is amended

(1) by replacing the words “give the company or person contemplated in section 107 at least 15 days’ notice” in the first and second lines of the second paragraph by the words “, as prescribed by section 5 of the Act respecting administrative justice, notify the company or person contemplated in section 107 at least 15 days in advance,”;

(2) by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

**773.** Section 316 of the said Act is amended

(1) by replacing the words “in the hearing, the Inspector General may” in the second and third lines of the first paragraph by the words “resulting from allowing the company or any other person time to present observations, the Inspector General may, without prior notice,”;

(2) by striking out the words “without giving the company or any other person an opportunity to be heard” in the third and fourth lines of the first paragraph;

(3) by replacing the words “apply in writing to the Inspector General for a hearing” in the second and third lines of the second paragraph by the words “present observations to the Inspector General”.

**774.** Section 322 of the said Act is amended by replacing the words “give its opinion” in the fourth line of the first paragraph by the words “present observations”.

**775.** Section 341 of the said Act is amended

(1) by replacing the words “be heard” in the fourth line of the first paragraph by the words “present observations”;

(2) by replacing the words “hearing the company, provided that the company is given an opportunity to be heard” in the third and fourth lines of the second paragraph by the words “having allowed the company to present observations, provided that the company is given the opportunity to do so”.

**776.** Section 343 of the said Act is amended by replacing the words “be heard by” in the first line by the words “present observations to”.

#### ACT RESPECTING THE LANDS IN THE PUBLIC DOMAIN

**777.** Section 45.5 of the Act respecting the lands in the public domain (R.S.Q., chapter T-8.1) is amended by replacing the words “make representations” in the second line of the fifth paragraph by the words “present observations”.

**778.** Section 66 of the said Act is amended by replacing the words “make representations” in the third and fourth lines of the third paragraph by the words “present observations”.

#### MARINE PRODUCTS PROCESSING ACT

**779.** Section 15 of the Marine Products Processing Act (R.S.Q., chapter T-11.01) is amended by replacing the words “giving the applicant an opportunity to be heard” in the second line of the second paragraph by the words “advising the applicant, as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54), and giving him the opportunity to present observations”.

**780.** Section 19 of the said Act is amended by replacing the words “giving the holder of a permit an opportunity to be heard” in the first and second lines by the words “notifying the holder of a permit in writing as prescribed by section 5 of the Act respecting administrative justice and allowing him at least 10 days to present observations”.

**781.** The heading of Division IV of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC”.

**782.** Section 22 of the said Act is amended

(1) by replacing the words “An appeal lies from the decision of the Minister to the Court of Québec, on any question of law or jurisdiction” in the first and second lines by the words “Any decision of the Minister may be contested before the Administrative Tribunal of Québec within 30 days of notification”;



(2) by adding the following paragraph:

“When assessing the facts or the law, the Tribunal may not substitute its assessment of the public interest for the assessment thereof made by the Minister before making his decision.”

**783.** Sections 23 to 29 of the said Act are repealed.

#### ACT RESPECTING TRANSPORTATION BY TAXI

**784.** Section 25 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended by replacing the words “giving the permit holder an opportunity to be heard” in the second and third lines of the second paragraph by the words “notifying the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allowing him at least 10 days to present observations”.

**785.** Section 32 of the said Act is amended by replacing the words “giving the offender an opportunity to be heard” in the second line by the words “notifying the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice and allowing him at least 10 days to present observations”.

**786.** The said Act is amended by inserting, after section 39, the following section:

“**39.0.1.** The Commission may suspend or cancel a permit under section 33.1 or 37 only after notifying the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice and allowing him at least 10 days to present observations”.

**787.** Section 68 of the said Act is amended

(1) by replacing the word “practice” in the first line of the third paragraph by the word “procedure”;

(2) by replacing the figure “5” in the second line of the third paragraph by the figure “48”.

**788.** The said Act is amended by inserting, after section 68, the following:

#### “CHAPTER IV.1

#### “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

“**68.1.** Any decision of the Commission may be contested before the Administrative Tribunal of Québec by the person to whom the decision applies, an opponent or the Attorney General within 30 days following the date on which the decision takes effect.

**“68.2.** The Attorney General may, *ex officio* and without notice, take part in a hearing as if he were party thereto.

**“68.3.** When assessing the facts or the law, the Tribunal may not substitute its assessment of the public interest for the assessment thereof made by the Commission before making its decision pursuant to this Act or the regulations.”

**789.** Section 116.1 of the said Act is amended by striking out the words “and appeal” in the fourth line.

#### TRANSPORT ACT

**790.** Section 1 of the Transport Act (R.S.Q., chapter T-12) is amended by striking out subparagraph *l* of the first paragraph.

**791.** Section 5 of the said Act, amended by section 2 of chapter 52 of the statutes of 1995, is again amended

(1) by striking out the words “make the rules of practice and the rules for the internal management of the Commission, after consulting it,” in the first and second lines of paragraph *k*;

(2) by striking out the words “for the matters submitted” in the third line of paragraph *k*.

**792.** Section 17 of the said Act is repealed.

**793.** Section 17.1 of the said Act is replaced by the following section:

**“17.1.** The quorum of the Commission is five members including the president, who may designate a member to replace him.

However, an individual decision may be made by a member acting alone and a review decision may be made by three members.”

**794.** Section 17.2 of the said Act is amended

(1) by replacing the words “which has not been appealed from to the Court of Appeal” in the second and third lines by the words “in respect of which no proceeding has been brought before the Administrative Tribunal of Québec”;

(2) by replacing the words “prevented from being heard” in the second line of paragraph 2 by the words “unable to present observations”.

**795.** Section 17.3 of the said Act is amended by replacing the words “is made in practice division by way of a motion setting out the reasons on which it is based filed” in the first and second lines by the words “must give the reasons therefor and be notified to the Commission”.

**796.** Section 17.4 of the said Act is amended

(1) by replacing the words “practice division” in the first line by the word “Commission”;

(2) by replacing the words “division orders provisional execution” in the second and third lines by the words “Commission decides otherwise”;

(3) by striking out the words “or in the cases provided for in the second paragraph of section 23” in the third and fourth lines.

**797.** Section 17.5 of the said Act is repealed.

**798.** Section 17.8 of the said Act is amended by replacing the words “hear and decide an uncontested” in the second and third lines of the first paragraph by the words “decide, where there is no opposition, a”.

**799.** Section 24 of the said Act is amended by replacing the words “plenary sessions of the Commission, public hearings, sittings and hearings in the practice division” in the first and second lines by the words “Commission which are”.

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

“The members of the Commission are in that respect subject to the supervision, orders and control of the president of the Commission.”

**801.** Section 27 of the said Act is replaced by the following section:

“**27.** Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the Commission or against any of its members acting in their official capacity.

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

**802.** Section 28 of the said Act is amended by replacing the words “the duties, costs and expenses” in the first line of the first paragraph by the words “duties and costs”.

**803.** Section 34 of the said Act is amended

(1) by replacing the word “parties” in the first line of the third paragraph by the words “persons concerned”;

(2) by replacing the words “be heard” in the second line of the third paragraph by the words “present observations”.

**804.** Section 34.1 of the said Act is amended by replacing the word “practice” in the first line of the first paragraph by the word “procedure”.

**805.** Section 35 of the said Act is amended

(1) by inserting the words “prohibit the carrier from operating any vehicle designated by the Commission and” after the word “may” in the second line of the first paragraph ;

(2) by replacing the words “any vehicle it designates” in the third and fourth lines of the first paragraph by the words “that vehicle” ;

(3) by replacing the words “giving the carrier a notice of the delay within which he may be heard” in the first and second lines of the second paragraph by the words “notifying the carrier in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allowing the carrier at least 10 days to present observations” ;

(4) by replacing the words “is not heard within such delay” in the second and third lines of the second paragraph by the words “does not present observations within that time” ;

(5) by replacing the word “hear” in the third line of the second paragraph by the words “receive the observations of”.

**806.** Section 37.2 of the said Act is amended by replacing the words “give the permit holder a prior opportunity to be heard” in the first and second lines of the second paragraph by the words “, before doing so, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the permit holder at least 10 days to present observations”.

**807.** Section 37.3 of the said Act is amended, in the French text, by replacing the word “introduite” in the second line of the first paragraph by the word “présentée”.

**808.** Section 40.1 of the said Act is amended

(1) by replacing the words “hearing the proof and giving the person concerned by a change, suspension or revocation of his permit or a withdrawal of his registration plate or certificate an opportunity to be heard” in the second, third and fourth lines by the words “first having notified in writing the person concerned by the permit modification, suspension or revocation or the registration plate or certificate withdrawal” ;

(2) by adding, at the end, the words “, as prescribed by section 5 of the Act respecting administrative justice and having allowed the person at least 10 days to present observations”.

**809.** Section 42.2 of the said Act is amended by replacing the words “act before” in the first line by the words “make representations to”.

**810.** Section 44 of the said Act is amended by replacing the words “this notice brings the matter before the Commission, and it” in the fourth and fifth lines of the first paragraph by the words “in such case, the Commission”.

**811.** Section 46 of the said Act is amended, in the French text, by replacing the word “requérant” in the second line by the word “demandeur”.

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

“**48.** The Commission may adopt rules of procedure and rules of internal management.”

**813.** Section 48.3 of the said Act is amended by replacing the words “act before the Commission” in the first line of subparagraph 4 of the second paragraph by the words “make representations to the Commission”.

**814.** Division VII of the said Act, comprising sections 51 to 56, is replaced by the following division :

#### “DIVISION VII

#### “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

“**51.** Any decision of the Commission may be contested before the Administrative Tribunal of Québec by the person concerned, a person objecting thereto or the Attorney General within 30 days of the date on which the decision becomes executory.

“**52.** The Attorney General may, by virtue of his office and without notice, take part in a hearing of the Tribunal as if he were a party thereto.

“**53.** The Tribunal shall not, unless there has been an error of law or a significant error of fact in the contested decision, reevaluate the assessment that the Commission made of the principles, criteria or discretionary factors the Commission was required to take into account in making its decision.”

#### COURTS OF JUSTICE ACT

**815.** Section 80 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by striking out the second paragraph.

## ACT RESPECTING THE USE OF PETROLEUM PRODUCTS

**816.** Section 16 of the Act respecting the use of petroleum products (R.S.Q., chapter U-1.1) is amended

(1) by replacing the words “give the holder an opportunity to be heard” in the second line of the first paragraph by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations”;

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

“The Minister may, where urgent action is required or there is a danger of irreparable damage being caused to persons, property or the environment, suspend a permit or a registration certificate without being bound by the requirements prescribed by this section.

In such a case, the holder may, within 10 days of notification of the decision, present observations to the Minister for review of the decision.”

**817.** The heading of Division II of Chapter II of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**818.** Section 19 of the said Act is amended by replacing the words “appeal to the Court of Québec from” in the first line by the words “contest before the Administrative Tribunal of Québec, within 30 days of notification of the decision,”.

**819.** Section 20 of the said Act is amended

(1) by replacing the word “appeal” in the first line by the word “proceeding”;

(2) by replacing the word “court” in the second line by the word “Tribunal”.

**820.** Sections 21 to 26 of the said Act are repealed.

**821.** Section 77 of the said Act is amended by striking out “, 22” in the second line.

## ACT RESPECTING ROADS

**822.** Section 27 of the Act respecting roads (R.S.Q., chapter V-9) is amended

(1) by replacing the words “Expropriation Division of the Court of Québec” in the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the word “It” in the first line of the second paragraph by the words “The Tribunal”.

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT  
DE LA VILLE DE LAVAL

**823.** Section 124 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended

(1) by replacing the words “appear before a judicial, quasi-judicial or administrative court to make or have made” in the first and second lines of the first paragraph by the words “submit to any administrative body”;

(2) by striking out the words “of the hearing” in the first line of the second paragraph.

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

**824.** Section 151 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is amended

(1) by replacing the words “appear before a judicial, quasi-judicial or administrative court to make or have made” in the first and second lines of the first paragraph by the words “submit to any administrative body”;

(2) by striking out the words “the hearing of” in the first line of the second paragraph.

ACT TO AMEND THE ACT RESPECTING THE RÉGIE DES ALCOOLS,  
DES COURSES ET DES JEUX AND VARIOUS ACTS CONCERNING  
THE ACTIVITIES UNDER ITS SUPERVISION

**825.** Section 29 of the Act to amend the Act respecting the Régie des alcools, des courses et des jeux and various Acts concerning the activities under its supervision (1993, chapter 71) is amended by replacing the words “hear and decide any dispute contemplated” in paragraph 3 by the words “settle any dispute referred to” and by replacing, in the French text, the words “dont ils sont saisis” in paragraph 3 by the words “qui leur est soumise”.

ACT RESPECTING PRESCRIPTION DRUG INSURANCE AND  
AMENDING VARIOUS LEGISLATIVE PROVISIONS

**826.** Section 68 of the Act respecting prescription drug insurance and amending various legislative provisions (1996, chapter 32) is amended by replacing the words “appeal to the Commission des affaires sociales within 30” by the words “contest the decision before the Administrative Tribunal of Québec within 60”.

**827.** Section 70 of the said Act is amended by replacing the words “the expiry of the period of appeal provided for in section 68 or, if an appeal is filed, before the Commission” by the words “the period for bringing a proceeding under section 68 has expired or, if the decision is contested before the Tribunal, before the Tribunal”.

ACT RESPECTING THE RECONSTRUCTION AND REDEVELOPMENT  
OF AREAS AFFECTED BY THE TORRENTIAL RAINS OF 19 AND  
20 JULY 1996 IN THE SAGUENAY–LAC-SAINT-JEAN REGION

**828.** Section 18 of the Act respecting the reconstruction and redevelopment of areas affected by the torrential rains of 19 and 20 July 1996 in the Saguenay–Lac-Saint-Jean region (1997, chapter 60) is amended by adding the following paragraph :

“For the purposes of the Act respecting administrative justice, including the transitional rules prescribed by the Act respecting the implementation of the Act respecting administrative justice (1997, chapter 43), any proceeding under section 13 of this Act shall be considered to be a proceeding under the Expropriation Act.”

TRANSITIONAL PROVISIONS

**829.** The new law, whether it be the Act respecting administrative justice (1996, chapter 54) or this Act, applies immediately to all legal situations it covers, subject to the following provisions.

**830.** Where the new law lengthens a prescribed period of time, the new period applies to existing situations and account is taken of the time already elapsed.

Where it shortens a prescribed period, the new period applies, but begins to run from the coming into force of the new law. However, the period prescribed in the former law is maintained where it would in fact be extended if the new period was applied.

Where a period of time not prescribed in the former law is introduced by the new law and begins with an event which occurred before the coming into force of the new law, the period, if not already expired, runs from the coming into force of the new law.

**831.** Where, according to the former law, a decision was to be made by a person or body upon completion of a public hearing and the making of the decision is, under the Act respecting administrative justice, the exercise of an administrative function, the former rules of procedure are applicable to the hearing if, on the date of coming into force of the new law, the decision has not been made and the citizen has been called to, or informed of the date fixed for, the hearing.



**832.** Where a new proceeding is created before the Administrative Tribunal of Québec to contest a decision made in the exercise of an administrative function, the proceeding may be brought even if the decision was made before the coming into force of the new proceeding, if the time limit specified under the new law for bringing the proceeding has not expired. The time limit runs from the date of the decision.

Where a review or appeal before a tribunal of the judicial branch was provided by law to contest a decision made in the exercise of an administrative function, the proceeding is maintained in respect of a decision made before the coming into force of the new law, if the time limit specified under the former law for bringing the proceeding has not expired.

**833.** All proceedings already before the Commission des affaires sociales, the Commission d'examen des troubles mentaux and the Bureau de révision en immigration shall be continued before the social affairs division of the Administrative Tribunal of Québec; all proceedings already before the Bureau de révision de l'évaluation foncière du Québec and the Tribunal d'appel en matière de protection du territoire agricole shall be continued before the immovable property division and before the territory and environment division, respectively, of the Administrative Tribunal of Québec.

All proceedings already before the Commission municipale du Québec in matters relating to real estate or business tax exemptions and to the environment shall be continued before the immovable property division and before the territory and environment division, respectively, of the Administrative Tribunal of Québec. The same applies to proceedings already before the Régie des marchés agricoles et alimentaires du Québec in matters relating to compensation or refund of real estate taxes.

However, all proceedings the hearing of which is already commenced shall be continued before the Commission municipale or the Régie, as the case may be, unless the parties give their consent to a new hearing before the Administrative Tribunal of Québec, or the parties agree to continue the hearing before the Tribunal and, as regards oral evidence already produced, agree to rely on the notes and minutes of the hearing or, where applicable, on the stenographer's notes or the recording of the proceedings.

The persons responsible for the management of the records of the Commission municipale or of the Régie des marchés agricoles et alimentaires are required to send the relevant records to the secretary of the Tribunal within 60 days after the coming into force of the new law.

**834.** Sections 246, 250 to 256, 284, 292, 293 and 303 take effect on 1 January 1998. However, they apply before that date, in respect of rolls coming into force on 1 January 1998, where a correction to the roll is proposed or where the accuracy, the presence or the absence of an entry on a real estate assessment roll or roll of rental values is contested.

Until the provisions referred to in the first paragraph of this section and in the first paragraph of section 70 of chapter 67 of the statutes of 1996 take effect, the complaints shall be filed with the immovable property division of the Administrative Tribunal of Québec which will consider them in the same manner as a motion brought before the Tribunal.

**835.** All proceedings already before the Court of Québec, and all proceedings already before the Expropriation Division of that court in respect of which the clerk of the Division has forwarded a notice of proof and hearing and the hearing of which has begun, shall be continued before that court or that division according to the former provisions, and, insofar as such provisions or the Code of Civil Procedure provide therefor, an appeal lies from all decisions made.

**836.** The rules of evidence and procedure applicable before the Administrative Tribunal of Québec, including the provisions governing introductory and preliminary procedures, conciliation, pre-hearing conferences or hearings, shall apply, according to the state of the records, to all proceedings that, on the date of coming into force of the new law, had already been brought and are to be continued before the Tribunal.

Where the parties or the interested persons have already been called to the hearing, the former rules of evidence and procedure continue to apply to the proceedings, unless the parties agree to apply the new rules.

Where the hearing of a matter is already commenced before the Commission des affaires sociales, the Commission d'examen des troubles mentaux, the Bureau de révision en immigration, the Bureau de révision de l'évaluation foncière or the Tribunal d'appel en matière de protection du territoire agricole, the hearing shall be continued before the same members; however, if the member who was seized of the matter ceases to be a member, section 55 of the Act respecting administrative justice applies to him.

**837.** Until the procedural rules come into force under section 109 of the Act respecting administrative justice, the former rules of procedure that applied before the bodies that have been abolished or before the courts of justice or bodies in the matters assigned to the Administrative Tribunal of Québec shall continue to apply as suppletive provisions, but only insofar as such rules are compatible with the new law.

Until the coming into force of the regulation under section 92 of the Act respecting administrative justice, the former regulations determining the tariff of the administrative fees, professional fees and other charges attached to proceedings continue to be applicable to proceedings brought before the Administrative Tribunal of Québec.

Until that date, the amount to be paid at the same time as an application for review under the first paragraph of section 263.2 of the Act respecting municipal taxation shall not exceed the amount to be paid at the same time as

the filing of a complaint under the Regulation respecting the payment required at the time of the filing of a complaint with the Bureau de révision de l'évaluation foncière du Québec made under paragraph 8 of section 262 of the said Act.

Moreover, until they are replaced, the real estate and rental values fixed by the Regulation respecting classes of complaints relating to a real estate assessment roll or a roll of rental values, enacted by Order in Council 1202-89 of 16 July 1989, determine the application of the rules provided for in section 148.3 of the Act respecting municipal taxation or in section 33, 85 or 135 of the Act respecting administrative justice (1996, chapter 54).

**838.** The Administrative Tribunal of Québec may, in proceedings continued before it, set aside the evidentiary provisions of the new law and apply those of the former law if it considers that the application of the new provisions would cause prejudice to a party.

**839.** Section 146 of the Act respecting administrative justice applies to all proceedings continued before the Administrative Tribunal of Québec, and the time limit of three months for advisement runs from the coming into force of that section.

**840.** The right of appeal provided by the former law in respect of decisions of the Bureau de révision de l'évaluation foncière or the Tribunal d'appel en matière de protection du territoire agricole or in respect of decisions of the Commission municipale in relation to matters assigned to the Administrative Tribunal of Québec shall continue to be exercisable as regards proceedings the hearing of which is already commenced or proceedings already decided upon the coming into force of the new law if the time for appeal has not expired, despite the fact that the new law does not recognize such right of appeal.

**841.** The presidents, vice-presidents, members and assessors of the Commission des affaires sociales, of the Commission d'examen des troubles mentaux and of the Bureau de révision en immigration shall become, from the coming into force of the new law, members of the Administrative Tribunal of Québec, without administrative duties, and shall be assigned to the social affairs division.

The presidents, vice-presidents and members of the Bureau de révision de l'évaluation foncière and of the Tribunal d'appel en matière de protection du territoire agricole shall become members of the Tribunal, without administrative duties, and shall be assigned to the immovable property division and to the territory and environment division, respectively.

The assessors of the Expropriation Division of the Court of Québec shall become members of the Tribunal, and shall be assigned to the immovable property division; they may continue to sit in the Expropriation Division to complete any cases pending in which they have been called upon to sit.

Such assignments may, within three months after the coming into force of the new law, be modified by the Government to meet the needs of the Tribunal, after consultation with the president and the member involved.

**842.** The qualifications required by law, particularly as regards the 10 years' experience pertinent to the exercise of the functions of the Administrative Tribunal of Québec, shall not be required of persons who become members of the Tribunal pursuant to section 841, even upon a subsequent renewal of their appointment, as long as they remain members of the Tribunal.

**843.** The five-year term provided for in section 46 of the Act respecting administrative justice shall not extend to any terms of office of a fixed duration that are in progress, which shall continue until their appointed expiry. The duration of terms of an unfixed duration that are in progress shall be fixed, before section 48 of the Act respecting administrative justice applies, at 10 years from the coming into force of the new law.

**844.** The renewal procedure provided for in sections 48 and 49 of the Act respecting administrative justice applies to persons who become members of the Administrative Tribunal of Québec pursuant to section 841 and who, on the day before the coming into force of the new law, held office notwithstanding the expiry of their term in a body that has been abolished; the three-month time limit in section 48, however, shall begin to run upon the expiry of at least six months and not more than twelve months from the coming into force of this Act.

The three-month time limit shall begin to run in the same manner in the case of the renewal of the terms of the persons who become members of the Tribunal pursuant to section 841 and whose terms expire within six months after the coming into force of the new law.

**845.** The persons who become members of the Administrative Tribunal of Québec pursuant to section 841 shall continue to receive the remuneration they received before the coming into force of the new law; if the remuneration they receive is greater than that provided for in the regulation, they shall continue to receive their former remuneration until parity is reached, notwithstanding the coming into force of a regulation respecting remuneration and other conditions of employment.

Until the coming into force of the regulation under section 56 of the Act respecting administrative justice, the remuneration and other conditions of employment of the persons who become members of the Tribunal after the coming into force of the new law shall be fixed by the Government.

**846.** Social benefits other than the pension plans and the other conditions of office of the members, as they existed before the coming into force of the new law, shall continue to apply until the coming into force of a regulation respecting remuneration and other conditions of office.

**847.** In addition to the exclusion under paragraph 7 of section 4 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), such plan does not apply to a member of the Administrative Tribunal of Québec who is entitled to a compensation in lieu of membership in the plan and to whom section 59 of the Act respecting administrative justice would apply, as long as the member remains entitled to such compensation.

**848.** Every person who becomes a member of the Administrative Tribunal of Québec pursuant to section 841 and every person referred to in section 853 shall, within 60 days, take the oath provided in section 68 of the Act respecting administrative justice.

**849.** Section 71 of the Act respecting administrative justice shall not operate to prevent any person who becomes a member of the Administrative Tribunal of Québec pursuant to section 841 from continuing to exercise, for six months from the date of coming into force of that provision, any functions that he was authorized by law to exercise before that date.

**850.** Until the code of ethics applicable to the members of the Administrative Tribunal of Québec is established in accordance with section 180 of the Act respecting administrative justice and has come into force, the members are required to fulfil the following duties, and any breach may give rise to a complaint against them.

The members shall duly execute their office, and shall avoid placing themselves in any situation that would adversely affect such execution; the conduct of the members shall be fully compatible with the requirements of honour, dignity and integrity that attach to the exercise of adjudicative functions.

**851.** Unless otherwise indicated by the context, in any Act and in any regulation, by-law, order in council or order or juridical act, a reference to the Commission des affaires sociales, the Commission d'examen des troubles mentaux, the Bureau de révision en immigration, the Expropriation Division of the Court of Québec, the Bureau de révision de l'évaluation foncière or the Tribunal d'appel en matière de protection du territoire agricole is a reference to the Administrative Tribunal of Québec. The same applies to references to the Commission municipale, the Régie des marchés agricoles et alimentaires or the Court of Québec as regards matters assigned to the Tribunal under the new law.

**852.** The Administrative Tribunal of Québec shall continue the Commission des affaires sociales, the Commission d'examen des troubles mentaux, the Bureau de révision en immigration, the Bureau de révision de l'évaluation foncière and the Tribunal d'appel en matière de protection du territoire agricole; the members of the personnel of those bodies shall become, to the extent determined by the Government, members of the personnel of the Tribunal, and the records, documents and archives of those bodies shall become the records, documents and archives of the Tribunal.

The appropriations allocated in a department to the programs of each of those bodies or the sums put at their disposal by another body shall, to the extent and subject to the terms and conditions determined by the Government, be transferred to the fund of the Tribunal established by section 97 of the Act respecting administrative justice.

**853.** For the first application of section 61 of the Act respecting administrative justice, the Government shall designate the president and the vice-presidents, in the number it determines, from among the persons who are to become members of the Administrative Tribunal of Québec pursuant to section 841.

Until 1 December 1997, the functions of the president and the vice-presidents, in addition to the functions that they may continue to exercise in the body where they formerly held office, shall be to prepare the implementation of Title II of the Act respecting administrative justice and of the transitional provisions; they shall be vested with all the necessary powers therefor.

Until 1 December 1997, the sums required for the remuneration and other conditions of employment of those persons shall be paid by the bodies of which they were members; the sums required for the remuneration and other conditions of employment of the personnel shall, before that date, be taken out of the appropriations granted to the Ministère de la Justice.

**854.** For the first application of sections 167 and 168 of the Act respecting administrative justice, the members referred to in paragraph 3 of section 167 shall be chosen from among the persons who are to become members of the Administrative Tribunal of Québec pursuant to section 841 and after consultation with those persons in office at that time.

The functions of the Conseil de la justice administrative thus established shall be, until 1 December 1997, to prepare the implementation of Title III of the Act respecting administrative justice; it shall be vested with all the necessary powers therefor.

The sums required for the purposes of this section shall be taken out of the appropriations granted to the Ministère de la Justice.

**855.** All proceedings already before the appeals committee in matters of language of instruction, established pursuant to section 83 of the Charter of the French language (R.S.Q., chapter C-11), shall be continued before the review committee established under section 83 of that Act, as amended by section 147 of this Act.

The members of the appeals committee shall, upon the coming into force of the new law, become members of the review committee.

**856.** All applications already before the Régie des alcools, des courses et des jeux under paragraph 2 of section 25 of the Act respecting the Régie des

alcools, des courses et des jeux with respect to the awarding of prizes under a publicity contest, on the coming into force of section 25.1 of that Act enacted by section 568 of this Act, shall be continued before the Régie des alcools, des courses et des jeux if the parties consent thereto.

**857.** The ten years' experience pertinent to the exercise of the functions of the Régie du logement shall not, upon a subsequent renewal, be required of the commissioners who are in office on the date of coming into force of section 603 of this Act, which enacts section 7 of the Act respecting the Régie du logement, for as long as they remain in office.

**858.** The five-year term provided for by section 7.4 of the Act respecting the Régie du logement, replaced by section 603 of this Act, shall not apply to terms of office of a fixed duration that are in progress, which shall continue until their appointed expiry.

**859.** The renewal procedure provided for by sections 7.6 and 7.7 of the Act respecting the Régie du logement, replaced by section 603 of this Act, shall apply to commissioners who, on the day before the coming into force of section 603 of this Act, held office notwithstanding the expiry of their term. The three-month time limit fixed in the said section 7.6, however, shall run from the expiry of at least six months and not more than 12 months from the coming into force of section 603.

The three-month time limit shall begin to run in the same manner in the case of the renewal of the terms of office of commissioners whose terms expire within six months after the coming into force of section 603.

**860.** Notwithstanding the coming into force of a regulation respecting remuneration and other conditions of office made under section 7.14 of the Act respecting the Régie du logement, enacted by section 603 of this Act, if the remuneration the commissioners receive is greater than that provided for by regulation, they shall continue to receive their former remuneration until parity is reached.

Until the coming into force of the regulation under section 7.14 of the Act respecting the Régie du logement, enacted by section 603 of this Act, the remuneration and other conditions of employment applicable to persons who become commissioners after the coming into force of section 603 shall be fixed by the Government.

**861.** The social benefits other than the pension plan, and the other conditions of office of the commissioners, as they stood before the coming into force of section 603 of this Act, which enacts section 7.14 of the Act respecting the Régie du logement, shall remain applicable to them until the coming into force of a regulation respecting remuneration and other conditions of office made under the said section 7.14.

**862.** In addition to the exclusion pursuant to paragraph 7 of section 4 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), such plan does not apply to a commissioner of the Régie du logement who is entitled to a compensation in lieu of membership in the plan and to whom section 7.17 of the Act respecting the Régie du logement, enacted by section 603 of this Act, would apply, as long as the member remains entitled to such compensation.

**863.** Every commissioner of the Régie du logement shall, within 60 days after the coming into force of section 606 of this Act, which enacts section 9.6 of the Act respecting the Régie du logement, take the oath provided in the said section 9.6.

**864.** In addition to the rules of the code of ethics established by Order in Council 1060-85 dated 5 June 1985 and currently applicable to the commissioners of the Régie du logement, the commissioners are required to fulfil the following duties until such time as that code of ethics is replaced by a code of ethics adopted under section 8.1 of the Act respecting the Régie du logement, enacted by section 605 of this Act.

The commissioners shall duly execute their office, and shall avoid placing themselves in any situation that would adversely affect such execution; the conduct of the commissioners shall be fully compatible with the requirements of honour, dignity and integrity that attach to the exercise of adjudicative functions.

Any breach of the duties described in the second paragraph may give rise to a complaint against a commissioner.

**865.** Section 58 of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, chapter 27) is amended as follows:

(1) by replacing the words “six months” at the end by the words “not less than six months and not more than 12 months”;

(2) by adding the following paragraph:

“The three-month time limit shall begin to run in the same manner in the case of the renewal of the terms of office of the persons who have become commissioners of the Commission des lésions professionnelles pursuant to section 57 of this Act and whose terms expire within six months after the coming into force of this section.”

**866.** The said Act is amended by inserting, after section 58, the following section:

“**58.1.** The Government shall, after consulting the Conseil consultatif du travail et de la main-d’oeuvre, designate the first president of the Commission



des lésions professionnelles and the first vice-presidents, in the number it determines, from among the persons who are to become commissioners of the Commission des lésions professionnelles pursuant to sections 57 and 58 of this Act.

The functions of the president and the vice-presidents, in addition to the functions that they may continue to exercise in the body where they formerly held office, shall be to prepare the implementation of Chapter XII of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), as replaced by section 24 of this Act; they shall be vested with all the necessary powers therefor. The Commission des lésions professionnelles is considered to be established for the purposes of this section.

Until section 24 of this Act has come into force, the sums required to provide for the remuneration and other conditions of employment of such persons shall be taken out of the fund of the Commission d'appel en matière de lésions professionnelles established under section 394 of the Act respecting industrial accidents and occupational diseases; the same applies in respect of the sums required to provide for the remuneration and other conditions of employment of the personnel until that date."

**867.** Section 64 of the said Act is amended

- (1) by striking out the second paragraph;
- (2) by adding the following paragraph:

"Until the regulation under section 402 of the Act respecting industrial accidents and occupational diseases, as replaced by section 24 of this Act, has come into force, the remuneration and other conditions of employment of the persons who become members of the Commission des lésions professionnelles after the coming into force of section 385 of the Act respecting industrial accidents and occupational diseases, as replaced by section 24 of this Act, shall be fixed by the Government."

#### FINAL PROVISIONS

**868.** Section 25 of the Act respecting administrative justice (1996, chapter 54) is amended

- (1) by inserting the figure "2.2," after the figure "2," in the first line of the first paragraph;
- (2) by inserting the figure "2.3" after the word "paragraphs" in the first line of the third paragraph;
- (3) by adding, at the end, the following paragraph:

"Proceedings referred to in paragraphs 2.1 and 5.1 of section 3 of Schedule I shall be heard and determined by a panel of two members, one of whom shall

be an advocate or notary and the other, a person well-acquainted with the field of education.”

**869.** Section 82 of the said Act is amended by adding, at the end, the following paragraphs :

“He may also, where he considers it necessary in order to avoid delays in the hearing of proceedings by the Tribunal, form a panel of only one member to hear and determine the proceedings he determines and which, by reason of their nature and the facts, do not raise particular difficulties and do not require a second expert opinion.

In all cases, one member only is called to sit where measures relating to the management of proceedings or matters incidental thereto are to be determined.

Mention of the decisions of the president modifying the panels formed under Chapter II shall be made in the annual report.”

**870.** The said Act is amended by striking out, before section 199, the following :

“CHAPTER VI”.

**871.** Schedule I to the said Act is amended

(1) by inserting the words “education and road safety” after the words “social services,” in the first paragraph of section 3 ;

(2) by adding the following paragraphs in section 3 :

“(2.1) proceedings under section 83.4 of the Charter of the French language (chapter C-11);

“(2.2) proceedings under paragraph 1 of section 560 of the Highway Safety Code (chapter C-24.2);

“(2.3) proceedings under section 121.1 of the Act respecting private education (chapter E-9.1);

“(5.1) proceedings under section 34.3 of the Education Act (chapter I-13.3);”;

(3) by replacing the figure “26” in section 6 by the figure “17”.

**872.** Schedule II to the said Act is amended

(1) by inserting, after paragraph 3, the following paragraphs :

“(3.1) proceedings under section 173 or 176 of the Act respecting the Communauté urbaine de l’Outaouais (chapter C-37.1);

“(3.2) proceedings under section 118 of the Act respecting the Communauté urbaine de Montréal (chapter C-37.2);”;

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

“(5) proceedings under Chapter X of the Act respecting municipal taxation (chapter F-2.1);”.

**873.** Schedule III to the said Act is amended

(1) by inserting, before paragraph 1, the following paragraph:

“(0.1) proceedings against decisions of the Commission de protection du territoire agricole, brought under section 34 of the Act respecting the acquisition of farm land by non-residents (chapter A-4.1);”;

(2) by replacing the words “or the head of a department” in paragraph 1 by the words “, the head of a department or an officer”, and by inserting the words “133.2 or” after the word “section”;

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

“(1.1) proceedings against decisions or orders of the Communauté urbaine de Québec or, in the case of delegation, the executive committee or the head of a department, brought under section 136.10 of the Act respecting the Communauté urbaine de Québec (chapter C-37.3);”;

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

“(2.1) proceedings against decisions made by the Minister of Transport, brought under section 10.1 of the Roadside Advertising Act (chapter P-44);”.

**874.** Schedule IV to the said Act is amended

(1) by replacing paragraph 6 by the following paragraph:

“(6) paragraph 2 of section 560 of the Highway Safety Code (chapter C-24.2);”;

(2) by adding the following paragraphs:

“(4.1) section 74 of the Act respecting truck transportation (chapter C-5.1);

“(9.1) section 49.1 of the Grain Act (chapter G-1.1);

“(13.1) section 191.1 of the Act respecting the marketing of agricultural, food and fish products (chapter M-35.1);

“(14.1) section 51.1 of the Farm Producers Act (chapter P-28);

“(15.1) section 49.1 of the Dairy Products and Dairy Products Substitutes Act (chapter P-30);

“(19.1) section 40.1 of the Act respecting the Régie des alcools, des courses et des jeux (chapter R-6.1);

“(20.1) section 243 of the Supplemental Pension Plans Act (chapter R-15.1);

“(20.2) section 22.3 of the Act respecting supplemental pension plans (chapter R-17);

“(24.1) section 68.1 of the Act respecting transportation by taxi (chapter T-11.1);”.

**875.** In the French text of the Acts and regulations referring to a permit or licence, the words “émettre” and “émission” are replaced, with the necessary modifications, by the words “délivrer” and “délivrance”, respectively.

In the French text of the Acts and regulations referring to a permit or licence, the words “détenir” and “détenteur” are replaced, with the necessary modifications, by the words “être titulaire” and “titulaire”.

More specifically, the following provisions are amended as indicated:

(1) in section 4 of the Travel Agents Act (R.S.Q., chapter A-10), the words “a natural person holds a licence on its behalf” in the fourth line are replaced by the words “a licence is issued to a natural person on its behalf”;

(2) in the French text of paragraph 1.6 of section 7.1 of the Act respecting the Ministère de l’Industrie, du Commerce, de la Science et de la Technologie (R.S.Q., chapter M-17), the words “détenus par les ministères et organismes” are replaced by the words “dont les ministères et organismes sont titulaires”;

(3) in the French text of the second paragraph of section 39 of the Act respecting liquor permits (R.S.Q., chapter P-9.1), the words “Si le demandeur du permis en détient déjà un pour le même établissement” and the words “du permis déjà détenu” are replaced by the words “Si le demandeur est déjà titulaire d’un permis pour le même établissement” and “du permis dont il était déjà titulaire”, respectively;

(4) in the French text of paragraph 2 of section 152 of the Act respecting liquor permits (R.S.Q., chapter P-9.1), the words “un permis détenu par une personne physique” are replaced by the words “un permis dont une personne physique est titulaire”;

(5) in the French text of sections 50 and 191.33 of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1), the words “Les détenteurs de bail, de permis” are replaced by the words “Les détenteurs de bail et titulaires de permis”, and in the French text of section 142, the words “Les détenteurs de bail ou de permis” are replaced by the words “Les détenteurs de bail ou titulaires de permis”;

(6) in the French text of the second paragraph of section 28 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13), the words “en vertu du permis qu’elle détient” are replaced by the words “en vertu du permis dont elle est titulaire”;

(7) in the French text of paragraph 2 of section 496 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1), the words “qu’ autorise la détention d’un tel permis” are replaced by the words “qu’ autorise un tel permis”;

(8) in the French text of the last paragraph of section 40 of the Transport Act (R.S.Q., chapter T-12), the words “utilisé par un non-détenteur de permis” are replaced by the words “utilisé par une personne qui n’est pas titulaire d’un permis”;

(9) in the French text of section 167 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), the words “implique pour être efficace, la détention d’un permis ou d’un certificat par certaines personnes” are replaced by the words “implique pour être efficace, que certaines personnes soient titulaires d’un permis ou d’un certificat”.

**876.** The provision introduced in section 3.0.1 of the Act respecting the Ministère du Conseil exécutif enacted by section 361 of this Act comes into force on the dates indicated in respect of the following bodies and persons:

(1) the Conseil de la justice administrative, on the date of coming into force of section 165 of the Act respecting administrative justice;

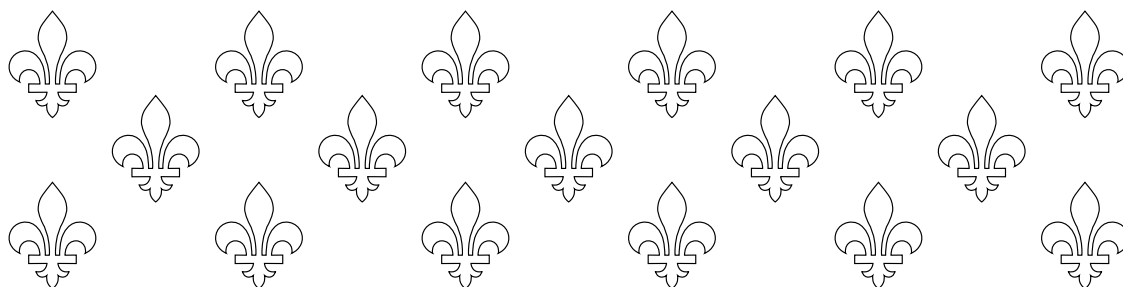
(2) the Administrative Tribunal of Québec and its members, on the date of coming into force of the code of ethics enacted pursuant to section 180 of the Act respecting administrative justice;

(3) the commissioners of the Régie du logement, on the date of coming into force of the code of ethics adopted pursuant to section 8 of the Act respecting the Régie du logement the content of which is specified in section 8.1 of that Act, enacted by section 605 of this Act;

(4) the Commission des lésions professionnelles and its members, on the date of coming into force of the code of ethics adopted pursuant to section 413 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) enacted by section 24 of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, chapter 27).

**877.** The Act respecting administrative justice and this Act come into force on 1 December 1997.

However, the Government may, by order made before that date, provide that the provisions it indicates do not come into force on that date; such provisions come into force on the date or dates to be fixed in the order or in a subsequent order.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 123  
(1997, chapter 50)

**An Act to amend various legislative provisions  
of the pension plans in the public and  
parapublic sectors**

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**Introduced 8 May 1997  
Passage in principle 21 May 1997  
Passage 18 June 1997  
Assented to 19 June 1997**

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**Québec Official Publisher  
1997**

## EXPLANATORY NOTES

*The purpose of this bill is to amend the principal pension plans in the public and parapublic sectors to introduce certain requirements arising from the applicable fiscal rules applicable to the pension plans and to give effect to the agreement in principle between the Government and the principal unions on temporary retirement measures enacted by the Act respecting the reduction of labour costs in the public sector and implementing the agreements reached for that purpose.*

*The Act respecting the Pension Plan of Certain Teachers, the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan and the Act respecting the Civil Service Superannuation Plan are amended to provide that a member ceases to participate in his or her pension plan at the latest on 31 December of the year in which he attains 69 years of age. However, the benefit earned by a person who continues to hold pensionable employment after that date is paid on the day after the day he or she ceases to be so employed.*

*The Acts mentioned above and the Act respecting the Pension Plan of Peace Officers in Correctional Services are amended to provide that interest on the amounts involved for the purchase of a period of leave without pay is calculated from the date of expiry of the proposal made by the Commission administrative des régimes de retraite et d'assurances instead of from the date on which the application is received by the Commission.*

*The Act respecting the Teachers Pension Plan and the Act respecting the Civil Service Superannuation Plan are also amended to enable a plan member to continue his or her participation in either plan even if the plan member holds, during a period of leave without pay, pensionable employment under the Act respecting the Government and Public Employees Retirement Plan.*

*The application of the provisions concerning the re-employment of a pensioner having availed himself or herself of the temporary retirement measures is suspended until 31 December 1997 to avoid the loss of certain advantages that had been granted under the Act respecting the Government and Public Employees Retirement Plan or the Act respecting the Civil Service Superannuation Plan.*



*In addition, the bill contains retirement measures that are temporary, in particular as concerns persons participating in the Pension Plan of Certain Teachers and non-unionizable employees participating in the Government and Public Employees Retirement Plan. It clarifies the provisions of the pension plans which relate to temporary retirement measures that give effect to the agreement in principle between the Government and the major unions. The bill also proposes more flexible rules to facilitate access to the above-mentioned temporary retirement measures for persons who may avail themselves of the measures.*

*Finally, the bill contains the necessary technical or consequential amendments to facilitate the administration of the pension plans administered by the Commission administrative des régimes de retraite et d'assurances.*

**LEGISLATION AMENDED BY THIS BILL :**

- Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);
- Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12).



## Bill 123

### AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS OF THE PENSION PLANS IN THE PUBLIC AND PARAPUBLIC SECTORS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

**1.** Section 4.1 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by adding, at the end, the following paragraph :

“Participation in this plan shall cease, at the latest, on 30 December of the year in which the person attains 69 years of age.”

**2.** Section 8 of the said Act is amended by replacing the figure “31.2” in the last line of the first paragraph by the figure “31.3”.

**3.** Section 17 of the said Act is amended by replacing the figure “71” in subparagraph 2 of the third paragraph by the figure “69”.

**4.** Section 19 of the said Act is amended by adding, at the end of the second paragraph, the following words : “except where he continues to hold pensionable employment under the plan after 30 December of the year in which he attains 69 years of age.”

**5.** Section 23 of the said Act is amended

(1) by inserting, in the French text, the words “du premier alinéa” after the figure “5.1<sup>o</sup>” in the first line of the first paragraph ;

(2) by replacing the words “paragraph 2” in the fourth line of the first paragraph by the words “subparagraph 2 of the first paragraph” ;

(3) by replacing the words “that section” in the last line of the second paragraph by the words “the first paragraph of section 19”.

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

“Notwithstanding the first paragraph, where a person continues to hold pensionable employment after 30 December of the year in which he attains

69 years of age, the reduction provided for in the first paragraph applies from the month following that date as if he had retired.”

**7.** The said Act is amended by inserting, after section 27, the following division :

**“DIVISION I.1**

**“MAXIMUM BENEFITS**

**“27.1.** The pension amounts computed pursuant to Division I of this chapter shall be granted only within the limits authorized under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).”

**8.** Section 28 of the said Act is amended

(1) by striking out the words “or not later than 31 December of the year in which he attains 71 years of age” in the second and third lines ;

(2) by inserting, after the first sentence, the following sentences: “The person is presumed to retire on the day after the day on which he ceases to participate in the plan. However, where the person continues to hold pensionable employment after 30 December of the year in which he attains 69 years of age, the day after the day on which the employee ceases to hold such an employment is the day on which he retires.”

**9.** The said Act is amended by inserting, after section 35, the following division :

**“DIVISION III.2**

**“TEMPORARY MEASURES**

**“§ 1. — *Applicability and miscellaneous provisions***

**“35.1.** This division applies to every person whose application to that effect is received by the Commission on or before 11 July 1997 and who

(1) has not, before 19 December 1996, entered into an agreement with his employer within the scope of measures designed to reduce personnel or of any other measure designed to promote retirement or, where applicable, waives such an agreement entered into after 18 December 1996 within the scope of measures in force before that date ;

(2) ceases to participate in the plan and retires before 3 July 1997.

**“35.2.** A person who meets the requirement of paragraph 1 of section 35.1 and who is eligible for a pension under this division before 2 July 1997 may cease to participate in the plan, retire and avail himself of the provisions of that division not later than 2 July 1997 or if he has sent to the Commission,

within 30 days from the date of receipt of a statement of his benefits under the plan sent by the Commission for the application of the measures provided for in this division, an application for an estimate of his pension, at the end of a 30-day period after the date of receipt of an estimate of his pension made by the Commission, whichever is later.

The Government may, by regulation, determine in what cases and subject to what terms and conditions a person may avail himself of the provisions of this division on a date subsequent to 2 July 1997.

**“35.3.** The measures provided for by this division, except in respect of a person who has availed himself thereof, apply until 2 July 1997, subject to the provisions of this subdivision.

*“§ 2. — Temporary criteria of eligibility for a pension*

**“35.4.** Notwithstanding section 19, a pension may also be granted to a person who has, in years of age and years of service, a combined total of 80 or more, if he is at least 55 years of age.

The person is required to be a member of the plan at the time he retires under that criterion.

**“35.5.** Notwithstanding the second paragraph of section 23, a pension granted under subparagraph 6 of the first paragraph of section 19 and increased in accordance with section 20 is reduced for its duration by 0.25% per month, computed for each month comprised between the earlier of the date on which the pension is granted and the first date on which the pension would otherwise have been granted to him without actuarial reduction under the first paragraph of that section or under the first paragraph of section 35.4.

**“35.6.** If a person who could have availed himself of the measures provided for by this division dies before the measures cease to apply in his respect, the spouse’s pension shall be computed as if that person had retired on the day of his death.

*“§ 3. — Additional benefits*

**“35.7.** A person is also entitled, where applicable, to have added to the amount of his pension the amounts provided for by sections 85.27 and 85.28 of the Act respecting the Government and Public Employees Retirement Plan in respect of the years or parts of a year of service for which pension credit is granted under sections 101, 113 and 158 of that Act and which are used for the purposes of entitlement to a pension under this plan, without account being taken of the limit on the number of years of service prescribed in the first paragraph of that section 85.27. Sections 35.5 and 35.6 of this Act and sections 85.30 and 85.31 of the Act respecting the Government and Public Employees Retirement Plan, adapted as required, apply in respect of pension amounts so added.

The limit prescribed in the first paragraph of section 22 applies to pension amounts added pursuant to the first paragraph.

“§ 4. — *Actuarial valuation*

**“35.8.** The Comité de retraite referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan must request the Commission to cause to be prepared on or before 31 October 1998 by the actuaries it designates the valuation of additional actuarial commitments arising out of the introduction of the temporary criterion of eligibility for a pension provided for by subdivision 2 and of the actuarial reductions which will not be made pursuant to that subdivision as well as the valuation of the actuarial value of the additional benefits under subdivision 3.”

**10.** Section 59 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“Even in the absence of an application for payment, any benefit payable under this Act shall be paid on or before 31 December of the year in which the person attains 69 years of age or, where he continues to hold pensionable employment under the plan on that date, from the date on which he retires.”

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS  
IN CORRECTIONAL SERVICES

**11.** Section 24.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) is amended by striking out the words “must apply to the Commission within 60 months after the date on which he ceased to be such a member of staff, and” in the first three lines of the second paragraph.

**12.** Section 30 of the said Act is amended by replacing the second sentence of the second paragraph by the following sentence: “Any amount paid by instalments bears interest, compounded annually, at the rate in force on the date the application is received under the Act respecting the Government and Public Employees Retirement Plan and computed from the date on which the redemption proposal made by the Commission expires.”

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES  
RETIREMENT PLAN

**13.** Section 4 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by replacing the figure “71” in the second line of paragraph 2 by the figure “69”.

**14.** Section 5 of the said Act is amended by replacing the figure “71” in the second line by the figure “69”.

**15.** Section 19 of the said Act is amended by adding the words “under the provisions of the plan” at the end of the first sentence of the first paragraph.

**16.** Section 26 of the said Act is amended by replacing the second paragraph by the following paragraph :

“Any amount paid by instalments bears interest, compounded annually, at the rate in force on the date on which the application is received and computed from the date on which the redemption proposal made by the Commission expires.”

**17.** The said Act is amended by inserting, after section 31.2, the following section :

“**31.3.** The amounts paid pursuant to sections 31 to 31.2 must be qualifying employer premiums within the meaning of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).”

**18.** Section 33 of the said Act is amended

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

“**33.** An employee who ceases to participate in the plan is entitled to a pension if he”,

and by striking out the word “who” in subparagraphs 1, 2, 3 and 4 of the first paragraph ;

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

“The pension is granted to the employee on the date on which he retires within the meaning of section 40.”

**19.** The heading of subdivision 2 of Division I of Chapter IV of Title I of the said Act is amended by striking out the words “*and payment*”.

**20.** Section 35 of the said Act is amended by replacing the first paragraph by the following paragraph :

“**35.** The annual amount of the employee’s pension is equal, on the date on which he ceases to participate in the plan, to the total of the following amounts :

(1) the amount obtained by multiplying the average pensionable salary obtained pursuant to the first paragraph of section 36 by 2% per year of service credited before 1 January 1992 ;

(2) the amount obtained by multiplying the average pensionable salary obtained pursuant to the second paragraph of section 36 by 2% per year of service credited after 31 December 1991.”

**21.** Section 38 of the said Act is amended by replacing the words “under this division or, as the case may be, under Title IV.1” in the last two lines by the words “, at the time he ceased to participate in the plan, under this division or, as the case may be, pursuant to Title IV.1 where the related provisions of that Title have not ceased to have effect on the date on which he retires”.

**22.** Section 39 of the said Act is amended by adding, at the end, the following paragraph :

“However, where the employee continues to hold pensionable employment under the plan after 30 December of the year in which he attains 69 years of age, the reduction provided for in the first paragraph applies from the month following that date as if he had retired.”

**23.** The said Act is amended by inserting, after section 39, the following :

“§ 3. — *Maximum benefits*

“**39.1.** The pension amounts computed pursuant to subdivision 2 of this division shall be granted only within the limits authorized under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).

“§ 4. — *Payment of pension*”.

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

“**40.** The pension becomes payable to the employee entitled to it from the day on which he retires.

An employee who ceases to participate in the plan and is eligible for a pension without actuarial reduction is presumed to retire on the day after the day on which he ceases to participate in the plan. However, if the employee continues to hold pensionable employment under the plan after 30 December of the year in which he attains 69 years of age, the day after the day on which he ceases to hold such employment is the day on which he retires.

An employee who ceases to participate in the plan, who is eligible for an actuarially reduced pension and who applies therefor retires

(1) on the day after the day on which he ceases to participate in the plan, if his pension application is received at the Commission within 60 days of the day on which he ceases to participate in the plan ;

(2) on the date of receipt of his pension application if the date falls more than 60 days after the date on which he ceased to participate in the plan, but not after the date on which the pension would otherwise have been granted to him without actuarial reduction at the time he ceased to participate in the plan ;



(3) on the date indicated in his pension application if it is after the date of receipt of the application and the date on which he ceased to participate in the plan, but not after the date on which the pension would otherwise have been granted to him without actuarial reduction at the time he ceased to participate in the plan; or

(4) on the first date on which a pension would otherwise have been granted to him without actuarial reduction at the time he ceased to participate in the plan if the date of receipt of the pension application is subsequent to that date.

However, where the employee referred to in the third paragraph does not apply for a pension, he is presumed to retire on the first date on which a pension would otherwise have been granted to him without actuarial reduction at the time he ceased to participate in the plan.”

**25.** Section 43 of the said Act is amended by adding, at the end, the following paragraph :

“The first paragraph also applies to the spouse of the employee who ceased to participate in the plan and was eligible for a pension.”

**26.** Section 43.2 of the said Act is amended by replacing the words “the employee” in the second line of the first paragraph by the words “a person participating in the plan”.

**27.** Section 60 of the said Act, amended by section 15 of chapter 53 of the statutes of 1996, is again amended by replacing the figure “71” in the second line of the second paragraph by the figure “69”.

**28.** Section 64 of the said Act is amended

(1) by replacing the words “or part of day preceding the day he retired” in the first and second lines of subparagraph 1 of the first paragraph by the words “he ceased to participate in the plan”;

(2) by replacing the words “or part of day preceding the day he retired” in the first and second lines of subparagraph 2 of the first paragraph by the words “he ceased to participate in the plan”.

**29.** Section 66 of the said Act is amended

(1) by replacing the word “retired” in the second line of the first paragraph by the words “ceased to participate in the plan”;

(2) by replacing the words “benefits in the year he retired” in the second line of the second paragraph by the words “or would have received benefits in the year he ceased to participate in the plan”.

**30.** Section 73 of the said Act is amended by replacing the figure “71” in the third line by the figure “69”.

**31.** Section 78 of the said Act is amended

(1) by replacing the word “retired” in the second line of subparagraph 1 of the first paragraph by the words “ceased to participate in this plan”;

(2) by replacing the words “in the proportion provided for in subparagraph 1 of the first paragraph” in the second and third lines of the second paragraph by the words “proportionately to the number of days for which the pension was paid or would have been paid in the year in which the employee retired in relation to the total number of days in that year”.

**32.** Section 85.12 of the said Act is amended by adding, at the end, the following paragraph :

“Notwithstanding the first and second paragraphs, a pensioner who wishes to retain the amount added under section 85.7 and any benefit granted under section 85.9 is not entitled to the salary attached to the employment held. In that case, the pensioner continues to be entitled to such amount and such benefits, and his pension and other benefits shall continue to be paid to him and the provisions of the pension plans relating to a pensioner’s return to work do not apply.”

**33.** Section 85.16 of the said Act is amended by adding, at the end, the following paragraph :

“Notwithstanding the first and second paragraphs, a pensioner who wishes to retain his pension and other benefits is not entitled to the salary attached to the employment held. In that case, his pension and other benefits shall continue to be paid to him and the provisions of the pension plans relating to a pensioner’s return to work referred to in the first paragraph do not apply.”

**34.** Section 85.22 of the said Act, enacted by section 28 of chapter 7 of the statutes of 1997, is amended by striking out the last paragraph.**35.** Section 85.23 of the said Act, enacted by section 28 of chapter 7 of the statutes of 1997, is amended by replacing the first paragraph by the following paragraph :

“**85.23.** An employee who meets the requirements of subparagraphs 1 to 3 of the first paragraph of section 85.22 and who is eligible for a pension under this chapter before 2 July 1997 may cease to participate in the plan, retire and avail himself of the provisions of that chapter not later than 2 July 1997 or if he has sent to the Commission, within 30 days from the date of receipt of a statement of his benefits under the plan sent by the Commission for the application of the measures provided for in this chapter, an application for an estimate of his pension, at the end of a 30-day period after the date of receipt of an estimate of his pension made by the Commission, whichever is later.”

**36.** Section 85.27 of the said Act, enacted by section 28 of chapter 7 of the statutes of 1997, is amended by replacing the words “credited to her under section 221.1 or that has been recognized in her respect under that section for the purposes of entitlement to a pension under this plan” in the sixth, seventh and eighth lines of the first paragraph by the words “credited to that employee under section 221.1 solely for purposes of eligibility for a pension under this plan”.

**37.** Section 85.32 of the said Act, enacted by section 28 of chapter 7 of the statutes of 1997, is amended by replacing the first paragraph by the following paragraph:

“**85.32.** If an employee who could have availed himself of the measures provided for by this chapter dies before the measures cease to apply in his respect, the spouse’s pension shall be computed as if that employee had retired on the day of his death.”

**38.** Section 85.33 of the said Act, enacted by section 28 of chapter 7 of the statutes of 1997, is amended by replacing the last two sentences by the following: “The total amount paid in connection with departure incentives in respect of persons who retired during the period in which the following measures applied must be added to the actuarial value of the commitments and benefits:

(1) the measures provided for in this chapter, in Division VII of Chapter IV of the Act respecting the Teachers Pension Plan, in Division II.2 of the Act respecting the Civil Service Superannuation Plan or in Division III.2 of Chapter V of the Act respecting the Pension Plan of Certain Teachers;

(2) the measures enacted under section 10 or 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan that are similar to those referred to in subparagraph 1.

The amount of the additional budget allotted to the Commission for the administration of the measures referred to in subparagraphs 1 and 2 of the first paragraph and for the costs arising from the financial services the Commission provides to the persons concerned by the measures must also be added to the actuarial value of the commitments and benefits.

The persons referred to in the first paragraph are persons who would be employees who may be unionized within the meaning of the Act respecting the Government and Public Employees Retirement Plan on 31 December 1996 and at the time they cease to participate in their pension plan.”

**39.** Section 85.34 of the said Act, enacted by section 28 of chapter 7 of the statutes of 1997, is amended

(1) by replacing the figure “66.6” in the third line of the first paragraph by the figure “66.7”;

(2) by replacing the words “and in section 99.28 of the Act respecting the Civil Service Superannuation Plan” in the fourth and fifth lines of the first paragraph by the words “, in section 99.28 of the Act respecting the Civil Service Superannuation Plan and in section 35.8 of the Act respecting the Pension Plan of Certain Teachers, in respect, in the latter three cases, of persons who would be employees who may be unionized within the meaning of the Act respecting the Government and Public Employees Retirement Plan on 31 December 1996 and at the time they cease to participate in their pension plan,”;

(3) by replacing the figure “66.6” in the second line of the second paragraph by the figure “66.7”;

(4) by replacing the words “and in section 99.28 of the Act respecting the Civil Service Superannuation Plan” in the third and fourth lines of the second paragraph by the words “, in section 99.28 of the Act respecting the Civil Service Superannuation Plan and in section 35.8 of the Act respecting the Pension Plan of Certain Teachers”;

(5) by striking out the words “pursuant to section 130” in the fifth line of subparagraph 2 of the second paragraph.

**40.** Section 86 of the said Act is amended

(1) by striking out the words “up to a maximum of 15 years” in the third line of the first paragraph;

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

“The Government may determine, by regulation, the number of years or parts of years of past service as a remunerated trainee that may be credited to an employee who belongs to a category or subcategory determined by the regulation, in particular, according to his employer, subject to the rules, terms and conditions prescribed by the regulation ; such number may vary according to the category or subcategory.

However, the total number of years or parts of years of past service that may be credited to an employee under the first and second paragraphs shall not exceed 15 years and those for which a pension or deferred pension is payable under a pension plan shall not be credited.”

**41.** Section 91 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: “However, the employee may, on request, obtain that his pension credit be granted to him on any date subsequent to the date on which he retires but not later than the date of his sixty-fifth birthday.”

**42.** Section 92 of the said Act is amended by replacing the words “annual pension” in the first line of the first paragraph by the words “pension credit”.

**43.** Section 96 of the said Act is amended by replacing the figure “71” in subparagraph 2 of the second paragraph by the figure “69”.

**44.** Section 107 of the said Act is amended by adding, at the end, the following sentence: “The pension credit shall also be adjusted in the same manner for the period between the date on which the person ceases to participate in the plan and the date on which the pension credit is granted.”

**45.** Section 114.1 of the said Act is amended by striking out the words “must apply to the Commission within 60 months after the date on which he ceased to be such a member of staff, and” in the first three lines of the second paragraph.

**46.** Section 134 of the said Act is amended by inserting, after paragraph 11.2, the following paragraph:

“(11.3) determine, for the purposes of the second paragraph of section 86, categories or subcategories of employees and rules, terms and conditions to have years or parts of years of past service as a paid trainee credited; determine, for the purposes of that paragraph, the years or parts of years of past service which may be credited and their number, which may vary according to the category or subcategory;”.

**47.** Section 151 of the said Act is amended by replacing the word “either” in the fifth line of the first paragraph by the word “any” and by adding, at the end of the first paragraph, the following subparagraph:

“(3) 31 December of the year in which the person attains 69 years of age or the date on which he retires after that date if he continues to hold pensionable employment under his plan after 31 December of that year.”

**48.** Section 201 of the said Act is amended by adding, at the end, the following paragraph:

“Notwithstanding the first paragraph, a pensioner who wishes to retain the pension amount pertaining to the number added to his years of service is not entitled to the salary attached to the employment held. In that case, the reduction provided for in that paragraph does not apply and his pension shall continue to be paid to him, and the provisions of the pension plans relating to a pensioner’s return to work do not apply.”

**49.** Section 207 of the said Act is amended

(1) by inserting the words “referred to in the first paragraph” after the word “person” in the first line of the second paragraph;

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

“Notwithstanding the first paragraph, a person referred to in the first paragraph who wishes to retain the amount added to his pension is not entitled to the salary attached to the employment held. In that case, the pensioner shall continue to be entitled to the amount added to his pension which shall continue to be paid to him and the second paragraph and the provisions of the pension plans relating to the return to work of a pensioner under 65 years of age do not apply.”

**50.** Section 215 of the said Act is amended

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

**“215.** The measures provided for by this Title are under the responsibility of the Government. However, the measures set out in Chapters II and V are under the responsibility of employers required to pay contributory amounts to the Commission under section 31 of this Act, section 31 of the Act respecting the Teachers Pension Plan or section 72 of the Act respecting the Civil Service Superannuation Plan.”;

(2) by replacing the words “of a measure” in the first line of the second paragraph by the words “of the measures provided for by this Title”.

**51.** Section 215.0.2 of the said Act is amended by adding, at the end, the following paragraph:

“Notwithstanding the first and second paragraphs, a pensioner who wishes to retain his pension and other benefits is not entitled to the salary attached to the employment held. In that case, his pension and other benefits shall continue to be paid to him and the provisions of the pension plans relating to a pensioner’s return to work referred to in the second paragraph do not apply.”

**52.** Section 215.5.0.4 of the said Act is amended by adding, at the end, the following paragraph:

“For the purposes of the first paragraph, the provisions relating to the temporary measures provided for by this Act, except those in this Title, do not apply.”

**53.** The said Act is amended by inserting, after section 215.11, the following Title:

**“TITLE IV.1.1**

**“TEMPORARY MEASURES FOR NON-UNIONIZABLE EMPLOYEES**

**“CHAPTER I**

**“APPLICABILITY AND MISCELLANEOUS PROVISIONS**

**“215.11.1.** This Title applies to every non-unionizable employee whose application to that effect is received by the Commission on or before 10 October 1997 and who

(1) on 31 December 1996 was a member of the plan provided for in this Act as an employee who is not unionizable ;

(2) has never availed or is not availing himself of the temporary criterion of eligibility for a pension of 35 years of service provided for by Division IV of Chapter V.1 of Title I, of the measures respecting early retirement provided for in Division III of Chapter V.1 of Title I, in Chapter III of Title IV including the special application provisions which are or were applicable under Title IV.1, or in subdivision 3 of Division II.1 of the Act respecting the Civil Service Superannuation Plan, of the measures provided for in the Act respecting the payment of a retirement allowance and other benefits and amending the Act respecting the Government and Public Employees Retirement Plan (1992, chapter 62) or of special measures enacted pursuant to Title IV.2 and designed to compensate, in whole or in part, the actuarial reduction of pension benefits ;

(3) waives an agreement entered into with his employer within the scope of measures designed to reduce personnel or of any other measure designed to promote retirement that were in force before 22 May 1997 ;

(4) ceases to participate in the retirement plan provided for in this Act and retires before 2 October 1997.

The Government may determine by regulation, in the circumstances it determines, any other terms and conditions to be satisfied by an employee to avail himself of the measures provided for by this Title. The regulation may, if it so provides, have effect on any date not prior to 22 March 1997.

**“215.11.2.** An employee who meets the requirements of subparagraphs 1 to 3 of the first paragraph of section 215.11.1 and who is eligible for a pension under this Title before 1 October 1997 may cease to participate in the retirement plan provided for in this Act, retire and avail himself of the provisions of this Title not later than 1 October 1997 or if he has sent to the Commission, within 30 days from the date of receipt of a statement of his benefits under the plan and an estimate of his pension sent by the Commission for the application of the measures provided for in this Title, an application for redemption of years or parts of years of service, at the end of a 30-day period after the date of receipt of a new estimate of his pension with a redemption proposal made by the Commission, whichever is later.

The Government may, by regulation, determine in what cases and subject to what terms and conditions the employee may avail himself of the provisions of this Title on a date subsequent to 1 October 1997.

**“215.11.3.** The measures provided for by this Title, except in respect of a person who has availed himself thereof, apply until 1 October 1997, subject to the provisions of this chapter.

**“215.11.4.** Any decision made in respect of a person pursuant to the provisions of this Title may be contested in the manner provided for by the retirement plan under this Act.

## “CHAPTER II

### “TEMPORARY CRITERIA OF ELIGIBILITY FOR A PENSION

**“215.11.5.** Notwithstanding sections 33 and 215.5.0.1, a pension shall be granted to every non-unionizable employee who

- (1) has, in years of age and years of service, a combined total of 80 or more, if he is at least 55 years of age;
- (2) has attained 60 years of age;
- (3) has, in years of age and years of service, a combined total of 90 or more;
- (4) has attained 55 years of age.

The employee is required to participate in the plan under this Act at the time he retires under any of the criteria listed above.

**“215.11.6.** In the cases described in subparagraphs 3 and 4 of the first paragraph of section 215.11.5, the employee’s pension is reduced for its duration by 1/4 of 1% per month, computed for each month comprised between the date on which the pension is granted and the first date on which the pension would otherwise have been granted to him without actuarial reduction under subparagraph 1 or 2 of the first paragraph of that section.

**“215.11.7.** If an employee who could have availed himself of the measures provided for by this Title dies before the measures cease to apply in his respect, the spouse’s pension shall be computed as if that employee had retired on the day of his death.

## “CHAPTER III

### “ADDITIONAL BENEFITS

**“215.11.8.** An employee is also entitled, where applicable, to have the pension amounts provided for by sections 85.27 and 85.28 added to the amount of his pension. Sections 85.30, 85.31, 215.11.6 and 215.11.7, adapted as required, apply in respect of pension amounts so added.



**“CHAPTER IV****“FUNDING OF MEASURES AND ACTUARIAL VALUATION**

**“215.11.9.** The Comité de retraite referred to in section 173.1 must request the Commission to cause to be prepared on or before 31 December 1998 by the actuaries it designates the valuation of additional actuarial commitments arising out of the introduction of the temporary criteria of eligibility for a pension provided for by Chapter II and of the actuarial reductions which will not be made pursuant to that chapter, and the valuation of the actuarial value of the additional benefits under Chapter III. The amount of the additional budget allotted to the Commission for the administration of the measures provided for by this Title and those under paragraphs 1 and 2 of section 85.33 in respect of, in the latter case, persons who would be non-unionizable employees within the meaning of the Act respecting the Government and Public Employees Retirement Plan on 31 December 1996 and for the costs arising from the financial services the Commission provides to the persons concerned by the measures must be added to the actuarial value of the commitments and benefits. The total amount paid in connection with departure incentives in respect of such employees in the education sector who retired in the period of application of the measures provided for by this Title or of those provided for by paragraphs 1 and 2 of section 85.33 must also be added to the actuarial value of the commitments and benefits.

**“215.11.10.** The sum of the additional actuarial commitments and of the actuarial value of the additional benefits referred to in section 215.11.9 shall be shared equally between employees and employers.

The Commission shall transfer, after production of the actuarial valuation referred to in section 215.11.9, from the non-unionizable employees' contribution fund at the Caisse de dépôt et placement du Québec to the employers' contributory fund at the Caisse, the amount resulting from the difference between the amounts obtained pursuant to the following subparagraphs 1 and 2:

(1) one-half of the sum referred to in the first paragraph, up to the sum of 75.7 million dollars established at 31 December 1996;

(2) the portion of the additional actuarial commitments and of the actuarial value of the additional benefits referred to in section 215.11.9 that is borne by the contribution fund of the non-unionizable employees of the Government and Public Employees Retirement Plan at the Caisse de dépôt et placement du Québec.

If the amount under subparagraph 2 of the second paragraph is greater than the sum of 75.7 million dollars referred to in subparagraph 1 of that paragraph, the Commission shall transfer the excess amount from the employers' contributory fund at the Caisse to the non-unionizable employees' contribution fund referred to in that paragraph.

**“CHAPTER V****“ADMINISTRATION**

**“215.11.11.** The Commission shall administer this Title.”

**54.** Section 215.13 of the said Act, amended by section 29 of chapter 7 of the statutes of 1997, is again amended by replacing the words “that result from agreements to reduce certain costs arising from a collective agreement” in the seventh, eighth and ninth lines of subparagraph 1 of the first paragraph by the words “to reduce certain costs arising from the conditions of employment”.

**55.** Section 216 of the said Act is amended by adding, at the end, the following paragraph:

“Even in the absence of an application for payment, any benefit payable under this plan shall be paid on or before 31 December of the year in which the employee attains 69 years of age or, where he continues to hold pensionable employment under the plan on that date, from the date on which he retires.”

**56.** Section 221 of the said Act is amended by replacing the second sentence of the last paragraph by the following sentence: “Any amount paid by instalments bears interest, compounded annually, at the rate in force on the date on which the application is received and computed from the date on which the redemption proposal made by the Commission expires.”

**57.** Schedule I to the said Act, amended by Orders in Council 556-96 and 557-96 dated 15 May 1996, 821-96 dated 3 July 1996, 1051-96 dated 28 August 1996, 1493-96 dated 4 December 1996 and 1589-96 dated 18 December 1996, is again amended by inserting the words “Hypothèques CDPQ, Société en nom collectif” in paragraph 1, in alphabetical order.

**58.** Schedule II to the said Act, amended by Order in Council 556-96 dated 15 May 1996, is again amended by inserting the words “, except employees of the Collège Français primaire inc. and the Collège Français (1965) inc. engaged after 18 June 1997 during the years or parts of a year in which they pay contributions to the Régime général des retraites de l’État français” after the words “Private educational institutions accredited for purposes of subsidies by virtue of the Act respecting private education (chapter E-9.1)” in paragraph 1.

**ACT RESPECTING THE TEACHERS PENSION PLAN**

**59.** Section 4 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing the figure “71” in the second line by the figure “69”.

**60.** Section 5 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“A teacher who, during a leave without pay, holds pensionable employment under the Government and Public Employees Retirement Plan is a member of this plan in respect of that employment.”

**61.** Section 10 of the said Act is amended by adding, at the end, the following paragraph :

“Even in the absence of an application for payment, any benefit payable under this plan shall be paid on or before 31 December of the year in which the teacher attains 69 years of age or, where he continues to hold pensionable employment under the plan on that date, from the date on which he retires.”

**62.** Section 16 of the said Act is amended by adding the words “under the provisions of the plan” at the end of the first sentence of the first paragraph.

**63.** Section 21 of the said Act is amended by striking out the last two paragraphs.

**64.** The said Act is amended by inserting, after section 31.1, the following section :

“**31.2.** The amounts paid pursuant to this division must be qualifying employer premiums within the meaning of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).”

**65.** Section 32 of the said Act is amended

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

“**32.** Any teacher who ceases to participate in the plan is entitled to a pension if the teacher”

and by striking out the word “who” in subparagraphs 1 to 7 of the first paragraph;

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

“The pension is granted to the teacher on the date on which he retires within the meaning of section 41.”

**66.** Section 34 of the said Act is amended by replacing the first paragraph by the following paragraph :

“**34.** The annual amount of the teacher’s pension is equal, on the date on which he ceases to participate in the plan, to the total of the following amounts :

(1) the amount obtained by multiplying the average pensionable salary obtained pursuant to the first paragraph of section 35 by 2% per year of service credited before 1 January 1992 ;

(2) the amount obtained by multiplying the average pensionable salary obtained pursuant to the second paragraph of section 35 by 2% per year of service credited after 31 December 1991.”

**67.** Section 37 of the said Act is amended

(1) by inserting the words “at the time she ceased to participate in the plan” after the word “dates” in the seventh line of the first paragraph;

(2) by inserting the words “at the time he ceased to participate in the plan” after the word “him” in the fourth line of the second paragraph.

**68.** Section 38 of the said Act is amended by adding, at the end of the last paragraph, the following sentence: “In addition, where the teacher continues to hold pensionable employment under the plan after 30 December of the year in which he attains 69 years of age, the reduction applies from the month following that date as if he had retired.”

**69.** The said Act is amended by inserting, before the heading of subdivision 3 of Division I of Chapter IV, the following subdivision:

“§ 2.1. — *Maximum benefits*

“**40.1.** The pension amounts computed pursuant to subdivision 2 of this division shall be granted only within the limits authorized under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).”

**70.** Section 41 of the said Act is replaced by the following section:

“**41.** The pension becomes payable to the teacher entitled to it from the day on which he retires.

A teacher who ceases to participate in the plan and is eligible for a pension without actuarial reduction is presumed to retire on the day after the day on which he ceases to participate in the plan. However, if the teacher continues to hold pensionable employment under the plan after 30 December of the year in which he attains 69 years of age, the day after the day on which he ceases to hold such employment is the day on which he retires.

A teacher who ceases to participate in the plan, who is eligible for an actuarially reduced pension and who applies therefor retires

(1) on the day after the day on which he ceases to participate in the plan, if his pension application is received at the Commission within 60 days after the day on which he ceases to participate in the plan;

(2) on the date of receipt of his pension application if the date falls more than 60 days after the date on which he ceased to participate in the plan, but

not after the date on which the pension would otherwise have been granted to him without actuarial reduction at the time he ceased to participate in the plan;

(3) on any date indicated in his pension application if it is after the date of receipt of the application and the date on which he ceased to participate in the plan, but not after the date on which the pension would otherwise have been granted to him without actuarial reduction at the time he ceased to participate in the plan; or

(4) on the first date on which a pension would otherwise have been granted to him without actuarial reduction at the time he ceased to participate in the plan if the date of receipt of the pension application is subsequent to that date.

However, where the teacher referred to in the third paragraph does not apply for a pension, he is presumed to retire on the first date on which a pension would otherwise have been granted to him without actuarial reduction at the time he ceased to participate in the plan.”

**71.** Section 44 of the said Act is amended by adding, at the end, the following paragraph :

“The first paragraph also applies to the spouse of the teacher who ceased to participate in the plan and was eligible for a pension.”

**72.** The said Act is amended by inserting, after section 45, the following section :

**45.1.** The pension computed pursuant to subparagraph 2 of the first paragraph of section 44 and pursuant to paragraph 2 of section 45 shall not exceed  $66 \frac{2}{3}\%$  of the pension that the pensioner was receiving or, as the case may be, would otherwise have been entitled to receive, or that the teacher would have been entitled to receive, after the reduction provided for in section 38.”

**73.** Section 61 of the said Act is amended by replacing the figure “71” in the second line of the second paragraph by the figure “69”.

**74.** Section 64 of the said Act is amended

(1) by inserting the words “, except that of a deferred pension,” after the word “pension” in the first line;

(2) by replacing the word “retired” in the second line of paragraph 1 by the words “ceased to participate in this plan”;

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

“In the case of a deferred pension, the first indexing is made proportionately to the number of days for which the pension was paid or would have been paid during the year in which the teacher retired in relation to the total number of days in that year.”

**75.** Section 66.1 of the said Act, enacted by section 31 of chapter 7 of the statutes of 1997, is amended by replacing the word “before” in the fourth line of paragraph 1 by the word “after”.

**76.** Section 66.2 of the said Act, enacted by section 31 of chapter 7 of the statutes of 1997, is amended by replacing the first paragraph by the following paragraph :

“**66.2.** A teacher who meets the requirements of paragraph 1 of section 66.1 and who is eligible for a pension under this division before 2 July 1997 may cease to participate in the plan, retire and avail himself of the provisions of that division not later than 2 July 1997 or if he has sent to the Commission, within 30 days after the date of receipt of a statement of his benefits under the plan sent by the Commission for the application of the measures provided for in this division, an application for an estimate of his pension, at the end of a 30-day period after the date of receipt of an estimate of his pension made by the Commission, whichever is later.”

**77.** Section 66.6 of the said Act, enacted by section 31 of chapter 7 of the statutes of 1997, is replaced by the following section :

“**66.6.** If a teacher who could have availed himself of the measures provided for by this division dies before the measures cease to apply in his respect, the spouse’s pension shall be computed as if the teacher had retired on the day of his death.”

**78.** Section 76.1 of the said Act is amended by replacing the second sentence of the second paragraph by the following sentence: “Any amount paid by instalments bears interest, compounded annually, at the rate in force on the date the application is received under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) and computed from the date on which the redemption proposal made by the Commission expires.”

#### ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

**79.** Section 3 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing the figure “71” in the second line by the figure “69”.

**80.** Section 53.1 of the said Act is amended by replacing the figure “71” in the third line by the figure “69”.

**81.** Section 54 of the said Act is amended by inserting, after the third paragraph, the following paragraph :

“An officer who, during a leave without pay, holds pensionable employment under the Government and Public Employees Retirement Plan is a member of the plan provided for by this division in respect of that employment.”

**82.** Section 56 of the said Act is amended

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

“**56.** An officer who ceases to participate in the plan is entitled to a pension if he”;

(2) by inserting the words “, at the time he ceased to participate in the plan,” after the word “him” in the second line of subparagraph 1 of the second paragraph;

(3) by inserting the words “, at the time he ceased to participate in the plan,” after the word “reduction” in the sixth line of the third paragraph;

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

“The pension to which the officer is entitled is granted to him on the date on which he retires within the meaning of section 68.”

**83.** Section 58 of the said Act is amended by adding the words “under the provisions of the plan” at the end of the first sentence of the first paragraph.

**84.** Section 63 of the said Act is amended by replacing the first paragraph by the following paragraph :

“**63.** The annual amount of the officer’s pension is equal, on the date on which he ceases to participate in the plan, to the total of the following amounts :

(1) the amount obtained by multiplying the average pensionable salary obtained pursuant to the first paragraph of section 63.1 by 2% per year of service credited before 1 January 1992;

(2) the amount obtained by multiplying the average pensionable salary obtained pursuant to the second paragraph of section 63.1 by 2% per year of service credited after 31 December 1991.”

**85.** Section 63.3 of the said Act is amended by adding, at the end of the last paragraph, the following sentence: “In addition, where the officer continues to hold pensionable employment under the plan after 30 December of the year in which he attains 69 years of age, the reduction applies from the month following that date as if he had retired.”

**86.** The said Act is amended by inserting, after section 63.7, the following section :

**“63.7.1.** The pension amounts computed pursuant to the second and third paragraphs of section 56, sections 63 to 63.3 and sections 63.6 and 63.7 shall be granted only within the limits authorized under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).”

**87.** Section 63.8 of the said Act is amended by replacing the figure “71” in the second line of the second paragraph by the figure “69”.

**88.** Section 64.1 of the said Act is amended

(1) by inserting the words “, except that of the deferred pension,” after the word “pension” in the first line;

(2) by replacing the word “retired” in the second line of paragraph 1 by the words “ceased to participate in the plan”;

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

“In the case of a deferred pension, the first indexing is made proportionately to the number of days for which the pension was paid or would have been paid during the year in which the officer retired in relation to the total number of days in that year.”

**89.** Section 66.1 of the said Act is amended by striking out the last two paragraphs.

**90.** Section 68 of the said Act is replaced by the following section :

**“68.** The pension becomes payable to the officer entitled to it from the day on which he retires. The pension is paid to the pensioner for life.

An officer who ceases to participate in the plan and is eligible for a pension without actuarial reduction is presumed to retire on the day after the day on which he ceases to participate in the plan. However, if the officer continues to hold pensionable employment under the plan after 30 December of the year in which he attains 69 years of age, the day after the day on which he ceases to hold such employment is the day on which he retires.

An officer who ceases to participate in the plan, who is eligible for an actuarially reduced pension and who applies therefor retires

(1) on the day after the day on which he ceases to participate in the plan, if his pension application is received at the Commission within 60 days of the day on which he ceases to participate in the plan;

(2) on the date of receipt of his pension application if the date falls more than 60 days after the date on which he ceased to participate in the plan, but not after the date on which the pension would otherwise have been granted to him without actuarial reduction at the time he ceased to participate in the plan;



(3) on the date indicated in his pension application if it is after the date of receipt of the application and the date on which he ceased to participate in the plan, but not after the date on which the pension would otherwise have been granted to him without actuarial reduction at the time he ceased to participate in the plan; or

(4) on the first date on which a pension would otherwise have been granted to him without actuarial reduction at the time he ceased to participate in the plan if the date of receipt of the pension application is subsequent to that date.

However, where the officer referred to in the third paragraph does not apply for a pension, he is presumed to retire on the first date on which a pension would otherwise have been granted to him without actuarial reduction at the time he ceased to participate in the plan.”

**91.** The said Act is amended by inserting, after section 72.2, the following section :

“**72.3.** The amounts paid pursuant to the first and second paragraphs of section 72 and sections 72.1 and 72.2 must be qualifying employer premiums within the meaning of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).”

**92.** Section 76 of the said Act is amended by adding, at the end, the following paragraphs :

“The first paragraph also applies to the spouse of an officer who ceased to participate in the plan and was eligible for a pension.

The pension computed pursuant to subparagraph 2 of the first paragraph shall not exceed 66 2/3% of the pension that the pensioner was receiving or, as the case may be, would otherwise have been entitled to receive, or that the officer would have been entitled to receive, after the reduction provided for in section 63.3.”

**93.** Section 99.16 of the said Act is amended by adding, at the end, the following paragraph :

“Notwithstanding the first and second paragraphs, a pensioner who wishes to retain the amounts added under section 99.11 and the benefit granted, as the case may be, under section 99.13, is not entitled to the salary attached to the employment held. In that case, those amounts, the benefit and his pension shall continue to be paid to him, and the provisions of the pension plans relating to a pensioner’s return to work referred to in the second paragraph do not apply.”

**94.** Section 99.22 of the said Act, enacted by section 33 of chapter 7 of the statutes of 1997, is amended by replacing the word “before” in the fourth line of paragraph 2 by the word “after”.

**95.** Section 99.23 of the said Act, enacted by section 33 of chapter 7 of the statutes of 1997, is amended by replacing the first paragraph by the following paragraph:

**“99.23.** An officer who meets the requirements of paragraphs 1 and 2 of section 99.22 and who is eligible for a pension under this division before 2 July 1997 may cease to participate in the plan, retire and avail himself of the provisions of that division not later than 2 July 1997 or if he has sent to the Commission, within 30 days from the date of receipt of a statement of his benefits under the plan sent by the Commission for the application of the measures provided for in this division, an application for an estimate of his pension, at the end of a 30-day period after the date of receipt of an estimate of his pension made by the Commission, whichever is later.”

**96.** Section 99.27 of the said Act, enacted by section 33 of chapter 7 of the statutes of 1997, is replaced by the following section:

**“99.27.** If an officer who could have availed himself of the measures provided for by this division dies before the measures cease to apply in his respect, the spouse’s pension shall be computed as if the officer had retired on the day of his death.”

**97.** Section 111 of the said Act is amended by adding, at the end, the following paragraph:

“Even in the absence of an application for payment, any benefit payable under the pension plans provided for in this Act shall be paid on or before 31 December of the year in which the officer attains 69 years of age or, where he continues to hold pensionable employment under the plan on that date, from the date on which he retires.”

**98.** Section 112.1 of the said Act is amended by replacing the second sentence of the second paragraph by the following sentence: “Any amount paid by instalments bears interest, compounded annually, at the rate in force on the date the application is received under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) and computed from the date on which the redemption proposal made by the Commission expires.”

#### MISCELLANEOUS AND TRANSITIONAL PROVISIONS

**99.** Any employee of the Collège Marie de France, the Collège Stanislas inc., the Collège Français primaire inc. or the Collège Français (1965) inc. who, on 18 June 1997, is a member of the Government and Public Employees Retirement Plan or the Teachers Pension Plan may cease to participate in his plan and obtain, notwithstanding any inconsistent provision of the plans, a reimbursement of contributions if he pays, on that date, contributions to the Régime général des retraites de l’État français. To that end, the employee shall send a notice to the Commission administrative des régimes de retraite et

d'assurances before 1 July 1998 and, from the date on which the Commission receives the notice, he ceases to participate in his plan.

The Commission shall refund to the employee who sent the notice provided for in the first paragraph the contributions relating to the years and parts of years of service in respect of which he also paid contributions to the Régime général des retraites de l'État français with, where applicable, interest accrued at the rate and in the manner provided for by the Act respecting the Government and Public Employees Retirement Plan.

**100.** Any person who is not a pensioner or a member of the Government and Public Employees Retirement Plan or Teachers Pension Plan but who was a member of either of those plans before 19 June 1997 may, notwithstanding any inconsistent provision of either plan, obtain the refund of the contributions relating to the years and parts of years of service in respect of which, while he was an employee of the Collège Marie de France, the Collège Stanislas inc., the Collège Français primaire inc. or the Collège Français (1965) inc., he also paid contributions to the Régime général des retraites de l'État français with, where applicable, interest accrued at the rate and in the manner provided for by the Act respecting the Government and Public Employees Retirement Plan. To that end, the person shall send a notice to the Commission before 1 July 1998.

**101.** Notwithstanding any inconsistent provision of the Act respecting the Government and Public Employees Retirement Plan, the following years shall not be credited or transferred to that plan in respect of an employee who has availed himself of section 95 or 96 :

(1) the years or parts of years of service in respect of which contributions were refunded pursuant to section 95 or 96 ;

(2) the years and parts of years of service subsequent to 18 June 1997 at the Collège Marie de France, the Collège Stanislas inc., the Collège Français primaire inc. or the Collège Français (1965) inc. while the employee was not participating in the Government and Public Employees Retirement Plan or the Teachers Pension Plan and was paying contributions to the Régime général des retraites de l'État français.

**102.** Sections 85.12, 85.16, 201, 207 and 215.0.2 of the Act respecting the Government and Public Employees Retirement Plan and section 99.16 of the Act respecting the Civil Service Superannuation Plan, as they read before 1 January 1998, and section 215.5.2 of the Act respecting the Government and Public Employees Retirement Plan, as it read before 16 March 1995, do not apply in respect of pensioners who held or returned to pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Peace Officers in Correctional Services before 1 January 1998.

**103.** Notwithstanding the second paragraph of section 3.1 of the Act respecting the Government and Public Employees Retirement Plan, the second

paragraph of section 2.2 of the Act respecting the Teachers Pension Plan, the second paragraph of section 55.1 of the Act respecting the Civil Service Superannuation Plan or the second paragraph of section 4.1 of the Act respecting the Pension Plan of Certain Teachers, where a person ceases to participate in his plan and does not hold pensionable employment, is eligible for a pension under his plan before 22 March 1997 or, in the case of a person who has availed himself of the measures provided for in Title IV.1.1 of the Act respecting the Government and Public Employees Retirement Plan before 22 May 1997 and could, if he were to again hold pensionable employment, avail himself of the measures provided for in Chapter V.2 of Title I or Title IV.1.1 of that Act, Division VII of Chapter IV of the Act respecting the Teachers Pension Plan, Division II.2 of the Act respecting the Civil Service Superannuation Plan or Division III.2 of Chapter V of the Act respecting the Pension Plan of Certain Teachers, as the case may be, he is deemed, for the purposes of eligibility and computation of the benefits under his plan, to have ceased to participate :

(1) on 22 March 1997 if he ceases to participate in his plan before 1 June 1997 or, in the case of a person who has availed himself of the measures provided for in the said Title IV.1.1, on 22 May 1997 if he ceases to participate in his plan before 1 September 1997;

(2) on the day on which he ceases to participate in his plan, if that day is after 31 May 1997 or 31 August 1997, whichever applies.

Notwithstanding section 40 of the Act respecting the Government and Public Employees Retirement Plan, section 41 of the Act respecting the Teachers Pension Plan or section 68 of the Act respecting the Civil Service Superannuation Plan, a person referred to in the first paragraph is deemed to retire on the day following the day on which the person is deemed to have ceased to participate in his plan in accordance with that paragraph. Notwithstanding sections 40, 41 and 68, a person who ceases to participate in his plan while not holding pensionable employment and who becomes eligible under the measures provided for in the first paragraph for those retirement plans for a reduced pension after 21 March 1997 or, in the case of a person who has availed himself of the measures provided for in Title IV.1.1, after 21 May 1997, is deemed to retire on the day following the day on which he is deemed to have ceased to participate in his plan in accordance with the provisions of the plan.

**104.** Notwithstanding the Act respecting the Pension Plan of Certain Teachers, the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan and the Act respecting the Civil Service Superannuation Plan, a pensioner under any of those plans who has availed himself of the measures provided for in Division III.2 of Chapter V of the Act respecting the Pension Plan of Certain Teachers, in Chapter V.2 of Title I or in Title IV.1.1 of the Act respecting the Government and Public Employees Retirement Plan, Division VII of Chapter IV of the Act respecting the Teachers Pension Plan or Division II.2 of the Act respecting the Civil

Service Superannuation Plan may redeem years or parts of years of service in accordance with the provisions of any of those plans if his application for redemption is received by the Commission administrative des régimes de retraite et d'assurances on or before 11 July 1997 or, in the case of a pensioner who has availed himself of the measures provided for in the said Title IV.1.1, on or before 10 October 1997. However, the redemption cost shall be paid in cash in accordance with those provisions.

**105.** For the purposes of subparagraph 4 of the first paragraph of section 3 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1), a hospital school of nursing situated in Québec is considered to be a private institution belonging to a religious community or the secular clergy.

**106.** Notwithstanding any inconsistent provision of the Act respecting the Government and Public Employees Retirement Plan, for the purposes of the provisions of that Act which relate to the measure concerning the sabbatical with deferred salary, an agreement relating to that measure entered into by a person who retires while covered by the agreement and in the period of application of the measures referred to in section 85.33 or in Title IV.1.1 of that Act is deemed to end on the date preceding the date on which the person retires.

**107.** Notwithstanding any contrary provision made under the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan or the Act respecting the Civil Service Superannuation Plan and for the purposes of the provisions made under those Acts relating to phased retirement, an agreement concerning that measure entered into by a person who retires during the first year of the agreement and during the period of application of the measures referred to in section 85.33 or in Title IV.1.1 of the Act respecting the Government and Public Employees Retirement Plan is deemed to end on the date preceding the date on which he retires.

**108.** The provisions relating to the return to work of a pensioner to which section 37 of the Act respecting the Pension Plan of Certain Teachers refers do not apply before 1 September 1997 in respect of a person who availed himself of the temporary measures enacted under section 9 and who again holds pensionable employment under the Government and Public Employees Retirement Plan before that date. That person does not participate in the plan for the duration of the time during which those provisions do not apply.

**109.** Notwithstanding section 125 of the Act respecting the Government and Public Employees Retirement Plan, the amendments relating to the temporary measures made to the retirement plans established under sections 10 and 10.0.1 of that Act by the first order in council concerning those measures made pursuant to those sections after 19 June 1997, may be made without increasing employee contributions and the additional costs resulting from the amendments shall be paid out of the actuarial surplus of each of those plans, respectively.

**110.** The Government may determine, for the administration of the temporary measures referred to section 215.11.9 of the Act respecting the Government and Public Employees Retirement Plan and for the costs arising from the financial services provided to the persons concerned by the measures, an amount in addition to the total amount of the annual budget of the Commission administrative des régimes de retraite et d'assurances for the budget year beginning on 1 April 1997. For that purpose, the required sums shall be taken in equal parts from the contribution fund of the non-unionizable employees of the Government and Public Employees Retirement Plan at the Caisse de dépôt et placement du Québec and from the consolidated revenue fund.

The sums required for the administration of the temporary measures referred to in sections 9 and 109 and for the costs arising from the financial services provided to the persons concerned by the measures shall be taken from the additional amount allotted to the Commission under the first paragraph of section 55 of the Act respecting the reduction of labour costs in the public sector and implementing the agreements reached for that purpose (1997, chapter 7) in respect of persons who would be employees who may be unionized within the meaning of the Act respecting the Government and Public Employees Retirement Plan.

**111.** Section 146.1 of the Act respecting the Government and Public Employees Retirement Plan also applies to a pension estimate made by the Commission administrative des régimes de retraite et d'assurances in connection with the temporary measures referred to in section 85.33 or in Title IV.1.1 of that Act.

Notwithstanding the first paragraph of section 147.0.4 of that Act, any decision of the Commission concerning the number of years or parts of a year in a redemption proposal made with such a pension estimate is, subject to the provisions of the pension plans concerning redemption proposals, irrevocable from the date on which it is sent by the Commission. However, section 216.1.1 of the Act respecting the Government and Public Employees Retirement Plan, section 10.1.1 of the Act respecting the Teachers Pension Plan, section 111.0.1.1 of the Act respecting the Civil Service Superannuation Plan and section 59.1.1 of the Act respecting the Pension Plan of Certain Teachers do not apply in respect of such a redemption proposal.

**112.** The Government may determine by regulation, in respect of employees participating in the Government and Public Employees Retirement Plan on 31 December 1996, the circumstances and conditions under which those employees, for the purposes of Chapter V.2 of Title I of the Act respecting the Government and Public Employees Retirement Plan or for the purposes of Title IV.1.1 of that Act, are deemed to be employees who may be unionized or who are non-unionizable, as the case may be. In addition, the regulation may determine, for the purposes of section 103, the date on which a person ceases to participate in the plan and the date on which he retires; both dates may vary according to the date on which the person is eligible for a pension and the date on which he ceases to participate in the plan.

A regulation under the first paragraph may, if it so provides, have effect from a date that is not prior to 22 March 1997.

**113.** The employees of the Centre régional des achats en groupe des établissements de santé et de services sociaux de la région du Saguenay Lac St-Jean (02) have been participating in the Government and Public Employees Retirement Plan since 1 April 1994.

**114.** The provisions of the first regulation under paragraph 11.3 of section 134 of the Act respecting the Government and Public Employees Retirement Plan made after 19 June 1997 may, where the regulation so provides, have effect from any date not prior to 22 March 1997.

**115.** The provisions of the first regulation under section 215.12 and subsection 1 of section 215.13 of the Act respecting the Government and Public Employees Retirement Plan made after 19 June 1997 may, where the regulation so provides, have effect from any date not prior to 1 January 1996.

**116.** Sections 5 and 21 of the Act respecting the Teachers Pension Plan and sections 54 and 66.1 of the Act respecting the Civil Service Superannuation Plan, as they read on 30 June 1997, continue to apply in respect of a person whose leave without pay is ending before or in progress on 1 July 1997.

**117.** Sections 1, 3, 4, 6, 8, 10, 13, 14, 22, 24, 27, 30, 43, 47, 55, 59, 61, 68, 70, 73, 79, 80, 85, 87, 90 and 97, adapted as required, also apply to persons who attain 70 or 71 years of age in 1997.

**118.** Sections 18, 20, 21, 23 to 25, 31, 44, 65 to 67, 69 to 72, 74, 82, 84, 86, 88, 90 and 92 apply in respect of persons who ceased to participate in the plan after 31 December 1995 and who retire or die after 30 June 1997.

**119.** Sections 12, 16, 56, 78 and 98 apply in respect of any redemption proposal made by the Commission administrative des régimes de retraite et d'assurances after 30 June 1997.

**120.** Section 50 applies to the measures referred to in Chapters II and V of Title IV of the Act respecting the Government and Public Employees Retirement Plan which are applicable on 1 January 1998 or begin to be applicable after that date.

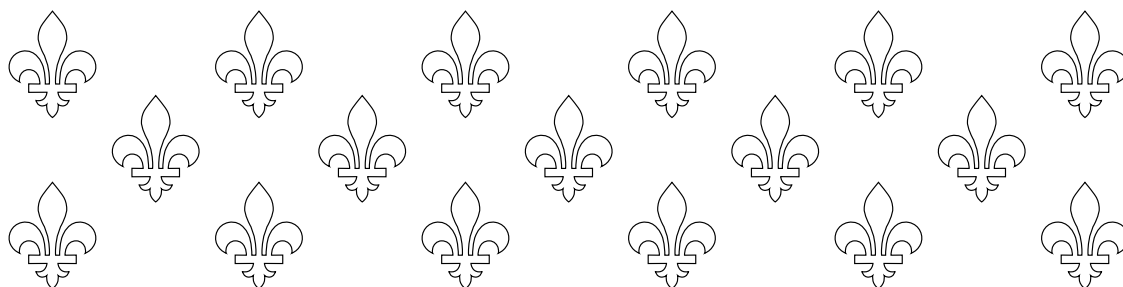
**121.** Section 57 has effect from 31 July 1996.

**122.** Sections 9, 34 to 42, 46, 75 to 77, 94 to 96 and 103 to 112 have effect from 22 March 1997.

Sections 52 and 53 have effect from 22 May 1997 or, if the Government makes an order to that effect, from any date not prior to 22 March 1997.

**123.** This Act comes into force on 19 June 1997, except sections 1 to 4, 6 to 8, 10, 12 to 31, 43, 44, 47, 55, 56, 59 to 74, 78 to 92, 97, 98 and 116 to 119 which will come into force on 1 July 1997 and sections 32, 33, 48 to 51, 93, 102 and 120 which will come into force on 1 January 1998.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 125  
(1997, chapter 51)

**An Act to amend various legislation in order  
to prevent crime and ensure public security**

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**Introduced 8 May 1997**  
**Passage in principle 20 May 1997**  
**Passage 12 June 1997**  
**Assented to 19 June 1997**

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**Québec Official Publisher**  
**1997**

## EXPLANATORY NOTES

*This bill amends the Act respecting land use planning and development, the Charter of the City of Montréal and the Charter of the City of Québec in order to grant the municipal council more powers in relation to constructions having fortification or protective elements and, in particular as regards existing constructions or structures, to require corrective measures within a fixed period of time to the extent that the constructions or structures contain fortification or protective elements that are not justified in view of authorized uses.*

*The bill also amends the Cities and Towns Act and the Municipal Code of Québec to enable the municipal council to take certain steps in respect of immovables open to the public in which uses or activities are carried on in a manner that disturbs public tranquility or in a manner that may endanger the life or health of persons or cause serious or irreparable damage to property.*

*In addition, the bill amends the Act respecting explosives and the Act respecting liquor permits to heighten the requirements that must be met by an applicant in order to obtain a permit or an authorization under the said Acts. The bill also modifies some of the grounds on which a permit or authorization may be revoked or suspended by the Régie.*

*The Act respecting offences relating to alcoholic beverages is also amended to provide for fine increases.*

*Finally, the Act respecting the Régie des alcools, des courses et des jeux is amended to enable the Régie to intervene more quickly in circumstances in which it is of the opinion that activities that are within its jurisdiction are carried on in a manner that may endanger the life or health of persons or in a manner that may cause serious or irreparable damage to property.*

## LEGISLATION AMENDED BY THIS BILL :

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Cities and Towns Act (R.S.Q., chapter C-19);

- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting explosives (R.S.Q., chapter E-22);
- Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1);
- Act respecting liquor permits (R.S.Q., chapter P-9.1);
- Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1);
- Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);
- Charter of the City of Montréal (1959-60, chapter 102);
- Charter of the City of Québec (1929, chapter 95).



## Bill 125

### AN ACT TO AMEND VARIOUS LEGISLATION IN ORDER TO PREVENT CRIME AND ENSURE PUBLIC SECURITY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**1.** Section 118 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 51 of chapter 2 of the statutes of 1996, is again amended by inserting, after subparagraph 2 of the second paragraph, the following subparagraph :

“(2.1) regulate fortification or protective elements of a structure according to the authorized use thereof, prohibit such fortification or protective elements where their utilization is not justified in view of the said use and, in the latter case, order the reconstruction or repair of any structure existing on the date of coming into force of the by-law within the time prescribed therein which cannot be less than 6 months, so that it may be brought into conformity with such by-law ;”.

#### CITIES AND TOWNS ACT

**2.** The Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting, after section 348, the following division :

##### “DIVISION X.1

##### “PROCEEDINGS AND ORDERS IN MATTERS OF ACTIVITIES OR USES

“**348.1.** The council may, for a period not exceeding 90 days, prohibit access to any immovable or part of an immovable accessible to the public in which an activity or use is carried on without the permit, certificate or other authorization required by the municipality where the activity or use may endanger the life or health of persons or cause serious or irreparable damage to property.

The decision of the council must contain reasons and be accompanied by a copy of any report, statement of offence or other document on which the decision is based. It shall be notified to the delinquent and to the owner or operator of the immovable. The decision shall take effect on the date on which the owner or operator is notified of the decision.

The council shall lift the prohibition of access to the premises before the expiry of the period fixed where the required permit, certificate or authorization is granted by the municipality or where, in its opinion, a change in activity or use causes the permit, certificate or authorization to be no longer required. The council shall notify all interested persons of the decision.

**“348.2.** Where the delinquent or the owner or operator of the immovable is, in his opinion, aggrieved by a decision of the council made under section 348.1, he may, within ten days of notification thereof, contest the decision before the Court of Québec.

The proceeding is brought by the filing of a motion and is governed by articles 762 to 773 of the Code of Civil Procedure.

The motion shall be heard and decided by preference. It shall not suspend the contested decision, unless a judge orders otherwise.

The court may confirm, vary or quash the decision of the council.

**“348.3.** The council may apply to the Court of Québec, in accordance with the rules contained in articles 762 to 773 of the Code of Civil Procedure, for the cancellation of the permit or certificate or any other authorization granted by the municipality for an activity or use in an immovable or part of an immovable accessible to the public

(1) where the activity or use may endanger the life or health of persons or cause serious or irreparable damage to property ;

(2) where the activity or use disturbs public tranquility.

The motion shall be heard and decided by preference.

Such a proceeding, however, may not be brought in cases where an application may be made by the municipality to the Régie des alcools, des courses et des jeux under section 85 of the Act respecting liquor permits (chapter P-9.1).

**“348.4.** In the case of a proceeding brought under subparagraph 1 of the first paragraph of section 348.3, the council may order that the holder suspend the activity or use concerned and prohibit access to the immovable or the part of an immovable in which the activity or use is carried on until the court makes a determination in respect of the application for cancellation or until it orders otherwise.

The decision of the council must give reasons and be accompanied by a copy of the report, of the statement of offence or of any other document on which the decision must be based. The decision must be filed in the court record.

The decision shall take effect on the date on which the holder is notified of the decision.

**“348.5.** Where public tranquility is at issue under subparagraph 2 of the first paragraph of section 348.3, the court may, among other factors, take into account :

(1) any gathering or assembly that results or may result from the activity or use, that may cause excessive noise or otherwise disturb the peace in the neighbourhood;

(2) the failure by the holder to take appropriate measures to prevent, in the premises concerned,

(a) the unlawful possession, consumption, sale, exchange or giving, in any manner, of a drug, narcotic or any other substance that may be held to be a drug or narcotic ;

(b) the unlawful possession of a firearm or any other offensive weapon ;

(c) acts of violence, including theft or mischief, that may disturb the peace of occupants or customers or of residents of the neighbourhood.

**“348.6.** Where the court cancels a permit, certificate or authorization, it may, on application by the council, order that no permit, certificate or other authorization be granted by the municipality, for the premises to which the decision to cancel applies, or prohibit access to such premises, for a period not exceeding 12 months or until, in the opinion of the council, a change of activity or use justifies the granting of a permit, certificate or authorization or the lifting of the prohibition before the end of the period.

**“348.7.** The municipality shall post any decision, made by the council or the court under this division, on the premises to which the decision or judgment applies, along with a notice indicating the penalty to which any offender is liable.

**“348.8.** Every person who continues an activity or use even though the required permit, certificate or authorization has been cancelled by the court or despite an order of suspension or a prohibition of access issued under section 348.4 is liable to a fine of \$600 to \$2,000.

Every person who is present in an immovable or part of an immovable to which a prohibition of access applies without a legitimate excuse or an authorization from the council or the court, as the case may be, is liable to a fine of \$300 to \$1,000.

In the case of a subsequent offence, the fines are doubled.

**“348.9.** This division applies also to the cities of Montréal and Québec.”

## MUNICIPAL CODE OF QUÉBEC

**3.** The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting, after article 437.2, the following title :

**“TITLE XII.1****“PROCEEDINGS AND ORDERS IN MATTERS OF ACTIVITIES OR USES**

**“437.3.** The council of a local municipality may, for a period not exceeding 90 days, prohibit access to any immovable or part of an immovable accessible to the public in which an activity or use is carried on without the permit, certificate or other authorization required by the municipality where the activity or use may endanger the life or health of persons or cause serious or irreparable damage to property.

The decision of the council must contain reasons and be accompanied by a copy of any report, statement of offence or other document on which the decision is based. It shall be notified to the delinquent and the owner or operator of the immovable. The decision shall take effect on the date on which the owner or operator is notified of the decision.

The council shall lift the prohibition of access to the premises before the expiry of the period fixed where the required permit, certificate or authorization is granted by the municipality or where, in its opinion, a change in activity or use causes the permit, certificate or authorization to be no longer required. The council shall notify all interested persons of the decision.

**“437.4.** Where the delinquent or the owner or operator of the immovable is, in his opinion, aggrieved by a decision of the council made under article 437.3, he may, within ten days of notification thereof, contest the decision before the Court of Québec.

The proceeding shall be brought by the filing of a motion and is governed by articles 762 to 773 of the Code of Civil Procedure.

The motion shall be heard and decided by preference. It shall not suspend the contested decision, unless a judge orders otherwise.

The court may confirm, vary or quash the decision of the council.

**“437.5.** The council of a local municipality may apply to the Court of Québec, in accordance with the rules contained in articles 762 to 773 of the Code of Civil Procedure, for the cancellation of the permit, certificate or any other authorization granted by the municipality for an activity or use in an immovable or part of an immovable accessible to the public



(1) where the activity or use may endanger the life or health of persons or cause serious or irreparable damage to property;

(2) where the activity or use disturbs public tranquility.

Any such motion shall be heard and decided by preference.

Such a proceeding, however, may not be brought in cases where an application may be made by the municipality to the Régie des alcools, des courses et des jeux under section 85 of the Act respecting liquor permits (chapter P-9.1).

**“437.6.** In the case of a proceeding brought under subparagraph 1 of the first paragraph of article 437.5, the council of a local municipality may order that the holder suspend the activity or use concerned and prohibit access to the immovable or the part of an immovable in which the activity or use is carried on until the court makes a determination in respect of the application for cancellation or until it orders otherwise.

The decision of the council must give reasons and be accompanied by a copy of the report, of the statement of offence or of any other document on which the decision must be based. The decision must be filed in the court record.

The decision shall take effect on the date on which the holder is notified of the decision.

**“437.7.** Where public tranquility is at issue under subparagraph 2 of the first paragraph of article 437.5, the court may, among other factors, take into account:

(1) any gathering or assembly that results or may result from the activity or use, that may cause excessive noise or otherwise disturb the peace in the neighbourhood;

(2) the failure by the holder to take appropriate measures to prevent, in the premises concerned,

(a) the unlawful possession, consumption, sale, exchange or giving, in any manner, of a drug, narcotic or any other substance that may be held to be a drug or narcotic;

(b) the unlawful possession of a firearm or any other offensive weapon;

(c) acts of violence, including theft or mischief, that may disturb the peace of occupants or customers or of residents of the neighbourhood.

**“437.8.** Where the court cancels a permit, certificate or authorization, it may, on application by the council, order that no permit, certificate or other

authorization be granted by the municipality, for the premises to which the decision to cancel applies, or prohibit access to such premises, for a period not exceeding 12 months or until, in the opinion of the council, a change of activity or use justifies the granting of a permit, certificate or authorization or the lifting of the prohibition before the end of the period.

**“437.9.** The local municipality shall post any decision, made by the council or the court under this title, on the premises to which the decision or judgment applies, along with a notice indicating the penalty to which any offender is liable.

**“437.10.** Every person who continues an activity or use even though the required permit, certificate or authorization has been cancelled by the court or despite an order of suspension or a prohibition of access issued under article 437.6 is liable to a fine of \$600 to \$2,000.

Every person who is present in an immovable or part of an immovable to which a prohibition of access applies without a legitimate excuse or an authorization from the council or the court, as the case may be, is liable to a fine of \$300 to \$1,000.

In the case of a subsequent offence, the fines are doubled.”

#### ACT RESPECTING EXPLOSIVES

**4.** The Act respecting explosives (R.S.Q., chapter E-22) is amended by inserting, after section 11, the following section:

**“11.1.** Where the person who is required to hold a permit is a legal person, the issue or maintenance of the permit shall be subject to the requirement that, in addition to the legal person, each of the directors and each of the shareholders holding 10% or more of the shares with full voting rights also fulfil all the conditions.”

**5.** Sections 12, 13 and 13.1 of the said Act are replaced by the following sections:

**“12.** A member of the Sûreté du Québec may issue a permit if the applicant fulfils the conditions prescribed by regulation and pays the prescribed fees and, where the applicant’s permit has been withdrawn under section 15 within the five years preceding the application, if he furnishes the security prescribed by regulation.

**“13.** The member of the Sûreté du Québec must refuse to issue the permit if an applicant, within the five years preceding the application, has been convicted of

(1) an indictable offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46);

(2) an offence under Part II, III or IX or under any of sections 430 to 437 of the Criminal Code other than an offence punishable on summary conviction only;

(3) an offence under section 48 of the Food and Drugs Act (Revised Statutes of Canada, 1985, chapter F-27) or an offence under paragraph *b* of subsection 2 of section 3 or any of sections 3.1 to 6 of the Narcotic Control Act (Revised Statutes of Canada, 1985, chapter N-1);

(4) an offence referred to in paragraph *3a* or *4a* of section 4, paragraph *3a* or *3b(i)* of section 5, paragraph *3a* or *3b(i)* of section 6, paragraph *2a*, *2b* or *2c(i)* of section 7, paragraph *2a* of section 8 or paragraph *2a* of section 9 of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19);

(5) an offence against the Explosives Act (Revised Statutes of Canada, 1985, chapter E-17) or the regulations made under that Act; or

(6) an offence against this Act or the regulations thereunder.

Such grounds do not, however, apply if the applicant has obtained a pardon in respect of that offence or indictable offence.

**“13.1.** The member of the Sûreté du Québec may also refuse to issue a permit where he is of the opinion

(1) that a permit should not be issued to the applicant on grounds of public security;

(2) that the application is being made on behalf of another person.

**“13.2.** The member of the Sûreté du Québec may require that the applicant provide any information or document pertinent to the examination of the application.”

**6.** Section 14 of the said Act is amended

(1) by striking out the first sentence;

(2) by replacing the words “When he refuses to issue a permit, he must also” in the third and fourth lines by the words “The member of the Sûreté du Québec must, when he refuses to issue a permit,”;

(3) by replacing, in the French text, the words “au requérant” in the second sentence by the words “au demandeur” and the word “applicant” in the sixth line by the words “interested person”;

(4) by replacing, in the French text, the word “requérant” at the end of the last sentence by the word “demandeur”.

**7.** Section 15 of the said Act is amended

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

“**15.** The Minister may cancel a permit and require that it be surrendered

(1) if he considers that the permit holder no longer fulfils the conditions of issue of the permit ;

(2) if the permit holder does not comply with the provisions of this Act, of the Explosives Act (Revised Statutes of Canada, 1985, chapter E-17) or of the regulations thereunder ;

(3) for any of the reasons set out in section 13.1.

The Minister must cancel the permit and require that it be surrendered

(1) if the permit was obtained by fraud or on false representations ;

(2) if the permit holder has been convicted of an offence or of an indictable offence referred to in section 13, except if he has obtained a pardon in respect of the offence or indictable offence.”;

(2) by replacing the words “The holder of a cancelled permit must” in the first line of the second paragraph by the words “The permit holder must, in such a case,”;

(3) by striking out the words “cancelling the permit” in the third line of the second paragraph.

**8.** Section 16 of the said Act is amended by replacing the word “cancellation” in the first line by the word “revocation” and by replacing the word “cancelled” in the third line by the word “revoked”.

**9.** Section 20 of the said Act is amended by inserting the words “a member of the Sûreté du Québec authorized under section 11 or” after the word “hinder” in the first line of the first paragraph.

**10.** Section 22 of the said Act is amended by replacing the words “and the fees which he must pay” in the third line of subparagraph 3 of the first paragraph by the words “, the fees which he must pay and, pursuant to section 12, the security he is required to furnish”.

**ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES**

**11.** Section 2 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) is amended

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

“(1.1) “ethyl alcohol”: any material or substance whether in liquid or any other form, containing any proportion by mass or by volume of absolute ethyl alcohol (C<sub>2</sub>H<sub>5</sub>OH);”;

(2) by replacing the words “alcohol, spirits, wine, cider or beer” in the third line of paragraph 5 by the words “ethyl alcohol”;

(3) by inserting the word “ethyl” before the word “alcohol” in the fifth line of paragraph 5.

**12.** Section 111 of the said Act is amended

(1) by replacing “\$175 to \$425” in the sixth line by “\$500 to \$1,000”;

(2) by replacing “\$425 to \$700” in the seventh line by “\$1,000 to \$2,000”;

(3) by replacing “\$700 to \$1 400” in the eighth line by “\$2,000 to \$5,000”.

**13.** Section 112 of the said Act, amended by section 50 of chapter 34 of the statutes of 1996, is again amended by inserting the figure “74.1,” after the figure “73,” in the second line of paragraph 10.

**14.** Section 113 of the said Act is amended

(1) by replacing “\$325 to \$700” in the seventh line by “\$500 to \$1,000”;

(2) by replacing “\$575 to \$1 150” in the eighth line by “\$1,000 to \$2,000”.

**15.** The said Act is amended by inserting, after section 113, the following section:

“**113.1.** Any person whose bar permit, public house or “pub” permit or tavern permit is suspended or cancelled who admits a person or tolerates a person’s presence in a room or on a terrace contrary to an order of the board issued under section 89.1 of the Act respecting liquor permits is guilty of an offence and liable to a fine of \$600 to \$2,000.

Any person who, without a legitimate excuse or an authorization of the board, finds himself in such premises is guilty of an offence and liable to a fine of \$300 to \$1,000.

In the case of a subsequent offence, the maximum fines and minimum fines are doubled.”

**16.** Section 117 of the said Act is amended by replacing “\$175” in the fourth line by “\$500 to \$1,000”.

**17.** The said Act is amended by inserting, after section 117.1, the following section:

**“117.2.** Where a person is convicted of an offence under this Act, a judge may, upon an application of the prosecuting party appended to the statement of offence, in addition to imposing any other penalty, impose an additional fine of an amount equal to the sums obtained as a result of the commission of the offence, even if the maximum fine under another provision has been imposed.”

**18.** The heading of Division XV of the said Act is amended by striking out the words “OF ALCOHOLIC BEVERAGES”.

**19.** Section 126 of the said Act is amended by adding, at the end, the following paragraph:

“(6) where he has reasonable cause to believe that an offence under this Act has been committed, seize any sums of money or payment instruments obtained as a result of the commission of the offence, or any evidence of fund transfers so obtained; the provisions governing seized things in the Code of Penal Procedure, adapted as required, apply to the things so seized.”

#### ACT RESPECTING LIQUOR PERMITS

**20.** Section 36 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by striking out the second paragraph.

**21.** Section 37 of the said Act is repealed.

**22.** Section 38 of the said Act is replaced by the following section:

**“38.** In the case of a partnership or a corporation, the issue of a permit is subject to the requirement that each partner or director, in addition to the partnership or corporation, and each shareholder holding 10% or more of the shares with full voting rights of the corporation also fulfil all the conditions except, if it is listed on a Canadian stock exchange, the conditions prescribed by section 36.”

**23.** Section 39 of the said Act is amended by inserting the words “and, where required by the municipality in which the establishment is situated, a certificate of occupancy of the establishment issued by the municipality” after the words “(chapter E-15.1)” in the second line of subparagraph 3 of the first paragraph.

**24.** Section 40 of the said Act is amended

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

“(1.1) furnish the security prescribed by regulation if, within the five years preceding his application, the person contravened a provision referred to in subparagraph 1 of the first paragraph of section 42 or the permit or authorization that had been granted to him under this Act was suspended or cancelled,”;

(2) by striking out the word “and” in the second line of paragraph 2;

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

“(2.1) provide a detailed floor plan of the room or terrace of the establishment, and”;

(4) by replacing the words “relevant document” in the second line of paragraph 3 by the words “document pertinent to the examination of the application, including any document relating to the sources of financing of the activities concerned or of the establishment”.

**25.** Section 41 of the said Act is amended

(1) by inserting the words “adversely affect public security or” after the word “may” in the first line of paragraph 1;

(2) by replacing the words “, or that” in the second line of paragraph 1 by a semi-colon;

(3) by inserting, after paragraph 1, the following paragraphs:

“(1.1) the applicant is unable to establish his capacity to carry on with competence and integrity the activities for which he is applying for a permit, in view of his past behaviour regarding an activity to which this Act applies;

“(1.2) the application for a permit is made on behalf of another person;”;

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

“The board must also refuse to issue a permit if the applicant was convicted of an indictable offence related to the activities to which this Act applies, within the five years preceding the application, or has not served the sentence imposed for such an indictable offence, unless he has obtained a pardon in relation to the indictable offence.”

**26.** Section 42 of the said Act is amended

(1) by striking out the words “or a person contemplated in section 38” in the second and third lines of the first paragraph;

(2) by replacing the figure “36” in the third line of subparagraph 2 of the first paragraph by the figure “41”;

(3) by striking out the words “or the person referred to in the first paragraph” in the second line of the second paragraph.

**27.** Section 42.1 of the said Act is amended by inserting the words “, to public security” after the word “interest” in the fourth line of the second paragraph.

**28.** Section 45 of the said Act is amended

(1) by replacing the words “permit required under the Act respecting tourist establishments (chapter E-15.1)” in subparagraph 3 of the first paragraph by the words “required permit and certificate”;

(2) by replacing the words “fulfils the conditions applicable to him under section 36 or 38” in the second and third lines of the second paragraph by the words “and, where applicable, the persons referred to in section 38 fulfil the conditions applicable to them under section 36”.

**29.** Section 47 of the said Act is amended by replacing the word “there” in the second line of subparagraph 1 of the second paragraph by the words “and, where applicable, the type of show that is authorized”.

**30.** Section 50 of the said Act, amended by section 22 of chapter 34 of the statutes of 1996, is again amended

(1) by replacing the words “The second paragraph of section 36, sections 37 and 38, subparagraphs” in the first line of the first paragraph by the word “Subparagraphs”;

(2) by replacing the words “paragraph 1 of section 41” in the first and fourth paragraphs by the words “paragraph 2.1 of section 40, subparagraphs 1 to 1.2 of the first paragraph of section 41”;

(3) by replacing the words “Paragraph 1 of section 41 does” in the first line of the second paragraph by the words “Subparagraphs 1 to 1.2 of the first paragraph of section 41 do”;

(4) by inserting the words “paragraph 2.1 of section 40,” after the figure “39,” in the first line of the third paragraph;

(5) by replacing the words “Paragraph 1 of section 41 does not apply to an application for a permit” in the first line of the last paragraph by the words “Paragraph 2.1 of section 40 and subparagraphs 1 to 1.2 of the first paragraph of section 41 do not apply to an application for a permit, other than a bar permit, public house or “pub” permit or tavern permit,” .

**31.** Section 74 of the said Act is amended by inserting, after the first paragraph, the following paragraphs :



“Upon granting the authorization, the board shall certify the floor plan considered by means of a facsimile of the signature of its secretary.

The board may, in its decision, determine the type of show that it authorizes.”

**32.** The said Act is amended by inserting, after section 74, the following section :

**“74.1.** The permit holder shall keep, in the establishment where he uses his permit, the floor plan of the room or terrace where the activity is authorized, certified by the board pursuant to the second paragraph of section 74 or the third paragraph of section 84.1.”

**33.** The heading of Division V of Chapter III of the said Act is amended by adding, at the end, the words “OR FLOOR ARRANGEMENT”.

**34.** Section 83 of the said Act is amended

(1) by inserting the figure “, 2.1” after the figure “2” in the third line of the first paragraph ;

(2) by replacing the words “Section 41 applies, *mutatis mutandis*,” in the first line of the second paragraph by the words “Subparagraphs 1 and 2 of the first paragraph of section 41, adapted as required, apply”.

**35.** The said Act is amended by inserting, after section 84, the following :

“§ 3. — *Change of floor arrangement*

**“84.1.** Any change in the floor arrangement of a room or terrace for which an authorization has been granted for the presentation of shows, the projection of films or dancing must be authorized by the board if the change involves new divisions, even removable or temporary divisions, of the space where patrons are admitted.

Subparagraph 2 of the first paragraph of section 39 and paragraphs 2, 2.1 and 3 of section 40 apply to such an application for authorization.

The board shall certify, by means of a facsimile of the signature of its secretary, the floor plan considered for the granting of the authorization.”

**36.** The heading of Division VI of Chapter III of the said Act is amended by adding, at the end, the words “AND AUTHORIZATIONS”.

**37.** Section 85 of the said Act, amended by section 760 of chapter 2 of the statutes of 1996, is again amended by inserting the words “or authorization” after the word “permit” in the first line.

**38.** Section 86 of the said Act is amended

(1) by replacing subparagraphs 2 to 5 of the first paragraph by the following subparagraph:

“(2) the permit holder or, if the permit holder is a partnership or a corporation referred to in section 38, any person mentioned in section 38 ceases to fulfil the conditions set out in section 36, subparagraphs 1 to 3 of the first paragraph of section 39 or subparagraphs 1.1 to 2 of the first paragraph of section 41;”;

(2) by replacing the words “75, 78 and 82” in the first and second lines of subparagraph 8 of the first paragraph by the words “section 74.1, 75, the second paragraph of section 76 or section 78, 82 or 84.1”;

(3) by striking out the words “or does not comply with a voluntary undertaking made under section 89” in the second line of subparagraph 10 of the first paragraph;

(4) by replacing the words “the permit of the holder of a public house or “pub”, tavern or bar permit, if he has been convicted of an offence for having employed a minor or for having allowed him to present or to participate in a show, in a room or on a terrace of his establishment where alcoholic beverages may be sold.” in the first, second, third, fourth and fifth lines of the second paragraph by the following:

“a permit if

(1) in the case of a public house or “pub” permit, tavern permit or bar permit, the permit holder has been convicted of an offence for having employed a minor or for having allowed a minor to present or to participate in a show, in a room or on a terrace of his establishment where alcoholic beverages may be sold;”;

(5) by replacing the last sentence of the second paragraph by the following subparagraphs:

“(2) the use of the permit adversely affects public security;

“(3) the permit holder or, if the permit holder is a partnership or a corporation referred to in section 38, any person mentioned in section 38 was convicted of an indictable offence referred to in the second paragraph of section 41;

“(4) the permit holder contravened section 72.1;

“(5) the permit holder is not in compliance with a voluntary undertaking made under section 89.”

**39.** The said Act is amended by inserting, after section 86, the following section:

**“86.0.1.** The board may cancel an authorization or suspend it for the period it determines if the conditions for obtaining it are no longer being complied with, if the authorization was obtained on false representations or if section 74.1, 75 or 84.1 has been contravened.”

**40.** Section 86.2 of the said Act, amended by section 29 of chapter 34 of the statutes of 1996, is again amended by striking out the words “owing to the permit holder’s contravention of any provision of section 70, 70.1 or 75 or his refusal or neglect to comply with a requirement of the board under section 110” in the first, second and third lines.

**41.** The said Act is amended by inserting, after section 86.2, the following section :

**“86.3.** The board may, instead of cancelling or suspending the permit of a holder who has contravened a provision referred to in subparagraph 1 of the first paragraph of section 42, or as a condition for the reinstatement of a permit after its suspension, require that the holder furnish the security prescribed by regulation.”

**42.** Section 87 of the said Act is amended by replacing the words “paragraphs 3 to 8” in the second line by the words “subparagraphs 2 and 6 to 8 of the first paragraph”.

**43.** Section 87.1 of the said Act, amended by section 30 of chapter 34 of the statutes of 1996, is again amended

(1) by inserting, in the French text, the words “du premier alinéa” before the words “de l’article 86” in the second line of the first paragraph;

(2) by inserting the words “, unless it is prohibited by the board in its decision,” after the word “may” in the first line of the second paragraph.

**44.** Section 88 of the said Act, amended by section 31 of chapter 34 of the statutes of 1996, is repealed.

**45.** Section 89 of the said Act is amended by replacing the words “contemplated in paragraph 9” in the second line by the words “referred to in subparagraph 9 of the first paragraph”.

**46.** The said Act is amended by inserting, after section 89, the following sections :

**“89.1.** Where the board suspends or cancels a bar permit, public house or “pub” permit or tavern permit for a reason set out in the second paragraph of section 86, the board may prohibit the holder from admitting a person to or tolerating the presence of a person in a room or terrace to which the permit applies during the period of suspension of the permit or during a period not exceeding six months from the date of cancellation.

The board shall post the order on the premises to which it applies, along with a notice indicating the penalty to which any offender is liable.

The board may, upon an application, vary its decision where a change in the use of premises occurs.

**“89.2.** The board may confiscate the security furnished by a permit holder

(1) if it suspends or cancels the permit holder’s permit;

(2) if the permit holder is convicted of an offence against a provision referred to in subparagraph 1 of the first paragraph of section 42.

Sections 32.19 to 32.21 of the Act respecting the Ministère de la Justice (chapter M-19), adapted as required, apply to any sums so confiscated.”

**47.** Section 95 of the said Act is amended by inserting the words “, every application for a change of floor arrangement referred to in section 84.1” after the figure “79” in the fourth line.

**48.** Section 96 of the said Act, amended by section 761 of chapter 2 of the statutes of 1996, is again amended by replacing the words “; and” in the second line of subparagraph 2 of the first paragraph by the words “and the director of the Sûreté du Québec or of the police force established for that territory and authorized under section 111.”

**49.** Section 97 of the said Act, amended by section 34 of chapter 34 of the statutes of 1996, is again amended by inserting the words “, other than a bar permit, public house or “pub” permit or tavern permit,” after the word “permit” in the first line of paragraph 3.

**50.** Section 99 of the said Act is amended

(1) by replacing the figure “15” in the third line of the first paragraph by the figure “30”;

(2) by replacing the figure “30” in the fifth line of the first paragraph by the figure “45”.

**51.** Section 111 of the said Act, amended by section 36 of chapter 34 of the statutes of 1996, is again amended

(1) by replacing the words “and, require the production of the books and other documents relating to the purchase and sale of alcoholic beverages or of raw materials and equipment for beer or wine making or, in the case of a grocery, of any product, and require any other information” in the sixth, seventh, eighth and ninth lines by the words “, require the production of the books and other documents relating to the purchase and sale of alcoholic

beverages or of raw materials and equipment used for beer or wine making or, in the case of a grocery, of any product, require any other information or document”;

(2) by adding the words “and require any person on the premises to provide him reasonable assistance” after the words “this Act or the regulations”.

**52.** Section 114 of the said Act is amended

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

“(6.1) determining the amount of security according to the classes of permits or the reasons for which security is required;”;

(2) by inserting, after paragraph 14, the following paragraph:

“(14.1) establishing, for any contravention of section 72.1, the suspensions and cancellations of permits applicable considering the origin and the quantity of the alcoholic beverages or video lottery machines and the fact that it is a first offence or a subsequent offence;”.

ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES  
ET DES JEUX

**53.** Section 19 of the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1) is amended by replacing the first paragraph by the following paragraph:

“**19.** The board shall keep, at each of its offices, for the territory served by the office,

(1) a register of the licence applications, licences and registration attestations under the Act respecting racing;

(2) a register of the property and information referred to in section 87 of the said Act;

(3) a register of the licence and authorization applications made under the Act respecting lotteries, publicity contests and amusement machines;

(4) a register of applications for permits and authorizations and for permits and authorizations provided for in the Act respecting liquor permits.”

**54.** Section 27 of the said Act is amended by replacing subparagraphs 1 to 4 of the first paragraph by the following subparagraphs:

“(1) public interest, public security or public tranquility may be at risk in the application of an Act administered by the board;

“(2) the board is making a review of a decision under the last paragraph of section 29 or under section 37 or of a decision of a racing judge or paddock judge under section 53 or 54 of the Act respecting racing.”

**55.** Section 28 of the said Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph :

“(2) cases and applications presented under an Act administered by the board, except cases and applications involving public interest, public security or public tranquility.”

**56.** Section 29 of the said Act is amended

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

“(1) applications presented under the Act respecting racing, the Act respecting lotteries, publicity contests and amusement machines or the Act respecting the Société des alcools du Québec, except applications involving public interest, public security or public tranquility ;”;

(2) by inserting the words “, for raw materials and equipment wholesaler’s or retailer’s permits” after the words “seller’s permits” in the second line of subparagraph 2 of the first paragraph ;

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

(4) by inserting the words “, public security” after the words “public interest” in the third line of subparagraph 3 of the first paragraph.

**57.** The said Act is amended by inserting, after section 32, the following sections :

**“32.1.** Before refusing to renew, suspending or cancelling a permit, licence, authorization or registration, imposing conditions for use, confiscating security or making an order, the board shall, unless otherwise provided by law, notify the person concerned in writing of the proposed decision and of the reasons therefor and of the content of any complaints or objections concerning it. In addition, the board shall grant the person at least ten days to present observations, including applying for an opportunity to be heard, and to produce documents to complete his record. The notice shall be accompanied with a copy of every report, statement of offence or other document on which the proposed decision is based.

The board may suspend a permit, licence, authorization or registration without being subject to such prior obligations where, in its opinion, the continuance of the activities concerned may endanger the life or health of persons or cause serious or irreparable damage to property.

**“32.2.** Where the person concerned avails himself, within the time prescribed, of his right to present observations and produce documents, a notice indicating that the matter will be submitted and decided in plenary session, by a division of two commissioners, by only one commissioner or by a member of the personnel, as the case may be, shall be sent to the person.

Where the matter submitted to the board concerns a suspension or cancellation of a permit, licence, authorization or registration, the board may suspend such permit, licence, authorization or registration until it has decided the matter if it is of the opinion that the continuance of the activities concerned may endanger the life or health of persons or cause serious or irreparable damage to property.

**“32.3.** The board may require that, to present observations and produce documents, an association of persons referred to in section 36.2 of the Act respecting lotteries, publicity contests and amusement machines or in section 99 of the Act respecting liquor permits establish its representativeness.

**“32.4.** Where a hearing must be held, a notice of at least ten days shall be sent to the person concerned setting out the object, date, time and place of the hearing and the power of the board to proceed without further delay or notice, despite a failure to appear at the time and place fixed, where such failure is not validly justified.”

**58.** Section 33 of the said Act is amended

(1) by inserting, after the first sentence of the first paragraph, the following sentence: “The board may accept, in lieu of the testimony of a peace officer, a statement of offence or a report of offence, the form of which is prescribed under the Code of Penal Procedure (chapter C-25.1), made and signed by the peace officer, or a certified copy of that statement or report;”;

(2) by adding, at the end of the first paragraph, the following sentence: “Each of those persons shall declare in the document that he has personally ascertained the facts mentioned therein.”;

(3) by inserting the words “or statement” after the word “report” in the second line of the second paragraph;

(4) by inserting the words “or statement” after the word “report” in the third line of the second paragraph.

**59.** Section 35 of the said Act is repealed.

**60.** Section 37 of the said Act is amended

(1) by replacing the words “be heard” in subparagraph 2 of the first paragraph by the words “present observations”;

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

“The board shall review a decision referred to in the second paragraph of section 32.1 if the person concerned applies therefor within ten days of notification. The board shall, in such a case, proceed expeditiously and may suspend execution of the decision.”

**61.** Section 39 of the said Act is amended

(1) by inserting the words “that was the subject of a notification in accordance with the first paragraph of section 32.1 and for which the person concerned has not availed himself, within the time prescribed, of his right to present observations and produce documents becomes, without further formality, final and executory at the expiry of that time or on any later date provided for therein. In other cases, it” after the word “decision” in the first line of the second paragraph;

(2) by inserting the words “or authorization” after the words “a permit” in the fourth line of the second paragraph;

(3) by replacing the words “service of the decision may be made on” in the fifth line of the second paragraph by the words “the notification of the notice of the decision may be sent to”.

#### ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

**62.** Section 30.1.2 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13), enacted by section 7 of chapter 34 of the statutes of 1996, is amended

(1) by replacing the words “paragraph 2 of section 40” by the words “paragraphs 2 and 2.1 of section 40”;

(2) by replacing the words “section 41” by the words “subparagraphs 1 and 2 of the first paragraph of section 41”.

**63.** Section 33.2 of the said Act, enacted by section 9 of chapter 34 of the statutes of 1996, is amended by inserting the figure “74.1,” after the figure “73,” in the first paragraph and by replacing the figure “84” in that paragraph by the figure “84.1”.

#### CHARTER OF THE CITY OF MONTRÉAL

**64.** Article 524 of the Charter of the City of Montréal (1959-60, chapter 102), amended by section 55 of chapter 59 of the statutes of 1962, section 20 of chapter 70 of the statutes of 1963 (1st session), section 24 of chapter 86 of the statutes of 1966-67, section 7 of chapter 90 of the statutes of 1968, section 1 of chapter 91 of the statutes of 1968, section 21 of chapter 96 of the statutes of 1971, section 4 of chapter 76 of the statutes of 1972, section



58 of chapter 77 of the statutes of 1973, section 48 of chapter 77 of the statutes of 1977, section 82 of chapter 7 of the statutes of 1978, section 10 of chapter 40 of the statutes of 1980, section 21 of chapter 71 of the statutes of 1982, section 670 of chapter 91 of the statutes of 1986, section 2 of chapter 86 of the statutes of 1988, section 12 of chapter 87 of the statutes of 1988, section 12 of chapter 80 of the statutes of 1989, section 4 of chapter 89 of the statutes of 1990, section 14 of chapter 90 of the statutes of 1990 and section 16 of chapter 82 of the statutes of 1993, is again amended by inserting, after paragraph 1.1, the following paragraph :

“(1.2) regulate fortification or protective elements of a structure according to the authorized use thereof, prohibit such fortification or protective elements where their utilization is not justified in view of the said use and, in the latter case, order the reconstruction or repair of any structure existing on the date of coming into force of the by-law within the time prescribed therein which cannot be less than 6 months, so that it may be brought into conformity with such by-law ;”.

#### CHARTER OF THE CITY OF QUÉBEC

**65.** Section 336 of the Charter of the City of Québec (1929, chapter 95), amended by section 8 of chapter 122 of the statutes of 1930-31, section 5 of chapter 104 of the statutes of 1931-32, section 19 of chapter 111 of the statutes of 1935, section 67 of chapter 102 of the statutes of 1937, section 12 of chapter 104 of the statutes of 1938, section 22 of chapter 102 of the statutes of 1939, section 27 of chapter 74 of the statutes of 1940, section 12 of chapter 50 of the statutes of 1943, section 8 of chapter 47 of the statutes of 1944, section 20 of chapter 71 of the statutes of 1945, section 17 of chapter 51 of the statutes of 1948, section 8 of chapter 63 of the statutes of 1951-52, section 4 of chapter 36 of the statutes of 1952-53, section 3 of chapter 52 of the statutes of 1952-53, section 1 of chapter 67 of the statutes of 1955-56, section 9 of chapter 50 of the statutes of 1957-58, section 6 of chapter 96 of the statutes of 1960-61, section 7 of chapter 66 of the statutes of 1963 (1st session), section 5 of chapter 69 of the statutes of 1964, section 2 of chapter 85 of the statutes of 1966-67, section 38 of chapter 86 of the statutes of 1969, sections 29 to 31 of chapter 68 of the statutes of 1970, section 146 of chapter 55 of the statutes of 1972, section 29 of chapter 75 of the statutes of 1972, section 8 of chapter 80 of the statutes of 1973, section 12 of chapter 97 of the statutes of 1974, section 15 of chapter 54 of the statutes of 1976, section 457 of chapter 72 of the statutes of 1979, sections 23, 45 and 51 of chapter 42 of the statutes of 1980, section 272 of chapter 63 of the statutes of 1982, section 17 of chapter 64 of the statutes of 1982, sections 22, 59 and 60 of chapter 61 of the statutes of 1984, section 140 of chapter 27 of the statutes of 1985, section 22 of chapter 116 of the statutes of 1986, section 17 of chapter 88 of the statutes of 1988, section 1 of chapter 81 of the statutes of 1989, sections 1155 to 1168 of chapter 4 of the statutes of 1990, section 9 of chapter 91 of the statutes of 1990, section 15 of chapter 84 of the statutes of 1991, section 702 of chapter 61 of the statutes of 1992, section 34 of chapter 65 of the statutes of 1992, section 108 of chapter 30 of the statutes of 1994, section 22 of chapter 55 of

the statutes of 1994 and section 20 of chapter 85 of the statutes of 1996, is again amended by inserting, after subparagraph 2 of paragraph 42*b*, the following subparagraph :

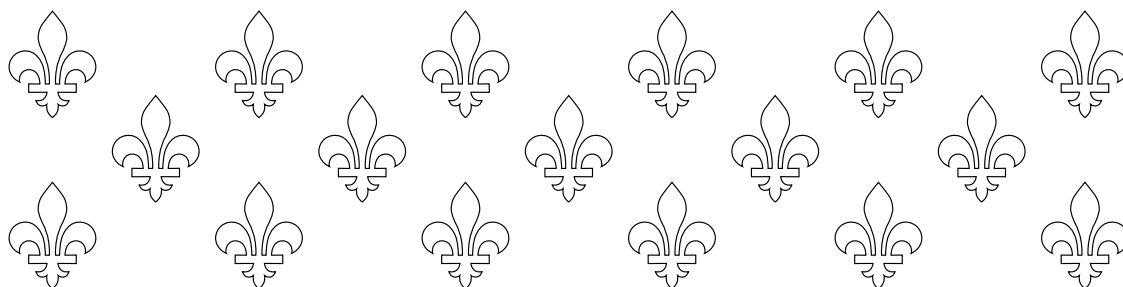
“(2.1) regulate fortification or protective elements of a structure according to the authorized use thereof, prohibit such fortification or protective elements where their utilization is not justified in view of the said use and, in the latter case, order the reconstruction or repair of any structure existing on the date of coming into force of the by-law within the time prescribed therein which cannot be less than 6 months, so that it may be brought into conformity with such by-law ;”.

#### FINAL PROVISIONS

**66.** Subparagraph 2 of the second paragraph of section 15 of the Act respecting explosives, enacted by paragraph 1 of section 7 of this Act, does not apply in respect of an act that occurred before the coming into force of the said subparagraph and that was not subject to section 13 of the Act respecting explosives as it read before being replaced by this Act.

**67.** Subparagraph 3 of the second paragraph of section 86 of the Act respecting liquor permits, enacted by paragraph 5 of section 38 of this Act, does not apply in respect of an act that occurred before the coming into force of the said subparagraph and that was not subject to section 36 of the Act respecting liquor permits as it read before being amended by this Act.

**68.** This Act comes into force on 19 June 1997.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 137  
(1997, chapter 53)

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

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**Introduced 15 May 1997  
Passage in principle 28 May 1997  
Passage 16 June 1997  
Assented to 19 June 1997**

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**Québec Official Publisher  
1997**

## EXPLANATORY NOTES

*This bill amends the rules for awarding certain construction, supply and services contracts to give effect to the provisions of the Agreement on the Opening of Public Procurement for Québec and Ontario.*

*It also amends the Act respecting municipal debts and loans to enable municipalities and municipal bodies to issue bonds using a procedure that differs from the procedure prescribed in an Act or regulation in respect of municipal bonds.*

*The bill empowers intermunicipal boards to enter into agreements with another board, a municipality, school board, educational institution, non-profit organization and certain public institutions for the joint purchase of equipment or materials. It also enables intermunicipal boards to make joint calls for public tenders for the awarding of insurance or services contracts and to enter into an agreement with a municipal association for the purchase of equipment or materials, the performance of work or the awarding of insurance or services contracts by the association on behalf of the board.*

*Under the bill, regional county municipalities, urban communities and municipalities whose territory is not within the territory of a regional county municipality or that of an urban community are required to provide financial assistance to a non-profit organization having economic promotion and development as its object.*

*Lastly, the bill clarifies in particular the power of municipalities to grant subsidies to holders of bus transport permits, and grants the power to regulate public beaches and public or private swimming-pools for safety purposes to municipalities governed by the Municipal Code of Québec.*

## LEGISLATION AMENDED BY THIS BILL :

- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);

- Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);
- Act respecting municipal debts and loans (R.S.Q., chapter D-7);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Charter of the city of Montréal (1959-60, chapter 102);
- Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);
- Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32);
- Act to amend the Cities and Towns Act, the Municipal Code of Québec and other legislative provisions (1996, chapter 27);
- Act to amend the constituent Acts of the urban communities and other legislative provisions (1996, chapter 52).



## Bill 137

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### CITIES AND TOWNS ACT

**1.** Section 414 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 154 of chapter 2 of the statutes of 1996 and by section 13 of chapter 27 of the statutes of 1996, is again amended

(1) by replacing the word “and” in the second line of the second paragraph of subparagraph 8 of the first paragraph by a comma ;

(2) by replacing the words “the cost of which shall not exceed \$5” in the third line of the second paragraph of subparagraph 8 of the first paragraph by the words “and to fix the cost of the license”.

**2.** The heading of subdivision 14.1 of Division XI of the said Act is replaced by the following heading :

“§ 14.1. — *Commercial development corporations*”.

**3.** The heading of subdivision 21.1 of Division XI of the said Act, enacted by section 19 of chapter 27 of the statutes of 1996, is amended by adding, at the end, the words “*and to certain organizations*”.

**4.** The said Act is amended by inserting, after section 466.1, the following sections :

“**466.2.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), every municipality whose territory is not comprised in that of a regional county municipality or in that of an urban community shall provide financial support to a non-profit organization having economic promotion and development as its object that acts in its territory and has been designated by the Government.

“**466.3.** The municipality shall make an annual contribution in support of the organization referred to in section 466.2 by the payment of a sum the amount of which it shall determine by by-law.

If there is no such by-law in force at the time of adoption of the budget of the municipality for a fiscal year, the amount of the sum required to be paid by the municipality for the fiscal year is the amount determined in accordance with the regulation under the third paragraph.

The Government may, by regulation, prescribe the rules for the determination of the amount of the sum that the municipality is required to pay in the circumstance described in the second paragraph. The regulation may prescribe separate rules for each municipality referred to in section 466.2.”

**5.** Section 467.10.5 of the said Act is amended by replacing the words “and who, if applicable, provides links to points situated outside” in the third line by the words “or who maintains a route in”.

**6.** Section 468.51 of the said Act, amended by section 26 of chapter 27 of the statutes of 1996 and by section 16 of chapter 77 of the statutes of 1996, is again amended

(1) by inserting the words “29.5 to 29.9.2,” after the figure “29.3,” in the first line of the first paragraph ;

(2) by inserting the figures “29.7, 29.9, 29.9.1,” after the word “sections” in the first line of the second paragraph.

**7.** Section 573 of the said Act, amended by section 35 of chapter 27 of the statutes of 1996, is again amended

(1) by inserting the words “, subject to the third paragraph,” after the word “than” in the fifth line of the first paragraph of subsection 1 ;

(2) by inserting the words “, supply or services” after the word “construction” in the first line of the third paragraph of subsection 1 ;

(3) by replacing the words “either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system” in the second, third and fourth lines of the third paragraph of subsection 1 by the words “by means of an electronic tendering system accessible both to contractors and suppliers having an establishment in Québec and to contractors and suppliers having an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the municipality” ;

(4) by replacing the fourth paragraph of subsection 1 by the following paragraphs :

“For the purposes of the third paragraph,

(1) “**construction contract**” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work, including site preparation, excavation, drilling,



seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work;

(2) “**supply contract**” means a contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining property, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions;

(3) “**services contract**” means a contract for supplying services that may include the supply of parts or materials required to supply the services, except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary.

A contract which, as a result of an exception provided for in subparagraph 2 or 3 of the fourth paragraph, is not a supply contract or a services contract for the purposes of the third paragraph, is not a contract for the supply of equipment or materials or for the supply of services, as the case may be, for the purposes of the first and second paragraphs and of section 573.1.”;

(5) by replacing the words “contractors, in addition to contractors” in the third line of subsection 2.1 by the words “contractors or suppliers, in addition to contractors or suppliers”;

(6) by adding, at the end of subsection 2.1, the following paragraph:

“The call for tenders referred to in the first paragraph may also stipulate that the goods concerned must be produced in a territory comprising Québec and any other province or territory referred to in that paragraph.”;

(7) by replacing the word “The” in the first line of subsection 7 by the words “Subject to section 573.1.0.1, the”;

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

(9) by striking out the last sentence of subsection 8.

**3.** Section 573.1 of the said Act, amended by section 36 of chapter 27 of the statutes of 1996, is again amended

(1) by replacing the word “The” in the first line of the second paragraph by the words “Subject to section 573.1.0.1, the”;

(2) by striking out the words “or a tender that does not exceed the lowest tender by more than 1% or \$50,000” in the second paragraph.

**9.** The said Act is amended by inserting, after section 573.1, the following sections :

**“573.1.0.1.** The council may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the insurer, supplier or contractor or on any other criteria directly related to the procurement.

Where the council chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria.

In such a case, the council shall not award the contract to a person other than the person whose bid was received within the time fixed and obtained the highest score.

For the purposes of subsection 8 of section 573, the bid having received the highest score shall be considered to be the lowest tender.

**“573.1.0.2.** The council may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

However, where the council establishes a qualification process solely for the purposes of awarding a contract referred to in the third paragraph of subsection 1 of section 573, the process may discriminate as permitted in the case of a call for public tenders in relation to such a contract under subsection 2.1 of section 573.

The municipality shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the clerk to publish a notice to that effect in accordance with the rules set out in the third paragraph of subsection 1 of section 573.

**“573.1.0.3.** A call for tenders may stipulate that the goods, services, insurers, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in section 573.1.0.2.

The first paragraph does not apply where, under the process provided for in section 573.1.0.2, only one insurer, supplier or contractor has become qualified.

**“573.1.0.4.** Subject to subsections 2.1 and 8 of section 573, no call for public tenders or document to which it refers shall discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.”

**10.** Section 573.3.1 of the said Act, enacted by section 38 of chapter 27 of the statutes of 1996, is amended by adding, at the end, the following paragraph :

“The first paragraph does not apply where calls for tenders are required to be public under an intergovernmental trade liberalisation agreement applicable to the municipality.”

#### MUNICIPAL CODE OF QUÉBEC

**11.** Article 437.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 26 of chapter 77 of the statutes of 1996, is again amended by striking out the words “a notice referred to in article 631.2,” in the first paragraph.

**12.** Article 535.5 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the words “and who, if applicable, provides links to points situated outside” in the third line by the words “or who maintains a route in”.

**13.** Article 544 of the said Code, amended by section 293 of chapter 2 of the statutes of 1996, is again amended by inserting, after paragraph 4, the following paragraph :

“(4.1) to regulate public beaches and public or private swimming-pools for safety purposes, to compel every person operating a public beach or swimming-pool to obtain an annual license and to fix the cost of the license ;”

**14.** Article 620 of the said Code, amended by section 72 of chapter 27 of the statutes of 1996 and by section 29 of chapter 77 of the statutes of 1996, is again amended

(1) by inserting the words “29.5 to 29.9.2,” after the figure “29.3,” in the first line of the first paragraph ;

(2) by inserting the figures “29.7, 29.9, 29.9.1,” after the word “sections” in the first line of the second paragraph.

**15.** The said Code is amended by inserting, after article 627.1, the following articles :

**“627.2.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), every local municipality whose territory is not comprised in that of a regional county municipality or in that of an urban community shall provide financial support to a non-profit organization having economic promotion and

development as its object that acts in its territory and has been designated by the Government.

**“627.3.** The local municipality shall make an annual contribution in support of the organization referred to in article 627.2 by the payment of a sum the amount of which it shall determine by by-law.”

If there is no such by-law in force at the time of adoption of the budget of the municipality for a fiscal year, the amount of the sum required to be paid by the municipality for the fiscal year is the amount determined in accordance with the regulation under the third paragraph.

The Government may, by regulation, prescribe the rules for the determination of the amount of the sum that the municipality is required to pay in the circumstance described in the second paragraph. The regulation may prescribe separate rules for each local municipality referred to in article 627.2.”

**16.** The heading of Division V of Chapter III of Title XIV of the said Code is replaced by the following heading :

“COMMERCIAL DEVELOPMENT CORPORATIONS”.

**17.** The said Code is amended by inserting, after article 688.9, the following articles :

**“688.10.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), every regional county municipality shall provide financial support to a non-profit organization having economic promotion and development as its object that acts in its territory and has been designated by the Government.

**“688.11.** Every local municipality whose territory is included in that of the regional county municipality shall make an annual contribution in support of the organization referred to in article 688.10 by the payment of a sum the amount of which shall be determined by by-law of the regional county municipality.

If there is no such by-law in force at the time of adoption of the budget of the regional county municipality for a fiscal year, the amount of the sum required to be paid by each local municipality for the fiscal year is the amount determined in accordance with the regulation under the third paragraph.

The Government may, by regulation, prescribe the rules for the determination of the amount of the sum that each local municipality is required to pay in the circumstance described in the second paragraph. The regulation may prescribe separate rules for all the local municipalities whose territory is included in the territory of each regional county municipality.

The sum shall be integrated into the aliquot share that the local municipality is required to pay to the regional county municipality under section 205.1 of the Act respecting land use planning and development (chapter A-19.1).

The adoption of the by-law provided for in the first paragraph requires, in addition to a majority of affirmative votes by the members of the council of the regional county municipality, that the total population of the local municipalities whose vote is affirmative must constitute more than half of the population of the regional county municipality. In addition, the positive or negative vote of a single local municipality shall not suffice to cause the by-law to be adopted or rejected. For the purposes of this paragraph, the vote of a local municipality is determined by the majority of the votes cast by its representatives.

**“688.12.** The third paragraph of section 188 of the Act respecting land use planning and development (chapter A-19.1) does not apply in respect of a function of the regional county municipality provided for in article 688.10 or 688.11.”

**18.** Article 935 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996 and by section 85 of chapter 27 of the statutes of 1996, is again amended

(1) by inserting the words “, subject to the third paragraph,” after the word “than” in the fifth line of the first paragraph of subarticle 1 of the first paragraph;

(2) by inserting the words “, supply or services” after the word “construction” in the first line of the third paragraph of subarticle 1 of the first paragraph;

(3) by replacing the words “either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system” in the second, third and fourth lines of the third paragraph of subarticle 1 of the first paragraph by the words “by means of an electronic tendering system accessible both to contractors and suppliers having an establishment in Québec and to contractors and suppliers having an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the municipality”;

(4) by replacing the fourth paragraph of subarticle 1 of the first paragraph by the following paragraphs:

“For the purposes of the third paragraph,

(1) “**construction contract**” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work, including site preparation, excavation, drilling, seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work;

(2) “**supply contract**” means a contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining property, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions ;

(3) “**services contract**” means a contract for supplying services that may include the supply of parts or materials required to supply the services, except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary.

A contract which, as a result of an exception provided for in subparagraph 2 or 3 of the fourth paragraph, is not a supply contract or a services contract for the purposes of the third paragraph, is not a contract for the supply of equipment or materials or for the supply of services, as the case may be, for the purposes of the first and second paragraphs and of article 936.”;

(5) by replacing the words “contractors, in addition to contractors” in the third line of subarticle 2.1 of the first paragraph by the words “contractors or suppliers, in addition to contractors or suppliers”;

(6) by adding, at the end of subarticle 2.1 of the first paragraph, the following paragraph :

“The call for tenders referred to in the first paragraph may also stipulate that the goods concerned must be produced in a territory comprising Québec and any other province or territory referred to in that paragraph.”;

(7) by replacing the word “The” in the first line of subarticle 7 of the first paragraph by the words “Subject to article 936.0.1, the”;

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

(9) by striking out the last sentence of subarticle 8 of the first paragraph.

**19.** Article 936 of the said Code, amended by section 86 of chapter 27 of the statutes of 1996, is again amended

(1) by replacing the word “The” in the first line of the second paragraph by the words “Subject to article 936.0.1, the”;

(2) by striking out the words “or a tender that does not exceed the lowest tender by more than 1% or \$50,000” in the second paragraph.

**20.** The said Code is amended by inserting, after article 936, the following articles :

**“936.0.1.** The council may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the insurer, supplier or contractor or on any other criteria directly related to the procurement.

Where the council chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria.

In such a case, the council shall not award the contract to a person other than the person whose bid has received the highest score.

For the purposes of subarticle 8 of the first paragraph of article 935, the bid having received the highest score shall be considered to be the lowest tender.

**“936.0.2.** The council may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

However, where the council establishes a qualification process solely for the purposes of awarding a contract referred to in the third paragraph of subarticle 1 of the first paragraph of article 935, the process may discriminate as permitted in the case of a call for public tenders in relation to such a contract under subarticle 2.1 of the first paragraph of article 935.

The municipality shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the secretary-treasurer to publish a notice to that effect in accordance with the rules set out in the third paragraph of subarticle 1 of the first paragraph of article 935.

**“936.0.3.** A call for tenders may stipulate that the goods, services, insurers, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in article 936.0.2.

The first paragraph does not apply where, under the process provided for in article 936.0.2, only one insurer, supplier or contractor has become qualified.

**“936.0.4.** Subject to subarticles 2.1 and 8 of the first paragraph of article 935, no call for public tenders or document to which it refers shall discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.”

**21.** Article 938.1 of the said Code, enacted by section 88 of chapter 27 of the statutes of 1996, is amended by adding, at the end, the following paragraph:

“The first paragraph does not apply where calls for tenders are required to be public under an intergovernmental trade liberalisation agreement applicable to the municipality.”

**22.** Article 1131 of the said Code, amended by section 452 of chapter 2 of the statutes of 1996 and by section 106 of chapter 27 of the statutes of 1996, is again amended by replacing the words “a tender that does not exceed the lowest tender by more than 1% or \$50,000” in subparagraph 3 of the first paragraph by the words “, where the council chooses to use a system of bid weighting and evaluating in accordance with article 936.0.1, the tender having obtained the highest score”.

#### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L'OUTAOUAIS

**23.** Section 82.1 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1) is amended

(1) by inserting the words “, subject to the second paragraph of section 83,” after the word “than” in subparagraph 4 of the first paragraph;

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

“A contract which, as a result of an exception provided for in subparagraph 2 or 3 of the third paragraph of section 83, is not a supply contract or a services contract for the purposes of the second paragraph of that section, is not a contract for the supply of equipment or materials or for the supply of services, as the case may be, for the purposes of subparagraphs 3 and 4 of the first paragraph of this section.”

**24.** Section 83 of the said Act, amended by section 111 of chapter 27 of the statutes of 1996, is again amended

(1) by inserting the words “, supply or services” after the word “construction” in the first line of the second paragraph;

(2) by replacing the words “either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system” in the second and third lines of the second paragraph by the words “by means of an electronic tendering system accessible both to contractors and suppliers having an establishment in Québec and to contractors and suppliers having an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the Community”;

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

“For the purposes of the second paragraph,



(1) “**construction contract**” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work, including site preparation, excavation, drilling, seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work ;

(2) “**supply contract**” means a contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining property, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions ;

(3) “**services contract**” means a contract for supplying services that may include the supply of parts or materials required to supply the services, except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary.” ;

(4) by replacing the words “contractors, in addition to contractors” in the second and third lines of the fifth paragraph by the words “contractors or suppliers, in addition to contractors or suppliers” ;

(5) by adding, at the end of the fifth paragraph, the following: “Such a call for tenders may also stipulate that the goods concerned must be produced in a territory comprising Québec and any such province or territory.” ;

(6) by replacing the word “The” in the first line of the eighth paragraph by the words “Subject to section 83.0.0.1, the” ;

(7) by striking out the last sentence of the eighth paragraph.

**25.** The said Act is amended by inserting, after section 83, the following sections :

**“83.0.0.1.** The Community may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the insurer, supplier or contractor or on any other criteria directly related to the procurement.

Where the Community chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria.

In such a case, the Community shall not award the contract to a person other than the person whose bid was received within the time fixed and obtained the highest score.

For the purposes of the last sentence of the eighth paragraph of section 83, the bid having obtained the highest score shall be considered to be the lowest tender.

**“83.0.0.2.** The Community may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

However, where the Community establishes a qualification process solely for the purposes of awarding a contract referred to in the second paragraph of section 83, the process may discriminate as permitted in the case of a call for public tenders in relation to such a contract under the fifth paragraph of section 83.

The Community shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the secretary to publish a notice to that effect in accordance with the rules set out in the second paragraph of section 83.

**“83.0.0.3.** A call for tenders may stipulate that the goods, services, insurers, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in section 83.0.0.2.

The first paragraph does not apply where, under the process provided for in section 83.0.0.2, only one insurer, supplier or contractor has become qualified.

**“83.0.0.4.** Subject to the fifth and eighth paragraphs of section 83, no call for public tenders or document to which it refers shall discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.”

**26.** The said Act is amended by inserting, after section 84.5, the following sections :

**“84.5.1.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), the Community shall provide financial support to a non-profit organization having economic promotion and development as its object that acts in its territory and has been designated by the Government.

**“84.5.2.** Every municipality whose territory is included in that of the Community shall make an annual contribution in support of the organization referred to in section 84.5.1 by the payment of a sum the amount of which shall be determined by by-law of the Community.

If there is no such by-law in force at the time of adoption of the budget of the Community for a fiscal year, the amount of the sum required to be paid by each municipality for the fiscal year is the amount determined in accordance with the regulation under the third paragraph.

The Government may, by regulation, prescribe the rules for the determination of the amount of the sum that each municipality is required to pay in the circumstance described in the second paragraph.

The sum shall be integrated into the aliquot share that the municipality is required to pay to the Community under section 143.2.”

**27.** Section 171 of the said Act, amended by section 17 of chapter 52 of the statutes of 1996, is again amended by replacing the figure “, 83.0.1” in the first line of the first paragraph by the words “to 83.0.1”.

#### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

**28.** Section 120.0.1 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended

(1) by inserting the words “, subject to the second paragraph of section 120.0.3,” after the word “than” in subparagraph 4 of the first paragraph;

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

“A contract which, as a result of an exception provided for in subparagraph 2 or 3 of the third paragraph of section 120.0.3, is not a supply contract or a services contract for the purposes of the second paragraph of that section, is not a contract for the supply of equipment or materials or for the supply of services, as the case may be, for the purposes of subparagraphs 3 and 4 of the first paragraph of this section.”

**29.** Section 120.0.3 of the said Act, amended by section 123 of chapter 27 of the statutes of 1996, is again amended

(1) by inserting the words “, supply or services” after the word “construction” in the first line of the second paragraph;

(2) by replacing the words “either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system” in the second and third lines of the second paragraph by the words “by means of an electronic tendering system accessible both to contractors and suppliers having an establishment in Québec and to contractors and suppliers having an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the Community”;

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

“For the purposes of the second paragraph,

(1) “**construction contract**” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work, including site preparation, excavation, drilling, seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work;

(2) “**supply contract**” means a contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining property, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions;

(3) “**services contract**” means a contract for supplying services that may include the supply of parts or materials required to supply the services, except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary.”;

(4) by replacing the words “contractors, in addition to contractors” in the second and third lines of the fifth paragraph by the words “contractors or suppliers, in addition to contractors or suppliers”;

(5) by adding, at the end of the fifth paragraph, the following: “Such a call for tenders may also stipulate that the goods concerned must be produced in a territory comprising Québec and any such province or territory.”;

(6) by replacing the word “The” in the first line of the eighth paragraph by the words “Subject to section 120.0.3.0.1, the”;

(7) by striking out the last sentence of the eighth paragraph.

**30.** The said Act is amended by inserting, after section 120.0.3, the following sections:

“**120.0.3.0.1.** The executive committee may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the insurer, supplier or contractor or on any other criteria directly related to the procurement.

Where the executive committee chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria.

In such a case, the executive committee shall not award the contract to a person other than the person whose bid was received within the time fixed and obtained the highest score.

For the purposes of the last sentence of the eighth paragraph of section 120.0.3, the bid having obtained the highest score shall be considered to be the lowest tender.

**“120.0.3.0.2.** The executive committee may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

However, where the executive committee establishes a qualification process solely for the purposes of awarding a contract referred to in the second paragraph of section 120.0.3, the process may discriminate as permitted in the case of a call for public tenders in relation to such a contract under the fifth paragraph of section 120.0.3.

The Community shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the secretary to publish a notice to that effect in accordance with the rules set out in the second paragraph of section 120.0.3.

**“120.0.3.0.3.** A call for tenders may stipulate that the goods, services, insurers, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in section 120.0.3.0.2.

The first paragraph does not apply where, under the process provided for in section 120.0.3.0.2, only one insurer, supplier or contractor has become qualified.

**“120.0.3.0.4.** Subject to the fifth and eighth paragraphs of section 120.0.3, no call for public tenders or document to which it refers shall discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.”

**31.** The said Act is amended by inserting, after section 121.4, the following sections :

**“121.5.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), the Community shall provide financial support to a non-profit organization having economic promotion and development as its object that acts in its territory and has been designated by the Government.

**“121.6.** Every municipality whose territory is included in that of the Community shall make an annual contribution in support of the organization referred to in section 121.5 by the payment of a sum the amount of which shall be determined by by-law of the Community.

If there is no such by-law in force at the time of adoption of the budget of the Community for a fiscal year, the amount of the sum required to be paid by each municipality for the fiscal year is the amount determined in accordance with the regulation under the third paragraph.

The Government may, by regulation, prescribe the rules for the determination of the amount of the sum that each municipality is required to pay in the circumstance described in the second paragraph.

The sum shall be integrated into the aliquot share that the municipality is required to pay to the Community under section 220.1.”

#### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

**32.** Section 92 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended

(1) by inserting the words “, subject to the second paragraph of section 92.0.2,” after the word “than” in subparagraph 4 of the first paragraph;

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

“A contract which, as a result of an exception provided for in subparagraph 2 or 3 of the third paragraph of section 92.0.2, is not a supply contract or a services contract for the purposes of the second paragraph of that section, is not a contract for the supply of equipment or materials or for the supply of services, as the case may be, for the purposes of subparagraphs 3 and 4 of the first paragraph of this section.”

**33.** Section 92.0.2 of the said Act, amended by section 134 of chapter 27 of the statutes of 1996, is again amended

(1) by inserting the words “, supply or services” after the word “construction” in the first line of the second paragraph;

(2) by replacing the words “either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system” in the second and third lines of the second paragraph by the words “by means of an electronic tendering system accessible both to contractors and suppliers having an establishment in Québec and to contractors and suppliers having an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the Community”;

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

“For the purposes of the second paragraph,

(1) “**construction contract**” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work, including site preparation, excavation, drilling,

seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work;

(2) “**supply contract**” means a contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining property, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions;

(3) “**services contract**” means a contract for supplying services that may include the supply of parts or materials required to supply the services, except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary.”;

(4) by replacing the words “contractors, in addition to contractors” in the second and third lines of the fifth paragraph by the words “contractors or suppliers, in addition to contractors or suppliers”;

(5) by adding, at the end of the fifth paragraph, the following: “Such a call for tenders may also stipulate that the goods concerned must be produced in a territory comprising Québec and any such province or territory.”;

(6) by replacing the word “The” in the first line of the eighth paragraph by the words “Subject to section 92.0.2.0.1, the”;

(7) by striking out the last sentence of the eighth paragraph.

**34.** The said Act is amended by inserting, after section 92.0.2, the following sections :

**“92.0.2.0.1.** The Community may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the insurer, supplier or contractor or on any other criteria directly related to the procurement.

Where the Community chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria.

In such a case, the Community shall not award the contract to a person other than the person whose bid was received within the time fixed and obtained the highest score.

For the purposes of the last sentence of section 92.0.2, the bid having obtained the highest score shall be considered to be the lowest tender.

**“92.0.2.0.2.** The Community may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

However, where the Community establishes a qualification process solely for the purposes of awarding a contract referred to in the second paragraph of section 92.0.2, the process may discriminate as permitted in the case of a call for public tenders in relation to such a contract under the fifth paragraph of section 92.0.2.

The Community shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the secretary to publish a notice to that effect in accordance with the rules set out in the second paragraph of section 92.0.2.

**“92.0.2.0.3.** A call for tenders may stipulate that the goods, services, insurers, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in section 92.0.2.0.2.

The first paragraph does not apply where, under the process provided for in section 92.0.2.0.2, only one insurer, supplier or contractor has become qualified.

**“92.0.2.0.4.** Subject to the fifth and eighth paragraphs of section 92.0.2, no call for public tenders or document to which it refers shall discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.”

**35.** The said Act is amended by inserting, after section 96.0.1, the following sections :

**“96.0.1.1.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), the Community shall provide financial support to a non-profit organization having economic promotion and development as its object that acts in its territory and has been designated by the Government.

**“96.0.1.2.** Every municipality whose territory is included in that of the Community shall make an annual contribution in support of the organization referred to in section 96.0.1.1 by the payment of a sum the amount of which shall be determined by by-law of the Community.

If there is no such by-law in force at the time of adoption of the budget of the Community for a fiscal year, the amount of the sum required to be paid by each municipality for the fiscal year is the amount determined in accordance with the regulation under the third paragraph.



The Government may, by regulation, prescribe the rules for the determination of the amount of the sum that each municipality is required to pay in the circumstance described in the second paragraph.

The sum shall be integrated into the aliquot share that the municipality is required to pay to the Community under section 157.2.”

#### ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

**36.** Section 40 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended

(1) by inserting the words “, subject to the second paragraph,” after the word “than” in the third line of the first paragraph;

(2) by inserting the words “, supply or services” after the word “construction” in the first line of the second paragraph;

(3) by replacing the words “either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system” in the second, third and fourth lines of the second paragraph by the words “by means of an electronic tendering system accessible both to contractors and suppliers having an establishment in Québec and to contractors and suppliers having an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the corporation”;

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

“For the purposes of the second paragraph,

(1) “**construction contract**” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work, including site preparation, excavation, drilling, seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work;

(2) “**supply contract**” means a contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining property, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions;

(3) “**services contract**” means a contract for supplying services that may include the supply of parts or materials required to supply the services, except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse,

pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary.”;

(5) by replacing the words “contractors, in addition to contractors” in the third line of the fifth paragraph by the words “contractors or suppliers, in addition to contractors or suppliers”;

(6) by adding, at the end of the fifth paragraph, the following: “Such a call for tenders may also stipulate that the goods concerned must be produced in a territory comprising Québec and any such province or territory.”;

(7) by inserting the words “and subject to section 41.0.1” after the word “tender” in the first line of the seventh paragraph;

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

“A contract which, as a result of an exception provided for in subparagraph 2 or 3 of the third paragraph, is not a supply contract or a services contract for the purposes of the second paragraph, is not a contract for the supply of equipment or materials or for the supply of services, as the case may be, for the purposes of the first paragraph.”

**37.** The said Act is amended by inserting, after section 41, the following sections:

**“41.0.1.** The corporation may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the supplier or contractor or on any other criteria directly related to the procurement.

Where the corporation chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria.

In such a case, the corporation shall not award the contract to a person other than the person whose bid was received within the time fixed and obtained the highest score.

For the purposes of the last sentence of the seventh paragraph of section 40, the bid having obtained the highest score shall be considered to be the lowest tender.

**“41.0.2.** The corporation may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, suppliers or contractors.

However, where the corporation establishes a qualification process solely for the purposes of awarding a contract referred to in the second paragraph of

section 40, the process may discriminate as permitted in the case of a call for public tenders in relation to such a contract under the fifth paragraph of section 40.

The corporation shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the secretary to publish a notice to that effect in accordance with the rules set out in the second paragraph of section 40.

**“41.0.3.** A call for tenders may stipulate that the goods, services, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in section 41.0.2.

The first paragraph does not apply where, under the process provided for in section 41.0.2, only one supplier or contractor has become qualified.

**“41.0.4.** Subject to the fifth and seventh paragraphs of section 40, no call for public tenders or document to which it refers shall discriminate on the basis of the province or country of origin of the goods, services, suppliers or contractors.”

#### ACT RESPECTING MUNICIPAL DEBTS AND LOANS

**38.** Section 13 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7), replaced by section 147 of chapter 27 of the statutes of 1996, is repealed.

**39.** The said Act is amended by inserting, after Division VIII, the following division :

#### **“DIVISION VIII.1**

#### **“BONDS ISSUED UNDER SPECIAL CONDITIONS AND REPLACEMENT OF BONDS**

**“22.1.** A municipality may, on the conditions determined by the Minister of Municipal Affairs and within a framework approved by the Government, issue bonds using a procedure different from the procedure prescribed in a provision of an Act or regulation applicable to municipal bonds, or substitute such bonds for all or any portion of bonds issued otherwise.

**“22.2.** A municipality may, on the conditions determined by the Minister of Municipal Affairs, substitute a bond issued using a procedure prescribed in a legislative or regulatory provision other than section 22.1 applicable to the municipality, for several bonds issued using that procedure.”

## ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

**40.** Section 133 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended

(1) by replacing the word “all” in the fourth line of the third paragraph by the words “a majority of”;

(2) in the French text, by replacing the word “ont” in the fifth line of the third paragraph by the word “a”.

## ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

**41.** Section 69 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended

(1) by inserting the words “, subject to the second paragraph of section 70,” after the word “amount” in the second line of the first paragraph;

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

“A contract which, as a result of an exception provided for in subparagraph 2 or 3 of the third paragraph of section 70, is not a supply contract or a services contract for the purposes of the second paragraph of that section, is not a contract for the supply of equipment or materials or for the supply of services, as the case may be, for the purposes of the second and third paragraphs of this section.”

**42.** Section 70 of the said Act, amended by section 80 of chapter 34 of the statutes of 1995 and by section 84 of chapter 71 of the statutes of 1995, is again amended

(1) by inserting the words “, supply or services” after the word “construction” in the first line of the second paragraph;

(2) by replacing the words “either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system” in the third and fourth lines of the second paragraph by the words “by means of an electronic tendering system accessible both to contractors and suppliers having an establishment in Québec and to contractors and suppliers having an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the corporation”;

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

“For the purposes of the second paragraph,

(1) “**construction contract**” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or

other civil engineering work, including site preparation, excavation, drilling, seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work ;

(2) “**supply contract**” means a contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining property, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions ;

(3) “**services contract**” means a contract for supplying services that may include the supply of parts or materials required to supply the services, except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary.” ;

(4) by replacing the words “contractors, in addition to contractors” in the third line of the fifth paragraph by the words “contractors or suppliers, in addition to contractors or suppliers” ;

(5) by adding, at the end of the fifth paragraph, the following : “Such a call for tenders may also stipulate that the goods concerned must be produced in a territory comprising Québec and any such province or territory.”

**43.** Section 72 of the said Act is amended by replacing the word “The” in the first line of the first paragraph by the words “Subject to section 72.0.1, the”.

**44.** The said Act is amended by inserting, after section 72, the following sections :

“**72.0.1.** The corporation may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the insurer, supplier or contractor or on any other criteria directly related to the procurement.

Where the corporation chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria.

In such a case, the corporation shall not award the contract to a person other than the person whose bid was received within the time fixed and obtained the highest score.

For the purposes of the second paragraph of section 72, the bid having obtained the highest score shall be considered to be the lowest tender.

**“72.0.2.** The corporation may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

However, where the corporation establishes a qualification process solely for the purposes of awarding a contract referred to in the second paragraph of section 70, the process may discriminate as permitted in the case of a call for public tenders in relation to such a contract under the fifth paragraph of section 70.

The corporation shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the secretary to publish a notice to that effect in accordance with the rules set out in the second paragraph of section 70.

**“72.0.3.** A call for tenders may stipulate that the goods, services, insurers, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in section 72.0.2.

The first paragraph does not apply where, under the process provided for in section 72.0.2, only one insurer, supplier or contractor has become qualified.

**“72.0.4.** Subject to the fifth paragraph of section 70 and the second paragraph of section 72, no call for public tenders or document to which it refers shall discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.”

**45.** Section 106.1 of the said Act, enacted by section 131 of chapter 27 of the statutes of 1985, is amended by replacing the second sentence by the following sentence: “Sections 103 and 104, adapted as required, apply to such an amendment.”

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

**46.** Section 90 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is amended

(1) by inserting the words “, subject to the second paragraph of section 91,” after the word “amount” in the second line of the first paragraph;

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

“A contract which, as a result of an exception provided for in subparagraph 2 or 3 of the third paragraph of section 91, is not a supply contract or a services

contract for the purposes of the second paragraph of that section, is not a contract for the supply of equipment or materials or for the supply of services, as the case may be, for the purposes of the second and third paragraphs of this section.”

**47.** Section 91 of the said Act, amended by section 81 of chapter 34 of the statutes of 1995 and by section 85 of chapter 71 of the statutes of 1995, is again amended

(1) by inserting the words “, supply or services” after the word “construction” in the first line of the second paragraph ;

(2) by replacing the words “either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system” in the third and fourth lines of the second paragraph by the words “by means of an electronic tendering system accessible both to contractors and suppliers having an establishment in Québec and to contractors and suppliers having an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the corporation” ;

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

“For the purposes of the second paragraph,

(1) “**construction contract**” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work, including site preparation, excavation, drilling, seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work ;

(2) “**supply contract**” means a contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining property, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions ;

(3) “**services contract**” means a contract for supplying services that may include the supply of parts or materials required to supply the services, except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary.” ;

(4) by replacing the words “contractors, in addition to contractors” in the third line of the fifth paragraph by the words “contractors or suppliers, in addition to contractors or suppliers” ;

(5) by adding, at the end of the fifth paragraph, the following: "Such a call for tenders may also stipulate that the goods concerned must be produced in a territory comprising Québec and any such province or territory."

**48.** Section 93 of the said Act is amended by replacing the word "The" in the first line of the first paragraph by the words "Subject to section 93.0.1, the".

**49.** The said Act is amended by inserting, after section 93, the following sections :

**"93.0.1.** The corporation may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the insurer, supplier or contractor or on any other criteria directly related to the procurement.

Where the corporation chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria.

In such a case, the corporation shall not award the contract to a person other than the person whose bid was received within the time fixed and obtained the highest score.

For the purposes of the second paragraph of section 93, the bid having obtained the highest score shall be considered to be the lowest tender.

**"93.0.2.** The corporation may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.

However, where the corporation establishes a qualification process solely for the purposes of awarding a contract referred to in the second paragraph of section 91, the process may discriminate as permitted in the case of a call for public tenders in relation to such a contract under the fifth paragraph of section 91.

The corporation shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the secretary to publish a notice to that effect in accordance with the rules set out in the second paragraph of section 91.

**"93.0.3.** A call for tenders may stipulate that the goods, services, insurers, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization



accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in section 93.0.2.

The first paragraph does not apply where, under the process provided for in section 93.0.2, only one insurer, supplier or contractor has become qualified.

**“93.0.4.** Subject to the fifth paragraph of section 91 and the second paragraph of section 93, no call for public tenders or document to which it refers shall discriminate on the basis of the province or country of origin of the goods, services, insurers, suppliers or contractors.”

#### ACT TO AMEND THE CITIES AND TOWNS ACT, THE MUNICIPAL CODE OF QUÉBEC AND OTHER LEGISLATIVE PROVISIONS

**50.** Sections 32 to 34, 101 to 103 and 146 of the Act to amend the Cities and Towns Act, the Municipal Code of Québec and other legislative provisions (1996, chapter 27) are repealed.

#### ACT TO AMEND THE CONSTITUENT ACTS OF THE URBAN COMMUNITIES AND OTHER LEGISLATIVE PROVISIONS

**51.** Sections 13 and 20, paragraph 2 of section 32, sections 33 and 34, paragraph 2 of section 39 and sections 40 to 42, 84, 85, 94 to 101, 103 and 104 of the Act to amend the constituent Acts of the urban communities and other legislative provisions (1996, chapter 52) are repealed.

#### CHARTER OF THE CITY OF MONTRÉAL

**52.** Article 107 of the charter of the city of Montréal (1959-60, chapter 102), replaced by section 15 of chapter 77 of the statutes of 1977 and amended by section 7 of chapter 40 of the statutes of 1980, by section 849 of chapter 57 of the statutes of 1987, by section 9 of chapter 87 of the statutes of 1988, by section 68 of chapter 27 of the statutes of 1992, by section 5 of chapter 82 of the statutes of 1993, by section 3 of chapter 53 of the statutes of 1994, by section 82 of chapter 34 of the statutes of 1995 and by section 174 of chapter 27 of the statutes of 1996, is again amended

(1) by inserting the words “, subject to subarticle 3.1,” after the word “than” in the third line of subarticle 1 ;

(2) by adding, at the end of subarticle 1, the following paragraph :

“A contract which, as a result of an exception provided for in subparagraph 2 or 3 of the second paragraph of subarticle 3.1, is not a supply contract or a services contract for the purposes of the first paragraph of that subarticle, is not a contract for the supply of equipment or materials or for the supply of services, as the case may be, for the purposes of the first paragraph of this subarticle.”;

(3) by inserting the words “, supply or services” after the word “construction” in the first line of the first paragraph of subarticle 3.1;

(4) by replacing the words “either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system” in the third and fourth lines of the first paragraph of subarticle 3.1 by the words “by means of an electronic tendering system accessible both to contractors and suppliers having an establishment in Québec and to contractors and suppliers having an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the city”;

(5) by replacing the second paragraph of subarticle 3.1 by the following paragraph:

“For the purposes of the first paragraph,

(1) “**construction contract**” means a contract regarding the construction, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering work, including site preparation, excavation, drilling, seismic investigation, the supply of products and materials, equipment and machinery if these are included in and incidental to a construction contract, as well as the installation and repair of fixtures of a building, structure or other civil engineering work;

(2) “**supply contract**” means a contract for the purchase, lease or rental of movable property that may include the cost of installing, operating and maintaining property, except a contract in respect of property related to cultural or artistic fields as well as computer software for educational purposes, and subscriptions;

(3) “**services contract**” means a contract for supplying services that may include the supply of parts or materials required to supply the services, except a contract in respect of services related to cultural or artistic fields that can, under an Act or a regulation, be provided only by a physician, dentist, nurse, pharmacist, veterinary surgeon, engineer, land surveyor, architect, chartered accountant, advocate or notary.”;

(6) by replacing the words “contractors, in addition to contractors” in the third line of subarticle 3.2 by the words “contractors or suppliers, in addition to contractors or suppliers”;

(7) by adding, at the end of subarticle 3.2, the following paragraph:

“The call for tenders referred to in the first paragraph may also stipulate that the goods concerned must be produced in a territory comprising Québec and a province or territory referred to in that paragraph.”;

(8) by replacing the word “The” in the first line of subarticle 6 by the words “Subject to article 107.0.1, the”;

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

(10) by striking out the last sentence of subarticle 7.

**53.** The said charter is amended by inserting, after article 107, the following articles:

**“107.0.1.** The executive committee may choose to use a system of bid weighting and evaluating whereby each bid obtains a number of points based on the price as well as on the quality or quantity of goods, services or work, the delivery procedure, servicing, the experience and financial capacity required of the supplier or contractor or on any other criteria directly related to the procurement.

Where the executive committee chooses to use such a system, the call for tenders or any document to which it refers shall mention all the requirements and all criteria that will be used for evaluating the bids, as well as the weighting and evaluation methods based on those criteria.

In such a case, the executive committee shall not award the contract to a person other than the person whose bid was received within the time fixed and obtained the highest score.

For the purposes of subarticle 7 of article 107, the bid having obtained the highest score shall be considered to be the lowest tender.

**“107.0.2.** The executive committee may establish a qualification process which shall not discriminate on the basis of the province or country of origin of the goods, services, suppliers or contractors.

However, where the executive committee establishes a qualification process solely for the purposes of awarding a contract referred to in subarticle 3.1 of article 107, the process may discriminate as permitted in the case of a call for public tenders in relation to such a contract under subarticle 3.2 of article 107.

The city shall invite the interested parties to obtain their qualification or the qualification of their goods or services, by causing the clerk to publish a notice to that effect in accordance with the rules set out in the first paragraph of subarticle 3.1 of article 107.

**“107.0.3.** A call for tenders may stipulate that the goods, services, suppliers or contractors concerned by or able to satisfy the call for tenders must first be certified, qualified or registered by an organization accredited by the Standards Council of Canada or first be certified or qualified under the process provided for in article 107.0.2.

The first paragraph does not apply where, under the process provided for in article 107.0.2, only one supplier or contractor has become qualified.

**“107.0.4.** Subject to subarticles 3.2 and 7 of article 107, no call for public tenders or document to which it refers shall discriminate on the basis of the province or country of origin of the goods, services, suppliers or contractors.”

**54.** Article 749 of the said charter, amended by section 14 of chapter 90 and section 6 of chapter 92 of the statutes of 1968, by section 15 of chapter 52 of the statutes of 1976, by section 224 of chapter 38 of the statutes of 1984, by section 39 of chapter 87 of the statutes of 1988 and by section 21 of chapter 54 of the statutes of 1994, is again amended by replacing the words “and VIII” in the fourth and fifth lines of the fifth paragraph by the words “, VIII and VIII.1”.

#### TRANSITIONAL AND FINAL PROVISIONS

**55.** Sections 4 and 15 have effect for the purposes of every municipal fiscal year from the fiscal year 1998.

For the 1998 fiscal year, the local municipality shall pay to the organization referred to in section 466.2 of the Cities and Towns Act or in article 627.2 of the Municipal Code of Québec, as the case may be, 75% of the amount determined under section 466.3 of the said Act or under article 627.3 of the said Code, as the case may be, and shall pay the balance to one or more non-profit organizations having economic promotion and development as their object and that act in its territory.

The first regulation under the third paragraph of section 466.3 of the Cities and Towns Act or under the third paragraph of article 627.3 of the Municipal Code of Québec, as the case may be, is not subject to the publication requirements of section 11 of the Regulations Act (R.S.Q., chapter R-18.1).

**56.** Sections 17, 26, 31 and 35 have effect for the purposes of every municipal fiscal year from the fiscal year 1998.

For the 1998 fiscal year, the regional county municipality or the urban community shall pay to the organization referred to in article 688.10 of the Municipal Code of Québec, section 84.5.1 of the Act respecting the Communauté urbaine de l'Outaouais, section 121.5 of the Act respecting the Communauté urbaine de Montréal or section 96.0.1.1 of the Act respecting the Communauté urbaine de Québec, as the case may be, 75% of the total of the sums it is entitled to collect under article 688.11 of the Municipal Code of Québec, section 84.5.2 of the Act respecting the Communauté urbaine de l'Outaouais, section 121.6 of the Act respecting the Communauté urbaine de Montréal or section 96.0.1.2 of the Act respecting the Communauté urbaine de Québec, as the case may be, and shall pay the balance to one or more non-profit organizations having economic promotion and development as their object and that act in its territory.

The first regulation made under the third paragraph of article 688.11 of the Municipal Code of Québec, the third paragraph of section 84.5.2 of the Act respecting the Communauté urbaine de l'Outaouais, the third paragraph of section 121.6 of the Act respecting the Communauté urbaine de Montréal or the third paragraph of section 96.0.1.2 of the Act respecting the Communauté urbaine de Québec, as the case may be, is not subject to the publication requirements of section 11 of the Regulations Act.

**57.** Every process for the awarding of a contract commenced before 1 September 1997, in accordance with a provision amended or replaced on that date by this Act, shall be continued according to that provision and according to every provision of the same Act that refers or is related thereto, notwithstanding the amendment or replacement of those provisions by this Act.

**58.** A call for public tenders by a municipal body that was published only in a daily newspaper, before the date fixed by the Government for the coming into force of a provision of this Act which makes mandatory the publication of such a call for tenders by means of an electronic tendering system, is considered to be a call for tenders published by means of such a system for the purposes of an awarding process in progress on that date.

The first paragraph, adapted as required, applies to any call for tenders that, before that date, was published by means of an electronic tendering system that does not satisfy the requirements of the provision referred to in the first paragraph and in a newspaper distributed or circulated in the territory of the municipal body.

**59.** This Act comes into force on 19 June 1997.

However, sections 7 to 10, 18 to 25, 27 to 30, 32 to 34, 36, 37, 41 to 44, 46 to 49, 52 and 53 come into force on 1 September 1997, except paragraph 3 of section 7, paragraph 3 of section 18, paragraph 2 of section 24, paragraph 2 of section 29, paragraph 2 of section 33, paragraph 3 of section 36, paragraph 2 of section 42, paragraph 2 of section 47 and paragraph 4 of section 52, which come into force on the date or dates to be fixed by the Government.



## Regulations and Other Acts

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Gouvernement du Québec

### O.C. 910-97, 9 July 1997

An Act respecting income security  
(R.S.Q., c. S-3.1.1)

#### Income security — Amendments

Regulation to amend the Regulation respecting Income Security

WHEREAS in accordance with section 91 of the Act respecting income security (R.S.Q., c. S-3.1.1), the Government, by Order in Council 922-89 dated 14 June 1989, made the Regulation respecting Income Security;

WHEREAS it is expedient to further amend that Regulation;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published pursuant to section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency owing to the following circumstances justifies the absence of prior publication and such coming into force:

— the amendments provided for in the Regulation attached to this Order in Council must come into force as soon as possible, as they will allow beneficiaries of income security wishing to hold seasonal or temporary employment beginning during the summer to be paid the cost of any transportation or move required for such employment; these amendments must come into force before such employment begins, and the time period for

prior publication in the *Gazette officielle du Québec* and the coming into force would prevent the Regulation from coming into force on the date required;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Employment and Solidarity and Minister of Employment and Solidarity:

THAT the Regulation to amend the Regulation respecting Income Security, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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### Regulation to amend the Regulation respecting Income Security

An Act respecting income security  
(R.S.Q., c. S-3.1.1, s. 33, 2<sup>nd</sup> par., and s. 91, 1<sup>st</sup> par., subpars. 5 and 21, and 2<sup>nd</sup> par.)

**1.** The Regulation respecting Income Security, made by Order in Council 922-89 dated 14 June 1989 and amended by the Regulations made by Orders in Council 1917-89 dated 13 December 1989, 1051-90 dated 18 July 1990, 1733-90 and 1734-90 dated 12 December 1990, 1793-90 dated 19 December 1990, 567-91 dated 24 April 1991, 1721-91 dated 11 December 1991, 285-92 dated 26 February 1992, 379-92 and 380-92 dated 18 March 1992, 868-92 dated 10 June 1992, 1155-92 dated 5 August 1992, 1798-92 and 1799-92 dated 9 December 1992, 123-93 dated 3 February 1993, 825-93 dated 9 June 1993, 1287-93 dated 8 September 1993, 1780-93 dated 8 December 1993, 159-94 dated 19 January 1994, 249-94 dated 9 February 1994, 827-94 dated 8 June 1994, 1160-94 dated 20 July 1994, 260-95 dated 1 March 1995, 1354-95 dated 11 October 1995, 202-96 dated 14 February 1996, 266-96 dated 28 February 1996, 761-96 dated 19 June 1996, 926-96 dated 17 July 1996, 1290-96 dated 9 October 1996, 1480-96 dated 27 November 1996, 1566-96 dated 11 December 1996, 283-97 dated 5 March 1997, 538-97 dated 23 April 1997 and 587-97 dated 30 April 1997, is further amended by inserting the words “or 41.1” at the end of the second paragraph of section 25.

**2.** The following is inserted after section 41:

“**41.1** Special benefits shall be granted to pay the following expenses incurred by an adult:

(1) the cost of a single round trip necessary for holding seasonal or temporary employment; the least expensive means of transportation, considering all the circumstances, must be used;

(2) the cost of a move made necessary in order to hold employment.

Such special benefits shall be granted to cover the expenses of each member of the family who is obliged to move, up to an amount of \$250 per adult and per dependent child, but shall not exceed a total amount of \$1 000 per family for any 12-month period.

Those benefits shall be reduced by any amount paid by the employer. Furthermore, they shall be granted if the expected work income, less the exclusions and deductions allowed under this Regulation, exceeds the expenses allowable.”

**3.** The following is inserted after section 83:

“**83.1** An adult who, in violation of the provisions of section 29 of the Act, abandons or loses an employment for which special benefits were granted to him under section 41.1, shall be required to reimburse the amount representing the difference between the amount of those benefits and the amount of the work income earned, less the exclusions and deductions allowed under this Regulation.”

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

1606

Gouvernement du Québec

## O.C. 911-97, 9 July 1997

An Act respecting income security  
(R.S.Q., c. S-3.1.1)

### Income security — Amendments

Regulation to amend the Regulation respecting Income Security

WHEREAS in accordance with section 91 of the Act respecting income security (R.S.Q., c. S-3.1.1), the Government, by Order in Council 922-89 dated 14 June 1989, made the Regulation respecting income security;

WHEREAS it is expedient to amend that Regulation further;

WHEREAS under section 72 of Chapter 57 of the Statutes of 1997 and section 174 of Chapter 58 of the Statutes of 1997, the first regulation made under section 91 of the Act respecting income security as a consequence of a provision of those acts is not subject to the publication requirements of section 11 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS the attached Regulation may 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 the Regulations Act, and may, if it so provides, apply from any date not before 1 August 1997;

WHEREAS it is expedient to make the attached Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Employment and Solidarity and Minister of Employment and Solidarity:

THAT the Regulation to amend the Regulation respecting income security, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting Income Security

An Act respecting income security  
(R.S.Q., c. S-3.1.1, s. 91, 1<sup>st</sup> par., subpars. 4, 4.1, 6.1, 7.1, 30, 31, 31.1.1, 33.0.1., 33.1, 36, 37, 2<sup>nd</sup> and 3<sup>rd</sup> pars.; 1955, c. 69, s. 20; 1996, c. 78, s. 6; 1997, c. 57, s. 58, 69 and 70; 1997, c. 58, s. 57)

**1.** The Regulation respecting income security made by Order in Council 922-89 dated 14 June 1989 and amended by the Regulations made by Orders in Council 1917-89 dated 13 December 1989, 1051-90 dated 18 July 1990, 1733-90 and 1734-90 dated 12 December 1990, 1793-90 dated 19 December 1990, 567-91 dated 24 April 1991, 1721-91 dated 11 December 1991, 285-92 dated 26 February 1992, 379-92 and 380-92 dated 18 March 1992, 868-92 dated 10 June 1992, 1155-92 dated 5 August 1992, 1798-92 and 1799-92 dated 9 December 1992, 123-93 dated 3 February 1993, 825-93 dated 9 June 1993, 1287-93 dated 8 September 1993, 1780-93 dated 8 December 1993, 159-94 dated 19 January 1994, 249-94 dated 9 February 1994, 827-94 dated 8 June 1994, 1160-94 dated 20 July 1994, 260-95 dated 1 March 1995, 1354-95 dated 11 October 1995, 202-96 dated 14 February 1996, 266-96 dated 28 February 1996, 761-96 dated 19 June 1996, 926-96 dated 17 July 1996,



1290-96 dated 9 October 1996, 1480-96 dated 27 November 1996, 1566-96 dated 11 December 1996, 283-97 dated 5 March 1997, 538-97 dated 23 April 1997, 587-97 dated 30 April 1997 and 910-97 dated 9 July 1997 is further amended in section 6.1 by substituting the following for the first paragraph:

“For the purposes of subparagraph 6 of section 7 of the Act, the liquid assets of an adult or a family on the date of the application for admission to a last resort assistance program shall not exceed the following amounts:

Adult(s)	Dependent children	Liquid assets
1	0	\$699
1	1	\$939
1	2	\$1,067
2	0	\$1,042
2	1	\$1,172
2	2	\$1,274

Those amounts shall be increased by \$3 for the third dependent child and for each subsequent child.

However, the liquid assets of an adult referred to in subparagraphs 6.1 and 6.2 of section 2 shall not exceed \$317 and those of an adult referred to in subparagraph 4 of section 2 or in section 4, \$145.”;

**2.** The following is substituted for section 7:

“7. The scale of needs applicable to adults and their work income, also that of their dependent children, excluded for benefit calculation purposes under the financial support program shall be as follows:

Adult(s)	Scale of needs	Excluded work income
1	\$686	\$100
2	\$1,025	\$100.”.

**3.** The following is substituted for section 10.2:

“10.2 The scale of needs provided for in section 7 shall be increased by the following amounts:

1. for an adult: \$9;
2. for two adults: \$17.

The amount provided for in subparagraph 1 shall be increased by \$4 where the adult does not share a dwelling within the meaning of subdivision 2 of Division IV of this Chapter.

**10.3** The scale of needs of an adult referred to in subparagraphs 6.1 and 6.2 of section 2 shall be increased by \$9.

**10.4** In the case of a family comprised of only one adult member and at least one dependent child, the scale of needs provided for in section 7 shall be increased by \$108.33.

**10.5** The scale of needs provided for in section 7 shall be increased by the following amounts for a dependent minor child: \$81.25 for the first child, \$81.25 for the second child and \$33.16 for each subsequent child.

**10.6** The scale of needs provided for in section 7 shall be increased by the following amounts for each dependent minor child who is placed in a foster family or reception centre:

1. for a family comprising only one adult member: \$63.00 for the first child, \$35.42 for the second and \$18.50 for the third;

2. for a family comprising two adults: \$63.00 for the first child and \$35.42 for the second.”.

**4.** The following is substituted for section 11:

“11. The scale of needs provided for in section 7 shall be increased by the following amounts for a dependent child of full age who attends a secondary-level institution in a vocational training program or an educational institution of college or university level:

1. where the family comprises only one adult member: \$136.67 for the first child and \$121.00 for the second;

2. where the family comprises two adults: \$121.00 for the first child and \$96.00 for the second.

**11.1** The scale of needs provided for in section 7 shall be increased by the following amounts for any dependent child of full age who is in a general education program at a secondary-level educational institution: \$225.67 for the first child, \$209.00 for the second and for each subsequent child.

Those amounts shall be increased by \$119.22 where a child is handicapped within the meaning of the Act respecting family benefits (1997, c. 57).

**11.2** The scale of needs provided for in section 7 shall be increased by an amount of \$100 for each dependent child who lives with his family while attending a secondary-level educational institution in a vocational

training program or an educational institution of college or university level.

**11.3** For the purposes of sections 10.5 to 11.1, the youngest dependent child shall be considered as the first child.

**11.4** Where a family comprises a dependent child subject to a shared custody arrangement under a judgement or, lacking such judgement, a written agreement, the amount of each of the increases provided for in sections 10.5 to 11.2 and applicable to the child shall be established on a monthly basis by multiplying that amount by the annual percentage of custody time.”

**5.** The following is substituted for section 13:

“**13.** The scale of needs for adults and their work income, also that of their dependent children, excluded for benefit calculation purposes under the Work and Employment Incentives program shall be as follows:

Category of needs	Adult(s)	Scale of needs income	Excluded work
Non-participation	1	\$477	\$184
Non-participation	2	\$738	\$231
Unavailability	1	\$577	\$ 84
Unavailability	2	\$913	\$ 79
Participation	1	\$597	\$110
Participation	2	\$933	\$130

**Mixed:**

1 unavailable/ 1 non-participant	2	\$826	\$155
1 participant/ 1 non-participant	2	\$836	\$181
1 unavailable/ 1 participant	2	\$923	\$105”.

**6.** The following is substituted for section 16.2:

“**16.2** The scale of needs provided for in section 13 shall be increased by the amounts provided for in sections 10.2 and 10.4 to 11.2 in those cases and under the conditions mentioned therein and the rules provided for in sections 11.3 and 11.4 shall apply to such increases.

**16.3** The scale of needs for an adult provided for in section 14.1 shall be increased by an amount of \$9.”.

**7.** Section 17 is revoked.

**8.** Section 20 is amended:

1. by substituting, in the first paragraph, the words “for adults and the amount of each increase for dependent children provided for in sections 10.4 to 11.2 shall be established” for the words “ shall be established”;

2. by inserting the following after the second paragraph:

“Family allowances paid under the Act respecting family benefits shall be considered only if they are received during the month of the application and owed for that month, and the rules provided for in section 52.1 shall apply.”.

**9.** Section 21 is revoked.

**10.** Section 52 is amended:

1. by substituting the following for subparagraph 2:

“2. family benefits paid under the Act respecting family assistance allowances (R.S.Q., c. A-17);”;

2. by inserting the following after subparagraph 2:

“2.1 the allowances for handicapped children paid under the Act respecting family benefits;”;

3. by inserting, at the end of subparagraph 9, “however, this exclusion does not apply in respect of family allowances received under the Act respecting family benefits;”.

**11.** The following is inserted after section 52:

“**52.1** In accordance with the provisions of subparagraph 1.1 of the first paragraph of sections 8 and 13 of the Act respecting income security, family allowances realized by the family under the Act respecting family benefits shall be deducted:

1. from the sum of the increases provided for in sections 10.4 and 10.5, where a family includes only one adult member;

2. the sum of the increases provided for in section 10.5, where the family includes two adults;

For the purposes of this section, family allowances paid by the Régie des rentes to a person who is not a family member but used by that person for the needs of a dependent child shall be considered as having been realized by the family. Likewise, family allowances paid quarterly shall be considered, in all cases, as having been paid monthly.”.

**12.** Section 56 is amended:

1. by substituting the following in the first paragraph for everything following the word “equivalent”:

“by an amount as follows:

Adult(s)	Dependent children	Amount
1	0	\$699
1	1	\$939
1	2	\$1,067
2	0	\$1,042
2	1	\$1,172
2	2	\$1,274

These amounts shall be increased by \$3 for the third dependent child and for each subsequent child.”;

2. by inserting the following after the first paragraph:

“However, in the case of an adult referred to in subparagraph 6.1 and 6.2 of section 2, the amount shall be \$317 and in the case of an adult referred to in subparagraph 4 of section 2 or in section 4, \$145.”.

**13.** Section 68 is amended at the end by substituting “in a general education program at a secondary-level educational institution” for “except in full-time vocational education at a secondary-level educational institution”.

**14.** The following is inserted after section 69:

“**69.1** The amount of advance family allowance payments received under the Act respecting family benefits shall be excluded for benefit calculation purposes for the following month.”.

**15.** Section 73 is amended at the end by substituting the following for everything following the word “amount”:

“as follows:

1. for each month of ineligibility for the benefit:

Adult(s)	Dependent children	Amount
1	0	\$699
1	1	\$939
1	2	\$1,067
2	0	\$1,042
2	1	\$1,172
2	2	\$1,274

Those amounts shall be increased by \$3 for the third dependent child and for each subsequent child.

2. for each month of eligibility for the benefit:

(a) determine the scale of needs applicable to the adult or adult members of the family;

(b) add the amounts provided for in sections 10.2, 10.3 and 16.3, in the cases and in compliance with the conditions mentioned therein;

(c) add, where the applicable scale of needs is that provided for in section 7 or in section 13, an amount of \$108.33 in the case of a family comprising only one adult member and at least one dependent child;

(d) add, where the applicable scale of needs is that provided for in section 7 or in section 13, an amount determined according to family composition and the program for which the family is eligible, as follows:

Adult(s)	Dependent children	Financial support	Work and employment incentives
1	1	\$131.67	\$140.67
1	2	\$259.67	\$264.67
2	1	\$130	\$124
2	2	\$232	\$223

Those amounts shall be increased by \$3 for the third dependent child and for each subsequent child.”.

**16.** Section 74 is amended by substituting the following for subparagraph (h) of subparagraph 2:

“(h) the family allowance received under the Act respecting family benefits up to an amount of \$131 for the first child, \$174 for the second, \$218 for the third, and \$261 for each subsequent child; “.

**17.** Section 93 is amended by substituting “\$12,400”, “\$13,040”, “\$8,500”, and “\$8,935” for “\$12,060”, “\$13,224”, “\$9,696”, and “\$10,940”, respectively, in subparagraphs 1 to 4 of the first paragraph.

**18.** Section 93.1 is amended by substituting in subparagraphs *i* to *iii* of subparagraph (b) of subparagraph 1 of the first paragraph “\$11,370”, “\$7,790” and “\$6,590” for “\$10,296”, “\$6,444” and “\$5,244” respectively”.

**19.** The following is substituted for section 93.2:

“**93.2** The amount of excluded work income for purposes of calculating the net work income of the adult’s family in accordance with the second paragraph of sec-

tion 49 of the Act shall be equal to \$100 for each month of work.”.

**20.** The following is substituted for section 96:

“**96.** The percentage provided for in section 48 of the Act shall be 25 % where the family comprises more than one dependent child or 28.5 % in all other cases.

The percentages provided for in subparagraphs 1 and 2 of the first paragraph of section 48.2 of the Act shall be 43 % and 23 % respectively.”.

**21.** Section 100 is amended by adding, at the end of the first paragraph and after “section 99”, “or the amount of the increase provided for in section 48.5 of the Act”.

**22.** Section 100.1 is amended by substituting “the family needs scale applicable under section 93, divided by 12” for “applicable under the scale based on non-participation provided for in section 13”.

**23.** The following is inserted after section 100.1:

“**100.2** To the extent that an adult is entitled, for a given month, to an advance payment under section 100, the amount of the increase provided for in section 48.5 of the Act shall be paid for that month. Such amount is equal to \$3 multiplied by the number of days of child care during that month in a childcare centre and for which a contribution of \$5 per day of child care is required under the Act respecting childcare centres and childcare services.”.

**24.** The following is inserted in Chapter V and after section 132:

“**132.1** The scale of needs provided for in section 7 or in section 13 shall be increased by the following amounts for a dependent minor child:

1. for a family comprising only one adult member: \$63.00 for the first child, \$35.42 for the second and \$18.50 for the third;

2. for a family comprising two adults: \$63.00 for the first child, \$35.42 for the second.

Such increase shall not apply where the dependent child is placed in a foster home or reception centre.

Such increase shall cease to apply after 31 July 1998.

**132.2** A family comprising only one adult member and not more than two dependent children shall be entitled to an increase in the scale of needs provided for in

section 7 or section 13 of \$8.33 for the first child and \$22.83 for the second.

However, such increase shall cease to apply after 31 August 1998, except where the family was entitled for that month to a benefit paid under a last resort assistance program and to the increase. In such case, the family maintains the right to the increase, for as long as it is entitled, without interruption, to such benefit and for as long as it continues to comprise only one adult member and not more than two dependent children.

**132.3** The rule stipulated in section 11.3 shall apply to sections 132.1 and 132.2.

**132.4** The scale of needs provided for in section 7 or section 13 shall be increased by the following amounts for each dependent child who is under 6 years of age, born before 1 September 1997: \$9.77 for the first child, \$19.53 for the second and \$48.83 for each subsequent child.

However, such increase shall cease to apply after 31 August 1998, except where the family was entitled, for that month, to a benefit paid under a last resort assistance program and to the increase. In such case, each of the adults comprising that family shall maintain their right to the increase, for as long as each is entitled, without interruption, to such benefit and for as long as it continues to comprise one dependent child who is under 6 years of age, born before 1 September 1997.

For the purposes of this section, the eldest minor child shall be considered as the first child.

**132.5** The increases provided for in sections 132.1, 132.2 and 132.4 shall be subject to the rules regarding the shared custody of a dependent child and the benefit calculation for the month of the application, in accordance with sections 11.4 and 20.

**132.6** Where an adult was admissible to the Parental Wage Assistance program before 1 August 1997, the benefit shall be increased by an amount obtained by multiplying the ratio between the number of months worked before 1 August 1997 and the total number of months of work in the year by the amount representing the difference between the amount of the benefit for the year to which the adult would have been entitled without the amendments made to sections 93, 93.1, 93.2 and 96 by Order in Council 911-97 dated 9 July 1997 and the amount to which he would have been entitled had those amendments applied as of 1 January 1997.

For the purposes of section 100, such increase shall be added to the estimated benefit.

This section shall cease to apply to payments to be made after 31 December 1997.

**132.7** Sections 93 and 96 of this regulation shall be amended as provided for in the second and third paragraphs of this section in respect of payments to be made under the Parental Wage Assistance program.

Section 93 is amended by substituting, in subparagraphs 1 to 4 of the first paragraph, the amounts "\$11,825", "\$12,149", "\$8,102" and "\$8,324" for the amounts "\$12,400", "\$13,040", "\$8,500" and "\$ 8,935" respectively.

Section 96 is amended by substituting in the first paragraph the percentages "30 %" and "32 %" for the percentages "25 %" and "28.5 %" respectively.

This section shall apply to payments to be made from 1 January 1998 to 31 December 1998.

**132.8** Sections 93 and 96 of this regulation are amended as provided for in the second and third subparagraphs of this section in respect of payments to be made under the Parental Wage Assistance program.

Section 93 is amended by substituting in subparagraphs 1 to 4 of the first paragraph the amounts "\$11,370", "\$11,370", "\$7,790" and "\$7,790" for the amounts "\$11,825", "\$12,149", "\$8,102" and "\$8,324" respectively.

The following is substituted for the first paragraph of section 96:

"The percentage provided for in the first paragraph of section 48 of the Act shall be 35 %".

This section shall apply to payments to be made as of 1 January 1999."

**25.** The amendments provided for in sections 17 to 20 and section 132.6 of the Regulation respecting income security introduced by section 24 of this Regulation shall apply to payments to be made after 31 August 1997. The amendments provided for in sections 21 and 23 of this Regulation shall apply to payments to be made after 30 September 1997.

**26.** This Regulation comes into force on 1 September 1997.

1607

**M.O., 1997**

## **Order of the Minister responsible for the Act respecting immigration to Québec of 4 July 1997**

An Act respecting immigration to Québec  
(R.S.Q., c. I-0.2)

Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals

CONSIDERING section 3.4 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), which authorizes the Minister to establish, by regulation, the weighting of selection criteria for foreign nationals and the passing score and, where expedient, the cutoff score determined in relation to a selection criterion, applicable to the preliminary stage of selection and to the selection, which weighting and which scores may vary according to the family situation of the foreign national, according to the classes of foreign nationals and within the same class of foreign nationals;

CONSIDERING that on 9 September 1996, the Minister responsible for the Act respecting immigration to Québec made an Order published in the *Gazette officielle du Québec* of 25 September 1996 prescribing the Regulation respecting the weighting applicable to the selection of foreign nationals;

CONSIDERING that it is expedient to further amend that Regulation;

The Minister responsible for the Act respecting immigration to Québec hereby makes the Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals, attached to this Order.

ANDRÉ BOISCLAIR,  
*Minister for Relations with  
the Citizens and Immigration*

## **Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals**

An Act respecting immigration to Québec  
(R.S.Q., c. I-0.2, s. 3.4)

**1.** The Regulation respecting the weighting applicable to the selection of foreign nationals (M.O. dated 25 September 1996, amended by M.O. dated 2 October 1996) is amended by substituting the number "70" for

the number “75” prescribed as the PASSING SCORE for an applicant with a spouse at the end of Schedule I, entitled WORKER AND ASSISTED RELATIVE, in section 1.

**2.** The number “30” is substituted for the number “31” for the cutoff score for factor 2C Employability and professional mobility in section 2.

**3.** This Regulation comes into force on 1 August 1997.

1599

## Draft Regulations

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### Draft Regulation

Automobile Insurance Act  
(R.S.Q., c. A-25)

#### Insurance contributions — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation to amend the Regulation respecting insurance contributions” made by the Société de l’assurance automobile du Québec, the text of which appears below, may be submitted to the Government for approval after forty-five days have elapsed from the date of this publication.

Section 76 of the Highway Safety Code (R.S.Q., c. C-24.2), replaced by section 17 of chapter 56 of the statutes of 1996, provides that a person convicted of driving while under the influence of alcohol may be authorized to drive a road vehicle under a restricted licence if the vehicle is equipped with a device that is designed to ascertain the presence of alcohol in the driver’s body and to prevent the vehicle from being started.

The Regulation sets the monthly insurance contribution payable upon issue of a restricted licence at \$2.80. It also provides for reimbursement on request of the insurance contribution in the event of restricted licence revocation, suspension or cancellation on the holder’s request.

Further information is available from Ms. Huguette Dugas, Société de l’assurance automobile du Québec, 333 boulevard Jean-Lesage, C-4-1, P.O. Box 19600, Québec, QC G1K 8J6, Tel. (418) 528-3512.

Any person wishing to make comments on the matter must forward them in written form, before expiry of the 45-day period, to the Chairman and CEO of the Société de l’assurance automobile du Québec, 333 boulevard Jean-Lesage, N-6-2, P.O. Box 19600, Québec, QC G1K 8J6

JEAN-YVES GAGNON,  
*Chairman and CEO of the  
Société d’assurance automobile du Québec*

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### Regulation to amend the Regulation respecting insurance contributions

Automobile Insurance Act  
(R.S.Q., c. A-25, ss. 151, 151.2 and 195.1, par. 2)

**1.** The Regulation respecting insurance contributions, approved by Order in Council 1422-91 dated 16 October 1991 and amended by O.C. 1123-92 dated 29 July 1992, 1512-93 dated 27 October 1993, 718-96 dated 12 June 1996, 439-97 dated 26 March 1997 and 728-97 dated 28 May 1997, is further amended:

(1) by substituting the word “second” for “third” in the first, fourth and fifth paragraphs in section 100;

(2) by revoking the second paragraph;

(3) by substituting the words “third and fourth” for “fourth and fifth” in the third paragraph.

**2.** Section 106 is amended by substituting the words “the first paragraph” for “the first and second paragraphs” in the second paragraph.

**3.** Section 118 is amended by substituting the words “the first paragraph” for “the first and second paragraphs” in the second paragraph.

**4.** Section 124.1 is amended:

(1) by substituting the word “second” for “third” in the first and third paragraphs;

(2) by revoking the second paragraph;

(3) by substituting the words “third and fourth” for “fourth and fifth” in the third paragraph.

**5.** The Regulation is amended by inserting the following sub-division after section 124.1:

“§4. *Insurance contribution payable upon issue of a restricted licence*

**124.2** The insurance contribution payable upon issue of a restricted licence covered by section 76 of the Highway Safety Code is calculated by multiplying the monthly insurance contribution of \$2.80 by the number of full months, plus one, between the issue date of the licence and its date of expiry.

**124.3** An amount is subtracted from the insurance contribution payable upon issue of a restricted licence under section 76 of the Highway Safety Code if the applicant did not request reimbursement of part of the insurance contribution paid in connection with the previous licence, although entitled to such, in accordance with the following:

(1) where this was a probationary licence, the amount subtracted from the insurance contribution calculated under section 124.2 is the product obtained by multiplying the monthly insurance contribution applicable upon last payment of the contribution on the probationary licence by the number of full months between the date of probationary licence revocation and the end of the month preceding the one during which the licence was scheduled to expire;

(2) where this was a driver's licence, the amount subtracted from the insurance contribution calculated under section 124.2 is the product obtained by multiplying the monthly insurance contribution applicable upon last payment of the contribution on the driver's licence by the number of full months between the date of driver's licence revocation and the end of the month preceding the one during which the next payment of the sums referred to in the first paragraph of section 93.1 of the Highway Safety Code would be due, if the licence had not been revoked."

**6.** The following is inserted after section 127:

"**127.1** The holder of a restricted licence issued under section 76 of the Highway Safety Code who requests the cancellation of his licence is entitled to reimbursement, as calculated in accordance with section 136.1, of part of the insurance contribution paid."

**7.** The following is substituted for section 128:

"**128.** The estate and heirs of the holder of a restricted licence issued under section 76 of the Highway Safety Code, of a probationary licence or of a driver's licence are entitled to reimbursement on request, as calculated in accordance with sections 132, 135 and 136.2, of part of the insurance contribution paid."

**8.** The following is substituted for the first paragraph of section 129:

"**129.** The person whose restricted licence issued under section 76 of the Highway Safety Code, probationary licence or driver's licence has been revoked is entitled to reimbursement on request, as calculated in accordance with sections 131, 134 and 136.1, of part of the insurance contribution paid."

**9.** The following is substituted for the first paragraph of section 130:

"**130.** The person whose restricted licence issued under section 76 of the Highway Safety Code, probationary licence or driver's licence has been suspended is entitled to reimbursement on request, as calculated in accordance with sections 133, 136 and 136.3, of part of the insurance contribution paid."

**10.** The following is inserted after section 136:

"**136.1** In the case of cancellation on request or revocation of a restricted licence issued under section 76 of the Highway Safety Code, the amount of reimbursement of the insurance contribution paid on the driver's licence is calculated by multiplying the monthly insurance contribution applicable upon issue of the licence by the number of full months between the date of cancellation or revocation and the end of the month preceding the one during which the licence was scheduled to expire.

**136.2** In the case of the death of the holder of a restricted licence issued under section 76 of the Highway Safety Code, the amount of reimbursement of the insurance contribution paid is calculated by multiplying the monthly insurance contribution applicable upon issue of the restricted licence by the number of full months between the date of death and the end of the month preceding the one during which the licence was scheduled to expire.

**136.3** In the case of suspension of a restricted licence issued under section 76 of the Highway Safety Code, the amount of reimbursement of the insurance contribution paid on the licence is calculated by multiplying the monthly insurance contribution applicable upon issue of the licence by the number of full months between the date of licence suspension and the end of the month preceding the one during which the suspension is lifted."

**11.** This regulation comes into force on December 1, 1997.

1602

## Draft Regulation

Highway Safety Code  
(R.S.Q., c. C-24.2)

### Dealers and recyclers — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1),



that the "Regulation amending Regulation respecting dealers and recyclers", the text of which appears hereafter, may be enacted by the government upon the expiry 45 days following this publication.

Certain problems in the application of the Regulation have been identified by the Société de l'assurance automobile du Québec and by its partners and clients. Among other things, the form of the register of major components kept by the recycler and the duration for keeping the information are not prescribed. The information kept in the register is incomplete or imprecise as well as the list of major components. The concept of building and adjacent piece of land on which road vehicles slated for sale are stored and the integrity standards applicable to shareholders and directors, are made stricter and also include business employees.

The draft regulation appended hereto proposes that the information contained in the register must be kept for a period of two years. The concept of building and adjacent piece of land are replaced by the concept of a place of business. Criminal convictions that are not related to the operating of a business, but which involve a vehicle whose owner is a shareholder, director or employee will constitute grounds for a refusal or suspension of the licence.

Recyclers will have to make corrections in their registers in order to comply with the draft regulation. To allow recyclers time to perform requisite inventory work, register standards will come into force 6 months after the other rules.

Further information may be obtained by contacting Mr. Marcel Lesieur, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-1, C.P. 19600, Québec (Québec), G1K 8J6, Telephone (418) 528-4417.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the deadline to the Minister of Transportation, 700, boulevard René-Lévesque est, 29<sup>th</sup> floor, Québec (Québec), G1R 5H1.

JACQUES BRASSARD,  
*Minister of Transport*

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## Regulation amending the Regulation respecting dealers and recyclers

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 620, subpar. 1 to 4.2; 1996, c. 56, s. 136, subpar. 3)

**1.** The Regulation respecting dealers and recyclers enacted by decree 1693-87 of 4 November 1987 is amended by deleting, in the title of DIVISION II, the words "OR A PERMIT".

**2.** Section 2 of this regulation is amended:

1° by replacing the first paragraph by the following:

"For the issue of a dealer's or recycler's licence, a person must meet the following conditions:"

2° by replacing, in subparagraph 2, the words "of his domicile" by the words "of his place of business";

3° by replacing subparagraph 3 by the following:

"(3) have a place of business where road vehicles, vehicle carcasses or vehicle parts intended for sale are stored;"

4° by replacing subparagraph 4 by the following:

"(4) furnish a copy of the title deed or of the lease of the place of business referred to in subparagraph 3 and of every other piece of land where road vehicles, vehicle carcasses or vehicle parts intended for sale are stored;"

5° by replacing, in subparagraph 7, the words and figures "in either section 152, section 154 or subparagraph 1 of the first paragraph of section 158" by the words "in sections 152 and 154";

6° by replacing the portion that precedes the sub-subparagraph of subparagraph 8 by the following:

"(8) indicate, in the case of an application for a dealer's licence, among the following road vehicle categories, the one for which the licence is required:"

7° by adding, at the end of sub-subparagraph *a* of subparagraph 8, the words "other than farm machinery";

8° by adding, in sub-subparagraph *b* of subparagraph 8, after the word "mopeds" the words "and farm machinery";

9° by replacing sub-subparagraph *c* of subparagraph 8 by the following:

“motorcycles, snowmobiles, mopeds and farm machinery”;

10° by deleting subparagraph 10;

11° by replacing subparagraph 11 by the following:

“(11) not have, during the five years preceding his application, been convicted for a criminal offence of receiving stolen goods, fraud or theft involving a road vehicle or its parts unless a pardon was obtained”;

12° by replacing subparagraph 12 by the following:

“(12) be made up solely of shareholders, partners, directors or employees meeting the condition mentioned in subparagraph 11”;

13° by replacing, in the second paragraph of subparagraph 13, the figure “30” by the figure “20”.

**3.** The title of DIVISION III of this regulation is amended by deleting the words “AND PERMIT”.

**4.** Section 3 of this regulation is amended:

1° by replacing, in the part that precedes subparagraph 1, the words “and permit must contain” by the words “must contain”;

2° by replacing subparagraph 1 by the following:

“(1) mention that it is a dealer’s licence or a recycler’s licence, as the case may be;”;

3° by deleting, in subparagraphs 2 and 3, the words “or permit”;

4° by replacing subparagraph 6 by the following:

“(6) the address of the place of business;”;

5° by deleting, in subparagraph 7, the words “or permit”.

**5.** The title of DIVISION IV of this regulation is amended by deleting the words “AND PERMIT”.

**6.** Section 4 of this regulation is replaced by the following:

“4. The licence is valid for a period of 24 months from the date of its issue.”.

**7.** The title of DIVISION V of this regulation is amended by deleting the words “AND PERMIT”.

**8.** Section 6 of this regulation is repealed.

**9.** Section 7 of this regulation is amended by deleting, in the first paragraph, the words “or permit”.

**10.** Section 8 of this regulation is amended by deleting the words “or permit” and the words “or permit”.

**11.** Section 9 of this regulation is repealed.

**12.** Section 10 of this regulation is amended by replacing the second paragraph by the following:

“This place must be the place of business referred to in subparagraph 3 of section 2.”.

**13.** Section 11 of this regulation is amended:

1° by deleting, in the first paragraph, the words “or permit”;

2° by deleting, in the second paragraph, the words “or permit”.

**14.** Section 12 of this regulation is replaced by the following:

“12. The holder of a licence must indicate the licence number on any sales contract pertaining to a road vehicle or one of its major components.”.

**15.** This regulation is amended by inserting, after section 12, the following section:

**“DIVISION V.1  
REGISTER OF THE RECYCLER AND MAJOR  
COMPONENTS**

**12.1** The register of the recycler is a directory on paper or computer support in which is recorded all the information stipulated in section 155 of this Code amended by section 46 of chapter 56 of the Statutes of 1996.

**12.2** The information found in the register must be kept for a period of two years after the date of the sale of the road vehicle or major component.

**12.3** The register must be kept at the recycler’s place of business at all times.

**12.4** For the application of section 155 of this Code, “major components” are:

1° for all road vehicles: the motor, the chassis frame and light alloy wheels;

2° for all road vehicles except for a motorcycle and a moped: the transmission, the rear axle, the hood, the fenders, the side panels, the trunk lid, the doors, the seats, the dashboard, the siderails whether or not complete, the grill, the roof, the front pillar, centre pillar and rear pillar, the rocker panel and the tailgate;

3° the fork and the faring of a motorcycle and a moped;

4° the cab and the body of a truck and a van.”.

**16.** Section 13 of this regulation is amended by deleting the words “or permit”;

**17.** Section 14 of this regulation is amended:

1° by deleting, in subparagraph 3, the words “of the domicile”;

2° by replacing subparagraph 4 by the following:

“(4) the name and address of the licence applicant;”;

3° by replacing, in subparagraph 6, the figure “90” by the figure “45”;

4° by replacing subparagraph 8 by the following:

“(8) the statement that the amount of the security must equal at all times the amount stipulated in section 19 or 20.

The responsibility of the surety is limited to the amount stipulated in these sections.”;

5° by deleting, in subparagraph 10, the words “or permit”.

**18.** Section 15 of this regulation is amended:

1° by deleting, in subparagraphs 3 and 4, the words “of the domicile”;

2° by replacing, in subparagraph 6, the figure “90” by the figure “45”;

3° by replacing subparagraph 8 by the following:

“(8) the statement that the amount of the security must equal at all times the amount stipulated in section 19 or 20.

The responsibility of the surety is limited to the amount stipulated in these sections.”.

**19.** Section 16 of this regulation is amended by deleting the words “or permit”.

**20.** Section 19 of this regulation is amended by replacing subparagraphs 2 and 3 by the following:

“(1) by adding, at the end of subparagraph 1, the words “other than farm machinery”;

“(2) by replacing subparagraphs 2 and 3 by the following:

“(2) by adding after the word “mopeds” the words “and farm machinery”;

(3) a sum of 25,000 \$ for the retail trade of motorcycles, snowmobiles, mopeds and farm machinery”.

**21.** This regulation enters into force on 1 December 1997 with the exception of sections 12.1 to 12.3 enacted by Section 15 of this regulation, which will enter into force on 1 May 1998.

1603

## Draft Regulation

Highway Safety Code  
(R.S.Q., c. C-24.2)

### Fees exigible — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects” made by the Société de l’assurance automobile du Québec, the text of which appears below, may be submitted to the Government for approval after forty-five days have elapsed from the date of this publication.

Section 76 of the Highway Safety Code (R.S.Q., c. C-24.2), replaced by section 17 of Chapter 56 of the statutes of 1996, provides that a person convicted of driving while under the influence of alcohol may be authorized to drive a road vehicle under a restricted licence if the vehicle is equipped with a device that is designed to ascertain the presence of alcohol in the driver’s body and to prevent the vehicle from being started. The Regulation sets the fee for obtaining a restricted licence at \$6.

Section 106 of the Code, amended by section 29 of Chapter 56 of the statutes of 1996, provides that the

owner or lessee of a road vehicle may not allow the vehicle to be driven by a person who is not the holder of a licence of the appropriate class or by a person while disqualified from driving a vehicle. Section 611.1 of the Code, made by section 128 of Chapter 56 of the statutes of 1996, also authorizes the Société to convey information, on request, concerning the validity of the driver's licence of a person for the purpose of preventing offences and vehicle seizure. The Regulation sets a fee of \$1.50 per telephone call for communicating such information.

Section 543.2 of the Code, made by section 106 of Chapter 56 of the statutes of 1996, states that the owner of a road vehicle may apply to the Société for certification of his preventive maintenance program to stand in place of mechanical inspection. For this purpose the Regulation sets a fee of \$75 for study of an application for recognition of a preventive maintenance program and the purchase price of a sticker validating preventive maintenance program recognition at \$5.

Furthermore, the Regulation to amend the Regulation respecting dealers and recyclers extends the period of validity of a dealer's licence and a recycler's licence to two years from one, which represents a reduction in administrative expenses by 14 % for the Société in this area of activity. Fees for renewal of such licences must be adjusted upward to cover expenditures, taking into account the fewer number of licences issued on a yearly basis. Accordingly, the fee for renewal of a dealer's licence or a recycler's licence is \$150 instead of \$100 and the fee for renewal of both at the same time is \$225 instead of \$150.

Further information is available from Mr. Marcel Lesieur, Société de l'assurance automobile du Québec, 333 boulevard Jean-Lesage, C-4-1, P.O. Box 19600, Québec, QC G1K 8J6, Tel. (418) 528-4417.

Any person wishing to make comments on the matter must forward them in written form, before expiry of the 45-day period, to the Chairman and CEO of the Société de l'assurance automobile du Québec, 333 boulevard Jean-Lesage, N-6-2, P.O. Box 19600, Québec, QC G1K 8J6

JEAN-YVES GAGNON,  
Chairman and CEO of the  
Société d'assurance automobile du Québec

## Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objets

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 624, pars. 1,3, 7, 10.1 to 10.3 and 11; 1996, c. 56, s. 138, par.2)

**1.** The Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, approved by Order in Council 646-91 dated 8 May 1991 and amended by the regulations approved by O.C. 1423-91 dated 16 October 1991, 1877-92 dated 16 December 1992, 532-95 dated 12 April 1995, 295-96 dated 6 March 1996, 486-97 dated 6 April 1997 and 727-97 dated 28 May 1997, is further amended by substituting the following for paragraph 3.2 of section 2:

“(3.2) \$4 to obtain authorization to put a vehicle back into operation in the cases provided for in the fourth paragraph of section 31.1 of the Highway Safety Code and in sections 67 to 72 to 77 of the Regulation respecting road vehicle registration, made by Order in Council 1420-91 du 16 October 1991, where the owner pays by mail or through a financial institution that has entered into a contract with the Société for the sole purpose of collecting the fees payable to retain the right to operate a road vehicle and the fees referred to in the first and second paragraphs of section 93.1 of the Code;

(3.3) \$7 to obtain authorisation to put a vehicle back into operation in the cases provided for in the fourth paragraph of section 31.1 of the Highway Safety Code and in sections 67 to 69 and 72 to 77 of the Regulation respecting road vehicle registration, made by Order in Council 1420-91 dated 16 October 1991, where the owner pays in an establishment of the Société or through a person authorized under section 9 of the Code to collect the fees payable to obtain the registration of a road vehicle and the right to put that vehicle into operation, as well as the fees payable to retain the right to operate a vehicle. From December 1, 1997 through January 31, 1998, those the fees are reduced to \$4 for a farmer who owns a farm vehicle or tractor;”.

**2.** Section 4 of the Regulation is amended:

(1) by substituting the following for the first paragraph:

“(1) \$6 to obtain a restricted licence under section 76 of the Highway Safety Code, a probationary licence or a paper driver's licence;”;

(2) by substituting the following for paragraph 3.2:

“(3.2) \$4 on payment of the fees referred to in the fourth paragraph of section 93.1 of the Highway Safety Code and in the cases provided for in sections 62 to 64, 66 to 69 and 71 to 73 of the Regulation respecting licences, made by Order in Council 1421-91 dated 16 October 1991, where the owner pays by mail or through a financial institution that has entered into a contract with the Société for the sole purpose of collecting the fees payable to retain the right to operate a road vehicle and the fees referred to in the first and second paragraphs of section 93.1 of the Code;

(3.3) \$7 on payment of the fees referred to in the fourth paragraph of section 93.1 of the Highway Safety Code and in the cases provided for in sections 62 to 64, 66 to 69 and 71 to 73 of the Regulation respecting licences, made by Order in Council 1421-91 dated 16 October 1991, where the person pays in an establishment of the Société or through a person authorized under section 69.1 of the Code to collect those fees. The fee is reduced to \$4 where the person must go to one of these places to obtain, renew or replace a probationary licence or a plastic-encased driver’s licence;”

**3.** Division 4 is amended by the addition of the words “AND PREVENTIVE MAINTENANCE” to the title.

**4.** The following is inserted after section 6:

“(6.1) The fee exigible for study of an application for recognition of a preventive maintenance program is \$75.

(6.2) The purchase price of a sticker validating preventive maintenance program recognition is \$5.”.

**5.** Section 7 is amended:

(1) by substituting the following for paragraphs 4 to 6:

“(4) \$150 for renewal of a dealer’s licence;

(5) \$150 for renewal of a recycler’s licence;”;

(2) by revoking paragraph 7;

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

“The fee exigible for renewal of a dealer’s and a recycler’s licence on the same date is reduced to \$225.”.

**6.** The following Division is inserted after section 12:

**“DIVISION 10.1**  
FEE EXIGIBLE FOR THE COMMUNICATION  
OF INFORMATION

**12.1** The fee payable for obtaining information from the Société on the validity of a licence under section 65 of the Highway Safety Code is \$1.50 for each telephone call.”.

**7.** The Regulation comes into force on December 1, 1997.

1605

**Draft Regulation**

Highway Safety Code  
(R.S.Q., c. C-24.2)

**Licences**  
— **Amendments**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation amending the Regulation respecting licences” the text of which appears hereafter, may be enacted by the government upon the expiry of 45 days following this publication.

Chapter 56 of the 1996 statutes provides that a person convicted for having driven while inebriated, may obtain a restricted permit authorizing the driving of a road vehicle equipped with a device designed to ascertain the presence of alcohol in the driver’s body and to prevent the vehicle from being started.

This draft regulation stipulates that to obtain a restricted licence, a person must demonstrate to the Société that he has entered into a contract for the rental and installation of the aforementioned device. In addition, it sets the monthly duties payable at \$1.33 to obtain such a licence with the exception of a licence only authorizing the driving of a farm tractor or a moped, for which the monthly duties are set at \$1.75. It also provides for the reimbursement of the duties, upon request, in the case of a revocation, suspension or cancellation of the restricted licence.

Further information may be obtained by contacting Ms. Huguette Dugas, Société de l’assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-1, C.P. 19600, Québec (Québec) G1K 8J6, Telephone (418) 528-3512.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the deadline to the Minister of Transportation, 700, boulevard René-Lévesque Est, 29th floor, Québec (Québec), G1R 5H1.

JACQUES BRASSARD,  
*Minister of Transport*

## Regulation amending the Regulation respecting licences

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 619, subpar. 5°, ss. 619.2 and 619.3; 1996, c. 56, ss. 134 and 135)

**1.** The Regulation respecting licences enacted by decree 1421-91 of 16 October 1991 and amended by the regulations enacted by decrees 1122-92 of 29 July 1992, 1511-93 of 27 October 1993, 531-95 of 12 April 1995, 719-96 of 12 June 1996, 1262-96 of 2 October 1996 and 724-97 of 28 May 1997 is again amended by repealing section 50.2.

**2.** Section 50.3 of this regulation is amended by replacing “in 50.2” by “and 50.1”.

**3.** This regulation is amended by inserting, after section 50.6, the following chapter:

### “CHAPTER V.1 RESTRICTED LICENCE ISSUED PURSUANT TO SECTION 76 OF THE CODE

**50.7** To obtain a restricted licence pursuant to section 76 of the Highway Safety Code, a person must be a party to a contract to install and lease an approved device in accordance with this section and provide a copy thereof to the Société.”.

**4.** This regulation is amended by inserting, after section 73.2, the following section:

### “SECTION V.1 DUTIES EXIGIBLE FROM A PERSON WHO APPLIES FOR A RESTRICTED LICENCE PURSUANT TO SECTION 76 OF THE CODE

**73.3** The duties payable for obtaining a restricted licence pursuant to section 76 of this Code are calculated by multiplying the monthly duties determined according to the class to which the licence belongs by the number of full months, plus one, to elapse between the licence issuing date and its expiry date.

The monthly duties for a restricted licence not belonging solely to classes 6D or 8 are 1.33 \$.

The monthly duties for a restricted licence belonging solely to classes 6D or 8 are 1.75 \$.

**73.4** An amount is subtracted from the exigible duties for obtaining a restricted licence pursuant to section 76 of this Code if the person did not request the reimbursement of a portion of the duties paid for the preceding licence, even though that person was entitled thereto.

In the case where the preceding licence is a probationary licence, one must subtract from the amount calculated in section 73.3, the product obtained by multiplying the monthly duties applicable at the time of the last payment of the duties for the probationary licence by the number of full months between the date of revocation of the probationary licence and the last day of the month preceding the month in which the probationary licence was to expire.

In the case where the preceding licence is a driver’s licence, one must subtract from the amount calculated in section 73.3, the product obtained by multiplying the monthly duties applicable at the time of the last payment of the duties for the driver’s licence by the number of full months between the date of revocation of the driver’s licence and the last day of the month preceding the month of the next due date for payment of the sums referred to in the first paragraph of section 93.1 of this Code if the licence had not been revoked.”.

**5.** This regulation is amended by inserting, after section 75, the following:

“**75.1** The holder of a restricted licence issued pursuant to section 76 of this Code who requests the cancellation of his licence is entitled to a reimbursement of a portion of the duties payable, calculated according to section 84.1.”.

**6.** Section 76 of this regulation is replaced by the following:

“**76.** The heirs and special legatees of the holder of a restricted licence issued pursuant to section 76 of this Code, a probationary licence or a driver’s licence are entitled, upon request, to the reimbursement of a portion of the duties payable, calculated according to sections 80, 83 and 84.2.”.

**7.** Section 77 of this regulation is amended by replacing the first paragraph by the following:

“77. A person whose restricted licence issued pursuant to section 76 of this Code, probationary licence or driver’s licence is revoked is entitled, upon request, to the reimbursement of a portion of the duties payable, calculated according to sections 79, 82 and 84.1.”

**8.** Section 78 of this regulation is amended by replacing the first paragraph by the following:

“78. A person whose restricted licence issued pursuant to section 76 of this Code, probationary licence or driver’s licence is suspended is entitled, upon request, to the reimbursement of a portion of the duties payable, calculated according to sections 81, 84 and 84.3.”

**9.** This regulation is amended by inserting, after section 84, the following sections:

“**84.1** In the case of the cancellation or the revocation of a restricted licence issued pursuant to section 76 of this Code, the amount of the reimbursement of the duties is calculated by multiplying the monthly duties applicable at the time of the issue of the restricted licence by the number of full months between the cancellation or revocation date and the last day of the month that precedes the month when the licence was to expire.

**84.2** In the case of the death of a holder of a restricted licence issued pursuant to section 76 of this Code, the amount of the reimbursement of the duties is calculated by multiplying the monthly duties applicable at the time of the issue of the restricted licence by the number of full months between the date of the death and the last day of the month that precedes the month when the licence was to expire.

**84.3** In the case of the suspension of a restricted licence issued pursuant to section 76 of this Code, the amount of the reimbursement of the duties is calculated by multiplying the monthly duties applicable at the time of the issue of the restricted licence by the number of full months between the date of the suspension and the last day of the month that precedes the month when the suspension is lifted.”

**10.** This regulation enters into force on 1 December 1997.

1600

## Draft Regulation

An Act respecting income security  
(R.S.Q., c. S-3.1.1)

### Income Security — Amendments

Notice is hereby given, in accordance with sections 10 and 13 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting Income Security, the text of which appears below, may be made by the Government at the expiry of 20 days following this publication.

Under section 12 of that Act, the Draft Regulation may be made at the expiry of a shorter period than the 45-day period provided for in section 11 of the Regulations Act because of the urgency due to the following circumstances:

— the amendments provided for in the Draft Regulation serve to implement the announcement made in the 1997-98 Budget Speech of the setting-up of a new housing-assistance program, that is to say the housing allowance, the terms and conditions of which are defined in Order in Council 904-97 dated 9 July 1997, established under sections 3 and 3.1 of the Act respecting the Société d’habitation du Québec (R.S.Q., c. S-8) and whose the coming into force is fixed on 1 October 1997;

— the purpose of the amendments provided for in the Draft Regulation is to revoke the provisions which provide for the payment of a dwelling assistance benefit granted to the families which are eligible for the financial support program, the work incentives program and the parental wage assistance program, which aims at the same objectives as those pursued by the new housing allowance program; those amendments should be in effect on the same date as the date scheduled for this new program.

To date, study of this matter has revealed no impact on businesses.

Further information on the Draft Regulation may be obtained by contacting Ms. Geneviève Bouchard, Director, Direction du développement des politiques et des programmes de sécurité du revenu, 425, rue Saint-Amable, 4<sup>e</sup> étage, Québec (Québec), G1R 4Z1 (telephone: (418) 646-2564, fax: (418) 643-0019).

Any interested person having comments to make on the Draft Regulation is asked to send them in writing, before the expiry of the 20-day period mentioned above, to the Minister of State for Employment and Solidarity

and Minister of Employment and Solidarity, 425, rue Saint-Amable, 4<sup>e</sup> étage, Québec (Québec), G1R 4Z1.

LOUISE HAREL,  
*Minister of State for Employment  
and Solidarity and Minister of  
Employment and Solidarity*

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## Regulation to amend the Regulation respecting Income Security

An Act respecting income security  
(R.S.Q., c. S-3.1.1, s. 91, 1<sup>er</sup> par., subpar. 5)

**1.** The Regulation respecting Income Security, made by Order in Council 922-89 dated 14 June 1989 and amended by the Regulations made by Orders in Council 1917-89 dated 13 December 1989, 1051-90 dated 18 July 1990, 1733-90 and 1734-90 dated 12 December 1990, 1793-90 dated 19 December 1990, 567-91 dated 24 April 1991, 1721-91 dated 11 December 1991, 285-92 dated 26 February 1992, 379-92 and 380-92 dated 18 March 1992, 868-92 dated 10 June 1992, 1155-92 dated 5 August 1992, 1798-92 and 1799-92 dated 9 December 1992, 123-93 dated 3 February 1993, 825-93 dated 9 June 1993, 1287-93 dated 8 September 1993, 1780-93 dated 8 December 1993, 159-94 dated 19 January 1994, 249-94 dated 9 February 1994, 827-94 dated 8 June 1994, 1160-94 dated 20 July 1994, 260-95 dated 1 March 1995, 1354-95 dated 11 October 1995, 202-96 dated 14 February 1996, 266-96 dated 28 February 1996, 761-96 dated 19 June 1996, 926-96 dated 17 July 1996, 1290-96 dated 9 October 1996, 1480-96 dated 27 November 1996, 1566-96 dated 11 December 1996, 283-97 dated 5 March 1997, 538-97 dated 23 April 1997, 587-97 dated 30 April 1997 and 910-97 dated 9 July 1997, is further amended by revoking section 45.

**2.** Section 52 is amended by substituting the following for paragraph 12:

“(12) allowances paid under section 3.1 of the Act respecting the Société d’habitation du Québec (R.S.Q., c. S-8);”.

**3.** Section 74 is amended by substituting the following for subparagraph j:

“(j) allowances paid under section 3.1 of the Act respecting the Société d’habitation du Québec;”.

**4.** Section 99 is revoked.

**5.** Section 100 is amended at the end of the first paragraph by striking out everything that follows “500 \$”.

**6.** This Regulation comes into force on 1 October 1997.

1608

## Notice

An Act respecting industrial accidents  
and occupational diseases  
(R.S.Q., c. A-3.001)

### Classification of employers, statement of wages and rates of assessment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that upon the expiry of 45 days following the publication of this notice, the Regulation respecting the classification of employers, the statement of wages and the rates of assessment will be adopted by the Commission de la santé et de la sécurité du travail, with or without amendments.

This Regulation determines the units of classification for the year 1998 as well as the rates of assessment applicable thereto.

It establishes the rules of classification of employers under these units and provides for certain rules for employers’ wage statements.

This Regulation, which is intended to distribute the cost of the occupational health and safety plan amongst employers in proportion to the risks that their activities involve, implements as of 1998 a new classification structure for employers carrying on construction works.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Roland Longchamps, Vice-chairman Finance, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec), G1K 7E2.

TREFFLÉ LACOMBE,  
*Chairman of the Board  
and Chief Executive Officer  
of the Commission de la santé  
et de la sécurité du travail*

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## Regulation respecting the classification of employers, the statement of wages and the rates of assessment

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c A-3.001, s. 454, 1<sup>st</sup> par., subpars. 4.3, 5, 5.1 and 6, 1996, c. 70)

### CHAPTER 1 INTRODUCTORY PROVISION

**1.** The purpose of this regulation is to determine the units of classification as well as the rates applicable to each of these units, to establish the rules of classification of employers under these units and to provide certain rules for employers' statement of wages.

### CHAPTER 2 CLASSIFICATION

**2.** The rules for the classification of employers provided under this chapter apply subject to the specific rules provided in Schedule 1.

#### DIVISION 1 GENERAL RULES

**3.** The Commission classifies each employer under a unit according to the nature of the sum of activities that he carries on.

**4.** If the activities carried on by an employer do not appear among the units of classification in Schedule 1, the employer is then classified under the unit that best corresponds to those activities.

**5.** Where an employer has failed to transmit the information required by law as to the nature of his activities, the Commission shall identify the units of classification which, according to the information available, may correspond to the activities of this employer and classify him under the unit, among those identified, with the highest rate of assessment.

**6.** Where various kinds of activities are carried on by an employer, the Commission shall classify the employer under more than one unit if the following conditions are met:

- (1) more than one unit exists for these activities;
- (2) no unit exists which groups all of the activities;
- (3) subject to the specific rule provided under Schedule 1, at least one worker, other than an auxiliary worker

within the meaning of section 13, assigned to one of the employer's activities referred to by a unit, is not substantially and simultaneously exposed to risks of employment injury from another of the employer's activities.

**7.** Where several employers form a related group within the meaning of sections 17 to 21 of the Taxation Act (R.S.Q., c. I-3) and the services furnished by one employer of the group are mainly for the service of another employer of the same group and the services are normally an integral part of the activities of the other employer, the Commission shall classify the employer furnishing the services in the same manner as the other employer.

#### DIVISION 2 CLASSIFICATION RULES UNDER AN EXCEPTIONAL UNIT

**8.** An employer is also classified under an exceptional unit if the unit under which he is classified according to Division 1 expressly provides therefor, insofar as at least one of his workers carries out a task referred to under the exceptional unit.

**9.** Notwithstanding section 8, an employer classified under several units, in accordance with Division 1, is only classified under an exceptional unit if at least 50 % of the gross wages of his workers are stated in respect of the units expressly providing for classification under this unit and if at least one of his workers is referred to by this unit.

For purposes of calculating the proportion provided in the first paragraph, the wages of an auxiliary worker within the meaning of section 13 shall be excluded.

### CHAPTER 3 RULES GOVERNING THE STATEMENT OF WAGES APPLICABLE TO THE EMPLOYER CLASSIFIED UNDER SEVERAL CLASSIFICATION UNITS

**10.** In addition to the rules provided by law, this chapter establishes the rules for stating wages applicable to employers classified under more than one unit; these rules apply subject to the specific rules provided in Schedule 1.

#### DIVISION 1 ESTIMATE OF WAGES

**11.** The estimate of gross wages that the employer must transmit to the Commission in accordance with sections 290 and 292 of the Act must be established in

accordance with the rules provided under Division 2, with the exception of sections 17 and 18, while making whatever adaptations may be necessary.

## **DIVISION 2**

### **RULES GOVERNING THE STATEMENT OF THE AMOUNT OF GROSS WAGES**

**12.** The employer classified under more than one unit states the gross wages earned during the preceding calendar year by a worker who participates in the activities referred to by just one of these units in respect of this unit.

**13.** The employer states the gross wages earned during the preceding calendar year by a worker who, without being an auxiliary worker, participates in several activities referred to by more than one unit under which he is classified by indicating the portion of these gross wages earned in respect of each of these units.

Notwithstanding the first paragraph and subject to the specific rule provided in Schedule 1, the employer states this worker's wages in respect of the unit for which the rate of assessment is the highest if this worker is substantially and simultaneously exposed to risks of employment injury from several activities referred to under more than one unit under which he is classified.

For the purposes of this Regulation, "auxiliary worker" means a worker who contributes, without participating directly therein, to activities referred to by more than one unit under which his employer is classified.

**14.** The employer classified under more than one unit states, in a manner distinct from that of his other workers, the gross wages earned by an auxiliary worker, except if this involves an auxiliary worker referred to by an exceptional unit under which he is classified, in which case the rule in section 16 applies.

**15.** The wages of an auxiliary worker stated in accordance with section 14 are distributed by the Commission:

1) on a prorata basis of stated wages in respect of each of the units that expressly provide for classification under an exceptional unit, where the employer is classified under one or several exceptional units and under several other units;

2) on a prorata basis of stated wages in respect of each of the units that expressly provide for classification under an exceptional unit, where the employer is classi-

fied under several units but cannot be classified under an exceptional unit because none of his workers is carrying on any work referred to by an exceptional unit;

3) on a prorata basis of stated wages in respect of each of the units that do not expressly provide for classification under an exceptional unit, where the employer is not classified under an exceptional unit.

**16.** The employer states the gross wages earned by a worker who carries on an activity referred to by an exceptional unit under which he is classified in respect of this unit.

**17.** The statement of a worker's wages made by the employer under this division cannot be based upon an approximation.

**18.** Where the employer cannot distribute all or part of a worker's wages, he must state the wages or the portion of the wages that he cannot distribute as such in respect of the unit for which the rate is the highest.

## **CHAPTER 4**

### **RATES OF ASSESSMENT AND CLASSIFICATION UNITS**

**19.** The units of classification, the sectors under which they are grouped and the rates of assessment applicable to each unit for a year, are those appearing in Schedule 1.

**20.** The rates appearing in the "General Rate" column of Schedule 1, are those applicable to all firms except federal firms, whose rates of assessment are those appearing in the "Special Rate" column.

**21.** The rates of assessment applicable to employers belonging to a sector of activities for which a joint sector-based association was formed under the Act respecting occupational health and safety (R.S.Q., c. S-2.1) are increased to the extent provided for in Schedule 2 in order to cover the cost of the subsidy granted to that association for a year.

**22.** The amount provided for in section 313 of the Act is the one determined in Schedule 3.

**23.** The rate applicable for purposes of establishing the amount payable by the person who registers as a director in accordance with section 18 of the Act is the one determined in Schedule 3.

**24.** This Regulation comes into force on January 1<sup>st</sup>, 1998.

**SCHEDULE 1****Specific rule for stating wages****CLASSIFICATION UNITS AND RATES  
OF ASSESSMENT FOR THE YEAR 1998****Specific classification rule**

The Commission does not take into account the condition stated in paragraph 3 of section 6 for purposes of classifying an employer under more than one of the 80030 to 80260 units.

The second paragraph of section 13 does not apply to an employer for purposes of stating gross wages earned during the preceding calendar year by a worker who, without being an auxiliary worker, participates in several activities referred to by more than one of the 80030 to 80260 units.

**Classification Units and Assessment Rates for 1998 — Sector: Primary**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
10010	Operating a dairy cattle herd; raising cattle, buffalo, horses, wild boar; horse boarding service	9.86	9.31
10020	Raising hog, sheep, goat, grain-fed and milk-fed heavy calves	8.47	7.96
10030	Raising, catching and caging poultry; raising fur-bearing animals; raising earthworms; raising rabbits; pisciculture; apiculture	8.13	7.63
10040	Field-crop farming; fruit or vegetable farming; ornamental plant cultivation; mushroom production; Christmas tree farming; maple syrup production; tobacco production	7.10	6.63
11010	Inshore or offshore fishing; underwater diving services	8.56	8.04
12010	Forestry operations	14.69	13.99
12020	Forestry work; tree or bush maintenance	13.86	13.19
13010	Surface iron ore mining with or without concentration; pelletization of iron ore	2.75	2.41
13020	Metal mining, except iron mines; treatment, concentrating or smelting metal ores, except iron ore	5.86	5.43
13030	Asbestos mining	4.70	4.30
13040	Peat extraction or manufacturing peat-based products; mining or crushing quartz or other industrial siliciferous ores; underground mining of non-metal ores, not specified in other units	6.29	5.84
13050	Operating a cut-stone quarry; operating a crushed stone quarry with blasting and drilling; mine prospecting with blasting or with crawler tractors	6.73	6.27
13060	Operating a crushed stone quarry without blasting or drilling; rock or gravel crushing with movable crushers; operating a gravel pit with or without crushing; operating a sandpit	10.60	10.03
13070	Drilling ore for the removal of cores for mine prospecting; drilling oil or natural gas wells; other technical work incidental to drilling oil or natural gas wells	13.10	12.45
13090	Mine prospecting not specified in other units; line cutting; geophysical surveys; geological work	5.32	4.90
13100	Contract operation of a mine; digging ramps and crossing banks; other contract work relating to operation of mines	16.46	15.72

**Classification Units and Assessment Rates for 1998 — Sector: Manufacturing**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
20010	Slaughtering livestock; preparing, processing, drysalting or canning meat; manufacturing mineral or animal oil or shortening	7.39	6.92
20020	Slaughtering poultry or rabbits; dressing, processing or canning poultry or rabbits	6.74	6.28
20030	Preparing or processing fish, including canning	6.91	6.44
20040	Processing, canning or freezing fruits or vegetables; preparing natural casings for delicatessen	4.70	4.30
20050	Operating a dairy work; water bottling, with or without distribution; manufacturing and delivering blocks of natural or artificial ice	2.89	2.54
20060	Flour mill	5.20	4.79
20070	Processing meat unfit for human consumption or abattoir waste	4.74	4.34
20080	Grain milling	3.82	3.44
20090	Manufacturing bakery, pastry or biscuit products, with or without distribution	4.00	3.63
20100	Processing cane or beet sugar; manufacturing confectionery	3.72	3.35
20110	Roasting and blending coffee; packing tea; roasting almonds	2.95	2.60
20120	Manufacturing potato chips	3.37	3.01
20130	Manufacturing margarine, vegetable oil or shortening; manufacturing convenience foods; manufacturing yeast or condiments; grinding and preparing spices; manufacturing or processing food products, not specified in other units	4.64	4.24
20140	Manufacturing soft drinks, with or without distribution	3.74	3.37
20150	Distillery; manufacturing wine or cider	3.27	2.91
20160	Brewing beer, with or without distribution; manufacturing malt	3.32	2.96
20170	Manufacturing tobacco products	1.57	1.26
21010	Manufacturing tires or rubber treads for tires	2.89	2.54
21020	Manufacturing adhesive tape or damper mats and rug underlays; manufacturing clothing or industrial parts or cellular products made of rubber	3.70	3.33
21030	Manufacturing foamed or expanded plastic products; wholesaling foam rubber	4.21	3.82
21040	Manufacturing plastic pipes or pipe fittings	5.92	5.49
21050	Manufacturing plastic film and sheeting; manufacturing plastic bags	5.51	5.08
21060	Manufacturing stratified or reinforced plastic products, except boats; manufacturing plastic products, not specified in other units	5.02	4.61
22010	Leather tanning; custom-dressing furs; wholesaling raw hides or skins	5.41	4.99

**Classification Units and Assessment Rates for 1998 — Sector: Manufacturing**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
22020	Manufacturing footwear; shoe repairing; manufacturing footwear parts except rubber parts	4.74	4.34
22040	Manufacturing handbags or purses; manufacturing leather or imitation-leather goods. not specified in other units; manufacturing luggage. other than in wood and in metal	2.85	2.51
22050	Manufacturing fibres or yarn from artificial or synthetic material; texturizing yarn	3.59	3.22
22060	Manufacturing thread or yarn. without weaving	3.78	3.40
22070	Weaving textiles other than carpets; recycling textile waste; preparing cotton-wool or flock	3.60	3.24
22080	Manufacturing knitted fabrics	3.72	3.35
22090	Manufacturing carpets	3.89	3.52
22100	Manufacturing textile products. not specified in other units; manufacturing zippers or umbrellas	4.34	3.95
22110	Finishing textiles; steam shrinking of fabrics	4.04	3.65
22120	Manufacturing first-aid products	4.21	3.82
22140	Manufacturing clothing or clothing accessories. not specified in other units	3.21	2.86
22150	Knitting clothing or accessories. including assembling	3.20	2.85
22160	Manufacturing ladies undergarments and swimsuits	2.56	2.22
23010	Manufacturing shingles; manufacturing and assembling wood lath for fencing. with trucking; manufacturing wooden boxes and pallets with production of sawmill products and trucking	10.67	10.10
23020	Sawmill with forest harvesting	5.45	5.03
23030	Sawmill without forest harvesting	7.31	6.83
23040	Manufacturing sheets of wood veneer or plywood panels with or without peeling	5.83	5.40
23050	Manufacturing in a shop custom woodwork to be attached to a structure; mass production of wooden cabinets  This unit does not refer to the installation of manufactured products.	6.24	5.79
23060	Manufacturing wooden doors or windows  This unit does not refer to the installation of manufactured products.	3.96	3.58
23070	Manufacturing wooden roof trusses or laminated wood framework  This unit does not refer to the installation of manufactured products.	7.22	6.75

**Classification Units and Assessment Rates for 1998 — Sector: Manufacturing**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
23080	Manufacturing wooden boxes, pallets or containers without production of sawmill products; manufacturing wooden reels or drums	11.01	10.42
23090	Manufacturing wooden or metal coffins or frames; manufacturing pipe organs, pianos or other musical instruments	5.64	5.21
23100	Protective treatment of wood or wood drying; wood turning	7.80	7.31
23110	Manufacturing agglomerated or laminated wood panels	4.27	3.88
23120	Manufacturing miscellaneous wooden goods, not specified in other units  This unit does not refer to the installation of manufactured products.	8.63	8.11
23130	Manufacturing lamellate boards made of plastic and paper sheets; coating or printing wood panels	3.87	3.5
24010	Manufacturing metal furniture or fixtures	5.60	5.17
24020	Manufacturing custom wooden furniture in a workshop; manufacturing wooden furniture for electronic equipment or wooden cases for musical instruments	8.38	7.87
24030	Mass assembling of wooden furniture or furniture frames, with or without upholstering; upholstering custom furniture in a workshop; repairing wooden or upholstered furniture; manufacturing upholstered mattresses or bed springs	5.15	4.74
24040	Mass production of wooden furniture or furniture frames, with or without upholstering	5.73	5.30
25010	Manufacturing paper pulp	2.33	2.00
25020	Manufacturing wood fibre insulation boards or acoustic tiles; manufacturing uncoated or non-impregnated felt sheathing; manufacturing paper or cardboard from logs or wood products	2.07	1.75
25030	Manufacturing paper or cardboard from prefabricated pulp or used paper	2.35	2.02
25040	Manufacturing asphalt roofing, with or without the manufacture of the paper or felt base	3.13	2.78
25050	Manufacturing corrugated cardboard boxes	3.55	3.19
25060	Manufacturing paper goods, not specified in other units, or cardboard tubes, with or without pulp preparation; manufacturing photocopier cleaning cloth; paper glazing, finishing, waxing or oiling; preparing artificial abrasives; forest protection and conservation	3.14	2.79
25410	Manufacturing prefabricated wooden houses, house panels or mobile homes  An employer classified under this unit may also be classified under the exceptional unit 90010.	8.30	7.79
26010	Printing; silkscreen printing	2.56	2.22

**Classification Units and Assessment Rates for 1998 — Sector: Manufacturing**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
26020	Operating a bindery	5.72	5.29
26030	Metal typesetting (typography-linotyping); stereotyping; lithography; manufacturing plates for printing; developing and printing films	1.43	1.12
26040	Printing and publishing a daily; printing and publishing	1.19	0.89
27020	Manufacturing steel castings (steel foundry); lead or lead alloys rolling. casting or extruding	8.78	8.26
27030	Manufacturing steel; processing steel by rolling and forging	3.94	3.56
27040	Manufacturing titanium slag and pig iron; manufacturing metal powder. steel pipe or tubing; manufacturing ferro-alloys	2.87	2.52
27050	Manufacturing iron castings (cast-iron foundry)	5.84	5.41
27060	Primary manufacturing of aluminum	2.32	1.99
27070	Electrolytic refining of copper or zinc and processing of their by-products	1.93	1.61
27080	Aluminum and aluminum alloys rolling	2.60	2.26
27090	Extruding aluminum. copper or their alloys	4.16	3.78
27110	Non-ferrous metal pressurized casting; non-ferrous metal casting; manufacturing aluminium or light alloy automobile parts	4.55	4.15
28010	Casting or overhauling high pressure boilers. tanks or heat exchangers	6.40	5.95
28020	Manufacturing metal structural components	5.50	5.08
	This unit does not refer to the installation of manufactured products.		
	An employer classified under this unit may also be classified under the exceptional units 80020 and 90010.		
28030	Manufacturing metal windows or doors; repairing industrial doors; manufacturing other ornamental and architectural metal products	6.44	5.98
	This unit does not refer to the installation of products referred to under units 80080 and 80150.		
28040	Manufacturing ornamental metal products; operating a welding shop; manufacturing motor vehicle springs. mufflers or exhaust pipes	9.72	9.17
	This unit does not refer to the installation of ornamental metal products.		
28050	Electrolytic or chemical plating; heat treating of metals	6.65	6.20
28060	Workshop painting. dyeing or coating metal products	8.06	7.56
28070	Manufacturing or repairing metal containers or their lids	4.70	4.30
28080	Manufacturing other products by metal stamping or matrixing	5.21	4.79

**Classification Units and Assessment Rates for 1998 — Sector: Manufacturing**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
28090	Manufacturing metal wire or cable. metal rods. welding electrodes or other metal wire products; applying metal powder to metal parts	4.36	3.97
28100	Manufacturing industrial fasteners or metal springs	3.76	3.39
28110	Manufacturing basic hardware articles or small hand or garden tools; manufacturing industrial dies. moulds. cutting tools and punches	4.15	3.76
28120	Manufacturing heating equipment	4.57	4.17
28130	Machine shop piece work; rebuilding mechanical motors	4.95	4.54
28140	Manufacturing or assembling metal products. not specified in other units	5.25	4.84
	This unit does not refer to the installation of manufactured or assembled products.		
29010	Manufacturing agricultural equipment or implements	6.52	6.07
29020	Manufacturing commercial refrigeration equipment or air conditioning equipment	5.45	5.03
29030	Manufacturing conveyors	5.87	5.44
29040	Manufacturing and installing or repairing hydraulic or pneumatic pressure cylinders	4.73	4.33
29050	Manufacturing or repairing heavy machinery; manufacturing industrial equipment; constructing or repairing locomotives or freight cars	3.93	3.55
29070	Manufacturing sewing machines or small electrical appliances; manufacturing machinery and equipment. not specified in other units	3.41	3.04
29080	Manufacturing major electrical appliances; repairing electrical household appliances	2.45	2.11
29090	Manufacturing lighting fixtures	4.13	3.75
29110	Manufacturing electronic household equipment; assembling lighting fixtures	4.33	3.94
29120	Manufacturing electronic parts or components; manufacturing electronic equipment. not specified in other units	0.99	0.70
	This unit does not refer to the installation of manufactured products.		
29130	Manufacturing lightning rods. high voltage line circuit breakers or distribution transformers	3.42	3.06
29140	Manufacturing high power transformers; manufacturing or assembling batteries	4.24	3.85
29150	Manufacturing control panels or electrical or pneumatic measuring instruments	2.87	2.52
29160	Manufacturing or assembling electric motors or generators; repairing or rewinding electric motors	4.72	4.32



**Classification Units and Assessment Rates for 1998 — Sector: Manufacturing**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
29170	Manufacturing electrical wire or cable; manufacturing electric light bulbs	1.88	1.56
29180	Manufacturing electrical distribution parts or graphite electrodes	3.54	3.17
30010	Repairing, reworking, finishing or reconditioning aircraft; machining or assembling aircraft parts manufacturing	1.43	1.13
30020	Constructing aircraft	1.78	1.47
30030	Manufacturing aircraft parts by microfusion with casting	4.68	4.28
30040	Constructing trucks	3.98	3.60
30050	Constructing automobiles	4.06	3.68
30060	Constructing buses or long-distance coaches	6.71	6.26
30070	Manufacturing or assembling truck boxes, with or without installation	7.63	7.14
30080	Manufacturing, with or without repairing, motor vehicle trailers; manufacturing house trailers or tent trailers; manufacturing and renting movable shelters; finishing van interiors	6.59	6.13
30110	Manufacturing or repairing motor vehicle or machine radiators	5.62	5.20
30130	Constructing or repairing railway passenger cars	3.52	3.16
30160	Constructing or modernizing ships over 250 tonnes	9.03	8.50
30170	Constructing or modernizing ships between 5 and 250 tonnes; minor repairs to ships over 5 tonnes	7.71	7.22
30180	Manufacturing or repairing craft of 5 tonnes or less	6.85	6.39
30190	Manufacturing snowmobiles, motorcycles, snowplows or all-terrain vehicles	2.32	1.99
31010	Manufacturing clay products	6.17	5.73
31020	Manufacturing cement or lime; manufacturing silicon carbide or gypsum panels	2.14	1.82
31030	Manufacturing funeral monuments or other stone products	7.00	6.53
31040	Manufacturing asbestos-cement products; manufacturing friction parts; manufacturing asbestos wire, cloth, ceiling components or gaskets	5.55	5.13
31050	Manufacturing pipes, concrete masonry components and other concrete products similar to masonry components	5.25	4.84
	This unit does not refer to the installation of manufactured products.		
31070	Manufacturing ready-mix concrete	4.48	4.09
	This unit does not refer to cement or concrete works.		
31080	Manufacturing glass or glass products	4.55	4.15

**Classification Units and Assessment Rates for 1998 — Sector: Manufacturing**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
31090	Manufacturing refractory products; manufacturing or processing charcoal	5.09	4.67
31100	Manufacturing insulating material. not specified in other units	3.62	3.25
31110	Refining crude petroleum; manufacturing petroleum and coal products. not specified in other units	1.13	0.83
32010	Manufacturing industrial inorganic chemical products. not specified in other units	1.77	1.45
32020	Manufacturing industrial organic chemical products or other chemical products. not specified in other units	3.06	2.71
32030	Manufacturing plastics or synthetic resins	2.58	2.24
32040	Manufacturing pharmaceutical products or drugs	1.20	0.91
32050	Manufacturing paint. varnish. printing ink. adhesives or coatings	3.13	2.78
32060	Manufacturing soap or cleaning products	2.92	2.57
32070	Manufacturing toiletries	2.28	1.95
32080	Manufacturing ammunition	2.07	1.75
32090	Manufacturing explosives	4.21	3.83
33010	Assembling watches or clocks; operating an optical laboratory; manufacturing gold. silver or plated jewellery or ware; manufacturing orthopedic devices; assembling cartridges or cassettes	1.86	1.55
33020	Manufacturing wooden or metal sporting goods or gymnasium equipment; assembling plastic or metal toys; manufacturing and repairing bicycles	5.44	5.02
33030	Manufacturing. installing or repairing commercial signs; leasing advertising spaces on billboards. signboards and commercial signs	5.89	5.45
33040	Assembling trophies or miscellaneous wooden. plastic. fiberglass or concrete products; manufacturing rubber pads. plaster goods. wax products. trophy parts or foundry models; stamping balloons; handicrafts	4.29	3.90
33050	Manufacturing buttons. snap fasteners. needles. emblems. medals. pencils or pens	2.73	2.39
33060	Manufacturing vinyl tiles and vinyl linoleum; manufacturing heat-insulating products for piping	2.16	1.84
	This unit does not refer to the installation of manufactured products.		

**Classification Units and Assessment Rates for 1998 — Sector: Transportation**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
50010	Air transport; services incidental to air transport	2.77	2.43
50020	Transporting marine freight; towing or docking boats; railway transport	3.67	3.30
50030	Loading or unloading boats	5.74	5.31
51010	Transporting passengers by intercity bus; school bus service or special transportation by bus; transportation by tour bus or chartered bus. including vehicle repair or maintenance	3.65	3.29
51020	Transporting passengers by intercity bus; school bus service or special transportation by bus; transportation by tour bus or chartered bus. not including vehicle repair and maintenance	3.26	2.91
51030	Mass transit in urban areas. with or without vehicle repair; transporting passengers by taxi	3.28	2.93
52010	General local or long-distance transport; transporting or wholesaling fats or meats unfit for human consumption; transporting pelts	7.09	6.62
52020	Railway service; transporting motor vehicles; transporting by towing. by float or other non-standard transport	10.27	9.71
52030	Furniture moving; transporting electronic equipment	14.47	13.78
52040	Transporting freight in tank-trucks. not specified in other units; transporting explosives. corrosive. toxic or inflammable products; transporting petroleum products	5.97	5.53
52050	Bulk trucking; snow removal	7.71	7.23
53010	Storage service	5.31	4.89
53020	Wrapping or packing service with or without marketing	7.05	6.58

**Classification Units and Assessment Rates for 1998 — Sector: Services**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
60010	Operating a radio station; operating telephone lines or telephone exchanges; intercommunication services; recovering or repairing telephones; splicing telephone cables	0.78	0.50
60020	Operating a television station; producing or distributing motion pictures or other audio and video material; operating a motion picture or a drive-in theater; operating an orchestra. a disco-mobile. a singing group. a theater company or a theatrical agency; leasing or renting halls; installing equipment for social dances	1.30	1.00
60030	Cable television service; installing radio or television antennas; radio. television or cable connection work	2.33	2.00

**Classification Units and Assessment Rates for 1998 — Sector: Services**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
60040	Courier service; home small parcel delivery service	5.18	4.77
60050	Operating a recreational centre; operating a professional sports club; operating a curling club; operating a bowling alley or a billiard parlour; operating a roller skating rink; operating a race track; operating a racket sports centre	1.84	1.52
60060	Operating a golf course	2.39	2.06
60070	Operating a ski centre; operating a snowmobile club	5.24	4.82
60080	Operating an amusement park or rides. an amateur sports club. a pleasure-boating club. a shooting club. or amusement and recreational services. not specified in other units; operating a Turkish bath. a massage parlour. a bodybuilding studio. a tanning salon. a shoeshine service or a checkroom service; organizing a public festival	1.73	1.41
61010	Generating and distributing electric power	1.04	0.74
61020	Operating a water distribution centre. a steam distribution centre or a natural gas distribution centre; operating and maintaining a gas or an oil pipeline	1.48	1.18
61030	Maintaining a garbage dump; disposal of industrial waste; cleaning tanks. sewers. cesspools. septic tanks or industrial facilities; renting or leasing. with maintenance. portable chemical toilets	4.90	4.49
61040	Garbage collection	9.28	8.75
62010	Transporting milk and cream; wholesaling dairy products; wholesale or retail distribution of dairy products	3.42	3.05
62020	Wholesaling fruit. vegetables or fish	4.68	4.28
62030	Wholesaling meat and meat products	5.51	5.08
62040	Wholesaling meat. including cutting up and carving	7.07	6.60
62050	Wholesaling bakery or pastry products or distributing those products. wholesale or retail; retailing imported specialties. dietetic or natural food. delicatessen. pastries or seafood products	3.80	3.43
62060	Wholesaling food. not specified in other units	3.61	3.24
62070	Wholesaling carbonated beverages or water; distributing carbonated beverages or water. wholesale or retail; wholesaling beer	4.65	4.25
62090	Wholesaling toiletries or drug sundries	1.68	1.37
62110	Operating a grocery store	3.06	2.71
62120	Operating a convenience store with or without gasoline sales	2.89	2.54
62130	Operating a grocery-butcher shop	3.40	3.04
62140	Operating a butcher shop	5.57	5.14

**Classification Units and Assessment Rates for 1998 — Sector: Services**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
62150	Making and retailing bakery or pastry products	3.40	3.04
62160	Fruit and vegetables retail business	3.68	3.31
62170	Alcoholic beverages retail business	2.11	1.79
62180	Operating a drugstore; operating a tobacco store; herbalist's shop; chocolate, delicacies or cookies shop, beauty products or cosmetics shop, or selling lottery tickets; operating a bus terminal or a contract post office	1.41	1.10
63010	Wholesaling household, commercial or service industry furniture, or electrical household appliances; wholesaling floor coverings; leasing, wholesaling or retailing office equipment or furniture; leasing electrical household appliances or electronic household equipment  This unit does not refer to the installation of floor coverings.	1.92	1.60
63020	Wholesaling household dishware, pottery, glassware or similar household goods; wholesaling electronic household appliances	2.54	2.20
63030	Wholesaling metals or alloys, including handling  This unit does not refer to the installation of a sold product as well as demolition and stripping for purposes of salvaging metal or alloys.	4.94	4.54
63040	Wholesaling hardware, plumbing or heating equipment and supplies, not specified in other units; wholesaling and installing safes, with or without repair; wholesaling sanitation equipment	1.99	1.67
63050	Wholesaling or retailing lumber or building supplies; wholesaling or retailing firewood, coal or charcoal	4.45	4.05
63060	Wholesaling doors, windows, exterior siding or garage equipment  This unit does not refer to the installation of a sold product.	6.36	5.92
63070	Wholesaling or repairing farm or garden implements or equipment	3.35	2.99
63080	Wholesaling, renting or leasing heavy machinery, with or without repair; renting or leasing handling equipment, trailers or containers  This unit does not refer to the installation, maintenance and repair of equipment referred to under units 69960, 80160 and 80210, as well as renting heavy machinery with an operator.	3.10	2.75
63090	Wholesaling industrial handling equipment, with or without repair; wholesaling or repairing welding equipment  This unit does not refer to the installation, maintenance and repair of equipment referred to under units 69960, 80160 and 80210.	3.66	3.29

**Classification Units and Assessment Rates for 1998 — Sector: Services**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
63100	Wholesaling, renting or leasing manufacturing machinery; wholesaling, renting or leasing commercial or industrial ovens or kilns  This unit does not refer to the installation, maintenance and repair of equipment referred to under units 69960, 80160 and 80210.	2.05	1.73
63110	Wholesaling, renting, leasing, installing or repairing stage or discotheque lighting equipment; wholesaling, renting, leasing, installing or repairing swimming-pool accessories; wholesaling, renting, leasing of electric or diesel engines, electric generation equipment, pumping facilities or equipment for water treatment  The wholesaling, renting, leasing of electric or diesel engines, electric generation equipment, pumping facilities or equipment for water treatment does not refer to the installation, maintenance and repair of sold or rented products.	2.92	2.57
63120	Wholesaling, renting or leasing analytic and laboratory apparatus or medical or scientific equipment, with or without repair or installation; wholesaling of electronic parts or electrical supplies; wholesaling, renting or leasing measuring, calibrating or control instruments or communication equipment other than for automobiles  This unit does not refer to the installation, repair or maintenance of measuring, calibrating or control instruments or communication equipment other than for automobiles or electrical supplies.	1.07	0.78
63130	Wholesaling industrial or commercial scales; wholesaling or retailing kitchen cabinets; retailing doors or windows  This unit does not refer to installation of a sold product.	3.45	3.09
64020	Vulcanizing; wholesaling and retailing tires or tubes, with or without repair or installation	4.95	4.55
64030	Wholesaling transportation equipment or equipment parts; wholesaling or retailing new, reconditioned or used automobile parts or accessories	2.03	1.70
64040	Wholesaling or retailing automobiles, trucks or busses with or without repair; renting or leasing automobiles with or without repair; retailing and installing automobile windows or radios; upholstering and repairing of motor vehicle seats	2.88	2.53
64050	Retailing, renting or leasing mobile homes, snowmobiles, motorcycles, travel trailers, tent trailers, including repair or service; retailing boats, outboard motors or boating accessories; renting or leasing, including service, small craft or recreational vehicles, not specified in other units; wholesaling snowmobiles, motorcycles, boats, outboard motors, boating accessories, ship's supplies, trailers or containers; wholesaling, without repair, semitrailers, travel trailers or tent trailers	4.15	3.76
64060	Operating a service station with or without self-service; operating an automatic car wash; washing and cleaning motor vehicles and trucks	3.75	3.37

**Classification Units and Assessment Rates for 1998 — Sector: Services**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
64070	Retailing gasoline. with or without service	2.75	2.41
64090	Repairing motor vehicles. motor vehicle parts or industrial machinery parts. not specified in other units; motor vehicle towing service	5.38	4.96
64100	Repairing motor vehicle bodies	6.40	5.95
64110	Retailing and installing motor vehicle mufflers; repairing and installing motor vehicle suspension parts	7.90	7.41
64120	Reclaiming and wholesaling used automobile parts and accessories	4.50	4.11
65010	Retailing furniture. with or without household furnishings; retailing household electrical appliances. with or without electronic appliances or household electrical furnishings; retailing antique objects or furniture	3.43	3.06
65020	Retailing or repairing sound or video equipment. electronic appliances. electrical furnishings. small (portable) electrical household appliances or electrical personal care appliances; retailing sewing machines	1.34	1.04
65030	Retailing floor coverings  This unit does not refer to the installation of a sold product.	2.86	2.51
65041	Retailing household furnishings or interior decoration accessories. not specified in other units; wholesaling piece goods. notions and other dry goods. draperies. household linen or other textile household furnishings	2.08	1.76
65044	Retailing lighting fixtures  This unit does not refer to the installation of a sold product.	2.00	1.68
66020	Wholesaling and distributing petroleum products. with or without maintenance or installation of related facilities	2.50	2.17
66030	Wrecking automobiles; wholesaling metal waste  This unit does not refer to demolition other than that of automobiles or stripping for salvaging metal waste.	9.66	9.11
66040	Selling non-metallic waste  This unit does not refer to demolition or stripping for salvaging of non-metallic waste.	9.65	9.11
66050	Wholesaling or distributing newspapers. magazines. books or handbills; wholesaling paper or paper products	2.04	1.72
66060	Wholesaling animal feeds. fertilizers. grain or cereals; wholesaling tobacco products; grain elevator service	3.27	2.92
66070	Wholesaling games. toys. sporting goods and equipment; retailing. renting or leasing sporting goods and equipment. with or without service	1.63	1.32

**Classification Units and Assessment Rates for 1998 — Sector: Services**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
66080	Wholesaling chemical products or cleaning products; wholesaling or maintaining chemical fire extinguishers	1.59	1.28
66100	Wholesaling leather or imitation-leather products not specified in other units; wholesaling footwear or garment products; retailing footwear, garments, underwear, knitting products, fabrics, yarn, sewing products, handbags, luggage or other leather or imitation-leather products; manufacturing or storing fur garments or articles; linen rental service without washing equipment; costume or ceremonial apparel rental service	1.88	1.56
66110	Operating a department store; operating a general merchandise store; operating a general store; operating a direct consumer distributing warehouse; display services; interior decoration design service; retailing home and automobile supplies	2.34	2.01
66120	Retailing small goods, not specified in other units; retailing paint or wallpaper; retailing or repairing musical instruments or accessories or photography equipment; retailing domestic animals; photography; wholesaling jewellery items or photography equipment and supplies	1.41	1.10
66130	Retailing hardware products or garden supplies; retailing lawn mowers, snow blowers, chain saws or similar equipment, with repair; wholesaling or retailing trees, shrubs, plants, flowers, supplies for lawn or garden or other nursery products  This unit does not refer to landscaping.	2.80	2.46
66150	Retailing lumber and building supplies with hardware	3.23	2.88
66160	Monuments and tombstones dealer; undertaking services, with or without ambulance services; operating a cemetery	2.92	2.57
66170	Wholesaling or retailing, installing or cleaning swimming pools; constructing and installing in-ground pools	3.77	3.39
69960	Repairing, installing or maintaining production machinery  This unit refers to works relating to: <ul style="list-style-type: none"> <li>• millwright works such as production machinery installation, repair, maintenance, adjustment, assembly, dismantling and handling;</li> <li>• the manufacturing of templates for such machinery.</li> </ul> This unit does not refer to works relating to: <ul style="list-style-type: none"> <li>• millwright works other than production machinery installation, repair, maintenance, adjustment, assembly, dismantling and handling;</li> <li>• the manufacturing of templates for such machinery.</li> </ul> An employer classified under this unit may also be classified under exceptional units 80020 and 90010.	8.39	7.88



**Classification Units and Assessment Rates for 1998 — Sector: Services**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
70010	Insurance brokerage; operating a collection agency or a credit bureau; currency or securities brokerage. consulting or negotiation services; commodities exchanges or securities exchanges; financial institutions and financial intermediaries not specified in other units	0.80	0.52
70020	Operating an insurance business; insurance services of the provincial administration	0.75	0.46
70030	Operating residential or other buildings. including parking lots or parking garages; municipal housing bureau; disinfection. fumigation or extermination work	2.81	2.46
70040	Insurance adjustment or evaluation services; operating a real estate agency; information. poll or research services; bailiff services; reprography services. typing services or other clerical work services supplied to firms or individuals	1.15	0.86
71010	Operating a forwarding agency; freight inspection service; sales agent services; broker services not specified in other units	1.01	0.72
71020	Operating a manpower agency; leasing the services of professional or technical personnel or other scientific or technical professionals such as draftsmen. biologists. biochemists. botanists. chemists. engineers. graphic designers and laboratory technicians; auctioneering or organizing auctions or merchandise liquidation services	1.18	0.89
71030	Leasing truckers services. driver-delivery persons. assistant delivery persons or movers	6.70	6.24
71040	Operating a marine agency or a marine piloting firm; International Air Transport Association or Airline Communications and Information Services; operating a news agency or an advertising agency; drafting or practising architecture; urban planning services or business or management consulting services; law practice (advocate's or notary's office); accounting services (accountant's office); actuarial practice; operating a travel agency or wholesale tour business; wholesaling. renting or repairing computer systems; computer services. excluding the leasing of the services of data processing personnel; trustee in bankruptcy; taxation services or income tax return preparation services; graphic design services	0.69	0.41
71050	Consulting engineer's office; energy consulting services; operating a pure or applied research laboratory; operating a laboratory for analysis and testing; agricultural research services; geotechnical studies prior to construction work; land surveyor services; interpretation of aerial photographs; archaeological research  This unit does not refer to the works referred to under units 80030 to 80260.	0.92	0.63
71060	Operating a security or an investigation agency	2.21	1.88
71070	Managing subsidiaries or branches outside Québec (head office); writing or publishing a weekly. not including printing; electronic typesetting	0.65	0.37

**Classification Units and Assessment Rates for 1998 — Sector: Services**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
71080	Leasing the services of handling maneuvers. wrappers. merchandise reception or expedition employees. warehouse employees. solderers or automobile mechanics or industrial machinery employees. technical installation or machinery maintenance personnel	8.37	7.86
71090	Leasing the services of manufacturing industries' workers or commerce or catering or maintenance chores personnel with the exception of those mentioned in another unit	5.07	4.66
72010	Sûreté du Québec services; detention services	1.89	1.57
72020	Provincial administrative services not specified in other units; administration of a regional county municipality; administration of an urban community. without police services	0.69	0.41
72030	Job creation programs	1.48	1.17
72040	Provincial agriculture. fisheries. feeding. natural resources services; services relating to construction workers	1.00	0.71
72060	Provincial recreation and sports program management services	1.48	1.18
72070	Transportation program management services	1.75	1.44
72080	Managing. with service. a municipality or a municipal or an intermunicipal commission. a band council. an urban community including police services	2.24	1.91
73010	Teaching services (except universities or general and vocational colleges. and except all level student trainees); operating a private museum; operating a historic site; library services	1.05	0.76
73020	Teaching services (student trainees)	6.00/traï.	
73030	Operating a general hospital	1.38	1.08
73040	Operating a psychiatric hospital	1.70	1.38
73050	Operating a home-care and extended care centre; nursing services; leasing the services of nurses or auxiliaries of nurses care and therapeutics	3.56	3.19
73060	Operating a drop-in centre; operating a rehabilitation centre for alcoholics or drug addicts; operating a social or community service agency; operating a health or social services promotion body	2.10	1.78
73070	Operating a rehabilitation centre for the physically handicapped or the socially maladjusted	2.36	2.03
73080	Operating a rehabilitation centre for the mentally handicapped	3.05	2.70
73100	Operating a local community service centre	1.77	1.46
73110	Child day-care centre	3.29	2.93
73120	Operating a sheltered workshop; operating a work rehabilitation centre	4.08	3.70

**Classification Units and Assessment Rates for 1998 — Sector: Services**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
73130	Practising medicine and other specialties in the health-care field. not specified in other units; health or social services not specified in other units; hearing aid specialist's services; prescription optician's services; manufacturing dentures and braces (dental laboratories); retailing orthopedic aids. wigs or hair pieces	1.03	0.74
73140	Ambulance service	10.68	10.10
73150	University or vocational teaching services (except student trainees)	0.75	0.46
74010	Operating a hotel. a motel. a hotel-motel. a youth hostel. a student residence or a rooming house	3.52	3.15
74020	Operating a hunting or fishing outfitting operation; operating or managing a hunting or fishing area; operating a camping ground. a trailer park. a vacation camp or a recreation area	4.49	4.10
74030	Operating a brasserie or a restaurant serving meals. without delivery	3.07	2.72
74040	Operating a brasserie or a restaurant serving meals. with delivery	3.15	2.79
74050	Operating a cafeteria	3.57	3.20
74060	Take-out food services	2.94	2.59
74070	Operating a mobile canteen; catering services	3.87	3.49
74080	Operating a tavern. a bar. a discotheque or a night club	2.17	1.84
75010	Operating a barber shop or a hairdressing salon; operating a beauty salon	2.26	1.94
75020	Domestic-use laundry or dry-cleaning service; clothing maintenance. pressing or repair service	3.16	2.81
75030	Operating an industrial laundry with or without linen rental service; linen supply service. including washing	5.42	5.00
75040	Commercial. industrial or residential building maintenance; carpet. rug. upholstery or fabric furniture cleaning service; lawn or shrub maintenance service; green areas fertilization services; window washing services	4.61	4.21
76010	Veterinary services; artificial insemination services; egg candling or grading service; poultry sexing or debeaking; operating a hatchery; raising animals in laboratories	2.50	2.16
76020	Wholesaling or operating vending machines; renting. leasing or operating coin-operated amusement machines. with or without service	2.16	1.83
76030	Transporting animals; operating animal-drawn vehicles; wholesaling or auctioneering animals; operating a racing or horse-rental stable; operating a horseback-riding centre; operating a zoo; society for the protection of animals; raising or training pets; animal lodging and care services not specified in other units	5.51	5.09
76040	Religious community	3.14	2.78

**Classification Units and Assessment Rates for 1998 — Sector: Services**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
76050	Managing, with service, a parish fabric, a church or a diocese; religious association or organization	1.72	1.41
76060	Joint sector-based occupational health and safety association; association or organism, not specified in other units	0.94	0.65
76070	Renting or leasing portable equipment or tools for industry, construction, hobbies or household activities, including service  This unit does not refer to the installation of scaffolds.	5.42	5.00
76080	Oil burner and furnace maintenance service; chimney sweeping	6.30	5.85
Exceptional unit 90010	Work done exclusively in offices  This unit refers to:  An employer who uses the services of workers who only perform tasks of an administrative, commercial, technical or professional nature and, who unlike the workers referred to under unit 80020, only work in offices. This unit refers in particular to office staff and persons holding the position of accountant, controller, administrative director, draftsman, purchaser, bidder, computer technician and sales director.  <b>Special classification rule</b>  An employer classified under this unit cannot also be classified under unit 71070 for the activity "Managing subsidiaries or branches located outside Québec (head office)".	0.69	0.41

**Classification Units and Assessment Rates for 1998 — Sector: Construction**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
Exceptional unit 80020	Work done both inside and outside offices  This unit refers to:  Employers who use workers who only perform tasks of an administrative, a commercial, a technical or a professional nature and who are called upon, as part of their duties, to do a portion of their work outside the offices of their employer. This unit refers in particular to workers holding the position of seller, real estate agent, sales agent, real estate broker, representative, project director, project manager, superintendent, project leader, director of security and engineer.  This unit does not refer to:  • those persons who directly supervise workers, such as a foreman;  • a commissioner, a delivery person or a labourer.	1.25	0.95

**Classification Units and Assessment Rates for 1998 — Sector: Construction**

Unit Number	Unit Title	General Rate	Special Rate
<b>Special classification rule</b>			
An employer classified under this unit cannot also be classified under unit 71070 for the activity “Managing subsidiaries or branches located outside Québec (head office)”.			
80030	Excavation work; assembly of fences; installation of guardrails	8.23	7.73
This unit refers to work related to:			
<ul style="list-style-type: none"> <li>• digging, moving, filling, compaction, leveling earth or granular materials, including work related to culverts;</li> <li>• excavation and earthwork both for the construction of buildings and civil engineering works and for irrigation, drainage and dredging work;</li> <li>• the excavation and installation of aqueducts and sewers;</li> <li>• the excavation and installation of underground lines for gas and water purification plants;</li> <li>• the excavation and installation of underground energy distribution or telecommunications network conduits, with or without the running of wire;</li> <li>• the construction and repair of sidewalks and curbs other than in asphalt or done without using a spreader-grader;</li> <li>• the rental of construction equipment with operators not used for demolition work;</li> <li>• forest clearing carried out using construction equipment;</li> <li>• the installation of septic tanks;</li> <li>• the installation of fences;</li> <li>• the installation of traffic safety barriers and guardrails.</li> </ul>			
This unit does not refer to:			
<ul style="list-style-type: none"> <li>• manual forest clearing as well as forest clearing carried out using specialized machinery such as a skidder, tree feller or delimiting machine;</li> <li>• divers participating in works referred to in this unit;</li> <li>• the rental of cranes and drilling machines with operators;</li> <li>• preparatory work for the installation of fences done in a workshop other than on the work site or on the job;</li> <li>• the installation of fences made of ornamental metal;</li> </ul>			

**Classification Units and Assessment Rates for 1998 — Sector: Construction**

Unit Number	Unit Title	General Rate	Special Rate
	<ul style="list-style-type: none"> <li>• the operation of a quarry, a sandpit or a gravel pit;</li> <li>• snow removal;</li> <li>• paving work;</li> <li>• cement and concrete work other than that related to small art works, sidewalks and curbs;</li> <li>• demolition work related to civil engineering works and buildings;</li> <li>• work related to blasting, drilling for blasting, pile-driving, special foundations, digging of tunnels and underground drilling, caissons, excavation supports, tie rods, consolidation of foundations and injections in the ground and in rock;</li> <li>• the manufacture of prepared concrete;</li> <li>• the installation of road lighting networks and traffic lights, as well as the installation of lamp posts;</li> <li>• construction work related to underground energy distribution lines with installation of machinery and equipment in addition to the excavation and installation of conduits;</li> <li>• the operation of an asphalt plant;</li> <li>• landscaping work.</li> </ul> <p>An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>		
80040	Blasting; drilling; soil mechanics; pile-driving and special foundations	17.72	16.94
	<p>This unit refers to work related to:</p> <ul style="list-style-type: none"> <li>• drilling, charging holes and igniting explosive products;</li> <li>• blasting;</li> <li>• digging tunnels and underground drilling;</li> <li>• drilling artesian wells with or without the installation of pumps;</li> <li>• soil mechanics such as setting up excavation supports, installation of tie rods, consolidation of foundations and injections in the ground or in rock;</li> <li>• geothermal drilling and drilling of elevator shafts;</li> <li>• preliminary drilling for construction work;</li> </ul>		

**Classification Units and Assessment Rates for 1998 — Sector: Construction**

Unit Number	Unit Title	General Rate	Special Rate
	<ul style="list-style-type: none"> <li>• pile-driving;</li> <li>• pile-driving and special foundations such as the placing, raising and maintenance of the following elements: steel sheet piling, shoring piles, wailings, struts, horizontal shores, soldier piles and temporary steel or heavy structural lumber struts driven into the ground;</li> <li>• the rental of a drilling machine with an operator.</li> </ul> <p>This unit also refers to:</p> <ul style="list-style-type: none"> <li>• work done in caissons and cofferdam work;</li> <li>• the construction, maintenance, removal and demolition of caissons and cofferdam work;</li> <li>• preliminary consolidation work related to the moving of buildings, including excavation, concrete drilling and pile driving;</li> <li>• the putting in place, straightening and lifting of buildings;</li> <li>• consolidation work on a building;</li> <li>• the moving of buildings on a flat-bed trailer done by the workers of an employer as part of the carrying out by this employer of works referred to in this unit.</li> </ul> <p>This unit does not refer to:</p> <ul style="list-style-type: none"> <li>• divers participating in work referred to in this unit;</li> <li>• the drilling of ore to obtain test samples;</li> <li>• the drilling of oil or natural gas wells.</li> </ul> <p>An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>		
80050	Paving work  This unit refers to work related to: <ul style="list-style-type: none"> <li>• the asphalt surfacing of roads, streets, sidewalks, curbs, parking lots and private roads;</li> <li>• the concrete surfacing of roads, streets, sidewalks, curbs, parking lots and private roads carried out using a concrete spreader-grader;</li> <li>• the marking of lines on the pavement;</li> <li>• the scarification of paved surfaces;</li> </ul>	7.82	7.33

**Classification Units and Assessment Rates for 1998 — Sector: Construction**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
	<ul style="list-style-type: none"> <li>• the waterproofing of paved surfaces.</li> </ul> <p>This unit also refers to the following work when done by the workers of an employer as part of the carrying out by this employer of work referred to in this unit:</p> <ul style="list-style-type: none"> <li>• the installation of fences and guardrails.</li> </ul> <p>This unit does not refer to:</p> <ul style="list-style-type: none"> <li>• the operation of a stationary asphalt manufacturing plant;</li> <li>• the installation of interlocking blocks (slope blocks/pavers);</li> <li>• snow removal;</li> <li>• the excavation and installation of aqueducts and sewers;</li> <li>• the construction and repair of sidewalks and curbs other than in asphalt;</li> <li>• landscaping work;</li> <li>• the operation of a quarry, a sandpit or a gravel pit.</li> </ul> <p>An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>		
80060	Construction of energy transmission or distribution lines; construction of energy transforming stations	7.91	7.42
	<p>This unit refers to construction, maintenance and repair work related to:</p> <ul style="list-style-type: none"> <li>• power plant substations;</li> <li>• overhead or underground energy transmission and distribution lines;</li> <li>• telecommunications lines or networks;</li> <li>• road lighting networks and traffic lights;</li> <li>• microwave and telecommunications towers;</li> <li>• manholes for underground telecommunications and energy distribution networks.</li> </ul> <p>This unit also refers to:</p> <ul style="list-style-type: none"> <li>• the installation of street lamps;</li> <li>• the installation of transformers connected to the energy transmission and distribution network;</li> </ul>		



**Classification Units and Assessment Rates for 1998 — Sector: Construction**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
	<ul style="list-style-type: none"> <li>• the installation of antennas in telecommunications towers;</li> <li>• the planting of poles.</li> </ul> <p>This unit does not refer to:</p> <ul style="list-style-type: none"> <li>• the construction of buildings;</li> <li>• the digging of tunnels;</li> <li>• specific contracts to excavate and install underground energy transmission or telecommunications network conduits, with or without the running of wire.</li> </ul> <p>An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>		
80070	<p>Rental of cranes with operators</p> <p>This unit refers to:</p> <ul style="list-style-type: none"> <li>• the rental, with operators, of cranes, crane-trucks, boom trucks, or any other conventional truck equipped with a telescopic or hydraulic arm, or equipped with a hoist winch that can be used as cranes or other equipment of the same type.</li> </ul> <p>An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>	12.09	11.47
80080	<p>Erecting metal frame structures and tanks, installation of curtain walls</p> <p>This unit refers to work related to:</p> <ul style="list-style-type: none"> <li>• the setting up, assembly and dismantling of architectural elements and metal framing that go into the construction of buildings, civil engineering works, outside tanks, stacks, silos, coal, stone, coke, sand and ore hoppers, water towers and machinery.</li> <li>• the installation of curtain walls;</li> <li>• the installation of atriums, skylights and other similar works;</li> <li>• the installation of prefabricated metal industrial stacks;</li> <li>• the installation of steel panels that are used in structures, cladding and roofing.</li> </ul> <p>This unit also refers to the following work when done by the workers of an employer as part of the carrying out, by this employer, of work referred to in this unit:</p> <ul style="list-style-type: none"> <li>• the installation of doors and windows.</li> </ul>	34.18	32.92

**Classification Units and Assessment Rates for 1998 — Sector: Construction**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
	<p>This unit does not refer to:</p> <ul style="list-style-type: none"> <li>• preparatory work carried out at the workshop other than on the work site or on the job;</li> <li>• exterior cladding work using metal sheets;</li> <li>• the installation of radio and television station broadcasting and cellular telephone antennas;</li> <li>• the erection of microwave towers;</li> <li>• the erection of wooden silos, water towers or tanks;</li> <li>• the dismantling of metal structures done as part of demolition works;</li> <li>• the installation of tanks, other than outside tanks.</li> </ul> <p>An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>		
80090	<p>Manufacture or installation of pre-cast concrete architectural elements or structures</p> <p>This unit refers to the manufacture or installation of pre-cast concrete architectural elements or structures.</p> <p>An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>	18.10	17.30
80100	<p>Cement work, concrete work</p> <p>This unit refers to work related to:</p> <ul style="list-style-type: none"> <li>• reinforcement work such as cutting, shaping, assembling by various processes, as well as the installation of metal ties or wire mesh used in the construction of concrete work;</li> <li>• concrete formwork for building and civil engineering work framing and machinery;</li> <li>• the preparation and finishing of concrete and cement surfaces;</li> <li>• the pouring and placement of concrete;</li> <li>• the cutting, pumping and drilling of concrete;</li> <li>• concrete paving without the use of a spreader-grader;</li> <li>• concrete injection and guniting;</li> <li>• the cutting of asphalt;</li> </ul>	17.01	16.25

**Classification Units and Assessment Rates for 1998 — Sector: Construction**

Unit Number	Unit Title	General Rate	Special Rate
	<ul style="list-style-type: none"> <li>• the crushing of concrete during alteration work;</li> <li>• the waterproofing of concrete floors or concrete surfaces.</li> </ul> <p>This unit does not refer to:</p> <ul style="list-style-type: none"> <li>• the operation of a reinforcement workshop other than on the work site or on the job;</li> <li>• the demolition of concrete building or civil engineering work structures;</li> <li>• the manufacture of prepared concrete;</li> <li>• the installation of pre-cast concrete structural or architectural elements;</li> <li>• the delivery and pouring of concrete by concrete mixer;</li> <li>• the construction and repair of sidewalks and curbs.</li> </ul> <p>An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>		
80110	Carpentry work; joinery work; indoor renovation work	14.46	13.77
	<p>This unit refers to work related to:</p> <ul style="list-style-type: none"> <li>• the erection of a wooden structure of a building, a silo, a water tower and a tank;</li> <li>• joinery work;</li> <li>• parqueting work including sanding and finishing;</li> <li>• carpentry work such as the installation of chevrons and the erection of wood divisions;</li> <li>• carpentry work and joinery work in the installation of prefabricated buildings with a wood structure;</li> <li>• on-site construction of wood recreational equipment for amusement parks, daycare centres, playgrounds and other similar places;</li> <li>• the installation of doors and windows by a carpenter;</li> <li>• the building of wood or wood-substitute patios.</li> </ul> <p>This unit also refers to the following work when done by the workers of an employer as part of the carrying out, by this employer, of work to erect a wood structure of a building:</p> <ul style="list-style-type: none"> <li>• the installation of all types of exterior clapboard cladding;</li> </ul>		

**Classification Units and Assessment Rates for 1998 — Sector: Construction**

Unit Number	Unit Title	General Rate	Special Rate
	<ul style="list-style-type: none"> <li>• the installation of metal posts, gypsum, angle irons, metal mouldings;</li> <li>• the installation of gutters;</li> <li>• roofing using asphalt shingles, cedar shingles, sheet metal that is neither welded nor stapled, or sandstone tiles;</li> <li>• the installation of insulation;</li> <li>• soundproofing;</li> <li>• foundation formwork;</li> <li>• the installation of garage doors;</li> <li>• the installation of acoustic tiles.</li> </ul> <p>This unit also refers to:</p> <ul style="list-style-type: none"> <li>• the indoor renovation of buildings and parts of buildings covering a renovated floor surface of less than 1,000 m<sup>2</sup> per storey except where this work includes:</li> <li>• scaffolding work, the upper platform of which exceeds 5 metres in height;</li> <li>• masonry work other than for prefabricated fireplaces;</li> <li>• metal cladding work;</li> <li>• work affecting the structure of the building;</li> <li>• cement work;</li> <li>• ornamental building metal work.</li> </ul> <p>This unit does not refer to:</p> <ul style="list-style-type: none"> <li>• renovation work when a single reconstruction operation is carried out in conjunction with the stripping of something that is subsequently rebuilt. For example, when the only operation carried out by the employer is the installation of a carpet, after the removal of the old one, this operation is not referred to in this unit;</li> <li>• the installation of doors, windows or products intended for the same purpose done by a glazier;</li> <li>• work related to piles and special foundations such as the placing, raising and maintenance of the following elements: steel sheet piling, shoring piles, wailings, struts, horizontal shores, soldier piles and temporary steel or heavy structural lumber struts driven into the ground;</li> </ul> <p>An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>		

**Classification Units and Assessment Rates for 1998 — Sector: Construction**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
80120	<p>Work related to indoor systems: painting work; installation of flexible coverings, installation of marble, granite, ceramics and terrazzo; plastering and jointing work; insulation work</p> <p>This unit refers to work related to:</p> <ul style="list-style-type: none"> <li>• indoor systems such as the installation of metal poles, gypsum, lathwork, acoustic ceilings and suspended ceilings;</li> <li>• plastering and jointing;</li> <li>• the application of paint, surface coatings and protective finishes;</li> <li>• the installation of flexible coverings such as vinyl, asphalt, rubber, cork, linoleum coverings, rugs, carpet underlays and rug underlays;</li> <li>• the installation and polishing of marble, granite, terrazzo concrete, slate, ceramics, terrazzo and other similar materials.</li> </ul> <p>This unit also refers to work related to:</p> <ul style="list-style-type: none"> <li>• the thermal insulation of buildings, soundproofing and acoustic control.</li> </ul> <p>This unit does not refer to:</p> <ul style="list-style-type: none"> <li>• work to install curtain walls in marble, granite or other similar materials;</li> <li>• parqueting work (installation, sanding and finishing of wood floors);</li> <li>• all cleaning work using sand blasting, steam jet or pressurized water;</li> <li>• work to waterproof concrete floors or concrete surfaces.</li> </ul> <p>An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>	15.72	15.00
80130	<p>Roofing work; exterior cladding work on buildings; installation of gutters</p> <p>This unit refers to work related to:</p> <ul style="list-style-type: none"> <li>• exterior cladding of buildings using all types of metal sheets or clapboard;</li> <li>• the installation and repair of all types of roofing, including waterproofing;</li> <li>• the installation of gutters.</li> </ul> <p>This unit does not refer to:</p> <ul style="list-style-type: none"> <li>• the installation of steel panels which are used in structures, cladding and roofing.</li> </ul> <p>An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>	23.51	22.56

**Classification Units and Assessment Rates for 1998 — Sector: Construction**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
80140	Masonry work	23.28	22.34
	This unit refers to work related to:		
	<ul style="list-style-type: none"> <li>• the cutting, setting with mortar, cement or any other adhesive material as well as the jointing of masonry elements such as the following:</li> <li>• bricks, natural or artificial stones;</li> <li>• acid bricks, fire bricks, plastic bricks, cements bricks or bricks made of any other refractory material laid by hand or by a pneumatic or mechanical method;</li> <li>• tiles made of refractory material;</li> <li>• blocks of gypsum, concrete or glass, blocks of composite materials, blocks of lightweight aggregates for walls or partitions.</li> </ul>		
	This unit does not refer to:		
	<ul style="list-style-type: none"> <li>• jointing, aligning, anchoring and grouting work done by manufacturers of pre-cast concrete structural or architectural elements;</li> <li>• cleaning work using sand blasting, steam jet or pressurized water;</li> <li>• work related to the installation of slope blocks or pavers;</li> <li>• work related to the installation of marble or granite tile flooring;</li> <li>• the installation of curtain walls made of masonry elements.</li> </ul>		
	An employer classified under this unit can also be classified under exceptional units 80020 and 90010.		

80150	Glass work; glazing work	15.13	14.43
	This unit refers to work related to:		
	<ul style="list-style-type: none"> <li>• the preparation and installation of glasswork and glazing such as:</li> <li>• the cutting and polishing of glass;</li> <li>• the cutting and assembly of aluminum;</li> <li>• spray etching on glass;</li> <li>• the painting of aluminum frames;</li> <li>• the installation of doors, windows, glazing and commercial frontage on the work site.</li> </ul>		
	This unit does not refer to:		

**Classification Units and Assessment Rates for 1998 — Sector: Construction**

Unit Number	Unit Title	General Rate	Special Rate
	<ul style="list-style-type: none"> <li>• the manufacture and installation of curtain walls;</li> <li>• the installation of doors and windows by a carpenter.</li> </ul> <p data-bbox="260 408 1077 458">An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>		
80160	<p>Millwright works; boilermaking work; plumbing and pipefitting work; pipe insulation work</p> <p>This unit refers to work related to:</p> <ul style="list-style-type: none"> <li>• millwright works such as the installation, repair, maintenance, adjustment, assembly, dismantling and handling of machinery other than production machinery;</li> <li>• the making of templates for this machinery;</li> <li>• boilermaking related to machinery other than production machinery and related to the construction, maintenance and repair of steam generators, boilers, indoor tanks or other similar equipment;</li> <li>• the installation, alteration, modification, repair and maintenance of:               <ul style="list-style-type: none"> <li>• plumbing systems such as:                   <ul style="list-style-type: none"> <li>• piping, fixtures, accessories and other fittings needed to supply these systems with fluids;</li> <li>• piping, fixtures, accessories and other fittings used for drainage, run-off and ventilation of traps in these systems;</li> </ul> </li> <li>• heating and combustion systems such as:                   <ul style="list-style-type: none"> <li>• piping, fixtures, accessories and other fittings needed to distribute fluids or heat;</li> <li>• fire protection and localized fire protection systems, such as:                       <ul style="list-style-type: none"> <li>• piping, fixtures, accessories and other fittings used to prevent and fight fires;</li> </ul> </li> </ul> </li> <li>• insulation, whether it is carried out by spraying or by any other method, such as:                   <ul style="list-style-type: none"> <li>• thermal insulation of any new or existing piping system;</li> <li>• thermal insulation of radiators, furnaces, boilers, tanks and any other similar device.</li> </ul> </li> </ul> </li> </ul> <p>This unit does not refer to:</p> <ul style="list-style-type: none"> <li>• the construction of metal tanks other than for boiler systems and that are installed by a boiler-maker or metal structure installer (ex. oil tanks, water towers);</li> </ul>	8.39	7.88

**Classification Units and Assessment Rates for 1998 — Sector: Construction**

Unit Number	Unit Title	General Rate	Special Rate
	<ul style="list-style-type: none"> <li>• the installation of metal ducts for heating, ventilation and air conditioning systems;</li> <li>• the laying of bricks used in boiler walls;</li> <li>• the installation of internal insulation of ventilation and other ducts done by tinsmiths when installing said ducts;</li> <li>• installation work related to pre-insulated ventilation ducts;</li> <li>• the installation and maintenance of mechanized transit systems;</li> <li>• cleaning using sandblasting;</li> <li>• work related to millwright works such as the installation, repair, maintenance, adjustment, setting up, dismantling and handling of production machinery as well as the making of templates for this machinery.</li> </ul>		
	<p>An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>		
80170	Electrical work	7.75	7.26
	<p>This unit refers to work related to:</p> <ul style="list-style-type: none"> <li>• the installation, alteration, modification, repair and maintenance of electrical installations for lighting, heating and motive force purposes, including in all cases wires, cables, conduits, accessories and electrical devices that are part of the actual installation and, being related to the connection of the installation to the public or municipal utility network, which point of connection is on the wall of the building that is nearest to the public utility line;</li> <li>• the installation of lightning rods and unit heaters;</li> <li>• electrical hook-up of a building.</li> </ul> <p>This unit does not refer to:</p> <ul style="list-style-type: none"> <li>• construction work on energy distribution and transforming stations done by electrical contractors;</li> <li>• electrical work done by energy distribution and transforming station construction contractors;</li> <li>• installation work related to alarm, security, control or electronic equipment systems;</li> <li>• street lamp installation work along roads as well as traffic light installation work.</li> </ul>		
	<p>An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>		



**Classification Units and Assessment Rates for 1998 — Sector: Construction**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
80180	Sheet metal work	12.64	12.01
	This unit refers to work related to:		
	<ul style="list-style-type: none"> <li>• sheet metal having a maximum thickness of 10 gauge (iron, copper, aluminum, stainless steel) and all metal or electrometallurgical materials, vinyl and other metal- or plastic-based materials such as:</li> <li>• the marking out, manufacture and installation, on the work site and on the job, of all sorts of metal objects, in sheets;</li> <li>• the assembly and repair of ventilation, air conditioning and hot air heating duct systems and any conduit system to remove various materials such as chips, fumes, smoke or dust, the installation of internal insulation with respect to these systems and the installation of prefabricated devices;</li> <li>• the installation of prefabricated metal objects such as shelves, lockers, screens, ceilings, fire barriers, and ceiling and wall coverings;</li> <li>• the installation, by a tinsmith, of prefabricated devices such as air conditioners, fans, heat pumps, air exchangers as well as the installation of mechanized elements associated with these systems, when done at the same time as the installation of ducts or conduits.</li> </ul>		
	This unit does not refer to work related to:		
	<ul style="list-style-type: none"> <li>• outdoor cladding in metal sheets or clapboard of all types, installation and repair of all types of roofing;</li> <li>• the installation of gutters.</li> </ul>		
	An employer classified under this unit can also be classified under exceptional units 80020 and 90010.		
80190	Installation of electronic equipment, alarm or control systems	2.98	2.63
	This unit refers to work related to:		
	<ul style="list-style-type: none"> <li>• the installation, alteration, modification, repair and maintenance of intercom, public address, synchronous clock, visual, aural or oral signaling, telephony, closed-circuit television, access card or surveillance systems;</li> <li>• the installation, alteration, modification, repair and maintenance of electrical or pneumatic control, and instrumentation systems related to heating, air conditioning, ventilation and air removal;</li> <li>• the installation, alteration, modification, repair and maintenance of electrical systems or pneumatic control systems, quantity measurement and calibration systems on a variety of industrial production machinery;</li> <li>• the installation, alteration, modification, repair and maintenance of burglar and fire alarm systems;</li> </ul>		

**Classification Units and Assessment Rates for 1998 — Sector: Construction**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
	<ul style="list-style-type: none"> <li>• the sale, installation and repair of safety locks.</li> </ul> <p>This unit does not refer to:</p> <ul style="list-style-type: none"> <li>• the testing, adjustment and stabilizing of air circulation or distribution systems.</li> </ul> <p>An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>		
80200	<p>Refrigeration work, air conditioning work</p> <p>This unit refers to work related to:</p> <ul style="list-style-type: none"> <li>• the installation, alteration, modification, repair and maintenance of refrigeration systems having a capacity of at least 1/4 h.p. including piping, units, accessories and other fittings needed for the distribution of fluids and the production of cold by these systems;</li> <li>• the installation of machines for air conditioning and refrigeration systems;</li> <li>• the testing, adjustment and stabilizing of air circulation and distribution systems, excluding instrumentation and control systems.</li> </ul> <p>This unit does not refer to:</p> <ul style="list-style-type: none"> <li>• the insulation of refrigeration and air conditioning systems;</li> <li>• the installation of metal ducts for air conditioning systems;</li> <li>• the installation, alteration, modification, repair and maintenance of instrumentation and control systems related to heating, air conditioning and ventilation.</li> </ul> <p>An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>	9.79	9.24
80210	<p>Work related to mechanized transit systems</p> <p>This unit refers to work related to:</p> <ul style="list-style-type: none"> <li>• the installation, alteration, modification, repair and maintenance of mechanized transit systems, composed of devices, accessories and other apparatuses such as elevators, freight elevators, escalators, permanent swing scaffolds, slope hoists, dumbwaiters, removable platforms on a theatre stage, moving sidewalks and other similar devices generally used or which may be used to transport persons, objects or materials.</li> </ul> <p>This unit also refers to the operation of a temporary or uncompleted system as well as the operation of a completed system when it is used to move construction workers and materials.</p>	7.38	6.90

**Classification Units and Assessment Rates for 1998 — Sector: Construction**

Unit Number	Unit Title	General Rate	Special Rate
	<p>This unit does not refer to work related to:</p> <ul style="list-style-type: none"> <li>• the installation and operation by an employer of a temporary freight elevator as part of the carrying out by this employer of work not referred to in this unit;</li> <li>• the installation, repair and maintenance of conveyors and gantries;</li> <li>• the installation of temporary swing scaffolds.</li> </ul> <p>An employer classified under this unit can also be classified under exceptional units 80020 and 90010.</p>		
80220	<p>Renovation, stripping or demolition work</p> <p>This unit refers to work related to renovation not referred to under unit 80110.</p> <p>This unit also refers to work related to:</p> <ul style="list-style-type: none"> <li>• the stripping, demolition or dismantling of buildings or civil engineering works, including the operations needed to carry out the works such as excavation, blasting, cutting concrete, dismantling, erection of compound walls, site restoration, transport of debris and salvaging of debris for sale, if these operations are carried out by the employer in charge of the stripping and demolition work.</li> </ul> <p>Stripping refers to any selective, meticulous and well thought-out demolition operation, of unwanted additions, ruined areas or areas of no interest in buildings.</p> <p>This unit also refers to the rental, with operators, of construction machinery for demolition purposes.</p> <p>This unit does not refer to work related to:</p> <ul style="list-style-type: none"> <li>• renovation work when a single reconstruction operation is carried out in conjunction with the stripping of something that is subsequently rebuilt. For example, when the only operation carried out by the employer is the installation of a carpet, after the removal of the old one, this operation is not referred to in this unit;</li> <li>• the dismantling of metal structures and machinery when it is the only operation carried out by the employer;</li> <li>• the renovation of boilers;</li> <li>• the removal of insulation products if carried out prior to and in conjunction with insulation work, done by an insulation contractor.</li> </ul>	36.09	34.77

**Classification Units and Assessment Rates for 1998 — Sector: Construction**

Unit Number	Unit Title	General Rate	Special Rate
<b>Special classification rule</b>			
An employer classified under this unit can also be classified under another unit with respect to work done as part of the renovation referred to in this unit if he breaks down in his statement of wages, in accordance with sections 13 and 17, the wages of his workers with respect to their participation, on the one hand, in demolition and stripping work, where applicable, and on the other hand, in work referred to in this other unit.			
An employer classified under this unit can also be classified under exceptional units 80020 and 90010.			
80230	Landscaping work	11.79	11.18
This unit refers to:			
<ul style="list-style-type: none"> <li>• landscaping work such as:</li> <li>• the installation of interlocking blocks or interlocking stones;</li> <li>• the installation of sod;</li> <li>• site preparation work;</li> <li>• the planting of trees and shrubs;</li> <li>• light earthwork;</li> <li>• the erection of low walls, stairs, etc.;</li> <li>• the maintenance of slopes alongside roads;</li> <li>• the installation of outdoor underground pipes to water the lawn or for decorative lighting systems.</li> </ul>			
This unit does not refer to:			
<ul style="list-style-type: none"> <li>• excavation and earthwork done with heavy machinery;</li> <li>• paving work;</li> <li>• snow removal;</li> <li>• the installation of septic tanks and septic beds.</li> </ul>			
An employer classified under this unit can also be classified under exceptional units 80020 and 90010.			

**Classification Units and Assessment Rates for 1998 — Sector: Construction**

<b>Unit Number</b>	<b>Unit Title</b>	<b>General Rate</b>	<b>Special Rate</b>
80240	Cleaning using sandblasting, steam jet or pressurized water  This unit refers to work related to: <ul style="list-style-type: none"> <li>• the cleaning, preparation, restoration or finishing of a building surface, a civil engineering work, a tank, machinery or industrial equipment using sandblasting, steam jet, pressurized water, soda water or recoverable abrasive beads;</li> <li>• the whitewashing of buildings using a jet.</li> </ul> This unit does not refer to: <ul style="list-style-type: none"> <li>• work involving sandblasting, steam jet or pressurized water done at the employer's workshop.</li> </ul> An employer classified under this unit can also be classified under exceptional units 80020 and 90010.	24.97	23.97
80250	Ornamental building metal work  This unit refers to work related to: <ul style="list-style-type: none"> <li>• building metal work such as the tracing out, cutting, preparation and assembly of any metal part, including outdoor and indoor stairs, handrails, fences, gates, canopies, cellar doors and inspection holes, all types of wire fencing; coal chutes, vault doors, fire doors, industrial doors, partitions, rails and balconies.</li> </ul> This unit does not refer to: <ul style="list-style-type: none"> <li>• preparatory and manufacturing work done in workshops other than on the work site or on the job;</li> <li>• installation of all other types of fences.</li> </ul> An employer classified under this unit can also be classified under exceptional units 80020 and 90010.	23.23	22.29
80260	Installation of scaffolds  This unit refers to work related to the installation and dismantling of all types of scaffolds.  This unit does not refer to: <ul style="list-style-type: none"> <li>• the installation of a freight elevator;</li> <li>• work related to the installation, dismantling and maintenance of permanent swing scaffolds.</li> </ul> An employer classified under this unit can also be classified under exceptional units 80020 and 90010.	34.18	32.92

**SCHEDULE 2**

	<b>Rate</b>
The social affairs sector	0,03
The textile and knitting sector	0,09
The automobile service sector	0,07
The transportation and storage sectors	0,07
The metal fabricating industries sector and the electrical products industries sectors	0,06
The provincial administration sector	0,04
The printing and allied industries sector	0,06
The transportation equipment and machinery industries sector	0,05
The mining and mining services sector	0,13
The municipal affairs sector	0,04
The clothing industries sector	0,08
The construction sector	0,04

**SCHEDULE 3****AMOUNT OF SECTION 313 OF THE ACT AND THE RATE APPLICABLE FOR PROTECTING THE DIRECTOR FOR THE YEAR 1998**

The amount provided under section 313 of the Act is fixed for the year 1998 at \$65.00.

The rate applicable for purposes of establishing the amount payable by the person who registers as a director in accordance with section 18 of the Act is the one under unit 71040.

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**Notice**

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001)

**Experience ratios for 1998**

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that upon the expiry of 45 days following the publication of this notice the Regulation respecting the experience ratios for 1998 will be adopted by the Commission de la santé et de la sécurité du travail, with or without amendments.

The Regulation determines the experience ratios for each unit of activity for 1994, 1995 and 1996, which will be used to fix the assessment of employers subject to a personalized rate for 1998 under the Regulation respecting personalized rates, made by Order in Council 260-90 dated 28 February 1990.

The purpose of the Regulation respecting personalized rates is to adjust the assessment of employers in relation to their own experience in the field of occupational injuries, so as to encourage prevention.

Any interested person having comments to make on matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Roland Longchamps, Vice-Chairman, Finance, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec), G1K 7E2.

TREFFLÉ LACOMBE,  
*Chairman of the board and  
chief executive officer  
of the Commission de la santé  
et de la sécurité du travail*

**Regulation respecting the experience ratios for 1998**

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001, s. 454, 1<sup>st</sup> par., subpar. 8; 1996, c. 70)

**1.** The experience ratios for each unit of classification for 1994, 1995 and 1996 applicable for the purposes of fixing personalized rates for the assessment year 1998 are those appearing in Schedule 1.

**2.** This Regulation comes into force as of 1 January 1998.

**SCHEDULE 1**

Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
<b>Sector: Primary</b>				
10010	Operating a dairy cattle herd; raising cattle, buffalo, horses, wild boar; horse boarding service	1.4061	1.0127	1.0619
10020	Raising hog, sheep, goat, grain-fed and milk-fed heavy calves	1.1841	0.9740	0.7225
10030	Raising, catching and caging poultry; raising fur-bearing animals; raising earthworms; raising rabbits; pisciculture; apiculture	1.1464	1.1297	0.7884
10040	Field-crop farming; fruit or vegetable farming; ornamental plant cultivation; mushroom production; Christmas tree farming; maple syrup production; tobacco production	0.9846	1.1243	0.7064
11010	Inshore or offshore fishing; underwater diving services	0.7377	0.4306	0.4831
12010	Forestry operations	1.7017	1.7732	1.0952
12020	Forestry work; tree or bush maintenance	2.1134	1.8806	1.3912
13010	Surface iron ore mining with or without concentration; pelletization of iron ore	0.2875	0.2679	0.2231
13020	Metal mining, except iron mines; treatment, concentrating or smelting metal ores, except iron ore	0.6048	0.6952	0.3673
13030	Asbestos mining	0.6035	0.5043	0.4332
13040	Peat extraction or manufacturing peat-based products; mining or crushing quartz or other industrial siliciferous ores; underground mining of non-metal ores, not specified in other units	0.7415	0.8378	0.3953
13050	Operating a cut-stone quarry; operating a crushed stone quarry with blasting and drilling; mine prospecting with blasting or with crawler tractors	0.8127	0.6024	0.6163
13060	Operating a crushed stone quarry without blasting or drilling; rock or gravel crushing with movable crushers; operating a gravel pit with or without crushing; operating a sandpit	1.4318	1.1515	0.7293
13070	Drilling ore for the removal of cores for mine prospecting; drilling oil or natural gas wells; other technical work incidental to drilling oil or natural gas wells	1.8277	1.3176	1.1073
13090	Mine prospecting not specified in other units; line cutting; geophysical surveys; geological work	0.5510	0.5846	0.4792
13100	Contract operation of a mine; digging ramps and crossing banks; other contract work relating to operation of mines	1.4224	1.5082	0.9846

Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
<b>Sector: Manufacturing</b>				
20010	Slaughtering livestock; preparing, processing, drysalting or canning meat; manufacturing mineral or animal oil or shortening	1.6178	1.5200	1.1021
20020	Slaughtering poultry or rabbits; dressing, processing or canning poultry or rabbits	1.5097	1.1682	0.9329
20030	Preparing or processing fish, including canning	0.9087	0.8747	0.9342
20040	Processing, canning or freezing fruits or vegetables; preparing natural casings for delicatessen	0.7500	0.9057	0.6188
20050	Operating a dairy work; water bottling, with or without distribution; manufacturing and delivering blocks of natural or artificial ice	0.4882	0.4422	0.3191
20060	Flour mill	1.1064	0.8432	0.6457
20070	Processing meat unfit for human consumption or abattoir waste	0.7671	0.4137	0.3469
20080	Grain milling	0.7120	0.4798	0.4203
20090	Manufacturing bakery, pastry or biscuit products, with or without distribution	0.7483	0.7116	0.4329
20100	Processing cane or beet sugar; manufacturing confectionery	0.5858	0.7507	0.3871
20110	Roasting and blending coffee; packing tea; roasting almonds	0.4577	0.3463	0.3157
20120	Manufacturing potato chips	0.5220	0.7139	0.4684
20130	Manufacturing margarine, vegetable oil or shortening; manufacturing convenience foods; manufacturing yeast or condiments; grinding and preparing spices; manufacturing or processing food products, not specified in other units	0.8431	0.9106	0.5468
20140	Manufacturing soft drinks, with or without distribution	0.8764	0.6144	0.4126
20150	Distillery; manufacturing wine or cider	0.6388	0.5081	0.2239
20160	Brewing beer, with or without distribution; manufacturing malt	0.6846	0.5901	0.4164
20170	Manufacturing tobacco products	0.1837	0.1894	0.2023
21010	Manufacturing tires or rubber treads for tires	0.4972	0.3513	0.2331
21020	Manufacturing adhesive tape or damper mats and rug underlays; manufacturing clothing or industrial parts or cellular products made of rubber	0.6727	0.6488	0.5300
21030	Manufacturing foamed or expanded plastic products; wholesaling foam rubber	0.9375	0.9131	0.3956



Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
21040	Manufacturing plastic pipes or pipe fittings	1.0356	0.9990	0.7091
21050	Manufacturing plastic film and sheeting; manufacturing plastic bags	0.9449	0.9346	0.6396
21060	Manufacturing stratified or reinforced plastic products, except boats; manufacturing plastic products, not specified in other units	0.9052	0.8782	0.5474
22010	Leather tanning; custom-dressing furs; wholesaling raw hides or skins	1.0682	1.4609	0.5806
22020	Manufacturing footwear; shoe repairing; manufacturing footwear parts except rubber parts	0.8976	0.8029	0.5004
22040	Manufacturing handbags or purses; manufacturing leather or imitation-leather goods, not specified in other units; manufacturing luggage, other than in wood and in metal	0.4193	0.5734	0.2493
22050	Manufacturing fibres or yarn from artificial or synthetic material; texturizing yarn	0.6424	0.5689	0.4302
22060	Manufacturing thread or yarn, without weaving	0.4900	0.6701	0.4230
22070	Weaving textiles other than carpets; recycling textile waste; preparing cotton-wool or flock	0.7018	0.5771	0.4022
22080	Manufacturing knitted fabrics	0.5103	0.6083	0.5223
22090	Manufacturing carpets	0.7777	0.6684	0.3810
22100	Manufacturing textile products, not specified in other units; manufacturing zippers or umbrellas	0.7568	0.7682	0.4635
22110	Finishing textiles; steam shrinking of fabrics	0.8074	0.6853	0.4731
22120	Manufacturing first-aid products	1.0599	0.5355	0.2630
22140	Manufacturing clothing or clothing accessories, not specified in other units	0.5032	0.5605	0.3264
22150	Knitting clothing or accessories, including assembling	0.4741	0.5533	0.3498
22160	Manufacturing ladies undergarments and swimsuits	0.3211	0.3761	0.2082
23010	Manufacturing shingles; manufacturing and assembling wood lath for fencing, with trucking; manufacturing wooden boxes and pallets with production of sawmill products and trucking	2.1749	2.1896	1.3219
23020	Sawmill with forest harvesting	0.9040	0.9169	0.6407
23030	Sawmill without forest harvesting	1.3153	1.2461	1.0356
23040	Manufacturing sheets of wood veneer or plywood panels with or without peeling	1.2098	1.0096	0.7401

Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
23050	Manufacturing in a shop custom woodwork to be attached to a structure; mass production of wooden cabinets	1.1107	0.9839	0.7670
23060	Manufacturing wooden doors or windows	0.7177	0.7547	0.5783
23070	Manufacturing wooden roof trusses or laminated wood framework	1.4159	0.6624	1.0825
23080	Manufacturing wooden boxes, pallets or containers without production of sawmill products; manufacturing wooden reels or drums	2.4777	2.1593	1.5570
23090	Manufacturing wooden or metal coffins or frames; manufacturing pipe organs, pianos or other musical instruments	1.0804	1.0885	0.7349
23100	Protective treatment of wood or wood drying; wood turning	1.3571	1.1486	0.8132
23110	Manufacturing agglomerated or laminated wood panels	0.7998	0.9816	0.4930
23120	Manufacturing miscellaneous wooden goods, not specified in other units	1.8862	1.8588	1.0606
23130	Manufacturing lamellate boards made of plastic and paper sheets; coating or printing wood panels	0.4538	0.4683	0.4849
24010	Manufacturing metal furniture or fixtures	1.1442	0.9778	0.7618
24020	Manufacturing custom wooden furniture in a workshop; manufacturing wooden furniture for electronic equipment or wooden cases for musical instruments	1.4842	1.3524	0.8999
24030	Mass assembling of wooden furniture or furniture frames, with or without upholstering; upholstering custom furniture in a workshop; repairing wooden or upholstered furniture; manufacturing upholstered mattresses or bed springs	0.8774	0.7841	0.5632
24040	Mass production of wooden furniture or furniture frames, with or without upholstering	0.9710	1.0045	0.7714
25010	Manufacturing paper pulp	0.3120	0.2629	0.2277
25020	Manufacturing wood fibre insulation boards or acoustic tiles; manufacturing uncoated or non-impregnated felt sheathing; manufacturing paper or cardboard from logs or wood products	0.3205	0.2781	0.1949
25030	Manufacturing paper or cardboard from prefabricated pulp or used paper	0.3389	0.3126	0.2660
25040	Manufacturing asphalt roofing, with or without the manufacture of the paper or felt base	0.4960	0.4595	0.2914
25050	Manufacturing corrugated cardboard boxes	0.7175	0.6480	0.4071

Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
25060	Manufacturing paper goods, not specified in other units, or cardboard tubes, with or without pulp preparation; manufacturing photocopier cleaning cloth; paper glazing, finishing, waxing or oiling; preparing artificial abrasives; forest protection and conservation	0.5866	0.4660	0.3206
25410	Manufacturing prefabricated wooden houses, house panels or mobile homes	1.5327	1.5872	1.0936
26010	Printing; silkscreen printing	0.3902	0.3837	0.2790
26020	Operating a bindery	1.1301	1.3803	0.6894
26030	Metal typesetting (typography-linotyping); stereotyping; lithography; manufacturing plates for printing; developing and printing films	0.1115	0.1525	0.0749
26040	Printing and publishing a daily; printing and publishing	0.1575	0.1584	0.1078
27020	Manufacturing steel castings (steel foundry); lead or lead alloys rolling, casting or extruding	1.9295	1.6301	0.8867
27030	Manufacturing steel; processing steel by rolling and forging	0.7119	0.6647	0.5763
27040	Manufacturing titanium slag and pig iron; manufacturing metal powder, steel pipe or tubing; manufacturing ferro-alloys	0.4509	0.4187	0.2621
27050	Manufacturing iron castings (cast-iron foundry)	1.2438	0.9993	0.7788
27060	Primary manufacturing of aluminum	0.3269	0.3088	0.2143
27070	Electrolytic refining of copper or zinc and processing of their by-products	0.2154	0.2779	0.1650
27080	Aluminum and aluminum alloys rolling	0.4096	0.4419	0.2935
27090	Extruding aluminum, copper or their alloys	0.7449	0.7422	0.5543
27110	Non-ferrous metal pressurized casting; non-ferrous metal casting; manufacturing aluminium or light alloy automobile parts	0.7643	0.6279	0.5277
28010	Casting or overhauling high pressure boilers, tanks or heat exchangers	0.8883	0.8793	0.7935
28020	Manufacturing metal structural components	1.1947	0.9334	0.6781
28030	Manufacturing metal windows or doors; repairing industrial doors; manufacturing other ornamental and architectural metal products	0.9292	0.9899	0.5686
28040	Manufacturing ornamental metal products; operating a welding shop; manufacturing motor vehicle springs, mufflers or exhaust pipes	1.3851	1.4659	1.1149

Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
28050	Electrolytic or chemical plating; heat treating of metals	1.4092	0.9363	0.6883
28060	Workshop painting, dyeing or coating metal products	1.3734	1.3398	0.9992
28070	Manufacturing or repairing metal containers or their lids	1.0882	0.8137	0.4379
28080	Manufacturing other products by metal stamping or matrixing	0.8748	0.8251	0.5770
28090	Manufacturing metal wire or cable, metal rods, welding electrodes or other metal wire products; applying metal powder to metal parts	0.7743	0.6721	0.4905
28100	Manufacturing industrial fasteners or metal springs	0.6143	0.6684	0.4269
28110	Manufacturing basic hardware articles or small hand or garden tools; manufacturing industrial dies, moulds, cutting tools and punches	0.7913	0.6659	0.4943
28120	Manufacturing heating equipment	0.6030	0.4511	0.3403
28130	Machine shop piece work; rebuilding mechanical motors	0.7498	0.8618	0.6090
28140	Manufacturing or assembling metal products, not specified in other units	0.9864	1.0049	0.5853
29010	Manufacturing agricultural equipment or implements	0.9548	1.2969	0.9609
29020	Manufacturing commercial refrigeration equipment or air conditioning equipment	0.9680	0.8508	0.3696
29030	Manufacturing conveyors	1.0420	0.9350	0.6058
29040	Manufacturing and installing or repairing hydraulic or pneumatic pressure cylinders	0.7960	0.8212	0.6604
29050	Manufacturing or repairing heavy machinery; manufacturing industrial equipment; constructing or repairing locomotives or freight cars	0.6625	0.7040	0.4760
29070	Manufacturing sewing machines or small electrical appliances; manufacturing machinery and equipment, not specified in other units	0.6105	0.5068	0.4142
29080	Manufacturing major electrical appliances; repairing electrical household appliances	0.4443	0.4129	0.2037
29090	Manufacturing lighting fixtures	1.0385	0.6942	0.4694
29110	Manufacturing electronic household equipment; assembling lighting fixtures	0.5375	0.6482	0.6923
29120	Manufacturing electronic parts or components; manufacturing electronic equipment, not specified in other units	0.1145	0.1192	0.0675

Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
29130	Manufacturing lightning rods, high voltage line circuit breakers or distribution transformers	0.5660	0.4295	0.3578
29140	Manufacturing high power transformers; manufacturing or assembling batteries	0.8904	0.7347	0.3912
29150	Manufacturing control panels or electrical or pneumatic measuring instruments	0.3379	0.4621	0.2725
29160	Manufacturing or assembling electric motors or generators; repairing or rewinding electric motors	0.8373	0.8915	0.5561
29170	Manufacturing electrical wire or cable; manufacturing electric light bulbs	0.2529	0.2431	0.2131
29180	Manufacturing electrical distribution parts or graphite electrodes	0.8308	0.5886	0.4157
30010	Repairing, reworking, finishing or reconditioning aircraft; machining or assembling aircraft parts manufacturing	0.1809	0.1776	0.0991
30020	Constructing aircraft	0.3511	0.2618	0.2218
30030	Manufacturing aircraft parts by microfusion with casting	1.2359	0.6763	0.3267
30040	Constructing trucks	0.7844	0.6218	0.5342
30050	Constructing automobiles	1.0324	1.0147	0.4124
30060	Constructing buses or long-distance coaches	1.4974	1.3571	0.8139
30070	Manufacturing or assembling truck boxes, with or without installation	1.1437	1.2005	1.0262
30080	Manufacturing, with or without repairing, motor vehicle trailers; manufacturing house trailers or tent trailers; manufacturing and renting movable shelters; finishing van interiors	1.1562	1.0756	0.7284
30110	Manufacturing or repairing motor vehicle or machine radiators	0.9753	0.7074	0.6892
30130	Constructing or repairing railway passenger cars	0.8977	0.6376	0.4494
30160	Constructing or modernizing ships over 250 tonnes	1.6034	2.1929	1.2614
30170	Constructing or modernizing ships between 5 and 250 tonnes; minor repairs to ships over 5 tonnes	1.3876	1.5701	1.6140
30180	Manufacturing or repairing craft of 5 tonnes or less	1.0884	1.2349	1.2894
30190	Manufacturing snowmobiles, motorcycles, snowplows or all-terrain vehicles	0.3340	0.3152	0.1788
31010	Manufacturing clay products	0.5476	0.7489	0.6535

Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
31020	Manufacturing cement or lime; manufacturing silicon carbide or gypsum panels	0.3640	0.3390	0.1857
31030	Manufacturing funeral monuments or other stone products	0.9398	1.2853	0.8986
31040	Manufacturing asbestos-cement products; manufacturing friction parts; manufacturing asbestos wire, cloth, ceiling components or gaskets	1.0949	0.9878	0.6038
31050	Manufacturing pipes, concrete masonry components and other concrete products similar to masonry components	1.0629	0.8779	0.6396
31070	Manufacturing ready-mix concrete	0.7599	0.7035	0.4044
31080	Manufacturing glass or glass products	0.8142	0.7561	0.4631
31090	Manufacturing refractory products; manufacturing or processing charcoal	0.7865	0.8975	0.4661
31100	Manufacturing insulating material, not specified in other units	0.7588	0.5181	0.5240
31110	Refining crude petroleum; manufacturing petroleum and coal products, not specified in other units	0.1294	0.0992	0.0770
32010	Manufacturing industrial inorganic chemical products, not specified in other units	0.2562	0.2536	0.1753
32020	Manufacturing industrial organic chemical products or other chemical products, not specified in other units	0.5698	0.2879	0.2758
32030	Manufacturing plastics or synthetic resins	0.5256	0.3196	0.2836
32040	Manufacturing pharmaceutical products or drugs	0.1451	0.1457	0.0917
32050	Manufacturing paint, varnish, printing ink, adhesives or coatings	0.5608	0.4950	0.2458
32060	Manufacturing soap or cleaning products	0.5508	0.5051	0.3351
32070	Manufacturing toiletries	0.3794	0.3484	0.2099
32080	Manufacturing ammunition	0.3304	0.1780	0.0919
32090	Manufacturing explosives	0.6181	0.4487	0.2686
33010	Assembling watches or clocks; operating an optical laboratory; manufacturing gold, silver or plated jewellery or ware; manufacturing orthopedic devices; assembling cartridges or cassettes	0.2296	0.2738	0.1541
33020	Manufacturing wooden or metal sporting goods or gymnasium equipment; assembling plastic or metal toys; manufacturing and repairing bicycles	1.0427	1.0271	0.6298

Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
33030	Manufacturing, installing or repairing commercial signs; leasing advertising spaces on billboards, signboards and commercial signs	0.9319	1.1246	0.7204
33040	Assembling trophies or miscellaneous wooden, plastic, fiberglass or concrete products; manufacturing rubber pads, plaster goods, wax products, trophy parts or foundry models; stamping balloons; handicrafts	0.8770	0.8289	0.5888
33050	Manufacturing buttons, snap fasteners, needles, emblems, medals, pencils or pens	0.3605	0.4779	0.2566
33060	Manufacturing vinyl tiles and vinyl linoleum; manufacturing heat-insulating products for piping	0.4120	0.2796	0.2986
<b>Sector: Transportation and storage</b>				
50010	Air transport; services incidental to air transport	0.2978	0.2977	0.2161
50020	Transporting marine freight; towing or docking boats; railway transport	0.6724	0.5773	0.4221
50030	Loading or unloading boats	0.9985	0.9337	0.5397
51010	Transporting passengers by intercity bus; school bus service or special transportation by bus; transportation by tour bus or chartered bus, including vehicle repair or maintenance	0.5095	0.5004	0.3897
51020	Transporting passengers by intercity bus; school bus service or special transportation by bus; transportation by tour bus or chartered bus, not including vehicle repair and maintenance	0.4864	0.5176	0.2589
51030	Mass transit in urban areas, with or without vehicle repair; transporting passengers by taxi	0.5224	0.5255	0.4016
52010	General local or long-distance transport; transporting or wholesaling fats or meats unfit for human consumption; transporting pelts	0.9714	0.9259	0.7044
52020	Railway service; transporting motor vehicles; transporting by towing, by float or other non-standard transport	1.2377	1.2746	0.7220
52030	Furniture moving; transporting electronic equipment	2.3330	1.9892	1.8645
52040	Transporting freight in tank-trucks, not specified in other units; transporting explosives, corrosive, toxic or inflammable products; transporting petroleum products	0.8272	0.6851	0.4871
52050	Bulk trucking; snow removal	1.0397	0.9989	0.6209
53010	Storage service	0.8428	0.8068	0.4494
53020	Wrapping or packing service with or without marketing	0.8208	1.1561	0.9315

Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
<b>Sector: Services</b>				
60010	Operating a radio station; operating telephone lines or telephone exchanges; intercommunication services; recovering or repairing telephones; splicing telephone cables	0.0697	0.0758	0.0446
60020	Operating a television station; producing or distributing motion pictures or other audio and video material; operating a motion picture or a drive-in theater; operating an orchestra, a disco-mobile, a singing group, a theater company or a theatrical agency; leasing or renting halls; installing equipment for social dances	0.2067	0.1638	0.1043
60030	Cable television service; installing radio or television antennas; radio, television or cable connection work	0.3087	0.4145	0.2007
60040	Courier service; home small parcel delivery service	1.2071	0.7321	0.6204
60050	Operating a recreational centre; operating a professional sports club; operating a curling club; operating a bowling alley or a billiard parlour; operating a roller skating rink; operating a race track; operating a racket sports centre	0.2853	0.3196	0.2292
60060	Operating a golf course	0.4522	0.4397	0.2999
60070	Operating a ski centre; operating a snowmobile club	1.2438	0.7545	0.7682
60080	Operating an amusement park or rides, an amateur sports club, a pleasure-boating club, a shooting club, or amusement and recreational services, not specified in other units; operating a Turkish bath, a massage parlour, a bodybuilding studio, a tanning salon, a shoeshine service or a checkroom service; organizing a public festival	0.3188	0.2365	0.1539
61010	Generating and distributing electric power	0.1123	0.1041	0.0583
61020	Operating a water distribution centre, a steam distribution centre or a natural gas distribution centre; operating and maintaining a gas or an oil pipeline	0.2886	0.2186	0.1337
61030	Maintaining a garbage dump; disposal of industrial waste; cleaning tanks, sewers, cesspools, septic tanks or industrial facilities; renting or leasing, with maintenance, portable chemical toilets	1.0313	0.8329	0.6273
61040	Garbage collection	1.5541	1.4487	1.0874
62010	Transporting milk and cream; wholesaling dairy products; wholesale or retail distribution of dairy products	0.4913	0.6598	0.4169
62020	Wholesaling fruit, vegetables or fish	0.9394	0.6840	0.4256
62030	Wholesaling meat and meat products	0.8410	0.9777	0.8051
62040	Wholesaling meat, including cutting up and carving	1.7171	1.4373	1.1371



Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
62050	Wholesaling bakery or pastry products or distributing those products, wholesale or retail; retailing imported specialties, dietetic or natural food, delicatessen, pastries or seafood products	0.7146	0.8054	0.3496
62060	Wholesaling food, not specified in other units	0.6290	0.6360	0.4742
62070	Wholesaling carbonated beverages or water; distributing carbonated beverages or water, wholesale or retail; wholesaling beer	0.6871	0.6735	0.7160
62090	Wholesaling toiletries or drug sundries	0.2824	0.2427	0.1587
62110	Operating a grocery store	0.4346	0.4185	0.2776
62120	Operating a convenience store with or without gasoline sales	0.3947	0.4075	0.2935
62130	Operating a grocery-butcher shop	0.6401	0.6157	0.3757
62140	Operating a butcher shop	0.8306	1.0291	0.6907
62150	Making and retailing bakery or pastry products	0.6607	0.4414	0.4025
62160	Fruit and vegetables retail business	0.7204	0.7372	0.4711
62170	Alcoholic beverages retail business	0.4141	0.3783	0.3778
62180	Operating a drugstore; operating a tobacco store; herbalist's shop; chocolate, delicacies or cookies shop, beauty products or cosmetics shop, or selling lottery tickets; operating a bus terminal or a contract post office	0.1822	0.1967	0.1266
63010	Wholesaling household, commercial or service industry furniture, or electrical household appliances; wholesaling floor coverings; leasing, wholesaling or retailing office equipment or furniture; leasing electrical household appliances or electronic household equipment	0.2408	0.2787	0.1685
63020	Wholesaling household dishware, pottery, glassware or similar household goods; wholesaling electronic household appliances	0.4988	0.3842	0.1272
63030	Wholesaling metals or alloys, including handling	0.8349	0.9321	0.5379
63040	Wholesaling hardware, plumbing or heating equipment and supplies, not specified in other units; wholesaling and installing safes, with or without repair; wholesaling sanitation equipment	0.2694	0.2317	0.1647
63050	Wholesaling or retailing lumber or building supplies; wholesaling or retailing firewood, coal or charcoal	0.8312	0.6923	0.4743
63060	Wholesaling doors, windows, exterior siding or garage equipment	0.9446	0.8064	0.5018
63070	Wholesaling or repairing farm or garden implements or equipment	0.4680	0.6285	0.4088

Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
63080	Wholesaling, renting or leasing heavy machinery, with or without repair; renting or leasing handling equipment, trailers or containers	0.5620	0.5336	0.3187
63090	Wholesaling industrial handling equipment, with or without repair; wholesaling or repairing welding equipment	0.4547	0.4913	0.4320
63100	Wholesaling, renting or leasing manufacturing machinery; wholesaling, renting or leasing commercial or industrial ovens or kilns	0.3481	0.2451	0.1706
63110	Wholesaling, renting, leasing, installing or repairing stage or discotheque lighting equipment; wholesaling, renting, leasing, installing or repairing swimming-pool accessories; wholesaling, renting, leasing of electric or diesel engines, electric generation equipment, pumping facilities or equipment for water treatment	0.5233	0.4560	0.3443
63120	Wholesaling, renting or leasing analytic and laboratory apparatus or medical or scientific equipment, with or without repair or installation; wholesaling of electronic parts or electrical supplies; wholesaling, renting or leasing measuring, calibrating or control instruments or communication equipment other than for automobiles	0.1181	0.1402	0.0822
63130	Wholesaling industrial or commercial scales; wholesaling or retailing kitchen cabinets; retailing doors or windows	0.3968	0.3003	0.1425
64020	Vulcanizing; wholesaling and retailing tires or tubes, with or without repair or installation	0.7945	0.6571	0.5451
64030	Wholesaling transportation equipment or equipment parts; wholesaling or retailing new, reconditioned or used automobile parts or accessories	0.3457	0.2898	0.2210
64040	Wholesaling or retailing automobiles, trucks or busses with or without repair; renting or leasing automobiles with or without repair; retailing and installing automobile windows or radios; upholstering and repairing of motor vehicle seats	0.4390	0.4295	0.2982
64050	Retailing, renting or leasing mobile homes, snowmobiles, motorcycles, travel trailers, tent trailers, including repair or service; retailing boats, outboard motors or boating accessories; renting or leasing, including service, small craft or recreational vehicles, not specified in other units; wholesaling snowmobiles, motorcycles, boats, outboard motors, boating accessories, ship's supplies, trailers or containers; wholesaling, without repair, semitrailers, travel trailers or tent trailers	0.5789	0.6495	0.3436
64060	Operating a service station with or without self-service; operating an automatic car wash; washing and cleaning motor vehicles and trucks	0.5735	0.6176	0.4543
64070	Retailing gasoline, with or without service	0.5090	0.4215	0.2797

Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
64090	Repairing motor vehicles, motor vehicle parts or industrial machinery parts, not specified in other units; motor vehicle towing service	0.8650	0.8748	0.6113
64100	Repairing motor vehicle bodies	0.7624	0.9214	0.4953
64110	Retailing and installing motor vehicle mufflers; repairing and installing motor vehicle suspension parts	1.2603	1.4323	0.7797
64120	Reclaiming and wholesaling used automobile parts and accessories	0.7930	0.5523	0.5871
65010	Retailing furniture, with or without household furnishings; retailing household electrical appliances, with or without electronic appliances or household electrical furnishings; retailing antique objects or furniture	0.5337	0.5473	0.3548
65020	Retailing or repairing sound or video equipment, electronic appliances, electrical furnishings, small (portable) electrical household appliances or electrical personal care appliances; retailing sewing machines	0.1783	0.2222	0.1041
65030	Retailing floor coverings	0.4969	0.4045	0.2420
65041	Retailing household furnishings or interior decoration accessories, not specified in other units; wholesaling piece goods, notions and other dry goods, draperies, household linen or other textile household furnishings	0.3479	0.3070	0.2477
65044	Retailing lighting fixtures	0.3479	0.3070	0.2477
66020	Wholesaling and distributing petroleum products, with or without maintenance or installation of related facilities	0.3574	0.2860	0.2512
66030	Wrecking automobiles; wholesaling metal waste	1.5459	1.3718	1.1245
66040	Selling non-metallic waste	2.0057	1.6004	1.2935
66050	Wholesaling or distributing newspapers, magazines, books or handbills; wholesaling paper or paper products	0.3211	0.2988	0.2144
66060	Wholesaling animal feeds, fertilizers, grain or cereals; wholesaling tobacco products; grain elevator service	0.4953	0.5409	0.3193
66070	Wholesaling games, toys, sporting goods and equipment; retailing, renting or leasing sporting goods and equipment, with or without service	0.2874	0.2259	0.1435
66080	Wholesaling chemical products or cleaning products; wholesaling or maintaining chemical fire extinguishers	0.2504	0.2151	0.1385

Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
66100	Wholesaling leather or imitation-leather products not specified in other units; wholesaling footwear or garment products; retailing footwear, garments, underwear, knitting products, fabrics, yarn, sewing products, handbags, luggage or other leather or imitation-leather products; manufacturing or storing fur garments or articles; linen rental service without washing equipment; costume or ceremonial apparel rental service	0.2565	0.2611	0.1766
66110	Operating a department store; operating a general merchandise store; operating a general store; operating a direct consumer distributing warehouse; display services; interior decoration design service; retailing home and automobile supplies	0.4591	0.3977	0.3028
66120	Retailing small goods, not specified in other units; retailing paint or wallpaper; retailing or repairing musical instruments or accessories or photography equipment; retailing domestic animals; photography; wholesaling jewellery items or photography equipment and supplies	0.1829	0.1683	0.1393
66130	Retailing hardware products or garden supplies; retailing lawn mowers, snow blowers, chain saws or similar equipment, with repair; wholesaling or retailing trees, shrubs, plants, flowers, supplies for lawn or garden or other nursery products	0.4698	0.4128	0.3605
66150	Retailing lumber and building supplies with hardware	0.5790	0.5061	0.3591
66160	Monuments and tombstones dealer; undertaking services, with or without ambulance services; operating a cemetery	0.4525	0.3651	0.2581
66170	Wholesaling or retailing, installing or cleaning swimming pools; constructing and installing in-ground pools	0.6292	0.6293	0.3649
69960	Repairing, installing or maintaining production machinery	0.9580	0.9463	0.5733
70010	Insurance brokerage; operating a collection agency or a credit bureau; currency or securities brokerage, consulting or negotiation services; commodities exchanges or securities exchanges; financial institutions and financial intermediaries not specified in other units	0.0539	0.0525	0.0359
70020	Operating an insurance business; insurance services of the provincial administration	0.0608	0.0527	0.0290
70030	Operating residential or other buildings, including parking lots or parking garages; municipal housing bureau; disinfection, fumigation or extermination work	0.4315	0.3771	0.2712
70040	Insurance adjustment or evaluation services; operating a real estate agency; information, poll or research services; bailiff services; reprography services, typing services or other clerical work services supplied to firms or individuals	0.1108	0.0967	0.0832

Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
71010	Operating a forwarding agency; freight inspection service; sales agent services; broker services not specified in other units	0.0940	0.0949	0.0755
71020	Operating a manpower agency; leasing the services of professional or technical personnel or other scientific or technical professionals such as draftsmen, biologists, biochemists, botanists, chemists, engineers, graphic designers and laboratory technicians; auctioneering or organizing auctions or merchandise liquidation services	0.1297	0.1742	0.0802
71030	Leasing truckers services, driver-delivery persons, assistant delivery persons or movers	1.4481	1.1104	0.9660
71040	Operating a marine agency or a marine piloting firm; International Air Transport Association or Airline Communications and Information Services; operating a news agency or an advertising agency; drafting or practising architecture; urban planning services or business or management consulting services; law practice (advocate's or notary's office); accounting services (accountant's office); actuarial practice; operating a travel agency or wholesale tour business; wholesaling, renting or repairing computer systems; computer services, excluding the leasing of the services of data processing personnel; trustee in bankruptcy; taxation services or income tax return preparation services; graphic design services	0.0361	0.0381	0.0218
71050	Consulting engineer's office; energy consulting services; operating a pure or applied research laboratory; operating a laboratory for analysis and testing; agricultural research services; geotechnical studies prior to construction work; land surveyor services; interpretation of aerial photographs; archaeological research	0.0770	0.0655	0.0379
71060	Operating a security or an investigation agency	0.3920	0.3196	0.1864
71070	Managing subsidiaries or branches outside Québec (head office); writing or publishing a weekly, not including printing; electronic typesetting	0.0382	0.0312	0.0194
71080	Leasing the services of handling maneuvers, wrappers, merchandise reception or expedition employees, warehouse employees, solderers or automobile mechanics or industrial machinery employees, technical installation or machinery maintenance personnel	1.8031	1.4478	1.3523
71090	Leasing the services of manufacturing industries' workers or commerce or catering or maintenance chores personnel with the exception of those mentioned in another unit	1.0922	0.8770	0.8192
72010	Sûreté du Québec services; detention services	0.2666	0.2972	0.2463
72020	Provincial administrative services not specified in other units; administration of a regional county municipality; administration of an urban community, without police services	0.0445	0.0453	0.0339

Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
72030	Job creation programs	0.1460	0.1648	0.1155
72040	Provincial agriculture, fisheries, feeding, natural resources services; services relating to construction workers	0.1025	0.1245	0.1031
72060	Provincial recreation and sports program management services	0.2660	0.1719	0.0878
72070	Transportation program management services	0.2289	0.2404	0.1959
72080	Managing, with service, a municipality or a municipal or an intermunicipal commission, a band council, an urban community including police services	0.4089	0.3762	0.3017
73010	Teaching services (except universities or general and vocational colleges, and except all level student trainees); operating a private museum; operating a historic site; library services	0.1224	0.1170	0.0850
73020	Teaching services (student trainees)	s/o	s/o	s/o
73030	Operating a general hospital	0.2347	0.1829	0.1271
73040	Operating a psychiatric hospital	0.3286	0.2872	0.1760
73050	Operating a home-care and extended care centre; nursing services; leasing the services of nurses or auxiliary of nurses care and therapeutics	0.7322	0.6875	0.4694
73060	Operating a drop-in centre; operating a rehabilitation centre for alcoholics or drug addicts; operating a social or community service agency; operating a health or social services promotion body	0.3791	0.2998	0.2336
73070	Operating a rehabilitation centre for the physically handicapped or the socially maladjusted	0.4605	0.3974	0.2587
73080	Operating a rehabilitation centre for the mentally handicapped	0.6633	0.5646	0.3228
73100	Operating a local community service centre	0.2830	0.2833	0.1749
73110	Child day-care centre	0.5452	0.5457	0.3867
73120	Operating a sheltered workshop; operating a work rehabilitation centre	1.0114	0.8272	0.5356
73130	Practising medicine and other specialties in the health-care field, not specified in other units; health or social services not specified in other units; hearing aid specialist's services; prescription optician's services; manufacturing dentures and braces (dental laboratories); retailing orthopedic aids, wigs or hair pieces	0.1041	0.0935	0.0639
73140	Ambulance service	2.7466	1.9754	1.1379
73150	University or vocational teaching services (except student trainees)	0.0590	0.0560	0.0376

Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
74010	Operating a hotel, a motel, a hotel-motel, a youth hostel, a student residence or a rooming house	0.6776	0.6198	0.4274
74020	Operating a hunting or fishing outfitting operation; operating or managing a hunting or fishing area; operating a camping ground, a trailer park, a vacation camp or a recreation area	0.6565	0.7744	0.3764
74030	Operating a brasserie or a restaurant serving meals, without delivery	0.5370	0.5127	0.3339
74040	Operating a brasserie or a restaurant serving meals, with delivery	0.5747	0.5659	0.3910
74050	Operating a cafeteria	0.6578	0.7027	0.4079
74060	Take-out food services	0.5737	0.5750	0.3402
74070	Operating a mobile canteen; catering services	0.6954	0.8573	0.3966
74080	Operating a tavern, a bar, a discotheque or a night club	0.3392	0.2832	0.2313
75010	Operating a barber shop or a hairdressing salon; operating a beauty salon	0.3837	0.3146	0.1358
75020	Domestic-use laundry or dry-cleaning service; clothing maintenance, pressing or repair service	0.7150	0.3435	0.3651
75030	Operating an industrial laundry with or without linen rental service; linen supply service, including washing	1.1469	1.0001	0.8536
75040	Commercial, industrial or residential building maintenance; carpet, rug, upholstery or fabric furniture cleaning service; lawn or shrub maintenance service; green areas fertilization services; window washing services	0.7047	0.7457	0.6352
76010	Veterinary services; artificial insemination services; egg candling or grading service; poultry sexing or debeaking; operating a hatchery; raising animals in laboratories	0.5046	0.4274	0.2200
76020	Wholesaling or operating vending machines; renting, leasing or operating coin-operated amusement machines, with or without service	0.3004	0.3896	0.2822
76030	Transporting animals; operating animal-drawn vehicles; wholesaling or auctioneering animals; operating a racing or horse-rental stable; operating a horseback-riding centre; operating a zoo; society for the protection of animals; raising or training pets; animal lodging and care services not specified in other units	1.1725	1.1758	0.4923
76040	Religious community	0.6549	0.6545	0.4336
76050	Managing, with service, a parish fabric, a church or a diocese; religious association or organization	0.2188	0.2247	0.1763

Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
76060	Joint sector-based occupational health and safety association; association or organism, not specified in other units	0.0965	0.0747	0.0542
76070	Renting or leasing portable equipment or tools for industry, construction, hobbies or household activities, including service	0.9565	0.8925	0.4541
76080	Oil burner and furnace maintenance service; chimney sweeping	0.6758	1.0366	0.5395
90010	<b>Exceptional unit</b> Work done exclusively in offices	0.0361	0.0381	0.0218
<b>Sector: Construction</b>				
80020	<b>Exceptional unit</b> Work done both inside and outside offices	0.1348	0.1146	0.0663
80030	Excavation work; assembly of fences; installation of guardrails	0.9036	0.8926	0.5616
80040	Blasting; drilling; soil mechanics; pile-driving and special foundations	1.9345	1.9109	1.2493
80050	Paving work	0.9502	0.9385	0.5321
80060	Construction of energy transmission or distribution lines; construction of energy transforming stations	0.8326	0.8224	0.5386
80070	Rental of cranes with operators	1.2372	1.2220	0.8413
80080	Erecting metal frame structures and tanks, installation of curtain walls	2.9181	2.8824	2.4418
80090	Manufacture or installation of pre-cast concrete architectural elements or structures	1.8731	1.8502	1.2765
80100	Cement work, concrete work	1.5530	1.5340	1.1978
80110	Carpentry work; joinery work; indoor renovation work	1.2893	1.2735	1.0129
80120	Work related to indoor systems: painting work; installation of flexible coverings, installation of marble, granite, ceramics and terrazzo; plastering and jointing work; insulation work	1.2131	1.1983	1.1042
80130	Roofing work; exterior cladding work on buildings; installation of gutters	1.9141	1.8906	1.6688
80140	Masonry work	1.6667	1.6463	1.6523
80150	Glass work; glazing work	1.4480	1.4302	1.0618
80160	Millwright works; boilermaking work; plumbing and pipefitting work; pipe insulation work	0.9580	0.9463	0.5733
80170	Electrical work	0.7405	0.7314	0.5268



Unit	Description	Experience Ratio of the Unit		
		1994	1995	1996
80180	Sheet metal work	1.2223	1.2073	0.8811
80190	Installation of electronic equipment, alarm or control systems	0.3104	0.3066	0.1811
80200	Refrigeration work, air conditioning work	1.2470	1.2317	0.6742
80210	Work related to mechanized transit systems	0.7702	0.7608	0.5000
80220	Renovation, stripping or demolition work	2.5841	2.5525	2.5804
80230	Landscaping work	1.6087	1.5890	0.8196
80240	Cleaning using sandblasting, steam jet or pressurized water	3.0573	3.0198	1.7741
80250	Ornamental building metal work	2.0201	1.9953	1.6484
80260	Installation of scaffolds	3.8371	3.7901	2.4418
1619				

## Notice

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001)

### Insurance premiums for 1998

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that upon the expiry of 45 days following the publication of this notice, the Regulation respecting the insurance premiums for 1998 will be adopted by the Commission de la santé et de la sécurité du travail, with or without amendments.

That Regulation determines the insurance premiums to be used in calculating the retrospective adjustment of the annual assessment for 1998 that will be paid by the employers subject to that adjustment for that year under the Regulation respecting retrospective adjustment of the assessment, made by Order in Council 262-90 dated 28 February 1990.

Any interested person having comments to make on matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Roland Longchamps, Vice-Chairman, Finance, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec), G1K 7E2.

TREFFLÉ LACOMBE,  
*Chairman of the board and  
chief executive officer  
of the Commission de la santé  
et de la sécurité du travail*

## Regulation respecting the insurance premiums for 1998

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001, s. 454, 1<sup>st</sup> par., subpar. 10;  
1996, c. 70)

1. The insurance premiums necessary for the final retrospective adjustment of the annual assessment for the assessment year 1998 shall be calculated in accordance with the table in Schedule I.
2. The premiums shall be determined by applying the percentage calculated to the part of the assessment calculated in terms of the risk, taking into account the limit applicable to the employer with respect to the assumption of the cost of benefits.
3. The percentages appearing in the table are applicable to the precise amounts of assessment distributed in terms of the risk corresponding to those percentages. Where the amount of assessment falls between two levels of assessment in the table, the percentage shall be calculated by linear interpolation, and the result shall be rounded to the nearest tenth of a per cent.
4. This Regulation comes into force as of 1 January 1998.

**SCHEDULE I****TABLE OF PREMIUMS**

Part of the assessment in terms of the risk	Limit of the assumption in terms of the maximum annual insurable amount			
	1/2 times	once	twice	three times
279 600 \$ or less	43,5 %	26,0 %	17,5 %	17,3 %
372 750 \$	40,4	20,7	10,1	09,5
559 100 \$	38,7	17,9	6,8	6,0
745 500 \$	37,8	16,3	5,0	4,1
1 118 250 \$	37,1	15,1	3,3	2,3
1 491 050 \$	36,9	14,8	2,7	1,6
1 863 800 \$	36,8	14,6	2,4	1,3
2 609 250 \$	36,7	14,5	2,1	1,0
3 727 600 or more	36,6	14,4	2,0	0,9

1617

**Notice**

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001)

**Personalized rates**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that upon the expiry of 45 days following the publication of this notice, the Regulation amending the Regulation respecting personalized rates will be adopted by the Commission de la santé et de la sécurité du travail, with or without amendments.

The Regulation respecting personalized rates is intended to adjust the assessment of employers on the basis of their own experience in respect of employment injuries in order to promote prevention amongst them.

The reform for the year 1998 of the units of classification concerning construction works will have as its consequence that employers who previously were classified under just one unit, will be classified under several units.

The amendments proposed in the Regulation respecting personalized rates are essentially intended to ensure the continuity of the assessment personalization process of employers in these situations.

Any interested person having comments to make on the matter is asked to send them in writing, before the

expiry of the 45 day period, to Mr. Roland Longchamps, Vice-chairman Finance, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec), G1K 7E2.

TREFFLÉ LACOMBE,  
*Chairman of the Board  
and Chief Executive Officer  
of the Commission de la santé  
et de la sécurité du travail*

**Regulation amending the regulation respecting personalized rates**

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001, s. 454, par. 1, subpar. 7;  
1996, c. 70)

**1.** The Regulation respecting personalized rates, approved by Order in Council 260-90 dated 28 February 1990 and amended by the regulations approved by Orders in Council 1632-90 dated November 21, 1990 and 1712-93 dated December 1, 1993, is once more amended by the insertion, after section 3.1, of the following:

“**3.2** Where an employer who, for the whole of his activities or certain of them, was classified under one unit, is reclassified for these same activities under several units for the assessment year, he shall be subject to a personalized rate in respect of each unit for which he meets the following conditions:

(1) he has carried on activities in respect of this unit during at least two of the three years before the year preceding the assessment year and the insurable wages paid in respect of these activities for these years, may be determined;

(2) the product of the insurable wages paid by him, for such activities, during the three years before the year preceding the assessment year multiplied by the general rate of the unit for this assessment year is at least equal to the threshold for qualifying prescribed in section 7.”

**2.** Section 4 and section 7 of this Regulation are amended by the replacement wherever they may occur of the words “units of activity” or “units of economic activity” by the words “units of classification.”

**3.** This Regulation comes into force on January 1, 1998.

1618

## Draft Regulation

Legal Aid Act  
(R.S.Q., c. A-14; 1996, c. 23)

### Legal aid — Amendments

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting legal aid, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The Act to amend the Legal Aid Act (1996, c. 23) and the Regulation respecting legal aid, made by Order in Council 1073-96 dated 28 August 1996, came into force on 26 September 1996, except for the provisions respecting contributory legal aid, which came into force on 1 January 1997.

The purpose of the draft Regulation is to make various amendments to the Regulation respecting legal aid.

With respect to financial eligibility for legal aid, the draft Regulation proposes that all exigible contributions be collected by legal aid centres and it regulates the collection of those contributions, which may be paid in instalments under the circumstances set out in the draft Regulation. The draft Regulation relaxes the procedure for determining financial eligibility for legal aid, with a view to accelerating the process.

The draft Regulation amends certain rules for determining the financial eligibility of minors by providing that such eligibility will be determined in all cases by taking into account only the income and liquidities of the minor where aid is required by that person or for his benefit for proceedings under the Youth Protection Act (R.S.Q., c. P-34.1) or the Young Offenders Act (R.S.C., 1985, c. Y-1).

Furthermore, the draft Regulation prescribes on what conditions groups of persons, non-profit legal persons and persons who intend to institute a class action may be declared financially eligible for legal aid.

The draft Regulation also proposes to broaden the range of legal services for which legal aid is granted in penal matters. It provides that the legal advice provided for in the Legal Aid Act may be rendered by jurists in private practice or in the employ of legal aid centres.

Finally, the draft Regulation makes other amendments, particularly with respect to an application for legal aid.

The provisions of the draft Regulation pertaining to financial eligibility will have a positive impact on the clients of legal aid, especially those which are intended to simplify the financial eligibility rules.

The new rules related to the collection of contributions by legal aid centres will have a positive impact on advocates and notaries in private practice who agree to provide legal services under the legal aid plan.

The proposed provisions concerning the financial eligibility of children and teenagers will have a positive impact, by rendering legal aid more readily accessible to those client groups. On the other hand, parents may be required to repay the costs of the legal aid obtained by their child, in certain cases and under certain conditions.

The more comprehensive coverage for services in penal matters will make legal aid more accessible to those who need such services.

Further information may be obtained by contacting Mr. Jacques Mercier, Direction des Affaires législatives, 1200, route de l'Église, 4<sup>e</sup> étage, Sainte-Foy (Québec), G1V 4M1, phone number: (418) 643-7222, fax number: (418) 643-9749.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Sainte-Foy (Québec), G1V 4M1.

PAUL BÉGIN,  
*Minister of Justice*

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## Regulation to amend the Regulation respecting legal aid

Legal Aid Act  
(R.S.Q., c. A-14, s. 80, 1<sup>st</sup> par., subpars. a.1 to a.8, b to b.2, h to h.3, q and s, and 2<sup>nd</sup> and 3<sup>rd</sup> pars; 1996, c. 23, s. 42)

**1.** The Regulation respecting legal aid, made by Order in Council 1073-96 dated 28 August 1996, is amended in section 1

(1) by deleting at the end the words “and, if there is a recovery in accordance with Division VI.1 of that Act, the recovery expenses incurred”; and

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

“Where the adverse party is condemned to pay the costs, the costs taxed against and recovered from that party shall be deducted from the costs of legal aid.”

**2.** The following is substituted for section 6:

“6. Financial eligibility for legal aid shall be determined by taking into consideration the income for the taxation year preceding the year of the application for legal aid. Notwithstanding the foregoing, eligibility shall be determined by taking into consideration the estimated income for the taxation year in which the application for aid is made where such income is liable to affect the applicant’s financial eligibility or to influence the amount of the contribution exigible from him.

Financial eligibility shall be determined by also taking into consideration the value of the assets, including property and liquidities, owned on the date of the application.

**6.1** For the purposes of determining financial eligibility, the income and assets of the applicant and those of his spouse shall be taken into consideration.

Notwithstanding the foregoing, where the legal services are applied for in respect of a child or for his benefit, the following shall be taken into consideration:

- (1) the child’s income and liquidities; and
- (2) the income and the value of the assets, including property and liquidities, of the father or mother who has custody of the child or, as the case may be, those of the person referred to in section 2.”

**3.** Section 7 is amended

(1) by substituting “section 6.1” for “section 6” in the part preceding paragraph 1; and

(2) by substituting the following for paragraph 2:

“(2) by taking into consideration only the income and the value of the liquidities of the minor where legal aid is required by that person or for his benefit:

(a) for proceedings under the Youth Protection Act (R.S.Q., c. P-34.1) or the Young Offenders Act (R.S.C., 1985, c. Y-1); or

(b) in the context of any other case or recourse, if the interests of the minor are opposed to those of his father or mother or, as the case may be, those of the persons referred to in section 2.”

**4.** The words “income from business” are substituted for the words “income from self-employment” in the first and second paragraphs of section 9.

**5.** The words “this Regulation” are substituted for “section 6” wherever that reference appears in paragraphs 1, 2 and 3 of section 18.

**6.** The words “this Regulation” are substituted for “section 6” wherever that reference appears in clauses *a* and *b* of subparagraph 1 of the second paragraph of section 19.

**7.** The words “this Regulation” are substituted for “section 6” in section 20.

**8.** The words “the income considered for eligibility purposes pursuant to section 20” are substituted for the words “his income within the meaning of section 20” in section 21.

**9.** The following is inserted after section 21:

“**21.1** An applicant who is a group of persons or a non-profit legal person is financially eligible for gratuitous legal aid if the annual income of that group or legal person, within the meaning of section 9, does not exceed the level established in section 18 for a single person, if the value of its assets, including property and liquidities, does not exceed \$90 000 and if at least 50 % of its members are financially eligible for gratuitous legal aid.

**21.2** A group of persons or a non-profit legal person who is financially ineligible for gratuitous legal aid under section 21.1 is financially eligible for contributory legal aid if the following 2 conditions are met:

(1) the group or the legal person meets the conditions of eligibility for gratuitous legal aid under section 21.1 or the conditions of eligibility for contributory legal aid applicable to a single person under section 20; and

(2) at least 50 % of its members are financially eligible for gratuitous or contributory legal aid.

**21.3** For the purposes of the second paragraph of section 63 of the Legal Aid Act, an applicant who institutes or intends to institute a class action is financially eligible for gratuitous legal aid if the following 3 conditions are met:

(1) the applicant is financially eligible for gratuitous legal aid or, in the cases referred to in article 1048 of the Code of Civil Procedure (R.S.Q., c. C-25), he meets the conditions of eligibility for gratuitous legal aid applicable to a single person under section 18;

(2) at least 50 % of the members in the group that the applicant represents or intends to represent have made themselves known; and

(3) at least 50 % of the members in the group who have made themselves known are financially eligible for gratuitous legal aid.

**21.4** An applicant who institutes or intends to institute a class action and who does not meet the conditions of eligibility for gratuitous legal aid is financially eligible for contributory legal aid if the following 3 conditions are met:

(1) the applicant is financially eligible for gratuitous or contributory legal aid or, in the cases referred to in article 1048 of the Code of Civil Procedure, he meets the conditions of eligibility for gratuitous or contributory legal aid applicable to a single person under section 18 or section 20;

(2) at least 50 % of the members in the group that the applicant represents or intends to represent have made themselves known; and

(3) at least 50 % of the members in the group who have made themselves known are financially eligible for gratuitous or contributory legal aid.

**21.5** The financial eligibility of the members of a group or of a non-profit legal person and that of the members of a group for which a class action is instituted shall be determined by taking into consideration the financial condition of the members of their families whose income and assets are considered under this Regulation.

**21.6** Subject to the provisions of section 23, any contribution exigible from a group of persons, a non-profit legal person or a person who institutes or intends to institute a class action is \$800.”.

**10.** The following is substituted for section 22:

“**22.** Subject to the provisions of section 23, the contribution exigible from an applicant financially eligible for legal aid under section 4.3 of the Legal Aid Act is \$800.”.

**11.** The words “An exigible contribution” are substituted for the words “The contribution exigible under section 21 or 22” in section 23.

**12.** The words “or, in the case of a legal person, has had its head office,” are inserted after the words “has resided” in the second paragraph of section 24.

**13.** The following is substituted for section 27:

“**27.** The recipient is required to pay the contribution indicated on the certificate of eligibility to the legal aid centre that issued the certificate.”.

**14.** Section 28 is revoked.

**15.** The following is substituted for section 29:

“**29.** Not later than 15 days following the date of issuance of the certificate of eligibility, the recipient shall pay to the legal aid centre an amount equal to the actual foreseeable costs of legal aid for the legal services covered by the certificate of eligibility, up to the amount of the maximum contribution exigible from the recipient.

Notwithstanding the foregoing, the director general may, within that period, agree with the debtor to such amount being paid in instalments. Such agreement may be concluded only if the legal services must be rendered without delay and if the debtor has no liquidities, other than those required to support himself and meet his basic needs and those of his family, to pay the exigible contribution in one instalment but is financially able to pay it in regular instalments.

The agreement shall state the terms and conditions for repaying the contribution and the total period over which the instalments will be spread. That period may not exceed 6 months from the date on which the agreement is concluded.

**29.1** Where a recipient fails to pay all or part of the exigible contribution, the director general shall without delay so notify him and shall inform him that, in accordance with the third paragraph of section 70 of the Legal Aid Act, the default may entail the suspension or withdrawal of the legal aid. A copy of that notice and, where applicable, of any notice of suspension or withdrawal of legal aid, as well as of any demand notice, shall be forwarded to the advocate or notary in charge of the recipient’s record.”.

**16.** The following is substituted for the heading of Division V:

“APPLICATION FOR LEGAL AID AND CERTIFICATE OF ELIGIBILITY”.

**17.** Section 30 is amended

(1) by inserting the words “or review” after the word “institution” and the words “or revocation” after the word “homologation” in the second paragraph; and

(2) by striking out the third paragraph.

**18.** Section 31 is amended

(1) by substituting the words “An applicant shall, in the manner prescribed in sections 34 to 34.2, describe” for the words “An applicant shall describe” in the first paragraph; and

(2) by substituting the following for subparagraph 6 of the second paragraph:

“(6) establish his income, assets and liabilities, as well as those of the members of his family whose financial condition is considered under this Regulation.”.

**19.** The following is substituted for section 32:

“**32.** An applicant that is a group of persons or a non-profit legal person shall, in the manner prescribed in sections 34 to 34.2, give an account of the financial statement of the group or non-profit legal person and of at least 50 % of its members who are financially eligible for legal aid. The person making the application on behalf of the group or legal person shall

(1) provide its instrument of incorporation in the case of a legal person or, in the case of a group, demonstrate that it is not a profit-seeking group and describe the objectives of the group or legal person and the territory served or to be served;

(2) indicate the number of members and the accounting system used;

(3) establish the income, assets and liabilities of the group or legal person, as well as those of at least 50 % of its members who are financially eligible for legal aid; and

(4) describe the facts justifying the application for legal aid.

**32.1** Where the applicant institutes or intends to institute a class action, he shall, in the manner prescribed in sections 34 to 34.2, describe his financial condition and that of at least 50 % of the members who, among the group that the applicant represents or intends to represent, have made themselves known and are financially eligible for legal aid.

For that purpose, the applicant shall

(1) indicate the number of members who have made themselves known and the estimated number of members likely to be represented;

(2) establish

(a) his income, assets and liabilities, as well as those of the members of his family whose financial condition is considered under this Regulation;

(b) the income, assets and liabilities of at least 50 % of the members of the group that he represents or intends to represent, who have made themselves known and are financially eligible for legal aid; and

(3) describe the facts justifying the application for legal aid.”.

**20.** Section 33 is amended:

(1) by substituting the words “, or that of the other persons whose financial condition is considered,” for the words “or that of his family” in paragraph 1;

(2) by inserting the following after paragraph 2:

“(2.1) to inform without delay the director general who issues the certificate of eligibility for legal aid of any change in his place of residence;

(2.2) if legal aid is granted to him in respect of a claim to refugee status, to inform without delay the director general who issues the certificate of eligibility to him of the date on which he will be heard by the Convention Refugee Determination Division of the Immigration and Refugee Board instituted under the Immigration Act (R.S.C., 1985, c. I-2).”.

**21.** The following is substituted for sections 34 and 35:

“**34.** The income of the applicant and of the other persons whose financial condition is considered under this Regulation shall be established, for the taxation year preceding the date of the application for legal aid, by means of the fiscal return, for that year, of the persons concerned and the notice of assessment related thereto. If those documents are not filed, the applicant shall provide a statement of that income.

Where eligibility is established by considering the estimated income for the taxation year in which the application for aid is filed, that income shall be established by filing a statement of the income of the applicant and of the other persons whose financial condition is considered.

**34.1** An applicant shall, to the extent prescribed by this Regulation, file with his application a statement of the assets, including property and liquidities, he owns

on the date of the application, as well as a statement of his liabilities.

The applicant shall also file a statement of the assets, including property and liquidities owned, on the date of the application for legal aid by the other persons whose financial condition is considered, as well as a statement of their liabilities.

**34.2** An applicant shall provide documentary evidence of his income, assets and liabilities and shall attach to his application his authorization in writing for the legal aid centre to verify that data with the taxation authorities concerned, a financial institution, an agency, an educational institution, a government department or an employer.

The applicant shall also provide documentary evidence of the income, assets and liabilities of the other persons whose financial condition is considered. Failing that, those other persons shall attach to the application their authorization in writing for the legal aid centre to verify that data with the taxation authorities concerned, a financial institution, an agency, an educational institution, a government department or an employer.

**35.** When requested to do so by the legal aid centre, an applicant shall file or arrange for the filing of any other document necessary for determining whether he is eligible for legal aid or, in the case provided for in the fifth paragraph of section 38, for re-examining his eligibility.”

**22.** The following is substituted for the second paragraph of section 36:

“Where the other persons whose financial condition is considered cannot file documentary evidence of their income, assets and liabilities, they shall attach to the application a declaration, duly signed by them, indicating that the information provided by them is accurate.”

**23.** The following section is inserted after section 37:

“**37.1** The period for which a certificate of eligibility is issued under section 66 of the Legal Aid Act begins on the date of the application for legal aid.

For the purposes of this section, an application for legal aid is supposed to be made on the earliest of the following dates:

— the date on which the application, duly completed and signed, is received by the local legal aid centre or bureau; or

— the date on which an appointment is arranged with the local legal aid centre or bureau, either by the applicant or the advocate or notary acting for him, for the purpose of completing the application.”

**24.** The following is inserted before Division VI:

#### “DIVISION V.1

#### SUSPENSION AND WITHDRAWAL OF LEGAL AID AND CESSATION OF FINANCIAL ELIGIBILITY

**37.2** Suspension or withdrawal of legal aid entails the cessation of the legal services covered by the certificate of eligibility, from the receipt by the recipient or the advocate or notary in charge of the record of a notice informing them of the suspension or withdrawal, as the case may be.

Notwithstanding the suspension or withdrawal of legal aid, the advocate or notary in charge of the record shall render any legal services required to perform conservatory acts necessary for preserving the rights of the person subject to the suspension or withdrawal.

**37.3** Subject to section 71 of the Legal Aid Act, cessation of the recipient’s financial eligibility terminates the legal aid *pleno jure*.

The provisions of section 37.2 apply, adapted as required, where the recipient ceases to be financially eligible.”

**25.** The following is inserted in Division VI, before section 38:

“**37.4** Where the costs of legal aid are recovered, those costs include, in addition to what is listed in section 1, the costs of the demand notice provided for in section 73.3 of the Legal Aid Act and incurred by the legal aid centre.”

**26.** Section 38 is amended

(1) by deleting subparagraph 3 of the third paragraph; and

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

“The recipient’s financial eligibility shall also be re-examined within 15 days following receipt by the recipient of a notice of hearing before the Convention Refugee Determination Division of the Immigration and Refugee Board.”

**27.** The following is substituted for subparagraph 2 of the second paragraph of section 39:

“(2) legal aid was granted, in proceedings under the Youth Protection Act, in order to ensure representation of or assistance to a minor;

(3) legal aid was granted, in proceedings under the Young Offenders Act, in order to ensure the defense of a young person prosecuted for an offence against persons who, under the first paragraph, would otherwise be required to make such repayment.”.

**28.** The words “to the legal aid centre in the same matter” are substituted for the words “and including, in the case provided for in section 26, the administrative expenses collected by the legal aid centre” in section 40.

**29.** Paragraph 4 of section 41 is deleted.

**30.** The following section is inserted in Division VII, before section 44:

“**43.1** In addition to the legal services for which legal aid is granted under section 4.5 of the Legal Aid Act, that aid shall be granted, in first instance, in any of the following cases:

(1) to ensure the defense of a person who, being the subject of a conditional sentence order under section 742.1 of the Criminal Code (R.S.C., 1985, c. C-46), appears before the court under section 742.6 of that Code for a breach of a condition of that order; or

(2) to ensure the defense of a person who, in any of the following cases, is prosecuted before a court for an offence described in paragraph 3 of section 4.5 of the Legal Aid Act:

(a) the person is detained at the time of his appearance, unless the detention results from his failure to be present in court when required to appear;

(b) the person is prosecuted for sexual assault or for an offence that consists in having mistreated his spouse or children;

(c) the person will be brought before the court in the presence of a child under 14 years of age.

Section 4.6 of the Legal Aid Act applies, adapted as required, to appeals lodged and extraordinary recourses exercised in a matter referred to in this section.”.

**31.** The word “suppléent” is substituted for the words “suppléent à” in the French version of paragraph 5 of the statutes of Québec listed in section 44.

**32.** The following is inserted at the end of Division VII:

“**45.1** Legal advice for which legal aid may be granted under section 4.4 and the second paragraph of section 32.1 of the Legal Aid Act shall be given either by advocates or notaries in the employ of a legal aid centre, or by advocates or notaries in private practice.”.

**33.** The provisions of this Regulation will come into force on (*enter here the date of the 15<sup>th</sup> day following the date of its publication in the Gazette officielle du Québec*).

1609

## Draft Regulation

Legal Aid Act  
(R.S.Q., c. A-14; 1996, c. 23)

### Legal aid plan — Conditions of practice, procedure for the settlement of disputes and tariff of fees of advocates

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec entered into on 4 April 1997 respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the Draft Regulation is to replace the Regulation respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan, made by Order in Council 1171-96 dated 18 September 1996.

In accordance with the first paragraph of section 81 of the Legal Aid Act, the Minister of Justice has negotiated with the Barreau du Québec an Agreement respecting the Tariff of fees of advocates in private practice under the legal aid plan. An Agreement to that effect was entered into on 4 April 1997.

The aim of the Draft Regulation is to ratify that Agreement.

The Draft Regulation has an impact on advocates in private practice who agree to provide services under the legal aid plan, since the Agreement fixes the fees payable to them and some of the conditions for the fulfilment of the mandates they receive.



Further information may be obtained by contacting Mr. Jacques Mercier, 1200, route de l'Église, 4<sup>e</sup> étage, Sainte-Foy (Québec), G1V 4M1, tel.: (418) 643-7222, fax: (418) 643-9749.

Any interested person having comments to make on the matter is asked to send them in writing to the Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Sainte-Foy (Québec), G1V 4M1, before the expiry of 45 days following this publication.

PAUL BÉGIN,  
*Minister of Justice*

**Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec entered into on 4 April 1997 respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan**

Legal Aid Act  
(R.S.Q., c. A-14, s. 81; 1996, c. 23, s. 43, par. 2)

**1.** The Agreement attached hereto entered into on 4 April 1997 between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan is hereby ratified.

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

It has effect since 1 April 1997.

AGREEMENT

PRELIMINARY

1. For the purposes of this Agreement, the term "legal aid body" means a legal aid centre, a legal aid bureau or the Commission des services juridiques; it includes any organization or person that issues certificates of eligibility for legal aid.

2. This Agreement governs, for the purposes of the legal aid plan, any advocate who agrees to render professional services to a legal aid recipient, with the exception of an advocate who is employed by a legal aid centre.

**CHAPTER I**  
CONDITIONS OF PRACTICE

**DIVISION I**  
FREE CHOICE OF AN ADVOCATE

3. A person who is financially eligible may consult an advocate in private practice before submitting an application for legal aid under section 62 of the Legal Aid Act.

4. An application for legal aid may be submitted by the advocate himself on behalf of a person in favour of whom a conditional certificate of eligibility may be issued under the Act. In such case, the application shall be verbal.

5. A legal aid body shall, according to the criteria set forth in the Act, distribute equitably among the advocates the mandates for which recipients wish to be represented by an advocate registered in the legal aid plan but have not chosen a particular advocate.

6. Where there is a substitution of attorney to which section 81 of the Regulation respecting the application of the Legal Aid Act applies, the legal aid centre shall inform the advocate of record in writing that the recipient has requested a substitution of attorney and shall inform him of the name of the new attorney.

The preceding provision applies in like manner where the advocate of record or the new attorney is an advocate employed by a legal aid body.

7. An advocate representing a person for the exercising of a right in respect of which the person becomes a legal aid recipient shall retain his mandate, subject to the provisions of the Act.

In such case, the legal aid body issuing the certificate of eligibility shall so inform the advocate of record and shall request his consent to continue the mandate, on the terms set forth by the Legal Aid Act and the Regulations thereunder.

**DIVISION II**  
PROFESSIONAL FREEDOM

8. The legal aid plan shall respect an advocate's professional freedom; in particular, the plan shall recognize the advocate's professional autonomy and shall preserve the personal and privileged nature of his relationship with the recipient.

9. Under the legal aid plan an advocate shall maintain his professional autonomy. It is his responsibility to

determine which services he must render within the context of a legal aid mandate, while acting in the best interests of the recipient.

An advocate shall comply with the mandate he receives from the legal aid body on behalf of the recipient; the conditions of the mandate are intended to identify the type of legal aid required by the recipient.

10. The legal aid body shall refrain from intervening in the conduct of the advocate's mandate; however, it may satisfy itself that the mandate is fulfilled. The conduct of the advocate's mandate includes recourse to any expert reports that, according to recognized professional practices, may be justified by the nature and scope of the case, in conformity with the Act and the Regulations. The advocate shall obtain the authorization of the general manager of the legal aid centre before having recourse to expert reports. The general manager shall fix a maximum amount for the advocate's fees and the fees for expert reports.

11. An advocate is at liberty to accept a legal aid mandate.

12. He may terminate any mandate in accordance with recognized standards of practice; in such case, he shall so inform the legal aid body and the recipient in writing.

13. The advocate shall render an account to the recipient of the conduct of his mandate and shall report to the legal aid body from which he received the mandate concerning the professional services that he has rendered.

In communicating with the Commission or a legal aid body, the advocate shall respect professional secrecy.

### **DIVISION III REMUNERATION**

14. Every legal service rendered in accordance with the provisions of the Legal Aid Act and this Agreement by an advocate or to the extent provided for in section 52 of the Act, by an advocate in training under his supervision, shall be remunerated according to the tariff appearing in Schedule II to this Agreement.

A professional service related to the exercise of a right consequential to a statute or a regulation and for which this Agreement does not prescribe a rate or the payment of a special consideration is subject to a remuneration.

In such case, the legal aid body shall evaluate the advocate's statement of fees and fix the amount of remuneration. Such decisions may be the subject of a dispute.

15. The advocate shall forward his statement of fees to the legal aid body from which he received his mandate within three years following the end of that mandate. That deadline is mandatory. Payment shall be made within 45 days following receipt of the statement.

In the cases determined by regulation, the statement of fees shall be forwarded to the Commission and shall be paid by it within that same deadline.

Where there is a substitution of advocate under section 81.1 of the Regulation respecting the application of the Legal Aid Act, the statement of fees shall be sent by the advocate who received the mandate and the payment of fees and disbursements is made as if there had been no substitution.

16. A statement of fees may be an interim or final account. Statements shall be submitted on the form provided by the Commission.

An interim account covers professional services rendered in a case ready for hearing at 30 June of a given year. Professional services rendered for the preparation of the personal information forms referred to in section T 193 of Schedule II may be covered by an interim account.

17. Any amount due and unpaid on a statement of fees drawn up in accordance with the Act and this Agreement shall commence to bear annual interest 45 days after it is received by the legal aid body or the Commission, as the case may be.

The interest rate shall be equal to the discount rate of the Bank of Canada in force on 1 April and 1 October each year, plus one and one-half percent (1.5 %). The rate thus fixed shall be in force for the following six months.

18. A statement of fees is complete when it mentions the services rendered according to the nomenclature in the tariff in Schedule II.

19. Disbursements are a part of the statement of fees and include fees for expert reports and other fees pertaining to proceedings incidental to the legal aid mandate, including expenses for subpoena by bailiff or by registered or certified mail.

Notwithstanding the foregoing, disbursements may appear on a separate statement. They shall be paid by the legal aid body which gave the mandate or by the Commission within 45 days of the receipt of a statement of disbursement.

20. An advocate shall receive no reimbursement for travel and parking within a radius of 25 km from his office.

The advocate is entitled to the maximum reimbursement for travel expenses for the use of a personal car, fixed by the rules respecting civil servants travelling expenses made by the Conseil du trésor under the Financial Administration Act (R.S.Q., c. A-6),

(1) according to the distance actually travelled, in the case of a trip beyond a 25-km radius from his office and within the boundaries of the judicial district where he has his office;

(2) according to the distance actually travelled, up to 200 km, in the case of a trip beyond a 25-km radius from his office and outside the boundaries of the judicial district where he has his office;

(3) according to the distance actually travelled, in the case of an attendance at the Supreme Court of Canada, at the Court of Appeal of Québec or at the Federal Court, made beyond a 25-km radius from his office and outside the boundaries of the judicial district where he has his office, or of an attendance at a court or body which carries out its jurisdiction outside the boundaries of the judicial district where the advocate has his office; notwithstanding the preceding, where the advocate has his office in a judicial district other than the one where the legal aid centre which issued the mandate is located, he shall receive, as he chooses, either the reimbursement established in subparagraph 2 or a reimbursement established according to the distance between the place where the mandate was issued and that where the court in question sits;

(4) according to the distance actually travelled by the advocate, in the case of a trip made with the authorization of the director general of the legal aid centre, outside the boundaries of the judicial district where he has his office, where the nature or complexity of the matter requires that the mandate be given to that advocate.

An advocate who is entitled to a reimbursement under the provisions of this section is also entitled to the reimbursement of any parking expenses he incurs.

The travelling and parking expenses may not exceed the actual travelling expenses paid by the advocate.

21. Where the tariff in Schedule II provides for a flat-rate fee for a series of services and the mandate is carried out by more than one advocate, each advocate, if he is in private practice, is entitled, subject to the provisions of the third paragraph of section 15, to the part of the flat-rate fee corresponding to the services that he rendered.

22. Where the mandates issued in the name of an advocate during a given fiscal period have generated fees for a total exceeding \$125 000, the fees payable to him for the services that he renders within the scope of those mandates and exceeding that amount shall be reduced by 35 %.

23. An advocate representing a recipient in respect of whom legal aid is suspended or withdrawn or a recipient who ceases to be eligible for such aid shall be remunerated according to the provisions of this Agreement for the services rendered before receipt of a notice from the legal aid body, sent by mail or by telecommunications, informing him of the cessation of legal aid and the reasons for the decision.

The preceding provision also applies where the recipient chooses to dispense with legal aid.

24. In a case where legal aid ceases to be provided, the advocate may nevertheless include in his statement of fees legal services that were rendered after receipt of the notice from the legal aid body, for the delivery of conservatory measures necessary to safeguard the person's rights or requested by the court.

25. Where a legal aid body refuses to pay a statement of fees, it shall, within the period allotted for payment of the statement, so notify the advocate in writing, and that notice shall state the reasons for its refusal.

The preceding provision governs the Commission in cases where it assumes the payment of fees.

26. A refusal to pay fees shall be founded upon the non-compliance of the fees claimed under the provisions of the Act and this Agreement.

## **CHAPTER II PROCEDURE FOR THE SETTLEMENT OF DISPUTES**

27. A dispute means any disagreement concerning the interpretation or the application of this Agreement, including any disagreement concerning a statement of fees.

28. A dispute may not be founded on a matter within the disciplinary jurisdiction of the Barreau du Québec.

29. Before submitting a dispute according to section 32, an advocate may refer the matter for conciliation by means of a notice in writing to the body refusing payment of his statement of fees and to the section of the Barreau du Québec to which he belongs.

30. Within 15 days following receipt of the notice, the general manager of the regional centre and the bâtonnier of the section shall each designate an advocate.

31. Within 30 days following their designation, the advocates so appointed and the advocate who is the claimant shall meet, examine one another's claims and endeavour to reach an agreement.

32. A dispute shall be submitted by the advocate by means of a notice addressed to the regional centre or the Commission, as the case may be. The notice shall contain a summary statement of the facts and the relief sought.

A dispute concerning contested fees shall be submitted within six months following receipt of a notice of refusal to pay or the claim for a reimbursement; in such case, a copy of the notice of dispute shall be forwarded to the regional centre.

33. Referral for conciliation interrupts the prescription of six months.

34. Upon receipt of a notice of dispute, the regional centre or the Commission, as the case may be, shall give its answer in writing.

35. If the advocate is dissatisfied with the answer, or if no answer is forwarded to him within 30 days following submission of the notice of dispute, the advocate shall submit the dispute for arbitration by means of a letter addressed to the Chief Justice of the Court of Québec within six months. A copy of the letter shall be sent by the advocate to the regional centre or the Commission, as the case may be. The Chief Justice or the Senior Associate Chief Justice of the Court of Québec, as the case may be, shall designate one of the judges of that Court to act as arbitrator.

36. The Barreau du Québec may directly submit any dispute of general interest for arbitration; in such case, it shall so notify the Commission.

In particular, any alleged infringement of the provisions relating to the free choice of an advocate or professional freedom may be the subject of a dispute of general interest.

37. The arbitrator has jurisdiction, to the exclusion of any court, to rule on a dispute within the meaning of this Agreement. He may uphold, modify or rescind the disputed decision and, by the terms of his award, order a payment or a reimbursement, assess compensation, restore a right or make any other order he considers fair in the circumstances.

Notwithstanding the foregoing, the arbitrator may not modify the provisions of this Agreement. The arbitrator's award is final and binding on the parties.

38. The arbitrator may issue an interim award at any time.

39. Stenography and tape recording fees, if any, shall be borne by the regional centre or the Commission, as the case may be.

40. The arbitrator shall forward any award by registered letter to the parties and to the Barreau du Québec.

### **CHAPTER III MISCELLANEOUS**

#### **DIVISION I STANDING COMMITTEE**

41. The Minister of Justice and the Barreau du Québec shall form a committee that is entrusted with the supervision of the application of this Agreement and of the Legal Aid Act; they shall determine the committee's mandate.

42. The committee shall be made up of a maximum of 3 representatives of the Ministère de la Justice and of a maximum of 3 representatives of the Barreau du Québec. The chairman of the Commission des services juridiques or his representative shall take part in the meetings of the committee in an advisory capacity.

43. Upon request, the Commission des services juridiques and the legal aid centres shall provide the committee with the documents, statistics and information that it requires in the conduct of its mandate.

44. The committee shall take the minutes of its meetings. Copies thereof shall be sent to the Minister of Justice and to the Bâtonnier du Québec.

## DIVISION II CONSULTATION AND INFORMATION

45. The Minister shall consult the Barreau du Québec concerning any regulation that the Commission submits to him for approval by the Government.

46. The Minister shall consult the Barreau du Québec concerning the draft of any regulation respecting the exclusivity of services referred to in section 52 of the Legal Aid Act that he intends to propose to the Government for adoption. He shall also inform the Bar of the facts that warrant the adoption of such regulation.

47. The Commission shall consult the Barreau du Québec concerning the draft of any directive respecting an application for or the granting of a certificate of qualification or the services of an advocate.

48. The Commission shall consult the Barreau du Québec when implementing necessary administrative mechanisms to ensure the exercise of the free choice of an advocate.

49. The Commission shall consult the Barreau du Québec where it intends to draft or modify the forms that an advocate must fill out for the purposes of the legal aid plan.

50. In accordance with section 22.1 of the Legal Aid Act, the Commission des services juridiques and the legal aid centres shall send to the Barreau du Québec a copy of any guide for the administration of the Legal Aid Act and the regulations made thereunder, as well as of any directive related thereto and dealing with financial eligibility and services for which legal aid is granted. The Commission and the legal aid centres shall also send to the Barreau du Québec any updating of such guide or directives.

51. Schedule I reproduces the directive of the Commission des services juridiques respecting the procedure for the application of section 69 of the Legal Aid Act.

52. This Agreement replaces the Regulation respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan, made by Order in Council 1171-96 dated 18 September 1996.

53. Mandates issued between 17 October 1996 and 1 April 1997 continue to be governed by the Regulation respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan, made by Order in Council 1171-96 dated 18 September 1996.

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

It applies to mandates given from 1 April 1997, except section T-87 of Schedule II, which applies to mandates given from 17 October 1996.

This Agreement terminates on 1 April 1999. Notwithstanding its expiry, it shall continue to apply until replaced.

## SCHEDULE I

(s. 51)

### DIRECTIVE OF THE COMMISSION DES SERVICES JURIDIQUES RESPECTING THE APPLICATION OF SECTION 69 OF THE LEGAL AID ACT

To all general managers of legal aid centres:

The purpose of the Legal Aid Act is to allow financially eligible persons access to legal services. Notwithstanding the preceding, the legal aid plan does not have to pay costs that an applicant can pay from the amount that he is likely to receive upon settlement of his case. Therefore, where an agreement can be reached between an applicant and an advocate in private practice regarding extrajudicial fees in cases where such fees are warranted, the general manager or his representative shall refer the applicant to the advocate in private practice.

This directive also applies to matrimonial proceedings in which the state and faculties of the spouse are such that it is reasonable to anticipate the granting to the applicant of support in excess of the eligibility criteria for legal aid or of a compensatory benefit or of a benefit equivalent to his share of the family patrimony which would normally make that person ineligible for legal aid.

*Chairman*

## SCHEDULE II

(s. 14)

### PART 1

#### GENERAL RULES OF INTERPRETATION AND APPLICATION

##### Advice

T 1. The fees of an advocate mandated by a legal aid body as a consultant shall be subject to an application for a special consideration.

## PROFESSIONAL ASSISTANCE

- T 2. In a case warranting assistance by junior counsel, the junior counsel shall receive fees equivalent to one-fifth of the fees of the advocate assuming the mandate, for the services in respect of which his assistance was required.

An advocate wishing to be so assisted shall obtain prior authorization from the legal aid body.

This section does not apply in cases where this Schedule provides for professional assistance and fixes the applicable fees.

## SPECIAL CONSIDERATION

- T 3. Payment for the professional services of an advocate may exceed the fees prescribed in the tariff where the legal aid mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case.

In such case, the advocate shall submit an application for a special consideration with his statement of fees, according to the form provided by the Commission.

- T 4. The Commission shall examine the application and shall fix the amount of the excess fees. Such decisions may be subject to dispute in accordance with Chapter II of the Agreement.
- T 5. In reviewing a decision concerning the expediency of granting a special consideration, the arbitrator shall verify whether the legal aid mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case.
- T 6. In reviewing a decision concerning the amount of the excess fees, the arbitrator shall be guided by the precedents in the application of section 15 of the Tariff of judicial fees relating to a special fee (R.R.Q., 1981, c. B-1, r. 13).
- T 7. Sections 3 to 6 apply *mutatis mutandis* in respect of professional services for which this Schedule expressly prescribes the payment of a special consideration.

## PART 2

## SPECIAL RULES OF INTERPRETATION AND APPLICATION IN CIVIL MATTERS

- T 8. The words “application”, “case” or “action” mean a proceeding, whether it is commenced by a statement, writ, motion, joint factum or any other originating document.
- T 9. The word “proof” means the examination of a party or a witness as well as the presentation before the court of any document containing an admission of facts, followed by an address.
- T 10. The word “contestation” includes any opposition to an application by another party.
- T 11. An advocate who accepts a mandate from a legal aid body shall apply for costs in his statement of claim.
- T 12. Where the advocate of a recipient is entitled to costs awarded against an adverse party who is not a recipient, the advocate may either collect his costs from the adverse party or claim payment from the legal aid body from which he received his mandate, in accordance with this Schedule.
- T 13. The collecting of costs from an adverse party has the effect of a discharge by the advocate in favour of the legal aid body from which he received his mandate.

Where the advocate chooses to claim payment from the legal aid body, he shall subrogate that body in his rights up to the amount of his bill of costs.

- T 14. An advocate shall receive a fixed amount of \$10 as a reimbursement of his cost of photocopies, facsimile copies, messenger services and stamps.

## PART 3

## GENERAL CIVIL TARIFF

## Classes of actions

- T 15. I. An application in which the amount or value in dispute is less than \$1 000;
- II. An application in which the amount or value in dispute
- (a) is \$1 000 or more but less than \$3 000;
- (b) is \$3 000 or more but less than \$10 000;

<p>III. An application in which the amount or value in dispute            (a) is \$10 000 or more but less than \$25 000;            (b) is \$25 000 or more but less than \$50 000;</p>	<p>T 23. In the case of a review of taxation of a bill of costs, the costs are based on the class of action corresponding to the amount of the costs in dispute.</p>																							
<p>IV. An application in which the amount or value in dispute is \$50 000 or more.</p>	<p>T 24. There are no separate fees in the case of a cross demand, but the class of action corresponds to the highest of the amounts for which judgment is recovered.</p>																							
<p>T 16. For proceedings or actions not provided for specifically by the tariff but governed by the Code of Civil Procedure, the fees are fixed according to the provisions of the Agreement in respect of similar proceedings or actions. Such proceeding or action in which the amount or value in dispute is indeterminable or inexistent falls under Class II-A.</p>	<p>T 25. If a settlement is reached between the parties or proceedings are withdrawn before the issue of the originating process, the advocate is entitled to the fees prescribed for an action of that class in the case of such settlement reached after the issue of the originating process and before the serving of any defence or contestation on the merits.</p>																							
<p>T 17. Hypothecary actions are considered to be purely personal actions.</p>	<p><b>First instance</b></p>																							
<p>T 18. In an action by a creditor to enforce a right to become the absolute owner of an immovable, the class of the action is determined according to the balance due on the claim.</p>																								
<p>T 19. Unless otherwise provided by law, every action to set aside a contract or a will is classified according to the value of the contract or the succession; if in addition a sum of money is claimed, the total amount determines the class of the action.</p>	<table border="0"> <thead> <tr> <th></th> <th>I</th> <th>II</th> <th>III</th> <th>IV</th> </tr> <tr> <th></th> <th>1-3</th> <th>3-10</th> <th>10-25</th> <th>25-50</th> <th>50</th> </tr> <tr> <th></th> <th>A</th> <th>B</th> <th>A</th> <th>B</th> <th></th> </tr> <tr> <th></th> <th>\$</th> <th>\$</th> <th>\$</th> <th>\$</th> <th>\$</th> </tr> </thead> </table>		I	II	III	IV		1-3	3-10	10-25	25-50	50		A	B	A	B			\$	\$	\$	\$	\$
	I	II	III	IV																				
	1-3	3-10	10-25	25-50	50																			
	A	B	A	B																				
	\$	\$	\$	\$	\$																			
<p>T 20. Where two or more defendants file separate contestations, the advocate of the plaintiff receives for each additional contestation one-half of the fee prescribed in section T-29 or section T-30 of this Schedule, according to the stage of the proceedings. For the purposes of this rule, the intervenor, the impleaded party and the defendant on warranty, if they ask for dismissal of the main action, are each considered to be a defendant filing a separate contestation.</p>	<table border="0"> <tbody> <tr> <td data-bbox="751 939 991 1062"> <p>T26 (a) For every notice or putting in default preceding the originating process and required by law</p> </td> <td data-bbox="1030 1041 1049 1062">18</td> <td data-bbox="1074 1041 1093 1062">30</td> <td data-bbox="1132 1041 1151 1062">30</td> <td data-bbox="1191 1041 1209 1062">30</td> <td data-bbox="1249 1041 1268 1062">30</td> <td data-bbox="1307 1041 1326 1062">30</td> </tr> <tr> <td data-bbox="751 1094 991 1277"> <p>(b) For every notice or putting in default preceding the originating process and not required by law, only one fee is payable</p> </td> <td data-bbox="1030 1256 1049 1277">18</td> <td data-bbox="1074 1256 1093 1277">24</td> <td data-bbox="1132 1256 1151 1277">24</td> <td data-bbox="1191 1256 1209 1277">24</td> <td data-bbox="1249 1256 1268 1277">24</td> <td data-bbox="1307 1256 1326 1277">24</td> </tr> </tbody> </table>	<p>T26 (a) For every notice or putting in default preceding the originating process and required by law</p>	18	30	30	30	30	30	<p>(b) For every notice or putting in default preceding the originating process and not required by law, only one fee is payable</p>	18	24	24	24	24	24									
<p>T26 (a) For every notice or putting in default preceding the originating process and required by law</p>	18	30	30	30	30	30																		
<p>(b) For every notice or putting in default preceding the originating process and not required by law, only one fee is payable</p>	18	24	24	24	24	24																		
<p>T 21. Where two or more incidental applications can be framed in a single proceeding, the fees are payable only once notwithstanding the multiplicity of proceedings.</p>	<p>T27 For every action settled after the originating process and before service of a defence or contestation on the merits:</p> <table border="0"> <tbody> <tr> <td data-bbox="751 1519 991 1568">(a) to the plaintiff's attorney</td> <td data-bbox="1030 1542 1049 1564">90</td> <td data-bbox="1074 1542 1093 1564">150</td> <td data-bbox="1132 1542 1151 1564">180</td> <td data-bbox="1191 1542 1209 1564">240</td> <td data-bbox="1249 1542 1268 1564">330</td> <td data-bbox="1307 1542 1326 1564">420</td> </tr> <tr> <td data-bbox="751 1600 991 1648">(b) to the defendant's attorney</td> <td data-bbox="1030 1623 1049 1645">36</td> <td data-bbox="1074 1623 1093 1645">90</td> <td data-bbox="1132 1623 1151 1645">150</td> <td data-bbox="1191 1623 1209 1645">210</td> <td data-bbox="1249 1623 1268 1645">330</td> <td data-bbox="1307 1623 1326 1645">390</td> </tr> </tbody> </table>	(a) to the plaintiff's attorney	90	150	180	240	330	420	(b) to the defendant's attorney	36	90	150	210	330	390									
(a) to the plaintiff's attorney	90	150	180	240	330	420																		
(b) to the defendant's attorney	36	90	150	210	330	390																		





	I	II		III		IV	
		1-3	3-10	10-25	25-50	50	
		A	B	A	B		
		\$	\$	\$	\$	\$	\$
	(d) For the filing of a declaration of voluntary payment into court of salary or wages and claim on seizure by garnishment	18	30	30	30	30	30
T35	(a) For the issue of all writs of execution, whatever their nature or number, only one fee according to the class of the amount claimed	18	30	30	30	30	30
	(b) Examination under article 543 C.C.P.	12	18	18	18	18	18
T36	For any judgment by default against a garnishee or on his declaration	18	30	30	30	30	30
T37	For any seizure before judgment, additional fees according to the class of the main action	24	48	48	48	48	48
T38	(a) Where a case lasts more than one day, for each additional half-day	50	100	100	100	100	100
	(b) Where the court declines to proceed and so declares in the presence of the parties on the day fixed for the hearing	24	60	60	60	60	60
T 39.	In the case of any pre-trial conference held according to the provisions of article 279 C.C.P. and prior to the day fixed for proof and hearing, the fees are those prescribed in section T-32.						
T 40.	An injunction applied for without other conclusions that those of article 751 C.C.P. is considered to be an action of Class II-B. If other conclusions are sought, the fees are those of the class prescribed for such conclusions, but are not less than those prescribed in Class II-B. The fees shall be calculated in the following manner: when the judgment on the motion for an interlocutory injunction terminates the case or the judgment on the motion for a permanent injunction is not preceded by a judgment on a motion for an interlocutory judgment, the advocate is entitled to the fees taxable on a judgment on the merits of the case. Where the judgment on the motion for a permanent injunction follows a judgment on a motion for an interlocutory injunction, the advocate is entitled to the fees taxable on a judgment on the merits increased by one-half.						
T 41.	In proceedings for boundary delimitation, possessory or petitory proceedings, proceedings for appointment of a receiver, and in actions for declaration or denial of a servitude, the fees are those prescribed for Class II-B.						
T 42.	In proceedings for judicial partition and licitation, the class of actions is in accordance with the value of the matter in dispute.						
T 43.	In proceedings respecting legal persons, for extraordinary recourses and for <i>habeas corpus</i> under Titles V, VI and VII of Book V of the Code of Civil Procedure, the fees are those prescribed for Class II-B.						
T 44.	In non-contentious proceedings, the fees are those of section 31a, Class II, with the exception of the procedure governing the sale of the property of others provided for in Chapter X of Book VI of the Code of Civil Procedure, the class being determined by the value of the property.						
T 45.	In adoption proceedings, the fees are those prescribed for Class II-A.						
	An application for a declaration of eligibility for adoption, an application for placing a child and an application for adoption constitute separate proceedings. Any other application constitutes an incidental proceeding and is remunerated as such.						
	Where an advocate submits separate applications for two or more children in the same family and the grounds for the applications are identical, the fee payable for each additional application after the first is \$33.						

T 46. In property assessment proceedings, including the quashing or contesting of a role, the fees both before the Bureau de révision d'évaluation foncière and in appeal before the Court of Québec are those prescribed for Class II-A of the tariff at first instance; section T-48 does not apply thereto and the cost of expert reports is not included in the bill of costs.

T 47. In expropriation proceedings, the class of the action is determined by the amount of the compensation.

Additional fees of 1 % of the compensation are added to the fees when, upon a motion accompanied by an affidavit of the advocate, it is demonstrated to the satisfaction of the Court of Québec, Expropriation Division, that the advocate's services during the preparation of the case or at proof and hearing, or during the negotiations leading to a compromise, so justify.

Contestation of the right to expropriation is a separate proceeding. The fees applicable are those prescribed for Class II-B.

For any proceeding commenced under the Expropriation Act before a court other than the Court of Québec, Expropriation Division, the fees applicable are those prescribed for Class II-B, section T-31a.

For any uncontested proceeding respecting payment of the money awarded, the fees are those prescribed in section T-34b.

T 48. Upon judgment in a contested case ordering the defendant to pay an amount greater than \$100 000 in principle, the following additional fees are taxable in favour of the plaintiff:

— 1 % of the amount in excess of \$100 000, up to a judgment of \$1 000 000;  
— plus, where the amount of the judgment exceeds \$1 000 000, 1/10 of 1 % of the amount in excess of \$1 000 000.

Upon judgment dismissing an action in which the amount claimed is greater than \$100 000, the following additional fees are taxable in favour of the defendant:

— 1 % of the amount in excess of \$100 000, up to an amount claimed of \$1 000 000;  
— plus, where the amount claimed in the action exceeds \$1 000 000, 1/10 of 1 % of the amount in excess of \$1 000 000.

Where there is an out-of-court settlement before a defence has been filed, the advocate is entitled to only one-third of the additional fees prescribed in this section.

Where there is an out-of-court settlement after a defence has been filed, the advocate is entitled to only two-thirds of the additional fees prescribed in this section.

The additional fees are payable to an advocate once only, regardless of the number of plaintiffs or defendants.

#### REPRESENTATION OF CHILDREN IN SUPERIOR COURT

T 49. All services rendered up to and including a final decision for representing a child within the scope of article 394.1 C.C.P.

(a) uncontested \$198

(b) contested \$227

#### SPECIAL TARIFF FOR MATRIMONIAL PROCEEDINGS

The rules of Part I, Part II and Part III of this Schedule apply *mutatis mutandis* to matrimonial proceedings.

#### Principal proceedings

T 50 (a) Upon reconciliation or withdrawal of proceedings after the issue of the originating process; to the plaintiff's attorney \$150

(b) Upon reconciliation or withdrawal of proceedings after appearance or before service of a contestation; to the defendant's attorney \$150

(c) Upon reconciliation or withdrawal of proceedings for separation by consent or for divorce by consent before judgment; to the attorney representing both parties \$252

T 51 On reconciliation or withdrawal of proceedings after service of a contestation and before judgment on the merits; to the plaintiff's attorney \$336  
to the defendant's attorney \$224

T 52	For judgment <i>ex parte</i> or by default; to the plaintiff's attorney	\$401	(b) For examination of a party, before or after the filing of a defence, excluding an examination during an incidental measure or the trial	\$35
T 53	For judgment <i>ex parte</i> or by default; to the defendant's attorney	\$285	(c) Where the judge requests or authorizes written arguments	\$58
T 54	(a) For judgment on the merits in a contested case with or without a cross demand by the defendant; to each attorney	\$489	(d) If the hearing lasts more than one day, for each additional half-day	\$58
	(b) For judgment on the merits granting a separation or divorce by consent; to the attorney representing both parties	\$580	(e) Where the court declines to proceed at the hearing on the merits and so declares in the presence of the parties on the day fixed for the hearing	\$58
<b>Provisional measures, interim orders and incidental proceedings in matrimonial proceedings</b>				
T 55	For the first judgment for measures applicable during the proceedings, whether a judgment for provisional measures or an interim order, to each attorney, one fee only		T 58. Where a separate motion is presented by each party regarding the same provisional or interim measure, one fee only is payable regardless of the number of motions.	
	(a) after settlement or transaction	\$200	T 59. Where a new mandate is issued for one or more new proceedings for separation from bed and board or for divorce within 12 months of the issue of the first mandate, only one-half of the above fees is payable where the same attorney represents the same plaintiff on each occasion; in every other case where a new mandate is issued within that same period, the fees are payable in full.	
	(b) after proof	\$227		
T 56	For every judgment rendered under sections T-50 to T-62, following a judgment referred to in section T-55 and		<b>Execution of judgment</b>	
	(a) extending the application of the measures ordered by the preceding judgment or repelling the preceding judgment: to each attorney, one fee only	\$58	T 60 (a) For an examination under article 543 C.C.P.	\$18
	Each advocate is entitled to such fee for a maximum of two of these judgments in each case.		(b) For a requisition for a writ of seizure before judgment	\$29
	(b) amending the measures ordered or extended by the preceding judgment: to each attorney, one fee only		(c) For a requisition for a writ of seizure after judgment of movables or immovables or both together	\$29
	(a) after settlement or compromise	\$200	(d) For a requisition for a writ of seizure by garnishment after judgment	\$29
	(b) after proof	\$227	(e) For a judgment for seizure by garnishment after judgment	\$58
T 57	(a) For any contested incidental proceeding not governed by sections T-55 and T-56	\$58	(f) Only one of the two fees prescribed in paragraphs <i>d</i> and <i>e</i> may be claimed.	
			(g) For registration of the judgment at the registry office	\$29

**Motions subsequent to final judgment****Courts of appeal**

			I	II	III	IV
T 61	(a) Designation of practitioner	\$12				
	(b) Homologation of practitioner's report	\$12		1-3 3-10	10-25 25-50	50
	(c) Inscription following homologated report	\$12		A B	A B	
	(d) For any judgment on a motion for variation of support, custody of children, right of access, without proof of an issue; to each attorney, one fee only	\$200	T65	Disbursements incurred for the preparation of the joint record and the printing of factums are added to the statement of fees		
	(e) For a judgment after proof of an issue with respect to all measures described in paragraph d; to each attorney, one fee only	\$227	T66	Sections T-41 to T-43 of the tariff at first instance apply to the Court of Appeal		
	Paragraphs d and e apply subject to the provisions of section T-56.					
<b>Motions under article 813.8 C.C.P.</b>			T67	After filing of the inscription; for every case terminated or appeal abandoned		
T 62	(a) For any judgment without proof of an issue relating to a motion under article 813.8 C.C.P.; to each attorney	\$200		120	120	300
	(b) For any judgment in a contested case after proof of an issue and concerning a motion under article 813.8 C.C.P.; to each attorney	\$227	T68	After filing of the factum of the appellant; for every case terminated or appeal abandoned:		
			(a) to the appellant	300	360	540
			(b) to the respondent	150	180	360
	This section applies subject to the provisions of section T-56.					
<b>Declaration of family residence</b>			T69	After filing of the factum of the respondent and before the hearing; for every case terminated or appeal abandoned		
T 63	Drafting and registration, at the registry office, of a declaration of family residence	\$75		360	420	600
				720	900	1080
<b>General provision</b>			T70	For judgment on the merits of the case		
T 64	The fact that an advocate files evidence by affidavit without being present at the proof does not change the fee payable under sections T-50 to T-62.			540	600	900
			T71	For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding		
				120	120	120
				120	120	120

- T 72 For an appeal from any interlocutory judgment, excluding the injunction, extraordinary recourses and *habeas corpus*, the fees applicable are one-half of the fees prescribed for a final judgment, according to the class of action determined by the amount in dispute.
  
- T 73. An injunction applied for without other conclusions than those of article 751 C.C.P. is considered to be an action of Class II-B. If other conclusions are sought, the fees are those of the class prescribed for such conclusions, but are not less than those prescribed for Class II-B. The fees are calculated in the following manner: when the judgment of the Court of Appeal on the motion for an interlocutory injunction terminates the case or the judgment of the Court of Appeal on the action for a permanent injunction is not preceded by a judgment of the Court of Appeal on a motion for an interlocutory injunction, the advocate is entitled to the fees taxable for a judgment on the merits by the Court of Appeal. Where the judgment of the Court of Appeal on the action for an injunction follows a judgment of the Court of Appeal on a motion for an interlocutory injunction, the amount of the fees for the judgment on the merits is equal to one-half of the fees of the class which applies thereto.
  
- T 74. In proceedings for extraordinary recourses and *habeas corpus* under Titles VI and VII of Book V C.C.P., the fees for a judgment on the merits are those prescribed for Class II-B.

I	II		III		IV
	1-3	3-10	10-25	25-50	50
	A	B	A	B	
	\$	\$	\$	\$	\$

- T75 For the filing of an additional factum at the request of the court
 

120	180	180	180	180	180
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- T76 Where the hearing of a case lasts more than one day, for each additional half-day
 

120	120	120	120	120	120
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**SPECIAL TARIFF FOR MATRIMONIAL PROCEEDINGS ON APPEAL**

- T77 The disbursements incurred for preparation of the joint record and printing of the factums are added to the statement of fees.
  
- T78 After filing of the inscription; for any case terminated or appeal abandoned \$168
  
- T79 After filing of the appellant's factum; for any case terminated or appeal abandoned:
  - (1) to the appellant \$392
  - (2) to the respondent \$224
  
- T80 After filing of the respondent's factum and before hearing; for any case terminated or appeal abandoned \$504
  
- T81 For judgment on the merits of the case \$672
  
- T82 For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding \$112
  
- T83 For an appeal from an interlocutory judgment, the fees are one-half of the fees prescribed for a final judgment.
  
- T84 For the filing of an additional factum at the request of the court \$168
  
- T85 Where the hearing of the case on the merits lasts more than one day, for each additional half-day \$112

**SUPREME COURT OF CANADA**

- T 86. Services rendered in a proceeding before the Supreme Court of Canada are subject to an application for a special consideration.

**PART 4****TARIFF IN CRIMINAL AND PENAL PROCEEDINGS UNDER THE YOUNG OFFENDERS ACT****Special interpretation and application rules**

T 87. Where a flat-rate remuneration is prescribed by this Part for professional services, the advocate who receives the mandate during the proceedings and who sees the case through is entitled to the full flat-rate remuneration, if no other legal service was rendered to the recipient in the same case, within the framework of the Legal Aid Act or not, by an advocate employed by a legal aid centre or by another advocate in private practice.

T 88. Where the tariff prescribes a *per diem* remuneration for professional services, the advocate is entitled to only one-half of the fees prescribed where his presence in Court was not required for more than one half-day.

For the purposes of this section, 1:00 p.m. is the middle of the day.

Professional services rendered by an advocate at a hearing held in the evening (after 7:00 p.m.) entitle him to remuneration equivalent to one half-day in addition to any remuneration to which he may be entitled under the preceding sections.

T 89. Remuneration payable for professional services rendered by an advocate on a finding or a plea of guilty to a lesser and included offence is that which would have been payable in respect of the offence charged.

T 90. Where an advocate represents a client who has been charged under more than one count and the proceedings on the various counts are held in the same court at or about the same time, the advocate is entitled only to the remuneration prescribed for a single count, except in the case of a special consideration.

The remuneration which applies in such case is that prescribed for the highest paid professional service.

T 91. Where an advocate represents two or more recipients charged with the same offence or with a like offence arising from the same course of events, and where the proceedings are held in the same court at or about the same time, the

advocate is entitled to one-half of the remuneration prescribed for the professional services rendered to each of the other recipients, except in the case of a special consideration.

T 92. At first instance, subject to any provision to the contrary, the remuneration prescribed in this tariff applies only to the professional services rendered to the accused.

On appeal, subject to any provision to the contrary, the remuneration prescribed in this tariff applies only to the professional services rendered to the person who, at first instance, was the accused.

T 93. An advocate is not entitled to reimbursement of his cost of photocopies, facsimile copies, messenger services and stamps and case-law research.

T 94. Appearance before a justice and appearance before a judge for the purpose of entering a plea of not guilty or making an election and adjournment are not considered to be essential aspects of the advocate's mandate.

**FIRST INSTANCE****Indictable offences within the exclusive jurisdiction of the Superior Court of criminal jurisdiction, under section 469 of the Criminal Code (Canada)**

T95 Preparation of the preliminary inquiry, including interviews with the accused and witnesses, visits to the scene of the crime and legal research (up to and including preliminary inquiry) \$228

T96 All services rendered on a preliminary objection presented aside from the preliminary inquiry or the trial, where the judgment granting it terminates the prosecution \$300

T97 Preparation for trial, including interviews with the accused and witnesses, visit to the scene of the crime and legal research (between preliminary inquiry and sentence if any) \$456

That fee shall be payable only where the trial is actually held and judgement delivered.

T98	Appearance and all stages of proceedings completed on the same day	\$58	<b>Indictable offences other than those within the exclusive jurisdiction of the Superior Court of criminal jurisdiction, under section 469 of the Criminal Code (Canada) and other than those within the exclusive jurisdiction of a judge of the provincial court under section 553 of the Criminal Code (Canada)</b>	
	The fee prescribed above includes the remuneration for the preparation work for those stages of the proceedings.			
T99	Bail hearing (if held after the day of appearance)	\$94	T110	All professional services rendered up to the final disposition of the case at first instance \$465
T100	Waiver of preliminary inquiry under section 549 of the Criminal Code (Canada)	\$35	T111	Notwithstanding section T-110 and if applicable, where the prosecution objects to release, for a bail hearing actually held \$100
T101	Preliminary inquiry, per day	\$181	T112	Notwithstanding section T-110, where the case requires a trial lasting more than one day, per additional half-day of trial:
T102	Attendance for order on preliminary inquiry or for voluntary examination (where witnesses are not heard)	\$20		(a) trial before judge and jury \$250
T103	Trial, per day	\$364		(b) trial before judge only \$190
T104	Junior counsel at trial, per day	\$117		
	The fee prescribed above applies only in cases of first-degree or second-degree murder and with the express prior consent of the general manager. The junior counsel is not entitled to preparation fees.		<b>Indictable offences under section 553 of the Criminal Code (Canada)</b>	
T105	Attendance for the purpose of entering a plea of guilty	\$117	T 113	All professional services rendered up to the final disposition of the case at first instance \$215
T106	Withdrawal of plea of guilty	\$117	T 114	Notwithstanding section T-113, where the case requires a trial lasting more than one day, per additional half-day of trial \$190
T107	Submissions as to sentence or submissions and sentence	\$117	<b>Summary convictions (charges brought under Part XXVII of the Criminal Code of Canada)</b>	
T108	Sentence only	\$20	T 115	All professional services rendered up to the final disposition of the case at first instance \$215
	The fees prescribed in section T-107 or T-108 apply only to attendance for sentence on a day other than the day on which the client was found guilty or on which he entered a plea of guilty.		T 116	Notwithstanding section T-115, where the case requires a trial lasting more than one day, per additional half-day of trial \$190
T109	Attendance for adjournment before the Superior Court of criminal jurisdiction or before a court of criminal jurisdiction	\$20	<b>Hearings under section 742.6 of the Criminal Code</b>	
	The advocate may not claim fees for more than two adjournments obtained at his request.		T 117	All professional services rendered up to the final disposition of the case \$200

**Preventive detention**

T 118	Preparation of the record for a contestation of an application for preventive detention under Part XXIV of the Criminal Code (Canada), including interviews and other necessary services	\$760
T 119	Hearing of a motion for preventive detention, per day	\$228

**Extraordinary remedies  
(Habeas Corpus, Certiorari, Prohibition,  
Mandamus)**

T 120	Preparation and service of the proceeding	\$250
T 121	Hearing on the merits	\$190

**Application for bail or for review of bail for  
an accused charged with an indictable offence**

T 122	For all services related to a motion addressed to a judge of the Superior Court of criminal jurisdiction	\$152
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**Special provisions applicable to young offenders**

T 123	All services rendered up to and including a final decision on an application for transfer under section 16 of the Young Offenders Act	\$400
T 124	All services rendered up to and including a final decision on an application for review under sections 28 to 32 of the Young Offenders Act	\$175

**APPEALS****Appeal by way of trial *de novo*  
(before a judge of the Superior Court of criminal  
jurisdiction)**

T 125	Drafting of all proceedings prior to the hearing, including attendances	\$91
T 126	Hearing on appeal from a judgment, per day	\$273
T 127	Hearing on appeal from a sentence only	\$140

T 128	Hearing on appeal from a judgment and a sentence, per day	\$322
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**Appeal by way of case stated**

T 129	Drafting and preparation of an application for a case stated	\$182
T 130	Attendance necessary before the trial court judge for the preparation of a case stated	\$91
T 131	Preparation of all other proceedings including attendance	\$91

T 132	Preparation and drafting of notice of appeal	\$28
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T 133	Hearing of appeal	\$273
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**Appeal to Court of Appeal on questions  
of law in summary conviction proceedings**

T 134	Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$91
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T 135	Hearing of application for leave to appeal	\$182
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T 136	Preparation of argument and factum	\$273
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T 137	Hearing of appeal	\$273
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**Appeal to Court of Appeal****(A) After verdict by jury**

T 138	Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$182
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T 139	Hearing of application for leave to appeal	\$182
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T 140	Preparation of argument and factum, where applicable	\$364
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T 141	Hearing of appeal	\$273
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**(B) Appeal from a judgment delivered by a judge without jury, a judge of the Court of Québec, Criminal Division, or a judge of the Court of Québec, Youth Division, under the Young Offenders Act**

T 142	Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$182
T 143	Hearing of application for leave to appeal	\$182
T 144	Preparation of argument and factum, where applicable	\$273
T 145	Hearing of appeal	\$273

**(C) Appeal from sentence only**

T 146	Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$182
T 147	Hearing of application for leave to appeal	\$182
T 148	Preparation of argument and factum, where applicable	\$182
T 149	Hearing of appeal	\$182

**(D) Appeal from verdict or judgment and sentence**

T 150	The fees prescribed in A or B are added to those prescribed in C with the exception of	
	(1) Hearing of applications for leave to appeal (T-139, T-147)	\$182
	(2) Hearing of appeals (T-141, T-149)	\$364

**(E) Bail**

T 151	Application for bail pending appeal (all proceedings, including hearing)	\$224
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**Appeal to the Supreme Court of Canada**

T 152	Application for leave to appeal, including preparation of notice of application for leave to appeal, memorandum of discussion and all other necessary preliminary proceedings, including attendances	\$140
T 153	Preparation prior to hearing of application for leave to appeal	\$182
T 154	All proceedings for bail, including the hearing of the application for leave to appeal	\$455
T 155	All proceedings for bail, including hearing and any other attendance	\$224
T 156	Drafting, service and filing of the notice of appeal and preparation of joint record	\$140
T 157	Preparation of the case and factum	\$546
T 158	Hearing of appeal	\$546

**Appeal from a judgment in respect of preventive detention**

T 159	Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$182
T 160	Preparation of argument and factum, where applicable	\$364
T 161	Hearing of appeal	\$273

**Appeal in respect of extraordinary remedies (Habeas Corpus, Certiorari, Prohibition, Mandamus)**

T 162	Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$182
T 163	Preparation of argument and factum, where applicable	\$364
T 164	Hearing of appeal	\$273

**Breach of condition  
(Under section 738(4) of the Criminal Code  
of Canada)**

T 165	Appearance and all stages of the proceedings completed on the same day	\$23
	The fee prescribed above comprises remuneration for preparation work for those stages of the proceedings.	
T 166	All professional services rendered after the day of appearance, including the hearing	\$76

**PART 5**

**TARIFF FOR MISCELLANEOUS PROCEEDINGS**

**Special interpretation and application rules**

T 167.	Where an advocate represents two or more recipients who are joined in law or in fact and are parties to one or more issues based on a cause of action of the same nature and heard before the same court or the same administrative body at or about the same time, the advocate is entitled only to the remuneration prescribed for the professional services rendered to one recipient, except in the case of a special consideration.
T 168.	Where a hearing does not terminate before 7:00 p.m. on the day on which it begins, the advocate is entitled to an additional fee of \$98 for the evening and for each additional half-day. For the purposes of this rule, 1:00 p.m. is the middle of the day.
T 169.	Where an appeal is heard in the Court of Québec, the fees are those prescribed for Class II-A of the civil tariff at first instance <i>mutatis mutandis</i> .
T 170.	Where an appeal is heard in Superior Court, the fees are those prescribed for Class II-B of the civil tariff at first instance <i>mutatis mutandis</i> .
T 171.	Where an appeal is heard in the Court of Appeal, the fees are those prescribed for Class II-B of the tariff of the Court of Appeal.
T 172.	Discontinuance at the hearing means discontinuance in open court in the presence of the adverse party.

T 173. An advocate receives a fixed amount of \$10 as a reimbursement of his cost of photocopies, facsimile copies, messenger services and stamps.

**Youth Protection Act**

T 174	Intervention with the Director of Youth Protection, including any voluntary measures prior to intervention in court; per attendance	\$50
T 175	All services rendered before the Court of Québec, Youth Division, up to a final decision, including any order on a motion to declare the safety or development of a child to be endangered	\$330
T 176	All services rendered before the Court of Québec, Youth Division, up to and including a final decision upon a motion for review of a decision or order	\$330
T 177	Notwithstanding the foregoing, where the final decision under sections T-175 and T-176 is delivered without any substantial contestation at the hearing on the merits, an advocate is entitled to only half of the fees, specifically	\$165
T 178	Where the recourse under section T-175 or T-176 is terminated by discontinuance:	
	(a) before the hearing	\$110
	(b) at the hearing	\$165
T 179	(a) All services rendered up to and including a final decision upon a motion for temporary shelter	\$115
	(b) Where the recourse is terminated by discontinuance	\$70
T 180	(a) All services rendered up to a final decision upon a motion for extension of an emergency order	\$115
	(b) Where the recourse is terminated by discontinuance	\$70
T 181	Attendance for adjournment or judgment	\$22

**Régie du logement**

T 182	All services rendered before the commissioner where resiliation or eviction is not sought:	
	(a) Upon a final decision in uncontested proceedings, including an agreement reached at the hearing or upon a final decision embodying a discontinuance at the hearing	\$98
	(b) Upon a final decision in contested proceedings	\$131
	(c) Upon filing of an out-of-court settlement reached before the hearing or upon filing of a discontinuance made before the hearing	\$65
T 183	All services rendered before the commissioner where resiliation or eviction is sought:	
	(a) Upon a final decision in uncontested proceedings, including an agreement reached at the hearing or upon a final decision embodying a discontinuance at the hearing	\$197
	(b) Upon a final decision in contested proceedings	\$262
	(c) Upon filing of an out-of-court settlement reached before the hearing or upon filing of a discontinuance made before the hearing	\$65
T 184	(a) All services rendered upon a motion for review before the Board up to and including a final decision	\$262
	(b) Upon filing of an out-of-court settlement or upon filing of a discontinuance	\$130
T 185	Incidental motion	\$66

**Proceedings in respect of work accidents and occupational diseases, crime victims compensation income security, unemployment insurance or employment insurance, pensions or automobile insurance or proceedings under the Act to secure the handicapped in the exercise of their rights****(A) Review of the decision of an administrative officer**

T 186	All services rendered upon a motion for review in a matter of work accident or occupational disease	\$250
T 187	All services rendered upon a motion for review in a matter other than the one governed by section T-186 up to and including a final decision	\$220

**(B) Application before an administrative tribunal of last instance**

T 188	All services rendered up to and including a final decision	\$459
	Where the appeal terminates by discontinuance or an out-of-court settlement:	
	(a) before the hearing	\$125
	(b) at the hearing	\$300

**Motion for clinical psychiatric examination**

T 189	(a) All services rendered up to and including a final judgment	\$164
	(b) Upon filing of a discontinuance	\$66

**Bankruptcy****(A) Application for discharge**

T 190	All services rendered up to and including a final judgment:	
	(a) uncontested	\$98
	(b) contested	\$262

**(B) Contestation of the application for an order requiring payment of a part of salary to the trustee**

T 191	All services rendered up to and including a final judgment	\$98
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**(C) Motion to withdraw property from the assets assigned to creditors**

T 192 All services rendered up to and including a final judgment \$98

**Immigration Act****(A) Immigration and Refugee Board**

T 193 Preparation of the Personal Information Form:

(a) main claimant form \$150

(b) form of each other member of the family in the same file \$50

T 194 (a) All the other services rendered up to and including a final decision before the adjudication division, the refugee determination division or the appeal division of the Immigration and Refugee Board \$250

(b) Services rendered during a hearing concerning detention before the IRB \$100

**(B) Federal Court (trial division)**

T 195 Preparation of the application for authorization to institute judicial review proceedings \$304

T 196 Hearing on the merits, per half-day \$136.50

**(C) Federal Court (appeal division)**

T 197 After filing of the notice of appeal, for any case terminated or appeal abandoned \$300

T 198 Hearing of the appeal on the merits \$900

**Tariff in parole proceedings****Before the Commission québécoise des libérations conditionnelles****Application for review of parole, application for review of a condition and post-suspension application**

T 199 All services rendered up to and including a final decision, whether the decision is made after examination of the record based on the written submissions or after the hearing \$200

**Appeal before the National Parole Board**

T 200 Standard application

(a) Preparation of standard hearing \$304

(b) Standard hearing, per day \$273

(c) Standard hearing, per half-day \$136.50

(d) Hearing on record and written submissions \$76

T 201 "Post Suspension" hearing

(a) Preparation of "post suspension" hearing \$100

(b) "Post suspension" hearing, per day \$273

(c) "Post suspension" hearing, per half-day \$136.50

(d) "Hearing on record and written submission" \$76

T 202 Adjournment

Attendance for adjournment \$20

**Appeal before the National Parole Board or the Commission judiciaire des libérations conditionnelles**

T 203 Same advocate at the hearing for parole

(a) Meeting(s) with the recipient \$91

(b) Preparation of the appeal factum \$182

T 204 New advocate for appeal

(a) Meeting(s) with the recipient \$91

(b) Preparation of the appeal factum \$273

**Correctional law in disciplinary proceedings**

T 205 (a) Preparation for hearing \$100

(b) Hearing \$91

**Coroner's inquest**

T 206	Preparation for coroner's inquest, including interviews with all witnesses, any visit to the scene of the death and legal research	\$76
T 207	Attendance at coroner's inquest, per day	\$181
1610		

**Draft Regulation**

Highway Safety Code  
(R.S.Q., c. C-24.2)

**Medical and optometrical standards for driving a road vehicle**  
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Regulation amending the Regulation respecting medical and optometrical standards for driving a road vehicle and the condition attached to a licence," the text of which appears hereafter, may be enacted by the government upon the expiry of 45 days following this publication.

Chapter 56 of the 1996 Statutes will, beginning on December 1, 1997, make it possible to require of a person who applies for a licence, an examination or assessment report prepared by a psychologist, an occupational therapist or a nurse. In addition, this act will make it possible to require that the examination or assessment be performed in a hospital centre or in a rehabilitation centre designated the Société de l'assurance automobile du Québec. To reflect these changes, this act will replace the concept of medical and optometrical standards by one of driver's health standards.

Furthermore, current regulatory provisions covering medical and optometrical standards with regard to alcoholism or drug dependency that apply to the issuing of a licence, and those invoking criteria whereby a licence is subject to a condition, do not operate efficiently in combating the problems of drug abuse and alcoholism.

This draft regulation amends these standards by prescribing that any person who has a drug or alcohol related problem, certified by a medical specialist or some other health professional, must produce an examination or assessment report that includes a supervision plan, and have satisfied the objectives set out in the plan. This draft regulation also makes it possible to subject the licence to a condition the purpose of which is to

restrict the driving of a road vehicle equipped with a device designed to ascertain the presence of alcohol in the driver's body and to prevent the vehicle from being started. Moreover, this draft regulation ensures concordance with chapter 56 of the 1996 Statutes on the aforementioned issues.

Further information may be obtained by contacting Ms. Huguette Dugas, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-1, C.P. 19600, Québec (Québec) G1K 8J6, Telephone (418) 528-3512.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the deadline to the Minister of Transportation, 700, boulevard René-Lévesque Est, 29th floor, Québec (Québec), G1R 5H1.

JACQUES BRASSARD,  
*Minister of Transport*

**Regulation to amend the Regulation respecting medical and optometrical standards for driving a road vehicle and the conditions attached to a licence**

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 619, pars. 2 and 8; 1996, c. 56, s. 133, par. 2)

**1.** The Regulation respecting medical and optometrical standards for driving a road vehicle and the conditions attached to a licence, made by Order in Council 32-89 dated 18 January 1989 and amended by section 258 of Chapter 83 of the statutes of 1990 and by the Regulation made by O.C. 169-93 dated 10 February 1993, is amended by substituting the following for the title:

**"Regulation respecting access to driving a road vehicle in connection with the health of drivers"**

**2.** The following is substituted for sections 45 and 46 of the Regulation:

"**45.** Chronic alcoholism or pharmaco-physiological dependence on ethyl alcohol is essentially inconsistent with driving a road vehicle unless the person meets the following conditions:

(1) he submits to the Société an examination or health assessment report covered by section 73 of the Highway Safety Code, as replaced by section 16 of Chapter 56 of the statutes of 1996, which includes a plan setting forth objectives to be reached that are consistent with driving a road vehicle;

(2) he has reached the objectives set out in the plan.

**46.** Drug dependency is essentially inconsistent with driving a road vehicle unless the person meets the following conditions:

(1) he submits to the Société an examination or health assessment report covered by section 73 of the Highway Safety Code, which includes a plan setting forth objectives to be reached that are consistent with driving a road vehicle;

(2) he has reached the objectives set out in the plan.”.

**3.** Section 59 of the Regulation is amended by substituting “comité consultatif sur la santé des conducteurs” for “comité consultatif médical et optométrique” in paragraph 2.

**4.** Section 60 of the Regulation is amended by substituting the following for paragraph 6:

“(6) the purpose of the condition is to prescribe periodic examinations and health assessments of the licence holder;

“(7) the purpose of the condition is to allow the person to drive a road vehicle if the vehicle is equipped with a device, approved by the Société, that is designed to ascertain the presence of alcohol in the driver’s body and to prevent the vehicle from being started.”.

**5.** The Regulation comes into force on December 1, 1997.

1601

## Draft Regulation

Public Buildings Safety Act  
(R.S.Q., c. S-3)

### Safety in public buildings — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting safety in public buildings, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to eliminate the requirements, provided for in section 4 of this Regulation, concerning the certificates and obliging owners of some buildings (a theatre, a hall for public lectures or

public amusements, a hotel that can accommodate at least 15 boarders, a college, a convent, a boarding school, a school or any other educational establishment) to hold a certificate of inspection signed by an inspector from the Régie du bâtiment du Québec.

The amendment is the result of the passage of Bill 103, first session 1995, an Act to amend the Public Buildings Safety Act (1995, c. 59) which also provides for amendments within this meaning. It is intended for about 11 000 public buildings for which the owner shall hold a certificate under this Regulation.

This bill also provides for adding a new exemption regarding monasteries, novitiates and convents that shelter in a same building or part thereof having no more than 3 stories in building height, a maximum number of 30 persons. Notwithstanding the foregoing, even though these buildings shall no longer be considered as public buildings, they shall remain subject to the Regulation respecting gas, electricity and plumbing and to the Regulation respecting pressure vessels and stationary engineers when there will be at least one worker employed.

Convents, monasteries and novitiates that are not exempted, built before 1 December 1976, which at least 90 % of their use is reserved for monks or novices, may be subject to either the current Regulation, or to specific security requirements provided for in the National Building Code of Canada 1990, English edition, N<sup>o</sup> 30620, published by the National Research Council of Canada. In that case, religious authorities shall prove their commitment by sending to the Régie du bâtiment du Québec, every 5 years, an attestation from a professional stating that the buildings in question meet the particular security requirements provided for in the Regulation. These requirements thus take into account the particular character of religious communities and their lifestyle.

These measures are intended, *inter alia*, for 773 monasteries, convents or novitiates identified in the Canadian Religious Conference-Québec (CRC-Q), of which 626 would be exempted from the Regulation draft. They fall within the scope of pursuing the objectives of the Régie du bâtiment du Québec concerning deregulation and the reduction of government interventions. On the one hand, they allow the Régie to guarantee a follow-up on buildings that are not exempted as public buildings and, on the other hand, to make religious authorities aware of their responsibilities regarding security management of those buildings.

Further information may be obtained by contacting Mr. Serge Hamel, Régie du bâtiment du Québec, 800, place d’Youville, 14<sup>e</sup> étage, Québec (Québec), G1R 5S3, tel.: (418) 646-4292, fax: (418) 646-9280.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Jean-Claude Riendeau, Chairman, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 6<sup>e</sup> étage, Montréal (Québec), H2M 2V2.

MATTHIAS RIOUX,  
*Minister of Labour*

## Regulation to amend the Regulation respecting safety in public buildings

Public Buildings Safety Act  
(R.S.Q., c. S-3, ss. 3 and 39)

**1.** The Regulation respecting safety in public buildings (R.R.Q., 1981, c. S-3, r. 4), amended by the Regulations made by Orders in Council 2477-82 dated 27 October 1982, 913-84 dated 11 April 1984, 2449-85 dated 27 November 1985, 88-91 dated 23 January 1991, 1441-93 dated 13 October 1993 and 466-95 dated 5 April 1995 and 783-97 dated 11 June 1997, is further amended in section 4:

(1) by substituting the following for the heading “Certification and attestation:”:

“Attestation:”; and

(2) by deleting subsections 1, 3 and 4.

**2.** Section 6 is amended:

(1) by substituting “subsection 6 of section 4, subsections 4, 4.1 and 4.2 of section 6” for “subsections 1 and 6 of section 4, subsections 4 and 4.1 of section 6, “ in the second paragraph of subsection 1;

(2) by inserting the following after subsection 4.1:

“(4.2) A monastery, a convent or a novitiate, whose owner is an incorporated religious corporation under a special Act of Québec or the Religious Corporation Act (R.S.Q., c. C-71), which constitutes a building or part thereof divided by a firewall within the meaning of the National Building Code of Canada 1990, NRCC English edition, N° 30620, published by the National Research Council of Canada, shall not be considered a public building, provided that the building or part thereof complies with the following conditions:

(a) it is occupied by no more than 30 persons;

(b) it has no more than 3 stories in building height.”.

“(4.3) A monastery, a convent or a novitiate built before 1 December 1976, not excluded within the mean-

ing of subsection 4.2, of which at least 90 % of the occupants are monks or novices and whose owner is an incorporated religious corporation under a special Act of Québec or the Religious Corporation Act, (R.S.Q., c. C-71), shall conform to the requirements of this Regulation unless the owner shows that this building complies with the provisions of the Building Code 1990 made by Order in Council 1440-93 dated 13 October 1993, concerning:

(a) the closures situated in the firewalls which are provided for in subsection 3.1.8. of the Code;

(b) the fire detections and the alarm systems which are provided for in subsection 3.2.4. of the Code;

(c) the exit enclosure and the integrity of exits which are provided for in section 3.4 of the Code.

To that effect, the owner must send to the Régie du bâtiment du Québec an attestation issued by a professional within the meaning of the Professional Code (R.S.Q., c. C-26), specialist on the subject, certifying the compliance to the requirements listed in subparagraphs *a* to *c* of the first paragraph and, subsequently, every 5 years.”.

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

1611

## Draft Regulation

Highway Safety Code  
(R.S.Q., c. C-24.2)

### Towing and impounding charges for roads vehicles seized

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation respecting towing and impounding charges for road vehicles seized under 209.1 and 209.2 of the Highway Safety Code,” the text of which appears hereafter, may be enacted by the government upon the expiry of 45 days following this publication.

Sections 209.1 and 209.2 of the Highway Safety Code (R.S.Q., c. C-24.2), enacted by section 65 of chapter 56 of the 1996 Statutes provide for the seizing and impounding of a vehicle for a period of 30 days when the driver drives without being the holder of a licence or is subject to a sanction handed down under certain sections of this code.

Paragraph (50) of section 621 of this code, enacted by paragraph (8) of section 137 of chapter 56 of the 1996 Statutes, establishes that the government may determine the towing and daily impounding charges for road vehicles seized under either of sections 209.1 and 209.2 of this code.

Chapter 56 of the 1996 Statutes provides for the seizing of a road vehicle for a duration of 30 days when the driver drives without being the holder of a licence or is subject to a sanction. It stipulates that towing and daily impounding charges are determined by regulation.

The charges are determined on the basis of the territory where the road vehicle is seized and the class of vehicles. The Montréal Urban Community and the highways of Québec form one territory and the other municipalities constitute a second territory. There are four classes of vehicles: those weighing over 3 000 kg, those weighing 3 000 kg or less, motorcycles and mopeds. For example, daily charges for impounding and towing are respectively \$8.00 and \$40.00 throughout Québec for a vehicle weighing 3 000 kg or less while charges amount to \$13.00 and \$75.00 in Montréal and \$10.00 and \$60.00 in Abitibi for a vehicle over 3 000 kg.

The number of impoundings is estimated at 40,000 per year, which represents about \$300.00 in charges for each offender.

Further information may be obtained by contacting Mr. Marcel Lesieur, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-1, C.P. 19600, Québec (Québec) G1K 8J6, Telephone (418) 528-4417.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the deadline to the Minister of Transportation, 700, boulevard René-Lévesque Est, 29<sup>th</sup> floor, Québec (Québec), G1R 5H1.

JACQUES BRASSARD,  
*The Minister of Transport*

## Regulation respecting towing and impounding charges for road vehicles seized under sections 209.1 and 209.2 of the Highway Safety Code

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 621, par 50; 1996, c. 56, s. 137, par. 8)

**1.** In this Regulation:

(1) "Category 1 vehicle" means a road vehicle whose net weight is more than 3000 kg;

(2) "Category 2 vehicle" means a road vehicle whose net weight is 3000 kg or less, except for motorcycles and mopeds;

(3) "Category 3 vehicle" means a motorcycle;

(4) "Category 4 vehicle" means a moped.

**2.** The charge for the towing of a road vehicle seized under either section 209.1 or section 209.2 of the Highway Safety Code (R.S.Q. c. C-24.2), instituted by section 65 of Chapter 56 of the statutes of 1996, and the daily impounding charge for such a vehicle are as follows:

(1) for a vehicle seized on an expressway or within the Montréal Urban Community, the charges are those shown in Schedule I for that category of vehicle;

(2) for a vehicle seized anywhere other than on an expressway or within the Montréal Urban Community, the charges are those shown in Schedule II for that category of vehicle.

**3.** The towing charge set in section 2 applies to towing over a distance of 25 kilometres or less.

Where the towing distance is greater than 25 kilometres, the charge for towing is the sum of the charge prescribed in the first paragraph and the product of multiplying the number of kilometres over 25 by \$1.

**4.** This Regulation comes into force on December 1, 1997.

### SCHEDULE I

(s. 2, par. 1)

Category of vehicle	Towing charge	Daily impounding charge
Category 1 vehicle	\$75	\$13
Category 2 vehicle	\$40	\$8
Category 3 vehicle	\$40	\$5
Category 4 vehicle	\$25	\$5



**SCHEDULE II**

(s. 2, par. 2)

<b>Category of vehicle</b>	<b>Towing charge</b>	<b>Daily impounding charge</b>
Category 1 vehicle	\$60	\$10
Category 2 vehicle	\$40	\$8
Category 3 vehicle	\$30	\$4
Category 4 vehicle	\$25	\$4

1604



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

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