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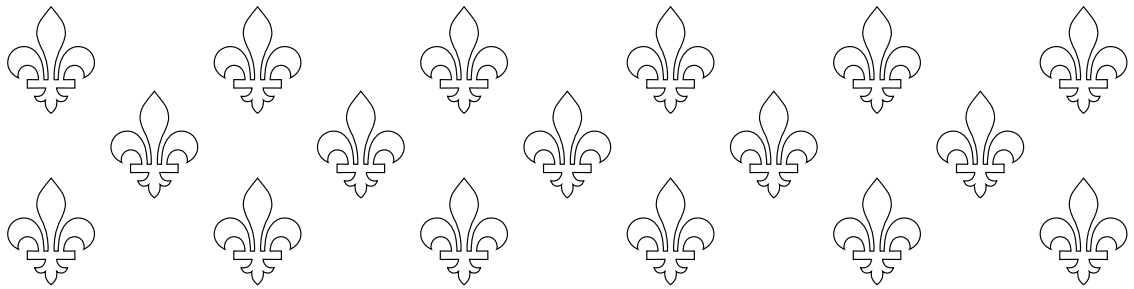
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NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 216

(Private)

An Act to amend the charter of the city of Montréal

Introduced 13 May 1997

Passage in principle 18 June 1997

Passage 18 June 1997

Assented to 19 June 1997

**Québec Official Publisher
1997**

Bill 216

(Private)

AN ACT TO AMEND THE CHARTER OF THE CITY OF MONTRÉAL

WHEREAS it is in the interest of the city of Montréal that its charter, chapter 102 of the statutes of 1959-60, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The charter of the city of Montréal (1959-60, chapter 102) is amended by inserting, after article 10*p*, the following article:

“**10*q*.** Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the city may

(1) participate as a member in or provide aid to a body or legal person devoted to the implementation of research, development or experimental projects relating to soil decontamination or site rehabilitation;

(2) participate as a member, shareholder or sponsor, as the case may be, in bodies or legal persons engaged in the distribution and marketing of technological processes or innovations which are designed or developed by a body or legal person referred to in paragraph 1.”

2. Article 109 of the said charter, replaced by section 9 of chapter 111 of the statutes of 1987 and amended by section 4 of chapter 82 of the statutes of 1991 and section 5 of chapter 54 of the statutes of 1994, is again amended by replacing the third paragraph by the following paragraph:

“The executive committee may delegate the exercise of the power mentioned in the first paragraph to the director general or to the head of the department concerned. In such a case, the report, and the reasons for the decision, shall be submitted to the executive committee by the director general or, where applicable, by the department head, subject to the same requirements.”

3. Article 131*j* of the said charter, introduced by section 2 of chapter 117 of the statutes of 1986 and amended by section 14 of chapter 54 of the statutes of 1994, is again amended

(1) by replacing the words “to an officer” in the first paragraph by the words “to the director general or to another officer or employee”;

(2) by replacing the words “The officer” in the third paragraph by the words “The director general, the officer or the employee”.

4. Title II of the said charter is amended by inserting, after Chapter VII, the following chapter :

“CHAPTER VIII

“DIRECTOR GENERAL

“131k. The council may, on the recommendation of the executive committee, appoint a director general.

“131l. The director general is the chief officer of the city.

The director general has authority over all the other officers and employees of the city, including those of the electrical commission. With respect to an officer or employee whose duties are prescribed by law, the authority of the director general is exercised only within the framework of his duties as the administrator of human, material and financial resources of the city and may in no case hinder the carrying out of duties that are prescribed by law.

“131m. Under the authority of the executive committee, the director general is responsible for the administration of the city and, for that purpose, he shall plan, organize, direct and supervise the activities of the city.

“131n. In the application of articles 131l and 131m, the director general shall, in particular, perform the following duties :

(1) he shall ensure communication between the executive committee and the city departments ; he shall have access to every document of the city and may require any document or information from any officer or employee which he may need in the performance of his duties ;

(2) with the collaboration of the department heads, he shall coordinate the preparation of the budget, the triennial program of capital expenditures and any other plan, project or program for the orderly management of the city ;

(3) he shall report to the executive committee on any subject or matter submitted by the departments, and he may submit his own recommendation ;

(4) he shall attend the meetings of the executive committee and, with the permission of the chairman of the meeting, give his advice on the matters debated, without having the right to vote ;

(5) subject to the powers conferred by law on the mayor and the executive committee, he shall see to it that by-laws, resolutions and contracts are implemented and that the funds are used for the purposes for which they were voted.

“**131o.** If the director general is absent or unable to act, or if the office of director general is vacant, the executive committee may designate temporarily a person to replace him for a period not exceeding 180 consecutive days.

On the expiry of the period prescribed in the first paragraph, the council may, if the absence, inability to act or vacancy continues, designate temporarily a person to replace the director general for the period it determines. The replacement may be renewed.”

5. Article 134 of the said charter, replaced by section 4 of chapter 117 of the statutes of 1986 and amended by section 16 of chapter 54 of the statutes of 1994, is again amended

(1) by replacing the words “executive committee” in the first paragraph by the words “director general”;

(2) by inserting the words “on the recommendation of the director general,” after the words “executive committee” in the second paragraph;

(3) by replacing the words “at its” in the third paragraph by the words “or to the director general, at their”.

6. Chapter II of Title III of the said charter, comprising articles 142 to 146, is repealed.

7. Article 649a of the said charter, replaced by section 38 of chapter 71 of the statutes of 1982, is again replaced by the following article:

“**649a.** The council may, by by-law, authorize the executive committee to grant, notwithstanding any planning by-law, a personal and untransferable authorization to lay out a parking area or operate it as a parking lot.

The by-law must prescribe

(1) the procedure governing applications for authorization made to the executive committee;

(2) the criteria on which applications are assessed, which may vary according to the parts of the territory and, where applicable, according to such categories of parking area as may be established by the by-law.

The executive committee may, in each case in which it grants authorization,

(1) prescribe the conditions of layout and use to be complied with;

(2) require the furnishing of a guarantee in an amount it considers sufficient to ensure that the layout is effected as set out in the authorization, and require that the guarantee be maintained for the duration of the authorization;

(3) determine the duration of the authorization.

The executive committee may revoke an authorization at any time, even before the expiry of the duration determined under subparagraph 3 of the third paragraph, on 30 days' written notice to the holder of the authorization, where

(1) the information provided with the application for authorization was false or inaccurate;

(2) the conditions of layout and use prescribed under subparagraph 1 of the third paragraph have not been complied with;

(3) the person has failed to maintain the guarantee referred to in subparagraph 2 of the third paragraph.

An application for authorization may not be submitted to the executive committee for a site on all or part of which a parking area or parking lot is already in operation, unless the application concerns the renewal or amendment of a prior authorization or unless the application is made to extend an existing parking area or parking lot that is in compliance with city by-laws or that is not in compliance with city by-laws but is protected by an acquired right.

In addition to any other ground it may invoke, the executive committee may refuse to grant an authorization on the ground that, in the two years preceding the application,

(1) it has refused another application from the same applicant, or from any other person, in connection with all or part of the same site;

(2) it has, pursuant to the fourth paragraph, revoked a previous authorization to lay out or operate a parking area or parking lot on all or part of the same site.

A copy of the decision of the executive committee shall be sent to the person applying for the authorization. In the case of a refusal, the executive committee shall give reasons."

8. Articles 659 and 660 of the said charter are repealed.

9. Article 681*a* of the said charter, enacted by section 13 of chapter 52 of the statutes of 1976 and amended by section 29 of chapter 22 of the statutes of 1979, section 26 of chapter 87 of the statutes of 1988 and section 11 of chapter 74 of the statutes of 1995, is again amended by replacing the words "30 September" in the first line of the second paragraph by the words "15 December".

10. Article 707*a* of the said charter, enacted by section 64 of chapter 59 of the statutes of 1962 and amended by section 1 of chapter 84 of the statutes of 1965, section 34 of chapter 96 of the statutes of 1971, section 14 of chapter 76 of the statutes of 1972, section 68 of chapter 77 of the statutes of 1973, section 1 of chapter 85 of the statutes of 1975, section 14 of chapter 52 of the statutes of 1976, section 213 of chapter 38 of the statutes of 1984, section 27 of chapter 87 of the statutes of 1988 and section 20 of chapter 90 of the

statutes of 1990, is again amended by replacing the words “executive secretary of the city” in the third paragraph of paragraph 3 by the words “director general”.

11. The said charter is amended by inserting, after article 733, the following article :

“733.1. The auditor is responsible for applying city policies and standards concerning the management of the human, material and financial resources allocated to auditing.”

12. Article 738 of the said charter, replaced by section 55 of chapter 71 of the statutes of 1982 and amended by section 219 of chapter 38 of the statutes of 1984, is again amended by replacing the words “executive secretary of the city” in the first paragraph by the words “director general”.

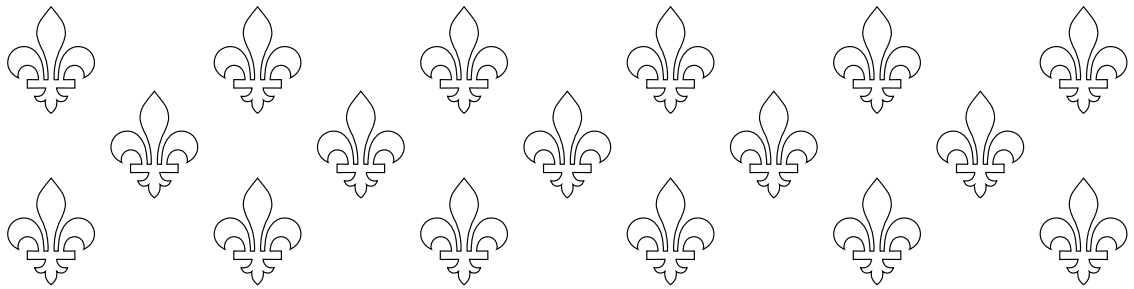
13. Article 739 of the said charter, replaced by section 55 of chapter 71 of the statutes of 1982 and amended by section 220 of chapter 38 of the statutes of 1984, is again amended by replacing the words “executive secretary of the city” in the first and second paragraphs by the words “director general”.

14. Section 24 of chapter 54 of the statutes of 1994 is amended by replacing the words “and 1997” in the second line by the words “, 1997 and 1998”.

15. Authorizations granted by the executive committee under article 649*a* of the charter of the city of Montréal (1959-60, chapter 102) before the coming into force of section 7 are deemed to have been granted under that article. The executive committee may exercise, in respect of such authorizations, the powers provided for in subparagraphs 1 and 2 of the fourth paragraph of article 649*a*, as replaced by section 7, and the authorizations must be taken into consideration for the purposes of the fifth and sixth paragraphs of the said article.

Similarly, an application for authorization made before the coming into force of section 7 must be taken into consideration for the purposes of the sixth paragraph of article 649*a*, as replaced by section 7.

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 225

(Private)

An Act respecting Ville d'Otterburn Park

Introduced 8 May 1997

Passage in principle 18 June 1997

Passage 18 June 1997

Assented to 19 June 1997

**Québec Official Publisher
1997**

Bill 225

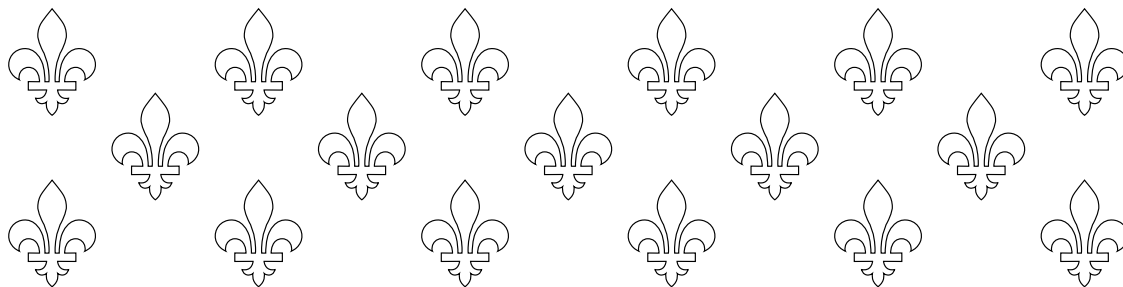
(Private)

AN ACT RESPECTING VILLE D'OTTERBURN PARK

WHEREAS it is in the interest of Ville d'Otterburn Park that its by-laws 385 and 388 be confirmed;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

- 1.** By-law 385 of Ville d'Otterburn Park may not be annulled on the ground that it did not come into force within the time set out in section 5 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).
- 2.** By-law 388 of the town may not be annulled on the ground that the draft by-law preceding it did not contain a map or sketch of the proposed electoral districts as required under section 15 of the Act respecting elections and referendums in municipalities.
- 3.** The secretary-treasurer of Ville d'Otterburn Park shall enter a reference to this Act in the register of by-laws of the town at the end of By-laws 385 and 388.
- 4.** This Act comes into force on 19 June 1997.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 232

(Private)

An Act respecting Ville de Trois-Rivières

Introduced 14 May 1997

Passage in principle 18 June 1997

Passage 18 June 1997

Assented to 19 June 1997

**Québec Official Publisher
1997**

Bill 232

(Private)

AN ACT RESPECTING VILLE DE TROIS-RIVIÈRES

WHEREAS it is in the interest of Ville de Trois-Rivières that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Ville de Trois-Rivières is authorized to grant subsidies for the conversion, for housing purposes, of the immovable described in the schedule to this Act.

2. The subsidies may be granted only where the following requirements are met :

(1) all buildings and equipment existing on 19 June 1997 on the immovable have been demolished, dismantled or removed ;

(2) where necessary, the immovable has been decontaminated and rehabilitated so that it may be used for housing purposes ;

(3) the residential buildings to be erected on the immovable meet the requirements of the urban planning regulation currently in force.

3. The subsidies referred to in sections 1 and 2 shall be paid only as and when the construction work for housing purposes is completed.

4. Section 6 of the Act respecting the city of Trois-Rivières (1993, chapter 92) is amended by replacing the words “125 to 129” in the third line of the first paragraph by the words “124 to 127”.

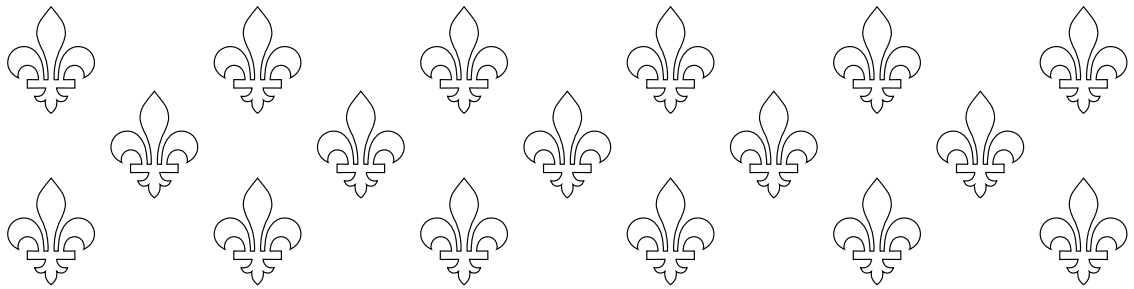
5. Section 7 of the said Act is amended by replacing the words “July 1997” in the second line of the second paragraph by the words “June 1998 or, if an agreement provided for in section 3 is entered into on or before that date, after 1 July 1999”.

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

SCHEDULE

A territory situated in Ville de Trois-Rivières, comprised in the cadastre of the city of Trois-Rivières and enclosed within the limits hereinafter described, to wit: starting from the east corner of lot 1119-80; southwesterly, the northwest right of way of lot 1119-83 (rue Père-Marquette) to the dividing line between lots 1119-74 and 1119-73; northwesterly, the northeast line of lot 1119-73 and its extension on lot 1108, for a distance of 1.52 metres; northeasterly, on lot 1108, a line 1.52 metres from the dividing line between lot 1108 and lots 1119-74 to 1119-76, running parallel for a distance of 39.54 metres; northwesterly, on lots 1108, 1109 and 1110, a line 7.62 metres from the dividing line between lots 1108, 1109 and 1110 and lots 1119-612 to 1119-619, running parallel for successive distances of 72.46 metres and 60.88 metres; northeasterly, on lot 1110, the extension of the dividing line between lots 1119-619 and 1119-620, for a distance of 7.62 metres, and the southeast line of lot 1119-620 to the southwest right of way of lot 1119-82 (rue de Courval); southeasterly, the southwest right of way of lot 1119-82 (rue de Courval) to the starting point.

All distances in metres (SI).



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 239

(Private)

An Act respecting Ville de Gatineau

Introduced 19 December 1996

Passage in principle 18 June 1997

Passage 18 June 1997

Assented to 19 June 1997

**Québec Official Publisher
1997**

Bill 239

(Private)

AN ACT RESPECTING VILLE DE GATINEAU

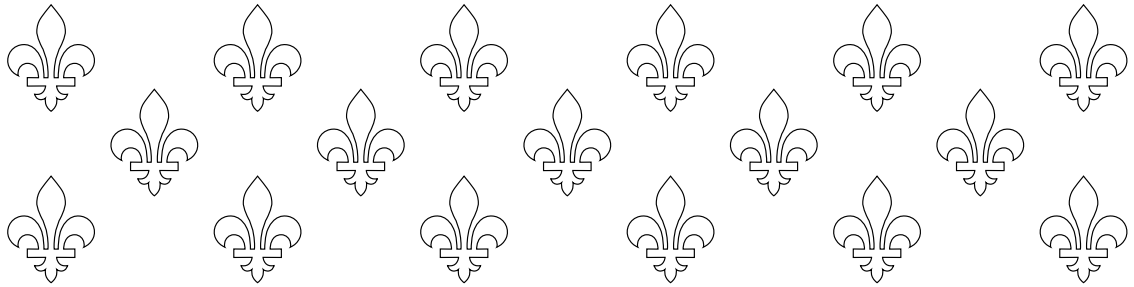
WHEREAS it is in the interest of Ville de Gatineau that it be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 328 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city by replacing the first paragraph by the following paragraph:

“328. The council shall elect, under the chairmanship of the clerk, one of its members to act as chairman at sittings of the council. In the case of a tie, the mayor has a casting vote. If the chairman is absent from a sitting of the council, the council shall choose one of its members to act as chairman.”

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 242

(Private)

**An Act respecting Municipalité régionale
de comté d'Antoine-Labelle, the Régie
intermunicipale des déchets de la Rouge
and the Régie intermunicipale des déchets
de la Lièvre**

Introduced 13 May 1997

Passage in principle 18 June 1997

Passage 18 June 1997

Assented to 19 June 1997

Bill 242

(Private)

AN ACT RESPECTING MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ANTOINE-LABELLE, THE RÉGIE INTERMUNICIPALE DES DÉCHETS DE LA ROUGE AND THE RÉGIE INTERMUNICIPALE DES DÉCHETS DE LA LIÈVRE

WHEREAS it is in the interest of Municipalité régionale de comté d'Antoine-Labelle that certain powers be granted to it;

Whereas it is in the interest of the Régie intermunicipale des déchets de la Rouge and the Régie intermunicipale des déchets de la Lièvre that certain acts and contracts performed or entered into be declared valid;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

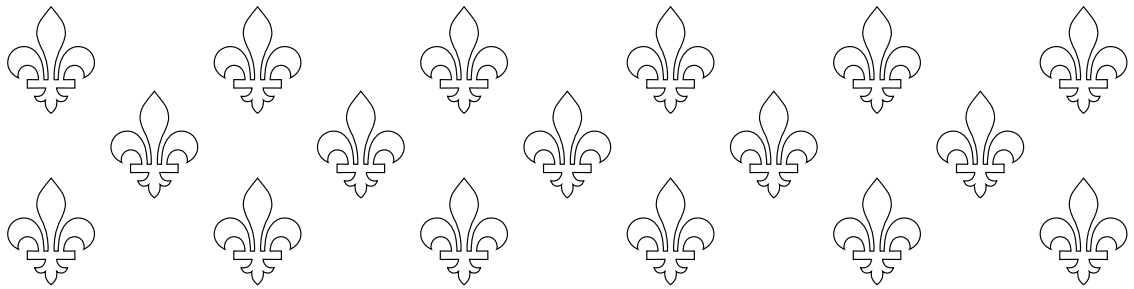
- 1.** Municipalité régionale de comté d'Antoine-Labelle is authorized to entrust the management of the recycling plant situated at 402 Route 117 South, at Marchand, to an intermunicipal board whose territory coincides in whole or in part with the territory of the regional county municipality, notwithstanding any exercise of the right of withdrawal in respect of that jurisdiction by the municipalities whose territory forms part of the territory of the regional county municipality.
- 2.** Acts performed after 1 May 1995 by the Régie intermunicipale des déchets de la Rouge and by the Régie intermunicipale des déchets de la Lièvre concerning the management and operation of the recycling plant mentioned in section 1 may not be invalidated on the ground that those intermunicipal boards could not legally carry out such management and operation jointly.
- 3.** The intermunicipal board referred to in section 1 is authorized to enter into contracts resulting from calls for tenders made jointly by the intermunicipal boards mentioned in section 2.
- 4.** The apportionment of the aliquot shares of the operating costs that is made by the intermunicipal boards mentioned in section 2 from 1 January 1997 until the coming into force of agreements establishing a new mode of apportionment may not be invalidated on the ground that those agreements were not approved by the Minister of Municipal Affairs.

5. The board of directors of the intermunicipal board referred to in section 1, provided that at least 20 municipalities are parties to the agreement under which it was established, may by by-law

- (1) establish an executive committee consisting of five members ;
- (2) prescribe the rules and conditions of appointment of the members of the executive committee and also of their revocation, should that need arise ;
- (3) delegate its powers to the executive committee, except the power to make by-laws ;
- (4) establish the quorum of the executive committee and the rules for the calling of meetings ; and
- (5) establish the number of votes allocated to each member and the majority required for the making of decisions.

6. This Act does not affect any case pending on 2 April 1997.

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 244

(Private)

An Act respecting Ville de Lac-Mégantic

Introduced 12 June 1997

Passage in principle 19 June 1997

Passage 19 June 1997

Assented to 19 June 1997

**Québec Official Publisher
1997**

Bill 244

(Private)

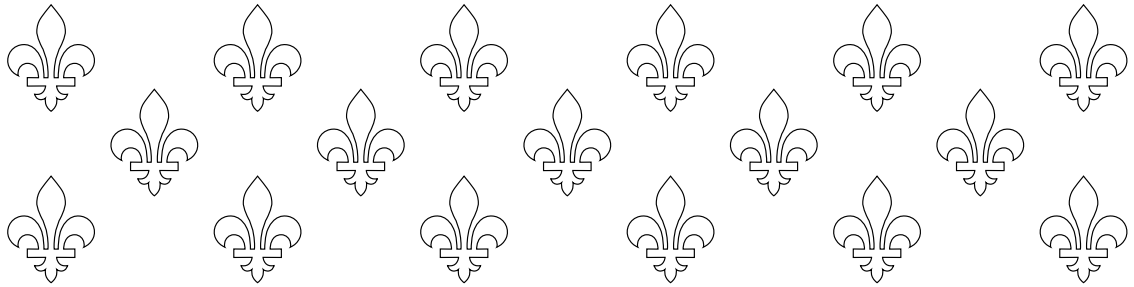
AN ACT RESPECTING VILLE DE LAC-MÉGANTIC

WHEREAS it is in the interest of Ville de Lac-Mégantic and necessary for its proper administration that the city be granted powers relating to its industrial development;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

- 1.** Ville de Lac-Mégantic may, by by-law, order the construction and acquisition of a railway siding in its territory with a view to furthering its industrial development.
- 2.** The council may, for the purposes set out in section 1, acquire by agreement or by expropriation such immovables, servitudes and other rights as are necessary.
- 3.** Sections 573 and 573.1 of the Cities and Towns Act (R.S.Q., chapter C-19) do not apply to any contract awarded by the city as regards a railway siding referred to in section 1.
- 4.** The unsubsidized cost of the construction and acquisition of the private railway siding referred to in section 1 shall be charged upon all taxable immovables in the territory of the city.

Any special tax ordered in a loan by-law passed for that purpose shall be levied on those immovables on the basis of their value as entered on the assessment roll in force each year.
- 5.** In addition to its tariffing powers under the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the city may, by by-law, require a compensation for the use of the railway siding to cover maintenance, repair and insurance costs and other current expenditure. The compensation may be based on the annual tonnage of merchandise transported or on other criteria determined by the council.
- 6.** This Act comes into force on 19 June 1997.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 245

(Private)

An Act respecting Municipalité de Pintendre

Introduced 20 May 1997
Passage in principle 18 June 1997
Passage 18 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

Bill 245

(Private)

AN ACT RESPECTING MUNICIPALITÉ DE PINTENDRE

WHEREAS it is in the interest of Municipalité de Pintendre and necessary for its proper administration that the municipality be granted certain powers relating to its industrial development;

Whereas the municipality intends to construct railway sidings to foster industrial development and the servicing of industries situated on its territory;

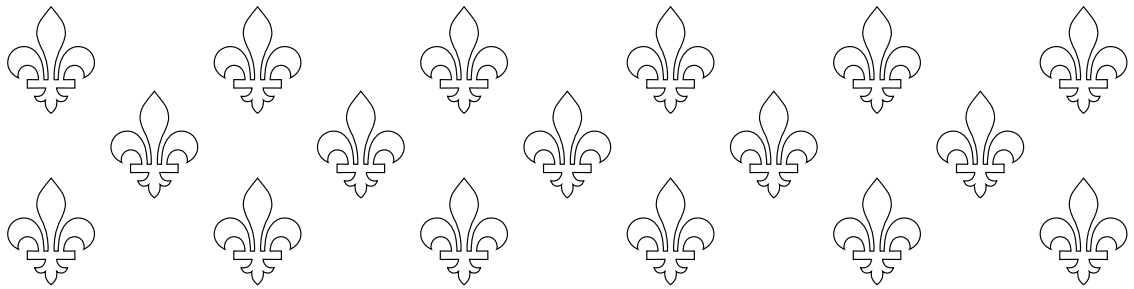
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Municipalité de Pintendre may, by by-law, order the construction of railway sidings with a view to fostering its industrial development.
- 2.** The municipality may, for the purposes set out in section 1, acquire by agreement or by expropriation such immovables, servitudes, rights of superficies and other rights as are necessary.
- 3.** The unsubsidized part of the construction cost of a railway siding shall be charged upon all taxable immovables within the territory of the municipality.

Any special tax ordered in a loan by-law passed for that purpose shall be levied on the immovables on the basis of their value as entered on the assessment roll in force each year.

4. In addition to its tariffing powers under the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the municipality may, by by-law, impose a compensation for the use of a railway siding to cover maintenance, repair and insurance costs and other current expenditure. Such compensation may be based on the annual tonnage of merchandise transported or on other criteria determined in the by-law.

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 251

(Private)

**An Act respecting the Régie intermunicipale
de gestion des déchets sur l'Île de Montréal**

**Introduced 14 May 1997
Passage in principle 18 June 1997
Passage 18 June 1997
Assented to 19 June 1997**

**Québec Official Publisher
1997**

Bill 251

(Private)

AN ACT RESPECTING THE RÉGIE INTERMUNICIPALE DE GESTION DES DÉCHETS SUR L'ÎLE DE MONTRÉAL

WHEREAS it is expedient to grant additional powers to the Régie intermunicipale de gestion des déchets sur l'Île de Montréal;

Whereas the management board and Ville de Montréal have adopted a joining agreement which was ratified by all the municipalities in whose territory the management board has jurisdiction;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Cities and Towns Act (R.S.Q., chapter C-19) is amended for the Régie intermunicipale de gestion des déchets sur l'Île de Montréal, hereinafter referred to as “the management board”, by inserting, after section 468.6, the following section :

“**468.6.1.** The agreement may limit or exclude a municipality’s liability arising, even indirectly, from debts or obligations of the management board contracted before the municipality joined the agreement.”

2. Section 468.10 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended, for the management board, by replacing paragraph 2 by the following paragraph :

“(2) the place of its head office, unless the agreement provides that it may be determined by resolution of the management board, which must be situated in either case in the territory of one of the municipalities that are parties to the agreement;”.

3. Section 468.16 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended, for the management board, by adding, at the end, the following paragraph :

“The agreement may provide for the mode of designation of a delegate. It may also provide that the mayor is, by virtue of his office, the delegate of the municipality or, if there is more than one delegate, that the mayor is one of them by virtue of his office.”

4. Sections 468.16.1 to 468.16.5 of the said Act, enacted for the management board by section 1 of chapter 101 of the statutes of 1989, are replaced by the following sections :

“**468.16.1.** Under the agreement, an executive committee of not fewer than eight members may be set up for the management board ; the composition of the executive committee and the rules and conditions of appointment and revocation of its members shall be set out in the agreement, as well as the quorum for meetings, the number of votes granted to each committee member and the majority required for the making of decisions.

The quorum set out in the agreement may require the presence at meetings of a specified proportion of delegates from one or more municipalities.

The majority required by the agreement for the making of decisions may be a specified majority of members or a specified majority of votes cast by delegates from one or more municipalities.

“**468.16.2.** The board of directors of the management board may, by by-law,

(1) delegate its powers to the executive committee, except the power to make by-laws ;

(2) provide that a resolution of the executive committee that has been signed by all its members has the same force as if it had been adopted by the executive committee at a meeting.”

5. Section 468.16.8 of the said Act, enacted for the management board by section 1 of chapter 101 of the statutes of 1989, is repealed.

6. Section 468.19 of the said Act is amended, for the management board, by adding, at the end, the following paragraph :

“However, the agreement may provide for a different quorum, in particular by requiring the presence of a specified proportion of delegates from one or more municipalities.”

7. Section 468.20 of the said Act is amended, for the management board, by adding, at the end, the following paragraph :

“However, the agreement may establish different rules for the making of decisions, in particular by providing that decisions of the board of directors require a majority of members or of votes cast by the delegates, as the case may be, from one or more municipalities.”

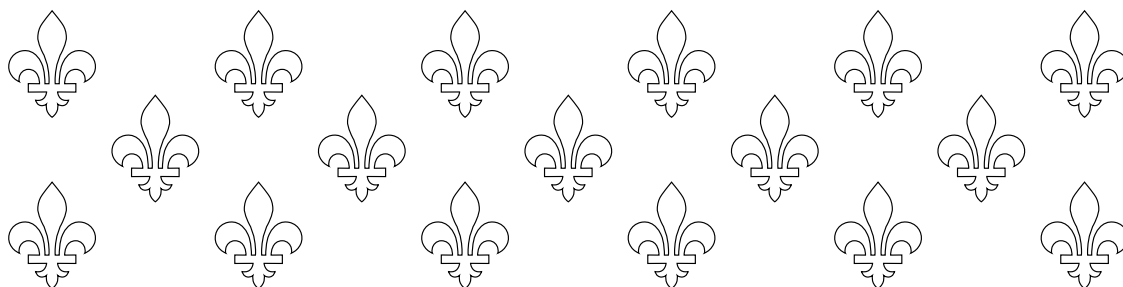
8. Section 468.52 of the said Act is amended, for the management board, by replacing the first paragraph by the following paragraph :

“468.52. The management board may enter into an agreement with a municipality, by whatever Act governed and whether or not the management board has jurisdiction in its territory, with an urban community or with another board to supply or receive services or to receive a delegation of jurisdiction under paragraph 2 of section 468.7. Sections 468 to 468.9, adapted as required, apply to the agreement.”

9. Until the coming into force of an agreement to set up an executive committee in accordance with section 468.16.1 of the Cities and Towns Act as enacted for the management board by section 4 of this Act, the executive committee set up under section 468.16.1 of the Cities and Towns Act, as enacted for the management board by section 1 of the Act respecting the Régie intermunicipale de gestion des déchets sur l'Île de Montréal (1989, chapter 101) shall continue to exist and sections 468.16.1 to 468.16.8 of the said Act shall continue to apply to it.

Until the coming into force of a by-law passed by the board of directors of the management board under paragraph 1 of section 468.16.2 of the Cities and Towns Act as enacted by section 4 of this Act, the powers of the executive committee set up under the agreement referred to in the first paragraph are the powers provided for in sections 468.16.5 and 468.16.8 of the Cities and Towns Act as enacted for the management board by section 1 of the Act respecting the Régie intermunicipale de gestion des déchets sur l'Île de Montréal (1989, chapter 101).

10. This Act comes into force on 19 June 1997 but has effect from 14 March 1997.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 252

(Private)

An Act respecting Ville de Beauceville

Introduced 20 May 1997

Passage in principle 18 June 1997

Passage 18 June 1997

Assented to 19 June 1997

**Québec Official Publisher
1997**

Bill 252

(Private)

AN ACT RESPECTING VILLE DE BEAUCEVILLE

WHEREAS it is in the interest of Ville de Beauceville that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Ville de Beauceville may acquire, for industrial, para-industrial or research purposes, the immovable described in the schedule to this Act and may convert the immovable into divided co-ownership.

The declaration of co-ownership shall provide that the city council is to act as administrator for as long as the city owns 50% or more in value of the fractions.

The rules for awarding contracts applicable to the city apply to the awarding of contracts by the administrators or the general meeting of co-owners for as long as the city holds a fraction, to the extent that the portion of the proposed expenditure chargeable to the city, taking into account the fractions it holds, attains or exceeds the amounts referred to in those sections.

2. Ville de Beauceville is authorized to alienate, for industrial, para-industrial or research purposes, the immovable mentioned in section 1 in favour of a non-profit organization.

3. Ville de Beauceville is authorized to subsidize the non-profit organization mentioned in the preceding section and to become surety for the organization's commitments up to the cost of acquisition by the city of the immovable mentioned in section 1.

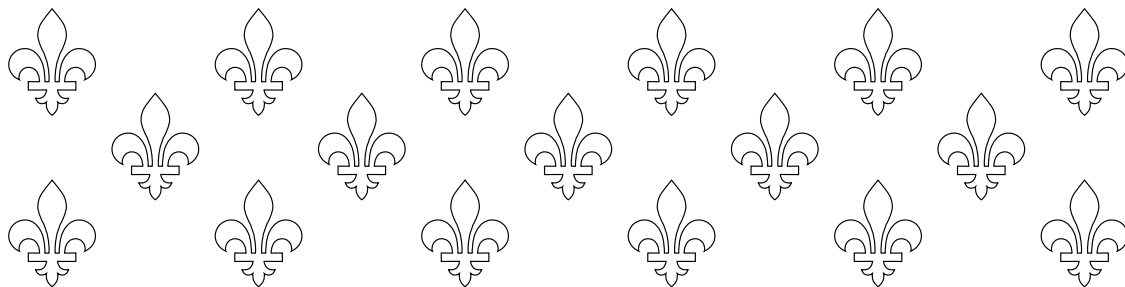
4. The Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1), adapted as required, applies to the immovable referred to in section 1 and, as the case may be, to each fraction of the immovable converted into divided co-ownership.

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

SCHEDULE

Lots 84-4-9, 86-3-3 and 87-29-30 of the cadastre of the parish of Saint-François in the registration division of Beauce.

The part of lot 84-1 of irregular shape, measuring 10.97 metres along its first northeast line bordering on another part of the said lot 84-1, 91.22 metres along its southeast line bordering on lot 84-4-9, 40.54 metres along its southwest line along an arc of circle having a radius of 863.19 metres bordering on the Quebec Central Railway land, 35.47 metres along its first northwest line bordering on another part of lot 84-1, 15.82 metres along its second northeast line bordering on another part of lot 84-1 and 57.69 metres along its second northwest line bordering on another part of lot 84-1, of the cadastre of the parish of Saint-François in the registration division of Beauce and containing an area of 2151.3 square metres.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 254

(Private)

An Act respecting Trust Bonaventure inc.

Introduced 29 May 1997
Passage in principle 18 June 1997
Passage 18 June 1997
Assented to 19 June 1997

Québec Official Publisher
1997

Bill 254

(Private)

AN ACT RESPECTING TRUST BONAVENTURE INC.

WHEREAS Trust Bonaventure inc. (hereinafter referred to as the “Company”) is a trust company incorporated by letters patent issued on 8 June 1989 under the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) and is governed by that Act;

Whereas The Standard Life Assurance Company, for the purpose of more effectively integrating its operations with those of its subsidiaries, wishes to have its subsidiaries governed by the same legislative authority;

Whereas, as a consequence, Trust Bonaventure inc., a subsidiary of The Standard Life Assurance Company, wishes to be continued under the Trust and Loan Companies Act (S.C., 1991, chapter 45);

Whereas the Trust and Loan Companies Act allows a body corporate incorporated otherwise than by or under an Act of Parliament to apply for letters patent of continuance under that Act if the laws of the jurisdiction where it is incorporated authorize the body corporate to apply therefor;

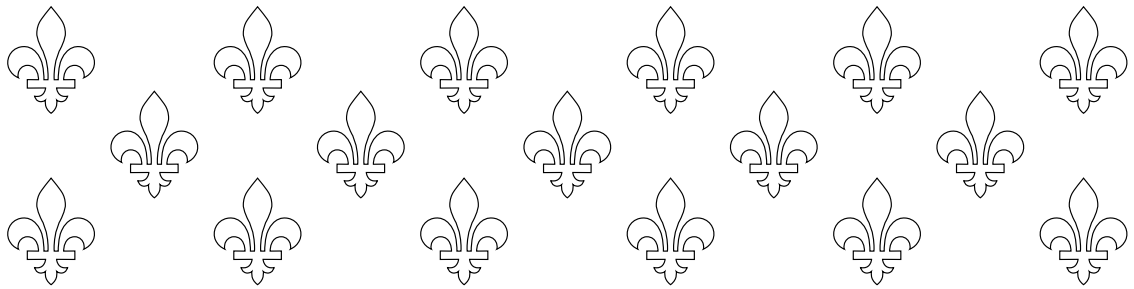
Whereas there is no Québec legislative provision authorizing a trust company incorporated in Québec to apply for the issue of such letters patent of continuance;

Whereas the Company satisfies the requirements under the Act respecting trust companies and savings companies and complies with the regulations thereunder;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

- 1.** The Company is authorized to apply for letters patent of continuance under the Trust and Loan Companies Act (S.C., 1991, chapter 45).
- 2.** From the date indicated in the letters patent of continuance, the Company shall cease to be governed by the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01).
- 3.** Upon failure by the Company to make an application for letters patent of continuance within 90 days following the passage of this Act, it shall be required to obtain the consent of the Inspector General of Financial Institutions in writing in order to do so.

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 257

(Private)

An Act respecting Ville de Repentigny

Introduced 13 June 1997

Passage in principle 19 June 1997

Passage 19 June 1997

Assented to 19 June 1997

**Québec Official Publisher
1997**

Bill 257

(Private)

AN ACT RESPECTING VILLE DE REPENTIGNY

WHEREAS in 1988, Ville de Repentigny adopted By-law No. 967 establishing a municipal works financing policy whereby, generally, municipal works were paid for in cash by means of a fixed-rate compensation rather than being financed under a loan by-law ;

Whereas Ville de Repentigny ascertained that the application of the policy did not reflect the real cost of the works and that it generated substantial surpluses in the amount of \$1,999,105 ;

Whereas the policy was amended in 1997 and now takes only the real cost of the works into account ;

Whereas the application of the policy from 1988 to 1997 had a negative financial impact on numerous ratepayers in certain sectors of the territory of the town ;

Whereas it is imperative that the city restore a balance between the ratepayers and in the interest of fairness, that the surpluses be apportioned and distributed to the ratepayers concerned ;

Whereas it is in the interest of Ville de Repentigny that certain powers be granted to it ;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

- 1.** Ville de Repentigny is authorized to pay to the persons referred to in section 2 the sum of money determined in accordance with section 3.
- 2.** The persons concerned are the persons whose names appear on the assessment roll in force on 19 June 1997 as the owners of a taxable immovable subject to a special tax imposed on the basis of the area of the immovable under any of the town's By-laws Nos. 985, 1017, 1024, 1026, 1036, 1041, 1041-1, 1064, 1084, 1086, 1087, 1097, 1099, 1100 and 1109.
- 3.** The sum of money paid to a person referred to in section 2 shall be determined by apportioning the excess amount shown in the schedule opposite the by-law that imposes the special tax referred to in section 2 on the person's immovable, on the basis of the area of the immovable in relation to the total

area of the immovables subject to the special tax, those areas appearing in plans annexed to the by-laws.

4. No right of action may be exercised by a person having paid compensation to the town under By-law No. 967 or by a person who was the owner of a taxable immovable situated in the territory of the town on the ground that the amount of compensation is greater than the amount of the cost of the municipal works for which it was paid, or that payment was made in respect of a real estate tax imposed to provide for the payment of municipal works for which compensation was paid under By-law No. 967.

5. Interest at the legal rate shall be added to every sum of money determined in accordance with section 3. Interest is calculated from the date of payment of the compensation referred to in section 4 until the date of the payment made by the town under the terms of this Act. However, the period for which interest is payable shall not exceed five years.

6. Any sums of money required for the purposes of this Act shall be appropriated out of the town's accumulated surplus.

7. Nothing in this Act shall affect a case pending on 7 October 1996.

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

SCHEDULE

PHILIPPE-GOULET BASIN BY-LAWS

By-law No.	Amount determined under by-law ¹	Real cost ²	Compensation paid	Excess amount
985	\$666,000	\$557,992	\$829,741	\$271,749
1017	\$1,195,000	\$921,127	\$1,179,213	\$258,086
1024	\$301,000	\$234,113	\$352,658	\$118,545
1026	\$147,000	\$105,484	\$194,638	\$89,154
1036	\$440,000	\$316,324	\$417,683	\$101,359
1041 and 1041-1	\$847,300	\$683,187	\$992,556	\$309,369
1086	\$143,000	\$116,003	\$182,617	\$66,614
1087	\$237,000	\$168,937	\$257,615	\$88,678
1097	\$415,000	\$385,909	\$527,550	\$141,641
TOTAL		\$3,489,076	\$4,934,271	\$1,445,195

VALMONT SUR PARCS BASIN BY-LAWS

By-law No.	Amount determined under by-law ¹	Real cost ²	Apportioned cost of drains ³	Compensation paid	Excess amount
1064	\$1,706,000	\$1,302,685	\$89,366	\$1,717,728	\$325,677
1084	\$524,000	\$305,130	\$29,914	\$429,464	\$94,420
1099	\$447,000	\$403,051	\$22,685	\$475,488	\$49,752
1100	\$449,500	\$341,979	\$20,332	\$441,884	\$79,573
TOTAL		\$2,352,845	\$162,297	\$3,064,564	\$549,422

BOULEVARD IBERVILLE BY-LAW

By-law No.	Amount determined under by-law ¹	Real cost ²	Apportioned cost of drains ³	Compensation paid	Excess amount
1109	\$62,600	\$30,369	N/A	\$34,857	\$4,488
TOTAL		\$30,369	N/A	\$34,857	\$4,488

1. Indicates the estimated cost of work to be borne by immovables subject to the special tax imposed on the basis of their area.
2. Indicates the real cost of work to be borne by immovables subject to the special tax imposed on the basis of their area.
3. Indicates the portion of the cost of drains that has been apportioned among the other basin by-laws.

Draft Regulations

Draft Regulation

Professional Code
(L.R.Q., c. C-26)

Certified general accountants — Code of Ethics

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre professionnel des comptables généraux licenciés du Québec made the Code of Ethics of certified general accountants.

The Regulation will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. Thereafter, it shall be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment, upon the expiry of 45 days following this publication.

According to the Ordre professionnel des comptables généraux licenciés du Québec, this Regulation replaces the Code of Ethics of certified general accountants (R.R.Q., c. C-26, r. 30), in the purpose of providing for certain rules relating to the practice of public accounting and related activities. This Regulation provides certain rules relating to duties and obligation towards the public, and restrictions and obligations respecting advertising for a certified general accountant.

For citizens, this Regulation will contribute toward improving the quality of services profited by certified general accountants. There is no impact on businesses, sobs and others.

Further information may be obtained from Mr. Marcel Godbout Lavoie, directeur général et secrétaire, Ordre des comptables généraux licenciés du Québec, bureau 450, 445, boulevard Saint-Laurent, Montréal (Québec), H2Y 2Y7, Tel.: (514) 861-1823; fax: (514) 861-7661.

Any person having comments to make on the text reproduced below is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la Place-Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. Those comments will be forwarded by the Office to the Minister responsible for the administration of the legislation respecting the pro-

fessions: they may also be forwarded to the professional order that made the Regulation, that is, the Ordre professionnel des comptables généraux licenciés du Québec, as well as to the persons, departments and agencies concerned.

ROBERT DIAMANT,
*Chairman of the Office
des professions du Québec*

Code of ethics of certified general accountants

Professional Code
(R.S.Q., c. C-26, s. 87)

CHAPTER I GENERAL

1. In this Regulation, unless the context indicates otherwise,

(1) “Order” means the Ordre des comptables généraux licenciés du Québec;

(2) “member” means any person entered on the roll of the Order;

(3) “client” means a person, association, partnership or employer to which or to whom a member provides professional services;

(4) “firm” means the operational unit where a member practises public accounting alone or in a partnership, with or without members as employees;

(5) “industrial and commercial accounting” means the analysis and interpretation work performed as an expert in accounting, the advice and counsel given in that capacity, as well as the examination and establishment of systems and procedures and the preparation of financial statements;

(6) “the practice of public accounting in a firm” means the offering of services to the public consisting of any of the following:

(a) the compilation of financial information, excluding compilation that can done while performing a related activity and intended for use by persons other than his client;

(b) the preparation of financial statements for a fiscal year, with or without a report by the public accountant, unless it is specified that they are prepared for taxation purposes only and do not include a balance sheet;

(c) the review or auditing, where permitted by law, of registers and documents so as to prepare the necessary financial statements or to make a report thereon and the required services for that purpose;

(7) “related activity” means the following activities, if they are offered to the public:

(a) management consulting;

(b) taxation services;

(c) duties as sequestrator and trustee in bankruptcy, and the administration of bankrupt companies and successions;

(d) the processing of financial information intended for the client, whether by hand or by mechanical or electronic means;

(e) the management activity, that is, business administration for the account of third persons;

(f) systematization consulting, that is, computer consulting and the programming of computer systems;

(g) business brokerage, that is, negotiating and advising on the sale, acquisition or merger of businesses;

(h) the administration and settlement of successions;

(i) investment consulting;

(j) financial consulting;

(k) insurance consulting;

(l) financial valuation;

(m) financial planning;

(8) “public accountant” means a person, whether or not a member of the Order, who is entitled to practise public accounting;

(9) “provincial association” means an association of certified general accountants legally constituted in any Canadian province or territory other than Québec;

(10) “candidate” means a person admitted as a candidate to the practice of the profession in accordance with

the Regulation respecting the terms and conditions for the issue of a permit of the Ordre des comptables généraux licenciés du Québec;

(11) “related services body” means a body, constituted as a partnership or not, or a legal person that practises a related activity and that includes a member among the owners, partners or shareholders;

(12) “partnership” means a partnership within the meaning of the Civil Code of Québec or a grouping of members formed with a view to practising an activity mentioned in paragraph 5, 6 or 7.

2. Each member shall ensure that this Regulation is complied with by the persons, employees or partners who cooperate with him in the practice of public accounting in a firm, of related activities or of industrial and commercial accounting. In a partnership, each partner is responsible for compliance with this Regulation by the partnership.

3. No member shall allow other persons to perform acts in his name which would contravene this Regulation if they were performed by himself.

4. A member may not practise public accounting in a firm or a related activity under a misleading name or designation, in particular

(1) as to the legal status of his firm or of the related services body, that is, his status as member practising alone, in a partnership or through a legal person;

(2) as to the nature of the activities carried out.

CHAPTER II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

5. A member shall, unless he has sound reasons not to, support any measure likely to improve the quality and availability of professional services in his field of practice.

6. A member shall take into account all the foreseeable consequences that his conduct, acts, research or work may have on society.

7. A member shall keep up-to-date with recent developments in his profession in order to ensure high-quality professional services.

8. Every firm of public accountants shall be under the personal charge and management of a member.

9. A member may not claim or imply that he maintains a firm in a given area unless he actually practises public accounting or is represented by another public accountant in that firm.

10. A member may not be an employee, shareholder or director of a legal person engaged in the practice of public accounting in Canada in a firm, unless that legal person is also engaged in the practice of public accounting in another province or in a territory in accordance with the legislation of that province or territory.

11. Before undertaking work dealing with a related activity for a client whose regular public accountant is another member, a member shall first inform that other member unless it is prohibited in writing by his mandate.

12. Any member who carries on one or more related activities through a related services body shall ensure that the organization complies with this Regulation as if it were a firm of public accountants who practise public accounting and any member employed by the related activities body shall be liable for any offence against this Regulation in which he takes part.

13. A member who practises public accounting in a firm shall do so under the sole title of “certified general accountant”.

14. No member shall be linked in any way to a firm of public accounting under a name that does not include the name of a natural person.

15. No member shall be linked in any way to an organization using the title of “certified general accountant” in Québec unless

(1) at least one partner is a member of the Order;

(2) all partners residing in Québec are members of the Order; and

(3) all partners are members of the Certified General Accountants Association of Canada.

CHAPTER III DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

DIVISION I GENERAL

16. Before accepting to render a professional service, a member shall bear in mind the extent of his proficiency, knowledge and the means at his disposal.

He must not, in particular, undertake work for which he is not sufficiently prepared without obtaining the necessary assistance.

17. A member shall at all times acknowledge his client’s right to consult another member, a member of another professional order or any other competent person.

18. A member must not practise under conditions which could impair the quality of his services.

19. A member shall seek to establish a relationship of mutual trust between himself and his client. He shall, for such purpose,

(1) refrain from practising his profession in an impersonal manner;

(2) conduct his interviews so as to respect the scale of values and the personal convictions of his client, where his client has informed him thereof.

20. A member shall not interfere in the personal affairs of his client in matters that do not fall within the generally recognized competence of the profession.

21. A member must not make omissions or performs acts contrary to generally accepted professional standards or present knowledge in the field of accounting.

DIVISION II INTEGRITY

22. A member shall discharge his professional duties towards his client with integrity.

23. A member must avoid any representation with respect to his level of competence, his studies, his belonging to or relations or affiliation with groups, associations, professional orders or individuals, or the efficiency of his own services and of those generally provided by the members of the profession. If the good of the client so requires, he shall consult another member, a member of another professional order or another competent person, or refer him to one of these persons.

24. A member shall inform his client as soon as possible of the nature and extent of the services required by the latter and obtain his agreement thereto.

25. A member shall set out in a complete and objective manner to his client the nature and significance of the problem as he sees it on the basis of the facts brought to his attention.

26. A member shall refrain from expressing opinions or giving advice that is contradictory or incomplete. To that end, he shall endeavour to have full knowledge of the facts before expressing an opinion or giving advice and he must not, in particular, make a commentary or recommendation respecting a financial statement unless he has all the information necessary to justify such comment or recommendation.

27. A member shall correct any error appearing in a financial statement that he has prepared or assisted in preparing and if, for some reason, such correction cannot be made, he must disclose any significant error.

28. Subject to section 27, in all circumstances, whether it is towards the public or a client and notwithstanding any exclusion of liability, no member shall sign, prepare, produce or even associate his name with letters, reports, declarations, accounts or financial statements if he knows or should know that the documents are erroneous, deceptive or misleading.

29. A member shall inform his client that he cannot guarantee the making of forecasts based on future transactions.

30. A member shall comply with the generally accepted accounting principles, with the accounting standards established in accordance with the regulatory requirements recognized by the profession and with the standards for presenting financial statements, unless he obtains his client's authorization and, if he practises public accounting, he clearly indicates in his public accountant's report that the financial statement does not comply with these principles or standards.

Where an employee prepares financial statements for his employer that do not include a report by the public accountant, the employee shall indicate such departure from the principles or standards on every page of the financial statements.

31. A member shall take reasonable care of the property entrusted to him by a client and he may not lend it or use it for purposes other than those for which it was entrusted to him. Upon request by the client, he shall give the property back to the client or to the person designated by the latter without delay.

32. A member shall refrain from endorsing any cheque or commercial instrument made out to the order of a client unless he has received an authorization to that effect from the latter and on condition that the endorsement is made solely for deposit in the client's account or in a trust account.

33. A member shall not pay himself from the funds he holds for a client, unless the latter agrees thereto in writing.

34. A member shall notify his client of any illegal act likely to benefit that client and of which he became aware in the carrying out of his mandate.

35. A member shall avoid performing any unnecessary or superfluous professional acts in the practice of his profession and must not perform any act that is inappropriate or disproportionate to the needs of his client.

36. A member may not associate himself with a report on a review or audit engagement unless the review or audit was made by him or under his supervision.

DIVISION III AVAILABILITY AND DILIGENCE

37. A member shall display reasonable availability and diligence in the practice of his profession.

38. In addition to opinion and counsel, a member shall provide his client with any explanation necessary to the understanding and evaluation of the services rendered to him.

39. A member shall give an account to his client when so requested by the latter.

40. Unless he sound and reasonable grounds to the contrary, a member may not cease to act on behalf of a client in the course of a mandate.

41. Before ceasing to perform his duties for a client, a member shall forward an advance notice of withdrawal within a reasonable time and must make sure that his withdrawal will prejudice his client.

DIVISION IV LIABILITY

42. A member who practises public accounting in a firm or a related activity may not include in a contract for professional services a clause directly or indirectly excluding in whole or in part his civil or personal liability.

43. A member who practises public accounting in a firm and who prepares or allows that his name be affixed to financial statements falling within the field of public accounting shall attach to those financial statements the report of the public accountant concerned and sign it as certified general accountant.

DIVISION V INDEPENDENCE AND IMPARTIALITY

- 44.** A member shall be objective and impartial when persons other than his clients ask him for information.
- 45.** A member shall subordinate his personal interest to that of his client.
- 46.** A member shall safeguard at all times his professional independence and avoid any situation in which he would be in conflict of interest.

A member who is called upon to fulfil a review or audit engagement about financial statements, financial information or any other matter submitted to his expertise shall be free from any influence, interest or relation which, considering his engagement, could impair his professional judgment or objectivity.

A member may not act as auditor for a client with whom the member or his partner, employer, employee, spouse, ascendants or descendants, brothers or sisters or relatives by marriage share a financial interest.

- 47.** A member shall reveal to his client any relationships, ties or interests, in particular those of a business or personal nature, likely to place him in a conflict of interest situation with that client.
- 48.** As soon as he ascertains that he is in a situation of conflict of interest, a member shall notify his client thereof and, as quickly as possible, either remove the cause of the situation or terminate his mandate, unless his client agrees in writing that he continue the mandate.
- 49.** Unless the party concerned agrees thereto, a member shall not receive, in addition to the remuneration to which he is entitled, any benefit, allowance or commission relative to the practice of his profession, nor shall he pay, offer to pay or undertake to pay such benefit, allowance or commission.
- 50.** For a given service, a member shall only accept fees from one source, unless agreed upon otherwise in writing by all the parties concerned. He must accept the payment of these fees only from his client or his representative.
- 51.** A member shall generally act, in a given matter, for only one of the parties in question. If his professional duties require that he acts otherwise, a member shall specify the nature of his responsibilities and shall keep all the interested parties informed that he will cease to act if the situation becomes irreconcilable with his duty of impartiality.

DIVISION VI PROFESSIONAL SECRECY

- 52.** A member shall respect the secrecy of confidential information obtained in the practice of his profession.
- 53.** A member may be released from professional secrecy only upon the authorization of his client or when so ordered by law.
- 54.** When a member asks a client to give him confidential information or when he allows such information to be given to him, he must ensure that the client is fully aware of the purpose of the interview and the various uses which might be made of such information.
- 55.** Subject to section 52, a member shall not disclose the fact that his services have been required by a person if such disclosure could be prejudicial to that person. In the case of a natural person, the member shall also obtain that person's authorization.
- 56.** A member shall avoid indiscreet conversations about a client and the services rendered to him.
- 57.** A member shall not make use of confidential information which could be prejudicial to a client or with a view to obtaining a direct or indirect benefit for himself or for another.

DIVISION VII ACCESSIBILITY AND CORRECTIONS TO RECORDS

- 58.** A member shall allow his client to consult the documents concerning him in any record made in his regard and to obtain at his expense copies of such documents at actual cost.
- 59.** A member shall allow his client to have corrected, in a document concerning him and included in any record made in his regard, inaccurate, incomplete or ambiguous information given the purposes for which it is collected. He shall also allow his client to have deleted any information outdated or unwarranted by the purpose of the record or to make comments in writing and add them to the record.
- 60.** Where a person concerned applies for access or corrections to a record, the member who holds it shall reply to the application as soon as possible, not later than 20 days following the date of the application.

61. A member who refuses to satisfy an application for corrections made by a person concerned shall notify him in writing of his refusal with reasons and inform him of his recourses.

62. A member who satisfies an application for corrections shall issue to the applicant free a charge a copy of any amended or added information or, as the case may be, an attestation that some information has been withdrawn.

That person may require the member to send a copy of such information or attestation to the person from whom he obtained the information or to any other person to whom the information has been provided.

63. A member who holds information referred to in an application for corrections shall, if he denies the application, keep it for the time needed by the person concerned to exhaust the recourses provided by law.

DIVISION VII DETERMINATION AND PAYMENT OF FEES

64. The fees charged by a member shall be fair and reasonable.

The fees are fair and reasonable if they are warranted by the circumstances and in proportion to the services rendered. In determining his fees, a member shall in particular take the following factors into account:

- (1) his experience;
- (2) the time devoted to the performance of the professional service;
- (3) the complexity and importance of the service;
- (4) the responsibility assumed;
- (5) the performance of unusual services or of services requiring exceptional competence or celerity.

65. A member shall not demand advance payment for his services, except for a particular reason justified in the circumstances. However, he may request an advance to cover expenses necessary for the performance of the professional services required.

66. A member shall inform his client of the approximate cost of his professional services.

67. A member shall provide his client with a detailed statement of his fees.

68. A member shall provide his client with all the explanations necessary for the understanding of his statement of fees and the terms and conditions of payment.

69. A member may collect interest on outstanding accounts only after having duly notified his client. The interest thus charged shall be at a reasonable rate.

70. Where a member entrusts the collection of his fees to another person, he shall make sure that the latter does so with tact and moderation as far as possible.

CHAPTER IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

DIVISION I DEROGATORY ACTS

71. In addition to those referred to in sections 55.1, 57, 58, 59.1 and 59.2 of the Professional Code (R.S.Q., c. C-26); it is also derogatory to the dignity of the profession for any member of the Order

(1) to allow the use of the title reserved for members of the Order or to participate in such use, in particular and subject to section 15, by joining a partnership which advertises as a partnership of "certified general accountants" if all the partners are not members of the Order;

(2) to communicate with the plaintiff without the written and prior permission of the syndic or his assistant where he is informed by the syndic or his assistant that either of them is conducting an investigation into his conduct or professional competence or when he has received notice of a complaint in accordance with section 132 of the Professional Code;

(3) to fail to inform the Order that he has reason to believe that a member is incompetent, contravenes the statutes and regulations governing the profession or has obtained a permit by fraudulent means;

(4) to fail to inform the Order that he intends on his own account to use legal means in respect of insolvent debtors;

(5) to have committed an offence against any tax or securities legislation in Canada or elsewhere, as recognized by a judgement of a court of competent jurisdiction;

(6) to assign his property or be a bankrupt as declared by a judgment of a court of competent jurisdiction;

(7) to fail to inform the Order without delay that he has assigned his property or has been declared bankrupt by a final judgment of a court of competent jurisdiction;

(8) to fail to inform the Order that a court or disciplinary decision referred to in section 55.1 of the Professional Code is being made or has been made against him.

72. A member shall not adopt any method of soliciting clients which could harm the dignity of the profession. He shall not induce anyone in a pressing or repeated manner to resort to his professional services.

DIVISION II

RELATIONS WITH THE ORDER AND COLLEAGUES

73. A member shall reply as soon as possible to every communication addressed to him by the director general, secretary, syndic, assistant syndic, investigators or other members of the professional inspection committee in the performance of their duties.

74. A member who intends to practise his profession for his own account or for another member, a partnership or a related services body, on a part-time or full-time basis, shall so inform the Order in writing with a mention of the place, other than the place referred to in section 60 of the Professional Code, where he intends to practise.

75. A member shall not, directly or indirectly, solicit a mandate in public accounting or in a related activity from a client of a member who practises public accounting in a firm or a related activity. A member shall likewise not solicit the clientele of a deceased member for 90 days after the death.

76. Before accepting to replace another public accountant in a mandate with respect to any activity in the field of public accounting, a member shall first communicate with such public accountant and inquire whether there are any factors he should take into account in deciding whether or not to accept the mandate. Such public accountant shall reply within a reasonable period of time.

77. A member who accepts a mandate in public accounting or a related activity jointly with another member or a public accountant, shall be solidarily liable for the entire mandate. He may not deal with any question concerning the mandate without due notice to his colleague.

78. A member shall not abuse the good faith of another member or be guilty of a breach of trust or disloyal practices towards him. In particular,

(1) a member shall not claim credit for work attributable to a colleague; the foregoing does not preclude a member to rely on the opinion of the other auditors, without naming them, in the audit of consolidated financial statements;

(2) a member who accepts to do a special assignment for a client and another public accountant, whether his services were retained on the recommendation of the latter or by any other member, shall not carry out any procedure without good reason which would tend to weaken the public accountant's relationship with his client;

(3) a member whose services are retained upon the recommendation of a public account shall not extend or propose to extend the scope of his mandate without the consent of the referring accountant; on the other hand, the referring accountant shall not withhold such consent unduly;

(4) a member, unless limited or restricted in writing in special circumstances by the terms of his mandate, shall first submit any proposed criticism of the work of another member to the member concerned so that any such criticism is made with full knowledge of the facts and in a spirit of professional courtesy and prudence.

DIVISION III

CONTRIBUTION TO THE ADVANCEMENT OF THE PROFESSION

79. A member shall, as far as he is able, contribute to the development of his profession through the exchange of his knowledge with the other members, candidates and registered students.

Registered students are persons who do not meet the conditions for being recognized candidates but who have, in the last 24 months, taken courses with a view to completing the program of study giving access to the permit of certified general accountant.

80. A member shall in particular favour any participation in courses and continuing training seminars.

CHAPTER V RESTRICTIONS AND OBLIGATION RESPECTING ADVERTISING

81. All partners in a firm shall be solidarily liable for compliance with the rules respecting advertising, unless an advertisement clearly indicates the name of the member responsible for it.

82. A member shall not engage in, or allow the use of, by any means whatsoever, advertising that is false, deceiving, likely to mislead or harmful to the dignity of the profession.

83. A member may not claim to possess specific qualities or skills in his advertising, unless he can substantiate such claim.

84. A member may not claim the title of specialist unless he holds a specialty certificate issued by the Bureau of the Order.

85. A member may not use advertising practices liable to denigrate or discredit another member or another firm.

86. A member who advertises a lump-sum fee shall

- (1) establish fixed prices;
- (2) specify the nature and extent of the services included in the fee;
- (3) indicate whether or not charges or other disbursements are included in the fee;
- (4) indicate whether additional services could be required in return for extra money.

Those specifications and indications shall be such as to properly inform persons so that they can make a wise choice with respect to the offered professional services and to the asked fee.

Any lump-sum fee shall remain in force for at least 90 days after it is last broadcast or published.

87. A member shall not use advertising to make believe that results will be achieved for certain.

88. A member, in his advertising, may not use or allow the use of an expression of support or gratitude he has received.

89. A member shall keep a complete copy of any advertisement in its original form for 1 year following the date it was last broadcast or published. That copy shall be given to the syndic upon request.

CHAPTER VI NAME OF A PARTNERSHIP AND GRAPHIC SYMBOL

90. The name of a partnership of certified general accountants shall include the names of persons listed in section 15 only. However, it may retain the name of a retired or deceased member.

91. Where a certified general accountant leaves a partnership to practise alone or to join another partnership of public accountants, his name shall be deleted from the partnership's name.

92. The name of a partnership of certified general accountants may end by the expression "and partner(s)" where the partnership includes at least another partner whose name is not included in the partnership's name.

93. The Order is represented by a graphic symbol complying with the original held by the secretary of the Order.

94. Where a member or a firm of public accountants reproduces the graphic symbol of the Order for advertising and stationery purposes, he or it shall ensure that such symbol complies with the original held by the secretary of the Order.

95. A member who publishes an article, an opinion or a comment or who participates in their writing and who uses the graphic symbol of the Order shall include the following warning: "This text does not originate from the Ordre des comptables généraux licenciés du Québec and it commits the liability of its author only."

CHAPTER VII FINAL

96. This Regulation replaces the Code of ethics of certified general accountants (R.R.Q., 1981, c. C-26, r. 30).

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

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Radiology Technologists — Code of Ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Board of the Ordre des technologues en radiologie du Québec made the “Code of Ethics of Radiology Technologists”.

The Regulation will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. Thereafter, it shall be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment, upon the expiry of forty-five days following this publication.

According to the Ordre des technologues en radiologie du Québec, this Regulation replaces the Code of Ethics of Radiology Technologists (R.R.Q., 1981, c. T-5, r. 4) and the Regulation respecting advertising by radiology technologists (R.R.Q., 1981, c. T-5, r. 9).

According to the Order, the Regulation introduces, in the section on general duties and obligations to the public, specific obligations to update their knowledge by radiology technologists and to apply new knowledge related to their field of practice. The Regulation also provides for certain conditions, obligations and prohibitions regarding the advertising done by a radiology technologist as well as some rules concerning the patient accessibility to his record and the right of the latter to have corrected information which is inaccurate, incomplete or ambiguous.

For citizens, this Regulation will contribute toward improving the quality of services provided by radiology technologists. Otherwise, there is no impact on businesses.

Additional information may be obtained by contacting Mr Alain Crompt, Chairman and Secretary of the Ordre des technologues en radiologie du Québec, 7400, boulevard Les Galeries d'Anjou, bureau 420, Anjou (Québec), H1M 3M2, telephone no: (514) 351-0052 or 1-800-361-8759; fax no: (514) 355-2396.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la Place-Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. Those

comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may be also forwarded to the professional association that made the Regulation as well as to the persons, departments and agencies concerned.

ROBERT DIAMANT,
*Chairman of the Office des
professions du Québec*

Code of ethics of radiology technologists

Professional Code
(R.S.Q., c. C-26, s. 87)

CHAPTER I DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

1. A radiology technologist shall promote improvement in the quality and availability of professional services in the field in which he practises. To that end, he shall take measures to update his knowledge and shall apply new knowledge related to his field of practice.

2. In the practice of his profession, a radiology technologist shall bear in mind all the consequences which his research, work and actions may have on public health.

3. A radiology technologist shall promote measures of education and information in the field in which he practises and, insofar as possible, shall take the necessary actions to ensure that such education and information are provided.

CHAPTER II DUTIES AND OBLIGATIONS TOWARDS USERS

DIVISION I GENERAL

4. A radiology technologist shall practise his profession in accordance with the professional standards generally recognized by all the members of the Ordre des technologues en radiologie du Québec and in accordance with the current state of knowledge in the science.

5. In the practice of his profession, a radiology technologist shall bear in mind the limits on his capabilities, his knowledge and the means at his disposal.

6. A radiology technologist shall at all times recognize the user's right to consult another member of the Order, a member of another professional order or any other competent person.

7. A radiology technologist shall seek to establish a relationship of confidence with the user and shall refrain from exercising his profession in an impersonal manner.

8. A radiology technologist shall refrain from practising his profession in a state or in conditions liable to compromise the quality of his services or the dignity of the profession.

9. A radiology technologist shall refrain from intervening in the user's personal affairs in matters not pertaining to his professional competence, so as not to unduly restrict the user's autonomy.

DIVISION II INTEGRITY

10. A radiology technologist shall carry out his professional duties with integrity.

11. A radiology technologist shall avoid any false representation with respect to his level of competence or the efficacy of his services or those generally provided by the members of the Order. If the good of the user so requires, he shall refer the user to a member of another professional order or another competent person.

12. A radiology technologist shall seek to obtain full knowledge of the facts where a user or another professional asks his advice or opinion in the practice of his profession.

DIVISION III AVAILABILITY AND DILIGENCE

13. A radiology technologist shall demonstrate reasonable availability and diligence in the practice of his profession. If he is unable to respond to a request within a reasonable time, he shall indicate to the user when he will be available.

14. A radiology technologist shall provide the user with the explanations necessary to understand and evaluate the services he renders to him.

15. A radiology technologist shall demonstrate objectivity and impartiality when persons other than users ask him for information.

16. Before ceasing to carry out his duties on behalf of a user, a radiology technologist shall ensure that cessation of service is not prejudicial to the user.

DIVISION IV LIABILITY

17. A radiology technologist shall, in the practice of his profession, fully commit his civil liability. He is thus prohibited from inserting in a contract for professional services a clause that directly or indirectly excludes such liability in whole or in part.

DIVISION V INDEPENDENCE AND IMPARTIALITY

18. In the exercise of his profession, a radiology technologist shall subordinate his personal interest to that of the user.

19. A radiology technologist shall ignore any intervention by a third party which could affect the performance of his professional duties to the detriment of the user.

20. A radiology technologist shall at all times safeguard his professional independence and shall avoid any situation where he might be in a conflict of interest.

21. A radiology technologist shall refrain from sharing his fees with or remitting them to a person who is not a member of the Order. He may share his fees with a member of the Order only to the extent that such sharing corresponds to an apportionment of the services and responsibilities.

22. Except for the remuneration to which he is entitled, a radiology technologist shall refrain from accepting any gratuity, discount or commission relating to the practice of his profession. He shall likewise refrain from paying or offering or undertaking to pay any such gratuity, discount or commission.

DIVISION VI CONFIDENTIALITY

23. A radiology technologist is bound to maintain confidentiality.

24. A radiology technologist may be released from the obligation to maintain confidentiality only with the authorization of the user or where so ordered by law.

25. Where a radiology technologist asks a user to reveal to him confidential information or allows such information to be entrusted to him, he shall ensure that the user knows the reasons for it and the use that will be made of the information.

26. A radiology technologist shall not reveal that a person has used his services, unless the nature of the case so requires.

27. A radiology technologist shall avoid indiscreet conversations concerning a user and the services rendered to him.

28. A radiology technologist shall not make use of confidential information to the detriment of a user or with a view to obtaining, either directly or indirectly, an advantage for himself or another person.

DIVISION VII ACCESSIBILITY AND CORRECTIONS TO RECORDS

29. A radiology technologist shall allow the user to examine and to obtain a copy of documents concerning him in any record that he has compiled in respect of the user. Notwithstanding the foregoing, the radiology technologist may refuse access to the information contained therein where disclosing it would in all likelihood entail a serious prejudice for the user or a third person.

Where the services of a radiology technologist are required by a prescription issued by a member of another professional order, the radiology technologist may not allow the user in question to examine or to obtain a copy of the documents in the record compiled in his respect without the authorization of the professional who thus required his services. A refusal by that other professional to allow access frees the radiology technologist from his obligations concerning accessibility to the record.

30. Subject to the authorization of the professional, if any, who required his services, a radiology technologist shall allow the user to have corrected, in a document concerning him that is included in any record made in his respect, information which is inaccurate, incomplete or ambiguous in terms of the purposes for which it was gathered. He shall also allow the user to have deleted any information which is out-of-date or unwarranted in terms of the reason for which the record was compiled or to draft comments in writing and add them to the record.

A refusal by the professional who required his services to allow the correction frees the radiology technologist from his obligations concerning corrections to the record.

31. Access to the information contained in a record shall be free of charge. Notwithstanding the foregoing, fees not exceeding the cost of transcribing, reproducing or forwarding the information may be charged to the

applicant. Where a radiology technologist intends to charge fees under this section, he shall inform the applicant of the approximate amount exigible before transcribing, reproducing or forwarding the information.

32. Where a radiology technologist grants an application for correction, he shall issue to the applicant, free of charge, a copy of any information amended or added or, where applicable, an attestation that information has been deleted.

The applicant may require the radiology technologist to forward a copy of the information or, where applicable, the attestation to the person from whom he obtained the information or to any other person to whom the information has been communicated.

33. Where a radiology technologist holds information in respect of which an application for access or correction has been made, he shall, if he refuses to grant the application, conserve the information for as long as necessary to allow the applicant to exhaust the recourses provided for by law.

DIVISION VIII DETERMINATION AND PAYMENT OF FEES

34. A radiology technologist shall charge and accept fair and reasonable fees.

35. Fees are fair and reasonable if they are warranted by the circumstances and are in proportion to the services rendered. A radiology technologist shall bear in mind the following factors in particular in determining his fees:

(1) his experience;

(2) the time devoted to performing the professional services;

(3) the difficulty and scope of the services; and

(4) whether he was called on to perform unusual services or services requiring exceptional competence or speed.

36. A radiology technologist shall provide the user with all the explanations necessary to understand his statement of fees and the terms of payment.

37. A radiology technologist shall inform the user of the approximate cost of his services.

38. A radiology technologist shall abstain from requiring advance payment of his professional fees. However, he may, by an agreement in writing with the user,

require an advance to cover payment of expenditures necessary to perform the professional services required.

39. A radiology technologist may collect interest on outstanding accounts only after having duly notified the user to that effect. Interest so charged shall be at a reasonable rate.

40. Before resorting to legal proceedings, a radiology technologist shall exhaust all other means at his disposal to obtain payment of his fees.

41. Where a radiology technologist appoints another person to collect his fees, he shall ensure that the person acts with tact and moderation.

CHAPTER III DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

DIVISION I DEROGATORY ACTS

42. The following acts, in addition to those referred to in sections 57, 58, 59.1 and 59.2 of the Professional Code (R.S.Q., c. C-26), are derogatory to the dignity of the profession where performed by a radiology technologist:

(1) practising his profession in a state of intoxication or in any other physical or mental state liable to compromise the quality of his services;

(2) falsifying an examination or treatment in any way whatsoever;

(3) tolerating or contributing to the illegal practice of the profession, in particular by collaborating with any person practising the profession without holding a permit for that purpose;

(4) failing to inform the Order as rapidly as possible of any person illegally practising the profession of radiology technologist;

(5) communicating with the complainant without prior permission in writing from the syndic or his assistant, where he is informed of an investigation into his professional conduct or competence or where he has received notice of a complaint against him; or

(6) requiring, offering, promising, accepting or agreeing to accept a sum of money or any advantage for the purpose of aiding in causing a procedure or decision of the Order to be adopted or rejected.

43. A radiology technologist shall report to the Order any derogatory act of which he is aware.

DIVISION II RELATIONS WITH THE ORDER, COLLEAGUES AND OTHER PROFESSIONALS

44. Where a radiology technologist is requested by the Order to serve on a council for the arbitration of accounts, a committee on discipline or a professional inspection committee, he shall accept that duty unless he has reasonable grounds for refusing.

45. A radiology technologist shall reply promptly to all correspondence sent by the secretary of the Order, the syndic, the assistant syndic or an investigator or a member of the professional inspection committee. In his dealings with them, he shall not be guilty of a breach of trust or unfair practices.

46. A radiology technologist shall not abuse the good faith of a member of the Order or be guilty of a breach of trust or unfair practices in his dealings with him. He shall not, in particular, take credit for work performed by another person.

47. Where a radiology technologist is consulted by a member of the Order or another professional, he shall provide his opinion and recommendations within a reasonable time.

48. Where a radiology technologist is called on to collaborate with a member of the Order or another professional, he shall preserve his professional autonomy. He is not bound to perform any task contrary to his professional conscience or the principles governing the practice of the profession.

DIVISION III CONTRIBUTION TO THE ADVANCEMENT OF THE PROFESSION

49. A radiology technologist shall contribute, insofar as possible, to the development of the profession, in particular by promoting the exchange of knowledge and experience with his colleagues and with students and by participating in the Order's continuing training courses and activities.

CHAPTER IV CONDITIONS, OBLIGATIONS AND RESTRICTIONS RESPECTING ADVERTISING

50. A radiology technologist may not, by any means whatsoever, engage in or allow the use of advertising that is false, deceptive, incomplete or liable to be misleading.

51. A radiology technologist may not claim to possess specific qualities or skills, in particular with regard to his level of competence or the scope or efficacy of his services, unless he can substantiate such claim.

52. A radiology technologist may not engage in advertising that denigrates or discredits another person, either directly or indirectly.

53. All advertising shall indicate the name and professional title of the radiology technologist.

54. A radiology technologist may not, in any way whatsoever, engage in or allow the use of advertising intended to exploit or abuse persons who may be physically or emotionally vulnerable.

55. A radiology technologist shall keep a complete copy of every advertisement in its original form for a period of two years following the date of its last broadcast or publication. That copy shall be given to the syndic upon request.

56. The Order is represented by a graphic symbol. Where a radiology technologist uses the symbol in his advertising, he shall ensure that it is a true copy of the original held by the secretary of the Order.

57. Where a radiology technologist uses the logo of the Order in an advertisement, except on a business card, he shall include the following notice in that advertisement:

“This advertisement is not an advertisement of the Ordre des technologues en radiologie du Québec and does not commit its liability.”.

58. This Regulation replaces the Code of ethics of radiology technologists (R.R.Q., 1981, c. T-5, r. 4) and the Regulation respecting advertising by radiology technologists (R.R.Q., 1981, c. T-5, r. 9).

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

Erratum

Erratum

Bill 89
(1997, c. 43)

An Act respecting the implementation of the Act respecting administrative justice

Gazette officielle du Québec, Part 2, Laws and Regulations, Volume 129, number 30, July 23, 1997, pp. 3715 to 3876.

The first sentence of article 834 on page 3863 should read as follows: “Sections 259, 263 to 269, 282, 287, 288 and 291 take effect on 1 January 1998.” instead of “Sections 246, 250 to 256, 284, 292, 293 and 303 take effect of 1 January 1998.”.

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

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