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Summary

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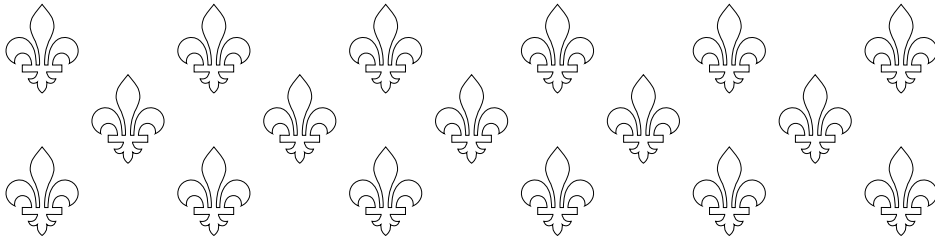
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NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 39
(1997, chapter 75)

**An Act respecting the protection of
persons whose mental state presents
a danger to themselves or to others**

**Introduced 14 June 1996
Passage in principle 12 June 1997
Passage 17 December 1997
Assented to 18 December 1997**

**Québec Official Publisher
1997**

EXPLANATORY NOTES

This bill introduces a reform of the Mental Patients Protection Act.

The rules on psychiatric assessment contained in the Civil Code of Québec are completed by specifying which health care professionals are authorized to carry out examinations to determine whether or not a person is a danger to himself or to others. The various mandatory elements of a psychiatric examination report are specified.

Within the scope of the rules set out in the Civil Code of Québec, the bill defines the rules applicable in matters concerning the confinement of persons whose mental state presents a danger to themselves or to others. The type of institution to which such persons may be directed, and the procedure to be followed when a person is placed under confinement following a court order are defined. In addition, the bill provides for the periodical examination of persons under confinement and establishes the conditions on which they may be transferred to another health care institution.

The bill also provides for temporary confinement for psychiatric assessment under a court order and, in cases of emergency, for preventive confinement of persons against their will and without court authorization where their health or safety, or that of other persons, is in grave and immediate danger.

The bill contains various rules of procedure to ensure that persons under confinement, and their close relatives, are kept fully informed of the rights of persons under confinement and the recourses available to them. The bill allows the Administrative Tribunal of Québec to revise, upon application or on its own initiative, any decision made regarding a person placed under confinement in a health institution.

As well, amendments are made to the Civil Code of Québec to require that the psychiatric assessment leading to the confinement of a person be based on two psychiatric examination reports both concluding that confinement is necessary. The bill also amends the legislation respecting health services and social services to regulate the use of restraining measures by institutions.

Lastly, the bill includes consequential amendments to related legislation.

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec;
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Code of Penal Procedure (R.S.Q., chapter C-25.1);
- Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);
- Public Curator Act (R.S.Q., chapter C-81);
- Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);
- Notarial Act (R.S.Q., chapter N-2);
- Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29);
- Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);
- Marine Products Processing Act (R.S.Q., chapter T-11.01);
- Act respecting administrative justice (1996, chapter 54).

LEGISLATION REPLACED BY THIS BILL:

- Mental Patients Protection Act (R.S.Q., chapter P-41).

Bill 39

An Act respecting the protection of persons whose mental state presents a danger to themselves or to others

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PRELIMINARY PROVISION

1. The provisions of this Act complement the provisions of the Civil Code of Québec concerning the confinement in a health and social services institution of persons whose mental state presents a danger to themselves or to others, and the provisions concerning the psychiatric assessment carried out to determine the necessity for such confinement.

CHAPTER I

PSYCHIATRIC EXAMINATION

2. The psychiatric examination to which a person is required to submit by law or by a court decision must be carried out by a psychiatrist. However, if it is not possible to obtain the services of a psychiatrist in due time, the examination may be carried out by any other physician.

The person who carries out the examination may not be the spouse or *de facto* spouse, a close relative or relative by marriage or the representative of the person undergoing the examination or of the person who requested the examination.

3. The report made following a psychiatric examination must be signed by the examining physician. He must, in particular, state in the report

(1) that he himself has examined the person;

- (2) the date of the examination;
- (3) his diagnosis, even if only provisional, concerning the mental state of the person;
- (4) in addition to what is provided in article 29 of the Civil Code of Québec, his opinion as to the gravity and probable consequences of the person's mental state;
- (5) the reasons and facts upon which his opinion and diagnosis are based and, among the facts mentioned, those which he himself has observed and those which have been communicated to him by others.

4. Where an institution has been required to administer a psychiatric examination, it is incumbent upon the director of professional services or, where there is no such director, upon the executive director of the institution to transmit the physician's report to the court that ordered the examination.

5. The disclosure of the report by the institution is governed by the provisions relating to access to the person's record contained in the legislation respecting health services and social services, and does not require the authorization of the court under article 29 of the Civil Code of Québec.

CHAPTER II

CONFINEMENT

DIVISION I

PREVENTIVE CONFINEMENT AND TEMPORARY CONFINEMENT

6. Only an institution operating a local community service centre equipped with the necessary facilities or a hospital centre may be required to place a person under preventive confinement or temporary confinement for psychiatric examination.

7. A physician practising in such an institution may, notwithstanding the absence of consent, place a person under preventive confinement for not more than seventy-two hours in a facility maintained by the institution, without the authorization of the court and prior to psychiatric examination, if he is of the opinion that the mental state of the person presents a grave and immediate danger to himself or to others.

The physician who places the person under confinement must immediately inform the director of professional services or, where there is no such director, the executive director of the institution.

On the expiry of the seventy-two hour period, the person must be released, unless a court has ordered an extension of the confinement for psychiatric assessment. However, if the seventy-two hour period ends on a Saturday or on a non-judicial day, if no judge having jurisdiction in the matter is able to act and if termination of confinement presents a danger, the confinement may be extended until the expiry of the next judicial day.

8. A peace officer may, without the authorization of the court, take a person against his will to an institution described in section 6

(1) at the request of a member of a crisis intervention unit who considers that the mental state of the person presents a grave and immediate danger to himself or to others;

(2) at the request of the person having parental authority, the tutor to a minor or any of the persons mentioned in article 15 of the Civil Code of Québec, where no member of a crisis intervention unit is available in due time to assess the situation. In such a case, the peace officer must have good reason to believe that the mental state of the person concerned presents a grave and immediate danger to himself or to others.

Subject to the provisions of section 23 and to more pressing medical emergencies, the institution to which the person is brought must take charge of the person upon arrival and have the person examined by a physician, who may place the person under preventive confinement in accordance with section 7.

In this section, “crisis intervention unit” means a unit designed to take action in crisis situations pursuant to the mental health service organization plans provided for by the legislation respecting health services and social services.

DIVISION II

CONFINEMENT AUTHORIZED BY A COURT PURSUANT TO ARTICLE 30 OF THE CIVIL CODE OF QUÉBEC

9. Only an institution operating a hospital centre, rehabilitation centre, residential and long-term care centre or reception centre that is equipped with the necessary facilities for receiving and treating mentally ill persons, may be required to place a person

under confinement following a court judgment pursuant to article 30 of the Civil Code of Québec.

10. Where the court has set a duration of confinement exceeding 21 days, the person under confinement must be examined periodically to ascertain whether continued confinement is necessary, and reports of such examinations must be produced at the following times:

(1) 21 days from the date of the decision made by the court pursuant to article 30 of the Civil Code of Québec;

(2) every three months thereafter.

The psychiatric examination reports shall be kept by the institution as part of the person's record.

11. A person under confinement may, at his request, be transferred to another institution, if the organization and resources of that institution permit of such a transfer. Subject to the same condition, the attending physician may transfer the person to another institution which he considers better able to meet the person's needs. In the latter case, the physician must obtain the consent of the person concerned, unless the transfer is necessary to ensure the person's safety or that of other persons. The physician's decision in that respect must contain reasons and be filed in the person's record.

No transfer may take place unless the attending physician attests, by way of a certificate containing reasons, that in his opinion such a measure does not present any serious and immediate risks for the person or for others.

Following a transfer, confinement continues in the new institution and a copy of the record of the person under confinement shall be forwarded to that institution.

12. Confinement ends, with no further formality,

(1) as soon as a certificate attesting that confinement is no longer justified has been issued by the attending physician;

(2) on the expiry of a time limit prescribed by section 10, if no psychiatric examination report has been produced by that time;

(3) on the expiry of the time fixed in the judgment ordering confinement;

(4) upon a decision to that effect by the Administrative Tribunal of Québec or a court of justice.

13. Where a person ceases to be under confinement but must be detained or lodged, otherwise than in accordance with this Act, the institution must take the necessary steps to entrust the person to the care of a person in authority at an appropriate detention centre or lodging facility.

CHAPTER III

RIGHTS AND REMEDIES

DIVISION I

INFORMATION

14. A peace officer acting under section 8 or any person who, in accordance with a court order, takes a person to an institution for confinement and psychiatric assessment must inform him of that fact, of the place where he is being taken and of his right to contact his close relatives and an advocate immediately.

The peace officer or person remains responsible for that person until he is taken in charge by the institution.

15. As soon as the person has been taken in charge by the institution, or as soon as he seems able to understand the information, the institution must inform him of the place where he is being confined, of the reasons for the confinement and of his right to contact his close relatives and an advocate immediately.

16. The institution placing a person under confinement pursuant to a judgment referred to in section 9 must, at the time the person is placed under confinement and after each examination report required by section 10, give the person a document in conformity with the schedule.

If the person under confinement is unable to understand the information contained in the document, the institution shall transmit a copy of it to the person qualified to give consent to the confinement. Should there be no such person, the institution shall make reasonable efforts to transmit the information to a person showing a special interest in the person under confinement.

17. A person under confinement must be allowed to communicate freely and confidentially with the persons of his choice,

unless the attending physician decides, in the interest of the person under confinement, to prohibit or restrict certain communications.

A prohibition or restriction as to communication can only be temporary. It must be set out in writing and contain reasons, and it must be given to the person under confinement and noted in his record.

No restriction may, however, be imposed on communications between the person under confinement and his representative, the person qualified to give consent to the care required by his state of health, an advocate, the Public Curator or the Administrative Tribunal of Québec.

18. The person under confinement must be immediately informed by the institution of the end of the confinement.

19. The institution must, in the case of a minor, give the person having parental authority or, if there is no such person, the tutor, or in the case of a person of full age who is represented, the mandatary, tutor or curator, notice of

(1) the decision of a physician to place the person under preventive confinement pursuant to section 7;

(2) the necessity for continued confinement, after each of the examinations required by section 10;

(3) any application presented to the Administrative Tribunal of Québec under section 21 of which the institution has been informed;

(4) the end of the confinement.

Notice must be given in writing, except a notice under subparagraph 1 of the first paragraph.

DIVISION II

ADMINISTRATIVE TRIBUNAL OF QUÉBEC

20. The institution in which a person is under confinement must inform the Administrative Tribunal of Québec, without delay, of the conclusions of each of the psychiatric examination reports required by section 10, and of the end of the confinement.

21. Any person who is dissatisfied with the continuance of confinement or with a decision made under this Act, with regard to

himself or to a person that he represents or in whom he shows a special interest, may contest the continuance of confinement or the decision before the Administrative Tribunal of Québec. A letter to the Tribunal from the person under confinement setting out the subject and grounds of the contestation constitutes a motion within the meaning of section 110 of the Act respecting administrative justice (1996, chapter 54).

The Tribunal may also act on its own initiative to review the continuance of confinement or a decision made under this Act with regard to any person under confinement.

A proceeding before the Tribunal, or the intervention of the Tribunal on its own initiative, does not suspend confinement or the execution of the decision, unless a member of the Tribunal decides otherwise.

22. An institution must, when so required by the Tribunal, forward to it the complete record of a person under confinement.

CHAPTER IV

MISCELLANEOUS PROVISIONS

23. Any institution which, owing to its organization or resources, is unable to provide for a psychiatric examination or place a person under confinement, must immediately direct any person for whom such services are required to another institution equipped with the necessary facilities.

24. The Minister of Health and Social Services is responsible for the administration of this Act.

CHAPTER V

AMENDING AND FINAL PROVISIONS

25. This Act replaces the Mental Patients Protection Act (R.S.Q., chapter P-41).

26. In any Act, regulation, order in council, order, contract, agreement or other document, any reference to the Mental Patients Protection Act or to a provision thereof is deemed to be a reference to this Act or to the equivalent provision of this Act.

27. Until the coming into force of section 184 of the Act respecting the implementation of the Act respecting administrative

justice (1997, chapter 43) repealing the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34), a reference to the Administrative Tribunal of Québec in this Act shall be read as a reference to the Commission des affaires sociales.

28. The heading of Section II of Chapter I of Title II of Book I of the Civil Code of Québec (1991, chapter 64) is amended by replacing the words “ESTABLISHMENT AND PSYCHIATRIC EXAMINATION” by the words “INSTITUTION AND PSYCHIATRIC ASSESSMENT”.

29. Article 26 of the said Code is amended by replacing the words “establishment with a view to his undergoing a psychiatric examination or in consequence of a psychiatric examination report” by the words “institution for a psychiatric assessment or following a psychiatric assessment concluding that confinement is necessary”.

30. Article 27 of the said Code is amended

(1) by replacing the words “confined in a health or social services establishment” in the first paragraph by the words “confined temporarily in a health or social services institution”;

(2) by replacing the words “to undergo a psychiatric examination” in the first paragraph by the words “for a psychiatric assessment”;

(3) by inserting, before the last sentence of the first paragraph, the following sentence: “The court may also, where appropriate, authorize any other medical examination that is necessary in the circumstances.”;

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

“If the danger is grave and immediate, the person may be placed under preventive confinement, without the authorization of the court, as provided for in the Act respecting the protection of persons whose mental state presents a danger to themselves or to others.”

31. Article 28 of the said Code is replaced by the following article:

“28. Where the court orders that a person be placed under confinement for a psychiatric assessment, an examination must be

carried out within twenty-four hours after the person is taken in charge by the institution or, if the person was already under preventive confinement, within twenty-four hours of the court order.

If the physician who carries out the examination concludes that confinement in an institution is necessary, a second psychiatric examination must be carried out by another physician within ninety-six hours after the person is taken in charge by the institution or, if the person was already under preventive confinement, within forty-eight hours of the court order.

If a physician reaches the conclusion that confinement is not necessary, the person must be released. If both physicians reach the conclusion that confinement is necessary, the person may be kept under confinement without his consent or the authorization of the court for no longer than forty-eight hours.”

32. Article 29 of the said Code is amended

(1) by replacing the words “The report of the physician shall” by the words “A psychiatric examination report must” and the word “establishment” by the word “institution”;

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

“The report must be filed with the court within seven days of the court order. It may not be disclosed, except to the parties, without the authorization of the court.”

33. Article 30 of the said Code is replaced by the following article:

“**30.** A court may not authorize confinement in an institution following a psychiatric assessment unless both psychiatric examination reports conclude that confinement is necessary.

A judgment authorizing confinement must also set the duration of confinement.

However, the person under confinement must be released as soon as confinement is no longer justified, even if the set period of confinement has not elapsed.”

34. Article 26 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the words “establishment or psychiatric examination” in subparagraph 5 of the first paragraph by the words “institution or psychiatric assessment”.

35. Article 36.2 of the said Code is amended

(1) by replacing the word “examination”, wherever it occurs in the first paragraph, by the word “assessment”;

(2) by replacing the words “admitted for confinement against his will by an establishment governed by the Acts respecting health services and social services” in the first paragraph by the words “confined against his will in an institution referred to in the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (1997, chapter 75)”.

36. The heading of Section II of Chapter II of Title II of Book V of the said Code is amended by replacing the words “ESTABLISHMENT AND PSYCHIATRIC EXAMINATION” by the words “INSTITUTION AND PSYCHIATRIC ASSESSMENT”.

37. Article 778 of the said Code is amended

(1) by replacing the word “examination”, wherever it occurs, by the word “assessment”;

(2) by replacing the words “admitted for confinement against his will by an establishment governed by the Acts respecting health services and social services” by the words “confined against his will in an institution referred to in the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (1997, chapter 75)”.

38. Article 779 of the said Code is amended by replacing the word “examination” in the first paragraph by the word “assessment”.

39. Article 780 of the said Code is amended by replacing the word “examination” in the first paragraph by the word “assessment”.

40. Article 781 of the said Code is amended

(1) by replacing the word “examination” wherever it occurs in the first paragraph by the word “assessment”;

(2) by replacing the words “establishment governed by the Acts respecting health services and social services” in the first paragraph by the words “institution referred to in the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (1997, chapter 75)”.

41. Article 783 of the said Code is amended by replacing the words “for the purpose of a psychiatric examination or following the filing of a psychiatric examination report” in the second paragraph by the words “for a psychiatric assessment or following a psychiatric assessment”.

42. Article 214 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended

(1) by striking out the word “clinical” in the second line;

(2) by striking out the words “in accordance with the Mental Patients Protection Act (chapter P-41)” in the third and fourth lines.

43. Until the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34) is repealed by the coming into force of section 184 of chapter 43 of the statutes of 1997, section 25.1 of the Act respecting the Commission des affaires sociales is amended by replacing the words “is confidential” by the words “and the records forwarded to it pursuant to article 782 of the Code of Civil Procedure (R.S.Q., chapter C-25) or pursuant to the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (1997, chapter 75) are confidential”.

44. Section 14 of the Public Curator Act (R.S.Q., chapter C-81) is amended by striking out the second paragraph.

45. The Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) is amended by inserting, after section 10.1, the following section:

“10.2 The Minister may, by way of a ministerial order published in the *Gazette officielle du Québec*, designate the institutions, among those referred to in sections 6 and 9 of the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (1997, chapter 75), that may receive persons detained under a penal law.”

46. Section 120 of the Notarial Act (R.S.Q., chapter N-2) is amended

(1) by replacing the second sentence of subsection 1 by the following sentence: “The same shall apply to any notary placed under confinement in a health or social services institution pursuant to a court decision under article 30 of the Civil Code.”;

(2) by striking out the words “or prothonotary” in subsection 2;

(3) by replacing the words “institution of protective supervision” in subsection 2 by the words “such institution of protective supervision or any such court decision”.

47. Section 1 of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29), amended by section 1 of chapter 50 of the statutes of 1996, is again amended by striking out the words “the Mental Patients Protection Act (chapter P-41),” in the sixth and seventh lines of paragraph *k*.

48. Section 37 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is amended by replacing paragraph 3 by the following paragraph:

“(3) in a facility maintained by a health and social services institution, where the person in whose respect death occurred was under confinement.”

49. The Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by inserting, after section 118, the following section:

“118.1. Force, isolation, mechanical means or chemicals may not be used to place a person under control in an installation maintained by an institution except to prevent the person from inflicting harm upon himself or others. The use of such means must be minimal and resorted to only exceptionally, and must be appropriate having regard to the person’s physical and mental state.

Any measure referred to in the first paragraph applied in respect of a person must be noted in detail in the person’s record. In particular, a description of the means used, the time during which they were used and a description of the behaviour which gave rise to the application or continued application of the measure must be recorded.

Every institution must adopt a procedure for the application of such measures that is consistent with ministerial orientations, make the procedure known to the users of the institution and evaluate the application of such measures annually.”

50. Section 431 of the said Act is amended by adding, at the end of the second paragraph, the following subparagraph:

“(9) determine the orientations with which the procedure for the application of control measures adopted by an institution under section 118.1 must be consistent.”

51. Section 1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5), amended by section 741 of chapter 43 of the statutes of 1997, is again amended by replacing the words “for close treatment” in the sixth line of subparagraph *k* of the first paragraph by the words “placed under confinement”.

52. Section 2 of the said Act is amended by striking out the third paragraph.

53. Section 86 of the said Act is amended by replacing the words “in close treatment within the meaning of the Mental Patients Protection Act (chapter P-41)” in the first and second lines of subparagraph *b* of the first paragraph by the words “placed under confinement within the meaning of article 30 of the Civil Code of Québec”.

54. The said Act is amended by inserting, after section 150, the following section:

“150.1. Force, isolation, mechanical means or chemicals may not be used to place a person under control in an installation maintained by an institution except to prevent the person from inflicting harm upon himself or others. The use of such means must be minimal and resorted to only exceptionally, and must be appropriate having regard to the person’s physical and mental state.

Any measure referred to in the first paragraph applied in respect of a person must be noted in detail in the person’s record. In particular, a description of the means used, the time during which they were used and a description of the behaviour which gave rise to the application or continued application of the measure must be recorded.

Every institution must adopt a procedure for the application of such measures that is consistent with ministerial orientations, make the procedure known to the users of the institution and evaluate the application of such measures annually.”

55. Section 3 of the Marine Products Processing Act (R.S.Q., chapter T-11.01) is amended by striking out the words “the Mental Patients Protection Act (chapter P-41)” in the sixth and seventh lines of the first paragraph.

56. Section 18 of the Act respecting administrative justice (1996, chapter 54) is amended by replacing the words “suffering from a mental illness” by the words “whose mental state presents a danger to themselves or to others”.

57. Sections 22 and 23 of the said Act are replaced by the following sections:

“22. In matters of protection of persons whose mental state presents a danger to themselves or to others, the social affairs division is charged with making determinations in respect of proceedings referred to in section 2 of Schedule I pertaining to the continued confinement of, or decisions made concerning, a person under confinement under the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (1997, chapter 75).

“22.1. Such proceedings shall be heard and determined by a panel of three members composed of an advocate or a notary, a psychiatrist and a social worker.

“23. In matters of measures concerning an accused in respect of whom a verdict of not criminally responsible by reason of mental disorder has been rendered or who has been found unfit to stand trial, the social affairs division is charged with making determinations in respect of the cases referred to in section 2.1 of Schedule I.”

58. Section 103 of the said Act is amended by replacing the words “section 30 of the Mental Patients Protection Act (chapter P-41)” by the words “section 21 of the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (1997, chapter 75)”.

59. Section 119 of the said Act is amended by replacing the words “section 30 of the Mental Patients Protection Act (chapter P-41)” in paragraph 4 by the words “section 21 of the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (1997, chapter 75)”.

60. Section 2 to Schedule I to the said Act is replaced by the following sections:

“2. In matters of protection of persons whose mental state presents a danger to themselves or to others, the social affairs division hears and determines proceedings under section 21 of the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (1997, chapter 75).

“2.1 In matters of measures concerning an accused in respect of whom a verdict of not criminally responsible by reason of mental disorder has been rendered or who has been found unfit to stand trial, the social affairs division hears and determines cases submitted to a Review Board under sections 672.38 and following of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46).”

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

SCHEDULE

Information document on the rights of, and remedies available to,
a person under confinement
*(Act respecting the protection of persons whose mental state
presents a danger to themselves or to others, s. 16)*

(name of person under confinement)

You have been placed under confinement pursuant to a court decision based on two psychiatric examination reports.

You have legal rights:

1. You have the right to be transferred to another institution, if your attending physician is of the opinion that such a transfer presents no serious and immediate risks for you or for others, and if the organization and resources of that institution allow it to receive you.

2. You have the right to require that you be released from confinement without delay if a psychiatric examination report, confirming the necessity of continuing your confinement, has not been produced within 21 days after the court decision and at least once every three months thereafter.

In your case, the court decision was made on _____ and psychiatric examination reports were produced on the following dates:

(date of each psychiatric examination report produced)

3. You are required to submit to the psychiatric examinations referred to in paragraph 2. However, you may categorically refuse any other examination, care or treatment. If you do, your decision must be respected by the institution and by your physician, except if the examination or treatment was ordered by a judge, or in the case of emergency care or personal hygiene.

4. Even though you are under confinement, you may communicate confidentially, orally or in writing, with any person of your choice. However, your attending physician may decide, in your own interest, to prohibit you from communicating with certain persons or to impose restrictions on your communications. In such a

case, the prohibition or restriction can only be temporary, and the physician's decision must be given to you in writing and set out the reasons on which it is based.

Your physician may not, however, prevent you from communicating with your representative, the person qualified to give consent to your care, an advocate, the Public Curator or the Administrative Tribunal of Québec.

5. If you disagree with a decision made to continue your confinement, or with any other decision made in your respect, you may refer your case to the Administrative Tribunal of Québec.

(address) (telephone number) (fax number)

This is how you proceed:

(a) you yourself may write to the Tribunal or ask a family member or your tutor, curator or mandatary to write on your behalf;

(b) you must explain in your letter, to the best of your ability, why you disagree with the continuance of confinement or the decision made in your respect;

(c) your letter will constitute your application to the Tribunal, and must be sent to the above address within 60 days of the decision with which you disagree, but if you miss this deadline, the Tribunal may still decide to hear you if you give reasons to explain your delay;

(d) the Tribunal may order your release from confinement or overturn the decision made concerning you, but must meet with you before reaching its decision;

(e) you have the right to be represented by a lawyer at the meeting with the Tribunal, and to produce witnesses.

6. You must be released from confinement

(a) as soon as a certificate concluding that confinement is no longer justified has been issued by your physician;

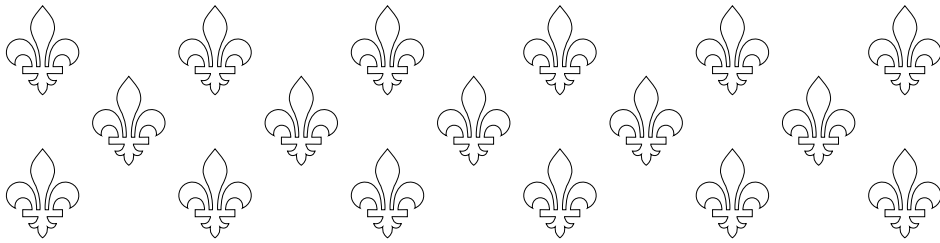
(b) if a psychiatric examination report is not produced within the time limits set out in paragraph 2, upon the expiry of those time limits;

(c) on the expiry of the period of confinement fixed in the judgment;

(d) upon a decision to that effect by the Administrative Tribunal of Québec; or

(e) upon an order to that effect from a court of justice.

The institution where you are being kept under confinement must inform you immediately of your release from confinement.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 165
(1997, chapter 86)

**An Act to amend the Taxation Act, the
Act respecting the Ministère du Revenu,
the Act to facilitate the payment of
support and the Act respecting the
Québec Pension Plan**

**Introduced 4 November 1997
Passage in principle 13 November 1997
Passage 16 December 1997
Assented to 19 December 1997**

**Québec Official Publisher
1997**

EXPLANATORY NOTES

This bill proposes amendments to various Acts under the administration of the Minister of Revenue.

The bill amends the Taxation Act, in particular to introduce a time limit for assessments which takes into account the day on which a fiscal return is filed, and to empower the Minister to reassess a mutual fund trust or a corporation in the year following an assessment or a reassessment by the federal government.

The bill also amends the Act respecting the Ministère du Revenu to empower a person duly authorized by the Minister to make copies or photocopies of documents during an audit or examination carried out pursuant to that Act. The bill provides for an extension of the period for filing objections and reduces the restrictions relating to the circumstances in which an extension may be obtained, and allows the disclosure of information of a fiscal nature to police officers holding a judicial authorization, within the scope of operations relating to proceeds of crime.

In addition, the bill amends the Act to facilitate the payment of support to allow the Minister of Revenue to communicate to the Régie des rentes du Québec the information necessary for the partition of pensionable earnings of former spouses.

Lastly, the bill amends the Act respecting the Québec Pension Plan to introduce a time limit for assessments which takes into account the day on which a fiscal return is filed.

LEGISLATION AMENDED BY THIS BILL :

- Taxation Act (R.S.Q., chapter I-3);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act to facilitate the payment of support (R.S.Q., chapter P-2.2);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9).

Bill 165

AN ACT TO AMEND THE TAXATION ACT, THE ACT RESPECTING THE MINISTÈRE DU REVENU, THE ACT TO FACILITATE THE PAYMENT OF SUPPORT AND THE ACT RESPECTING THE QUÉBEC PENSION PLAN

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

TAXATION ACT

1. Section 1010 of the Taxation Act (R.S.Q., chapter I-3), amended by section 273 of chapter 39 of the statutes of 1996 and by section 71 of chapter 3 of the statutes of 1997, is again amended

(1) by replacing paragraph *a* of subsection 2 by the following paragraph :

“(a) within three years after the day of mailing of an original assessment or of a notification that no tax is payable for a taxation year or the day on which a fiscal return for the taxation year is filed, whichever is later;”;

(2) by replacing the words “, a political subdivision of a foreign country or a prescribed international organization” in subparagraph iii of paragraph *a.1* of subsection 2 by the words “or a political subdivision of a foreign country”.

2. The said Act is amended by inserting, after section 1010.0.1, the following section :

“**1010.0.2.** Notwithstanding the expiration of the time limits prescribed in section 1010, where a corporation or a mutual fund trust is the subject of an assessment or a reassessment under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), the Minister may, in the year after the date of the assessment, reassess the tax, interest and penalties of the corporation or mutual fund trust and make a reassessment solely to take account of the elements that may be considered to relate to the assessment or reassessment.”

ACT RESPECTING THE MINISTÈRE DU REVENU

3. Section 38 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by adding the words “and make a copy thereof” after the word “law” at the end of subparagraph *a* of the second paragraph.

4. The said Act is amended by inserting, after section 69.0.1, introduced by section 276 of chapter 63 of the statutes of 1995 and replaced by section 3 of chapter 33 of the statutes of 1996, the following sections :

“69.0.2. Notwithstanding section 69, the Minister or a public servant designated by the Minister must allow the person designated in an order issued in accordance with the second paragraph to have access to and examine the information or documents mentioned in the order.

For the purposes of the first paragraph, a judge of the Court of Québec may, for the purposes of an investigation in relation to an enterprise crime offence or a designated substance offence within the meaning of section 462.3 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), make an order requiring the Minister to allow a member of the Sûreté du Québec or, where applicable, of a municipal police force, to have access to and examine the information or documents mentioned in the order.

An application under the second paragraph shall be made *ex parte* in writing by the Attorney General or the Attorney General’s prosecutor and be accompanied by an affidavit of the applicant or of a person specially designated by the Attorney General or the Attorney General’s prosecutor for that purpose deposing to the following matters :

- (a) the offence or matter under investigation ;
- (b) the person in relation to whom the information or documents are required ;
- (c) the type of information or document obtained by or on behalf of the Minister for the purposes of a fiscal law and to which access is sought ;
- (d) the facts relied on to justify the belief, on reasonable grounds, that the person in relation to whom the information or documents are required has committed or benefited from the commission of an offence referred to in the second paragraph and that the information or documents required are likely to be of substantial value, whether alone or together with other material, to the investigation for the purposes of which the application is made.

The judge may make the order, on such conditions as are required in the public interest, if the judge is satisfied

- (a) that there are reasonable grounds for believing that the person in relation to whom the information or documents are required has committed or benefited from the commission of an offence referred to in the second paragraph and that the information or documents required are likely to be of substantial value, whether alone or together with other material, to the investigation for the purposes of which the application is made ;

(b) that there are reasonable grounds for believing that it is in the public interest to allow access to the information or documents to which the application relates, having regard to the benefit likely to accrue to the investigation if the access is obtained.

An order remains valid for the period determined by the judge. However, an order cannot be executed before the expiration of seven clear days following the service of a copy of the order on the person in respect of whom the order is made, service being required to be made in accordance with the rules prescribed by the Code of Penal Procedure (chapter C-25.1) or in the manner ordered by the judge.

However, the judge may, at the request of the Minister or a public servant designated by the Minister, extend the period within which the order is to be complied with.

“69.0.3. The Minister or a public servant designated by the Minister may object to the disclosure of any information or document in respect of which an order under section 69.0.2 has been made by certifying, orally or in writing, before the Chief Judge of the Court of Québec or before such other judge of that Court as the Chief Judge may designate to hear the application on the ground that

(a) an agreement entered into under section 9 prohibits the disclosure of the information or document ;

(b) a privilege is attached by law to the information or document ;

(c) the information or document has been placed in a sealed package pursuant to law or an order of a court of competent jurisdiction ; or

(d) disclosure of the information or document would not, for any other reason, be in the public interest.

A judge who is to determine an objection may, if the judge considers it necessary to determine the objection, examine the information or document disclosure of which is applied for and shall grant the objection and order that disclosure of the information or document be refused where the judge is satisfied of any of the grounds mentioned in subparagraphs *a* to *d* of the first paragraph.

An appeal lies from a determination under the first paragraph to the Court of Appeal which shall be brought within ten days from the date of the determination. The Court of Appeal may, however, grant such further time as it considers appropriate in the circumstances.

An application under the first or the third paragraph shall be heard *in camera*. The Minister or a public servant designated by the Minister is entitled, during hearings in first instance or in appeal, to make representations *ex parte*.

“69.0.4. Where any information or document is examined by a member of the Sûreté du Québec or, where applicable, of a municipal police force pursuant to section 69.0.2, the latter or a public servant of the department may make a copy thereof.

No member of the Sûreté du Québec or, where applicable, of a municipal police force to whom information or documents have been disclosed under the first paragraph or section 69.0.2 shall further disclose such information or documents, except for the purposes of the investigation in relation to which the order was made.”

5. Section 93.1.3 of the said Act, enacted by section 358 of chapter 85 of the statutes of 1997, is amended by replacing the words “the day of mailing of the notice of assessment” by the words “the expiry of that time”.

6. Section 93.1.4 of the said Act, enacted by section 358 of chapter 85 of the statutes of 1997, is amended by striking out the words “personally or to be represented by others” in the second paragraph.

7. Section 93.1.8 of the said Act, enacted by section 358 of chapter 85 of the statutes of 1997, is amended by inserting the figure “1010.0.2,” after the figure “1010.0.1,” in the first paragraph.

8. Section 93.1.12 of the said Act, enacted by section 358 of chapter 85 of the statutes of 1997, is amended by inserting the figure “1010.0.2,” after the figure “1010.0.1,” in the first paragraph.

ACT TO FACILITATE THE PAYMENT OF SUPPORT

9. Section 76 of the Act to facilitate the payment of support (R.S.Q., chapter P-2.2) is amended by inserting, after the first paragraph, the following paragraph:

“The Minister shall transmit to the Régie des rentes du Québec the social insurance numbers of former spouses that are necessary for the partition of the unadjusted pensionable earnings provided for in section 102.1 of the Act respecting the Québec Pension Plan (chapter R-9).”

ACT RESPECTING THE QUÉBEC PENSION PLAN

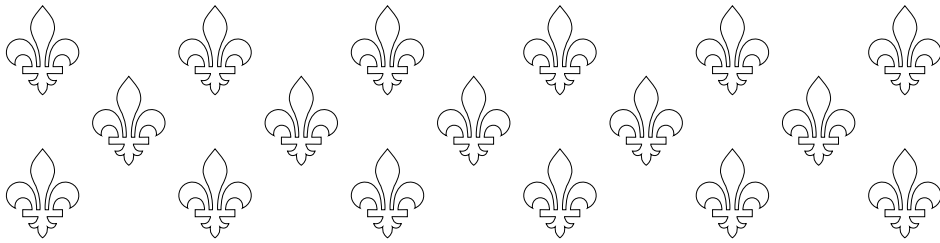
10. Section 66 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), amended by section 36 of chapter 31 of the statutes of 1996, is again amended by replacing the third paragraph by the following paragraph:

“However, no assessment may be made by the Minister in respect of an employer after four years have elapsed from the day on which that amount should have been paid, unless the employer has filed no returns, has engaged in misrepresentation or has committed fraud in supplying the required

information or unless a waiver has been filed with the Minister on the prescribed form.”

11. The provisions of this Act apply from 19 December 1997, except sections 2 and 5 to 8 which apply from 1 January 1998.

12. This Act comes into force on 19 December 1997.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 168
(1997, chapter 88)

An Act to amend the Act respecting the Caisse de dépôt et placement du Québec

Introduced 11 November 1997
Passage in principle 5 December 1997
Passage 19 December 1997
Assented to 19 December 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

This bill amends the Act respecting the Caisse de dépôt et placement du Québec to redefine the restrictions limiting the Fund's power to acquire common shares and units of indexed funds and on its power to invest in immovable property and hypothecs, and so as to allow the Fund, in certain cases, to hold more shares or other securities of the same legal person than the percentage presently authorized.

This bill also allows the Fund to form subsidiaries to engage in new activities relating to immovable property, to provide fund management services, to offer and provide investment-related services and to invest in certain legal persons or entities.

Furthermore, the bill permits two persons who are not resident in Québec to be appointed to the board of directors of the Fund.

Finally, the bill contains various provisions to facilitate the Fund's management of its investments.

Bill 168

AN ACT TO AMEND THE ACT RESPECTING THE CAISSE DE DÉPÔT ET PLACEMENT DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 5 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2) is amended by adding the following sentence at the end of the second paragraph : “At least seven of such nine members must be resident in Québec.”

2. Section 11 of the said Act is repealed.

3. Section 23 of the said Act is amended

(1) by striking out paragraph *h* ;

(2) by adding, after paragraph *i*, the following paragraph :

“(j) the structures referred to in the last paragraph of section 37.1.”

4. Section 29 of the said Act is amended

(1) by striking out paragraph *b* ;

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

“(c) the total investment of the Fund in immovables and in hypothecs referred to in section 28 outside the territory of the member countries of the North American Free Trade Agreement shall not exceed, in net value, 5% of its total assets.”

5. Section 31 of the said Act is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph :

“(a) a legal person whose principal object is to invest in immovable property or to carry on one or more activities or operate businesses relating to immovable property, or whose principal object is to acquire and hold, directly or indirectly, the shares and other securities of such legal persons ;”.

6. Section 31.1 of the said Act is amended by replacing “, 30 and 31” by “to 32”.

7. Section 32 of the said Act is amended

(1) by replacing the percentage “40%” in paragraph *b* by the percentage “70%”;

(2) by inserting the words “or the first paragraph of section 37.1” after the words “section 31” in the last line of paragraph *c*;

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

“For the purposes of the 30% limit fixed in paragraph *a*, the investments, operations or loans made under section 34 are subject to that limit only from the time they are converted into common shares.”

8. Section 33 of the said Act is amended by striking out the last sentence.

9. Section 35 of the said Act is amended by replacing the word “two” in the fifth line by the word “four”.

10. Section 36 of the said Act is replaced by the following section:

“36. A security held by the Fund as a result of the reorganization or winding-up of a legal person, the amalgamation of legal persons or the realization of a security securing an investment of the Fund, and that could not otherwise be held by the Fund under this Act, may not be held by the Fund for more than four years.

As well, a security held by the Fund as a result of the exercise or realization, on the initiative of the Fund or otherwise, of contractual rights or obligations, and that could not otherwise be held by the Fund under this Act, may not be held by the Fund for more than four years.”

11. The said Act is amended by inserting, after section 36, the following sections:

“36.1. For the purposes of the acquisition, holding or disposal of investments under this Act, the Fund is authorized to engage in any activity or operation that allows the value of the investment to be protected or enhanced, or that is aimed at deriving the best possible financial return from the investment.

“36.2. The Fund shall, annually, adopt an investment policy under which the distribution of assets among shares and titles of indebtedness of legal persons is in keeping with the practices of major North American pension funds.

The policy must also take into account the financing needs of the public sector and economic development of Québec.”

12. Section 37.1 of the said Act is amended

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

“37.1. The Fund may, without restriction, acquire and hold any or all of the shares or other securities of a legal person

(a) whose principal activity consists in acquiring, holding or investing in mineral, oil or gas resources, in administering such resources and in developing them through third persons ;

(b) whose principal activity consists in acquiring or managing investments in risk capital ;

(c) whose principal activity consists in acquiring, guaranteeing and holding securitized assets and derived products, in mounting asset securitization operations or in offering, managing or distributing securitized assets ;

(d) whose principal activity consists in holding shares or other securities of a legal person described in this section, or in holding international investments, capital interests or private investments, which may include securities listed on a stock exchange, to the extent that the Fund is authorized to hold such investments directly ;

(e) whose principal activity consists in acquiring, holding and administering hypothecary claims, portfolios of hypothecary claims or interests in such claims or portfolios, in addition to guaranteeing them ;

(f) whose principal activity consists in investing in legal persons or entities that offer, sell or distribute financial products or services, as well as in any legal person or entity that holds or manages such legal persons or entities ;

(g) whose principal activity consists in offering and providing fund management services, by engaging in any form of investment or type of investment activity ;

(h) whose principal activity consists in offering and providing investment-related services with respect to funds from outside Québec, such as risk management, specific risk management, calculation of return and asset distribution.”;

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

“Notwithstanding the second and fourth paragraphs of this section, paragraph *a* of section 32 does not apply where the investment in common shares or other securities is made as part of a start-up or pre-start-up phase, to ensure or maintain operations, or to foster continuity, transition, reorganization or growth prior to a public issue. It also does not apply in respect of any new investment holding structure or fund management structure provided for by regulation. The investments made under this paragraph must be consistent

with the policy established by the Fund in their regard. The investments shall be made for a period not exceeding five years and the Fund's policy shall establish the conditions and authorizations to be obtained beyond that period. The policy and any amendment to it must be made public by the Fund within 30 days."

13. Section 44 of the said Act is amended by replacing "31 March" in the first paragraph by "15 April".

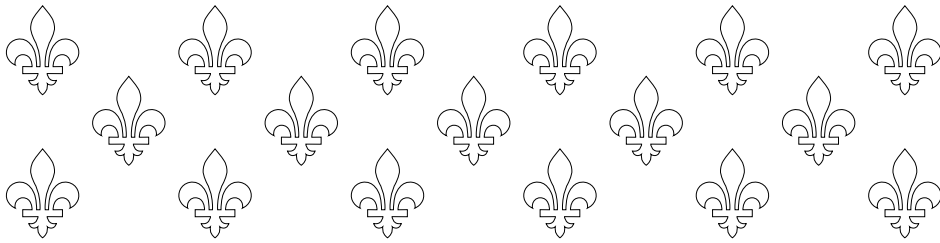
14. Section 46 of the said Act is amended

(1) by replacing the word "last" in paragraph *h* by the word "fourth";

(2) by adding, after paragraph *h*, the following paragraph:

"(i) a statement of the investments made under the last paragraph of section 37.1."

15. This Act comes into force on 19 December 1997.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 180
(1997, chapter 96)

An Act to amend the Education Act and various legislative provisions

Introduced 13 November 1997
Passage in principle 25 November 1997
Passage 19 December 1997
Assented to 19 December 1997

Québec Official Publisher
1997

EXPLANATORY NOTES

This bill proposes a restructuring of the respective powers and responsibilities of and the relations between educational institutions, school boards, the Minister of Education and the Government.

Certain functions and powers presently exercised by school boards in connection with educational services, community services and the management of human, physical and financial resources will be transferred to individual educational institutions.

These functions and powers are to be exercised by the governing board established for each educational institution; the governing board will, in the case of schools, replace the existing orientation committee and school committee.

In addition, the bill provides for a new type of educational institution to be known as a vocational training centre. It will be responsible for providing vocational training to young and adult students under a new, separate basic regulation.

Consequential changes are made to the functions and powers of the principals of educational institutions, the school boards, the Minister and the Government, and to the role of school board parents' committees. In the latter case, the committee will henceforth be composed of parents who are members of school governing boards and of one parent representing the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.

Certain powers and functions relating to school transportation are transferred to the Minister of Education.

The bill also provides for the establishment of a programs council, a teaching resource evaluation committee, a teacher training program evaluation committee and a teacher training policy committee whose mission is to advise the Minister on the matters within their purview.

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

LEGISLATION AMENDED BY THIS BILL :

- Act respecting financial assistance for students (R.S.Q., chapter A-13.3);
- Act to foster the development of manpower training (R.S.Q., chapter D-7.1);
- Act respecting private education (R.S.Q., chapter E-9.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Education Act (R.S.Q., chapter I-13.3);
- Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);
- Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01);
- Consumer Protection Act (R.S.Q., chapter P-40.1);
- Act to amend the Education Act, the Act respecting school elections and other legislative provisions (1997, chapter 47).

Bill 180

AN ACT TO AMEND THE EDUCATION ACT AND VARIOUS LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

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

(1) by replacing the words “educational services of preschool developmental and cognitive learning” in the first and second lines of the first paragraph by the words “preschool education”;

(2) by inserting the words “referred to in the first paragraph and to the educational services prescribed by the basic vocational training regulation established by the Government under section 448” after the word “regulation” in the third line of the second paragraph.

2. Section 2 of the said Act is amended by replacing the words “school regulation for adult education made” in the second and third lines by the words “regulations established”.

3. Section 3 of the said Act is amended

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

“**3.** The educational services provided for by this Act and prescribed by the basic school regulation established by the Government under section 447 shall be provided free to every resident of Québec entitled thereto under section 1.”;

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

“The educational services prescribed by the basic vocational training regulation shall be provided free to every resident of Québec, subject, however, to the conditions determined in the basic regulation if the person is 18 years of age or older, or 21 years of age or older in the case of a handicapped person within the meaning of the Act to secure the handicapped in the exercise of their rights (chapter E-20.1).”

4. Section 4 of the said Act is amended by replacing the first two paragraphs by the following paragraphs :

4. Every student, or the student's parents if the student is not of full age, shall have the right to choose, every year, the school that best reflects their preferences from among the schools of the school board whose jurisdiction the student comes under that provide services to which the student is entitled.

The exercise of the right to choose a school is subordinate to the enrollment criteria established pursuant to section 239 where the number of applications for enrollment in a school exceeds the school's capacity, and, in the case of a school with a special project or a school having a regional or provincial role, subordinate to the enrollment criteria established by the school board pursuant to section 240 or 468."

5. Section 5 of the said Act, amended by section 52 of chapter 47 of the statutes of 1997, is again amended by inserting the words "vocational training or" after the words "enrolled in" in the first line of the first paragraph.

6. Section 6 of the said Act is amended by inserting the words "vocational training or" after the words "enrolled in" in the first lines of the first and second paragraphs.

7. Section 7 of the said Act is amended by adding, at the end of the first paragraph, the words "until the last day of the school calendar of the school year in which they reach 18 years of age, or 21 years of age in the case of handicapped persons within the meaning of the Act to secure the handicapped in the exercise of their rights (chapter E-20.1). Each student shall have the personal use of the textbook chosen pursuant to section 96.15 for each compulsory and elective subject in which the student receives instruction."

8. Section 9 of the said Act is amended by inserting the words "or the governing board" after the word "committee" in the second line.

9. Section 15 of the said Act, amended by section 70 of chapter 21 of the statutes of 1996, is again amended by adding, after the second paragraph, the following paragraph:

"A child is also excused from attending public school if the child attends a vocational training centre or receives instruction in an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of the Act respecting private education."

10. Section 22 of the said Act is amended by inserting, after paragraph 6, the following paragraph:

"(6.1) collaborate in the training of future teachers and in the mentoring of newly qualified teachers;"

11. Section 23 of the said Act is amended

(1) by replacing the word “Every” in the first line of the first paragraph by the words “To provide preschool education services or to teach at the elementary or secondary level, a”;

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

“(1.1) a person who provides instruction in an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of the Act respecting private education (chapter E-9.1);”;

(3) by replacing the words “or training issued by a school board pursuant to section 223 or 246” at the end of subparagraph 3 of the second paragraph by the words “issued by a school board pursuant to section 223 or 246.1”.

12. Section 25 of the said Act is amended by replacing the word “teachers” in the second line by the words “preschool education providers or elementary or secondary-level teachers”.

13. Chapters III and IV of the said Act are replaced by the following chapters :

“CHAPTER III

“SCHOOLS

“DIVISION I

“ESTABLISHMENT

“36. A school is an educational institution whose object is to provide to the persons entitled thereto under section 1 the educational services provided for by this Act and prescribed by the basic school regulation established by the Government under section 447 and to contribute to the social and cultural development of the community.

In keeping with the principle of equality of opportunity, the mission of a school is to impart knowledge to students, foster their social development and give them qualifications, while enabling them to undertake and achieve success in a course of study.

A school shall pursue its mission within the framework of an educational project defined, implemented and periodically evaluated in collaboration with the students, the parents, the principal, the teachers and other school staff, representatives of the community and the school board.

“37. A school’s educational project shall set out the specific aims and objectives of the school, and the means by which the educational project is to be implemented and evaluated.

The aims and objectives of the project, and the means by which it is to be implemented, shall be designed to ensure that the provincial educational policy defined by law, the basic school regulation and the programs of studies established by the Minister are implemented, adapted and enriched to reflect the needs of the students and the priorities of the school.

“38. At the request of the school board, a school shall provide a general education program to students enrolled in a vocational training program provided by a vocational training centre or by an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of the Act respecting private education (chapter E-9.1).

“39. Schools shall be established by the school board.

The deed of establishment shall state the name and address of the school, indicate the premises or immovables placed at the school’s disposal and specify the level of instruction the school is to provide.

“40. A school board may, after consulting with the governing board or at its request, amend or revoke the deed of establishment of a school in keeping with the three-year plan of allocation and destination of the school board immovables.

“41. Where the deed of establishment of the school places more than one immovable at the disposal of the school, the school board, after consulting with the principal, may appoint a person to be responsible for each immovable and determine that person’s functions.

The persons appointed shall perform their functions under the authority of the principal.

“DIVISION II

“GOVERNING BOARD

“§1. — *Composition*

“42. A governing board shall be established for each school.

The governing board, which shall have not more than 20 members, shall include the following persons :

(1) at least four parents of students attending the school who are not members of the school staff, elected by their peers ;

(2) at least four members of the school staff, including at least two teachers and, if the persons concerned so decide, at least one non-teaching staff member and at least one support staff member, elected by their peers ;

(3) in the case of a school providing education to students in the second cycle of the secondary level, two students in that cycle elected by the students enrolled at the secondary level or, as the case may be, appointed by the students' committee or the association representing those students;

(4) in the case of a school where childcare is organized for children at the preschool and elementary school level, a member of the staff assigned to childcare, elected by his or her peers;

(5) two representatives of the community who are not members of the school staff, appointed by the members elected under subparagraphs 1, 2 and 4.

The students' representatives and community representatives on the governing board are not entitled to vote.

“43. The school board shall determine the number of parents' representatives and staff representatives on the governing board after consulting with each group concerned.

The total number of seats for staff representatives referred to in subparagraphs 2 and 4 of the second paragraph of section 42 must be equal to the number of seats for parents' representatives.

“44. Where fewer than 60 students are enrolled in a school, the school board may, after consulting with the parents of the students attending the school and with the school staff, vary the rules governing the composition of the governing board provided in the second paragraph of section 42.

However, the total number of seats for staff representatives must be equal to the total number of seats for parents' representatives.

“45. Commissioners elected or appointed pursuant to the Act respecting school elections (chapter E-2.3) cannot be members of the governing board of a school under the authority of the school board.

However, a commissioner, if so authorized by the governing board, may take part in meetings of the governing board but is not entitled to vote.

“46. The principal of the school shall take part in the meetings of the governing board but is not entitled to vote.

“§2. — Formation

“47. During the month of September each year, the chair of the governing board or, if there is none, the principal shall, by written notice, call a meeting of the parents of the students who attend the school to elect parents' representatives to the governing board. The notice shall be sent at least four days before the meeting is to be held.

At the meeting, the parents shall elect a representative to the parents' committee established under section 189 from among their representatives on the governing board.

At the meeting, a second parents' representative on the governing board may be designated as a substitute to attend and vote at meetings of the parents' committee when the representative elected for that purpose is unable to do so.

“48. During the month of September each year, the teachers of the school shall hold a meeting to elect their representatives to the governing board according to the procedure set out in their collective agreement or, failing that, according to the procedure determined by the principal after consulting with the teachers.

“49. During the month of September each year, the members of the non-teaching professional staff who provide services to the students of the school shall hold a meeting to elect their representatives to the governing board according to the procedure set out in the collective agreement of the non-teaching professional staff or, failing that, according to the procedure determined by the principal after consulting with the persons concerned.

“50. During the month of September each year, the members of the support staff who provide services at the school and the members of the school staff who provide childcare for children at the preschool and elementary school level, if any, shall hold meetings to elect their representatives to the governing board according to the procedure set out in the collective agreement of the support staff or, failing that, according to the procedure determined by the principal after consulting with the persons concerned.

“51. During the month of September each year, the students' committee or the association representing the students, if any, shall appoint students' representatives to the governing board.

Failing that, the principal shall preside over the election of students' representatives to the governing board in accordance with the rules established by the principal after consulting with the students enrolled at the secondary level.

“52. Where the meeting of parents called pursuant to section 47 fails to elect the required number of parents' representatives, the principal shall exercise the functions and powers of the governing board.

The fact that the representatives of any other group fall short of the required number shall not prevent the formation of the governing board.

“53. The members of the governing board shall take office as soon as all members to be elected under subparagraphs 1, 2 and 4 of the second paragraph of section 42 have been elected or not later than 30 September, whichever occurs first.

“54. The term of office of parents’ representatives on the governing board is two years and the term of office of the representatives of other groups is one year.

However, the term of office of half of the first parents’ representatives, elected by the meeting of parents, is one year.

The members of the governing board shall remain in office until they are reelected, reappointed or replaced.

“55. A parents’ representative whose child no longer attends the school may remain a member of the governing board until the next meeting held pursuant to section 47.

A vacancy resulting from the departure of a parents’ representative shall be filled, for the unexpired portion of the representative’s term, by a parent designated by the other parents’ representatives on the governing board.

A vacancy resulting from the departure or disqualification of any other member of the governing board is filled, for the unexpired portion of the term, according to the mode of appointment prescribed for the member to be replaced.

“§3. — Operation

“56. The governing board shall choose its chair from among the parents’ representatives on the governing board who are not members of the personnel of the school board.

“57. The principal shall preside over the governing board until the chair is elected.

“58. The term of office of the chair is one year.

“59. The chair of the governing board shall preside at meetings of the governing board.

“60. If the chair is absent or unable to act, the governing board shall designate a person from among the members who are eligible for the office of chair to exercise the functions and powers of the chair.

“61. A majority of the members of the governing board who are in office, including at least half of the parents’ representatives, is a quorum of the governing board.

“62. If the governing board is unable to hold a meeting for lack of a quorum after three consecutive notices have been sent at intervals of at least seven days, the school board may order that the functions and powers of the governing board be suspended for the period determined by the school board and that they be exercised by the principal.

“63. The decisions of the governing board are made by a majority vote of the members present and entitled to vote.

If votes are equally divided, the chair has a casting vote.

“64. Every decision of the governing board must be made in the best interests of the students.

“65. The governing board may hold its meetings on the school premises.

The governing board may also use the school’s administrative support services and facilities free of charge, subject to the conditions determined by the principal.

“66. The governing board shall adopt and oversee the administration of its annual operating budget and render an account thereof to the school board.

The budget must maintain a balance between expenditures, on the one hand, and the financial resources allocated to the governing board by the school board, on the other.

“67. The governing board shall establish rules for its internal management. The rules shall provide for at least five meetings every school year.

The governing board shall fix the date, time and place of its meetings, and inform the parents and the members of the school staff.

“68. The meetings of the governing board are open to the public; however the governing board may order that a meeting be closed to the public if a matter is to be examined which could cause injury to a person.

“69. The minutes of the proceedings of the governing board shall be recorded in a register kept for that purpose by the principal or by a person specially designated by the principal. The register is open to the public.

The minutes, after being read and approved at the beginning of the following meeting, shall be signed by the person presiding over the meeting and countersigned by the principal or by the person designated by the principal under the first paragraph.

The reading of the minutes is not required provided that a copy of the minutes was delivered to each member present at least six hours before the beginning of the meeting at which the minutes are to be approved.

A copy of an extract from the register may be obtained on payment of a reasonable fee fixed by the governing board.

“70. Every member of the governing board who has a direct or indirect interest in an enterprise that places the member’s personal interest in conflict

with the interest of the school must, on pain of forfeiture of office, disclose the interest in writing to the principal, abstain from voting on any matter concerning the enterprise and avoid influencing the decision relating to it. The member must, in addition, withdraw from a meeting while the matter is discussed or voted on.

A disclosure under the first paragraph must be made at the first meeting of the governing board

- (1) after a person having such an interest becomes a member of the governing board ;
- (2) after a member of the board acquires such an interest ;
- (3) during which the matter is dealt with.

“71. The members of the governing board must act within the scope of the functions and powers conferred on them, and exercise the care, prudence and diligence that a reasonable person would exercise in similar circumstances ; they must also act with honesty and loyalty and in the interest of the school, the students, the parents, the school staff and the community.

“72. The members of a governing board may not be prosecuted for an act performed in good faith in the exercise of governing board functions.

“73. The school board shall assume the defence of any member of the governing board who is prosecuted by a third person for an act done in the exercise of governing board functions.

In the case of penal or criminal proceedings, the school board may require a member who has been prosecuted to repay the defence expenses, except if the member had reasonable grounds to believe that the act was in conformity with the law, if the proceedings were withdrawn or dismissed or if the member was discharged or acquitted.

As well, the school board may require repayment of the defence expenses by the member if the member was found liable for damage caused by an act done in bad faith in the exercise of governing board functions.

“§4. — *Functions and powers*

“1. General functions and powers

“74. The governing board shall adopt, oversee the implementation of and evaluate the school’s educational project.

In exercising such functions, the governing board shall seek the collaboration of persons having an interest in the school.

To that end, the governing board shall encourage the communication of information, dialogue and concerted action between students, parents, the principal, teachers and other school staff members and community representatives, and their collaboration in helping students to achieve academic success.

“75. The governing board is responsible for approving the student supervision policy proposed by the principal.

The policy shall include measures relating to the use of non-teaching and non-scheduled time for instructional or educational purposes, the organization of extracurricular activities and the development of approaches to foster academic success.

“76. The governing board is responsible for approving the rules of conduct and the safety measures proposed by the principal.

The rules and measures may include disciplinary sanctions other than expulsion from school or corporal punishment; the rules and measures shall be transmitted to all students at the school and their parents.

“77. The proposals made under sections 75 and 76 shall be developed in collaboration with the school staff.

The collaboration procedure shall be established by the persons concerned at general meetings called for that purpose by the principal or, failing that, shall be determined by the principal.

“78. The governing board shall advise the school board concerning

(1) any matter the school board is required to submit to the governing board;

(2) any matter likely to facilitate the operation of the school;

(3) any matter likely to improve the organization of the services provided by the school board.

“79. The school board must consult with the governing board concerning

(1) the amendment or revocation of the deed of establishment of the school;

(2) the selection criteria for the appointment of the principal;

(3) the recognition of the confessional status of the school.

“80. The governing board may, within the scope of its powers, enter into an agreement with another educational institution of the school board concerning the pooling of goods and services or the holding of joint activities.

“81. The governing board shall furnish to the school board, on the date and in the form specified by the school board, any information required by the school board for the exercise of its functions.

“82. The governing board shall prepare and adopt an annual activity report and shall transmit a copy of the report to the school board.

“83. The governing board shall inform the community served by the school of the services provided by the school and report on the level of quality of such services.

“2. Functions and powers relating to educational services

“84. The governing board is responsible for approving the approach proposed by the principal for the implementation of the basic school regulation.

“85. The governing board is responsible for approving the overall approach proposed by the principal for the enrichment or adaptation by the teachers of the objectives and suggested content of the programs of studies established by the Minister and for the development of local programs of studies to meet the specific needs of the students at the school.

“86. The governing board is responsible for approving the time allocation proposed by the principal for each compulsory or elective subject and shall satisfy itself

(1) that the compulsory objectives of the programs of studies established by the Minister will be achieved and their compulsory contents will be acquired;

(2) that the minimum time prescribed by the Catholic committee or the Protestant committee, as the case may be, for Catholic or Protestant moral and religious instruction is respected;

(3) that the rules governing the certification of studies prescribed by the basic school regulation are complied with.

“87. The governing board is responsible for approving the programming of educational activities, proposed by the principal, which entail changes in the students’ regular time of arrival and departure or which require the students to leave school premises.

“88. The governing board is responsible for approving the approach proposed by the principal for the implementation of the student services and special educational services programs prescribed by the basic school regulation and determined by the school board, or provided for in an agreement entered into by the school board.

“89. Proposals under sections 84, 87 and 88 shall be developed in collaboration with the school staff; proposals under sections 85 and 86 shall be developed in collaboration with the teachers.

The collaboration procedure shall be established by the persons concerned at general meetings called for that purpose by the principal or, failing that, shall be determined by the principal.

“3. Functions and powers relating to community services

“90. The governing board may organize educational services other than those prescribed by the basic school regulation, including instructional services outside teaching periods during the school days of the school calendar or on non-school days, and may organize social, cultural or sports services.

It may also allow other persons or organizations to organize such services on school premises.

“91. For the purposes of section 90, the governing board may, in the name of the school board and within the scope of the school’s budget, contract with a person or body for the provision of goods or services. In addition, it may require a financial contribution from users of such goods and services.

A draft of a contract to be entered into under the first paragraph must be sent to the school board at least 20 days before its conclusion. Within 15 days after receiving it, the school board may indicate its disagreement on the ground of non-compliance with the standards governing the school board; in the absence of such indication, the contract may be concluded.

“92. Revenues derived from the provision of goods and services under section 90 shall be credited to the appropriations allocated to the school.

“4. Functions and powers relating to physical and financial resources

“93. The governing board is responsible for approving the use of the premises or immovables placed at the disposal of the school, proposed by the principal, subject to the obligations imposed by law for the use of the school premises for election purposes and to agreements for the use of school premises entered into by the school board before the issue of the deed of establishment of the school.

Any agreement entered into by the governing board for the use of the premises or immovables placed at the disposal of the school requires prior authorization from the school board if the term of the agreement exceeds one year.

The governing board is responsible for approving the organization by the school board, on the school premises, of cultural, social, sports, scientific or community services.

“94. The governing board may, in the name of the school board, solicit and receive gifts, legacies, grants and other voluntary contributions from any person or public or private organization wishing to provide funding for school activities.

The governing board may not, however, solicit or receive gifts, legacies, grants or other contributions to which conditions incompatible with the mission of the school are attached, particularly conditions relative to any form of commercial solicitation.

The contributions received shall be paid into a designated fund created for that purpose in respect of the school by the school board ; the funds making up the fund and the interest earned shall be appropriated to the school.

The school board shall keep separate books and accounts for the operations of the fund.

The management of the fund shall be supervised by the governing board ; the school board must, at the request of the governing board, give access to the records of the fund and provide the governing board with any account, report or other information relating to the fund.

“95. The governing board is responsible for adopting the school’s annual budget proposed by the principal, and shall submit the budget to the school board for approval.

“DIVISION III

“PARENT PARTICIPATION ORGANIZATION

“96. The meeting of parents called pursuant to section 47 shall decide whether or not to form a parent participation organization.

If the meeting decides to form a parent participation organization, it shall determine the name, composition and operating rules of the organization and shall elect its members.

“96.1. Where under the deed of establishment of the school more than one immovable is placed at the disposal of the school or where the school provides both elementary and secondary instruction, the meeting of parents may establish a parent participation organization for each immovable or each level of instruction, instead of only one.

“96.2. The purpose of a parent participation organization is to encourage the collaboration of parents in developing, implementing and periodically evaluating the school’s educational project and their participation in fostering their child’s academic success.

“96.3. A parent participation organization may advise the parents’ representatives on the governing board regarding any matter of concern to parents or any matter concerning which the organization is consulted by the parents’ representatives on the governing board.

“96.4. A parent participation organization may hold its meetings on the school premises.

The organization may also use the school’s administrative support services and facilities free of charge, subject to the conditions determined by the principal after consulting with the governing board.

“DIVISION IV

“ STUDENT COMMITTEE

“96.5. During the month of September each year, the principal of a school providing education to students in the second cycle of the secondary level shall see to the formation of a student committee.

The students shall determine the name, composition and operating rules and elect the members of the committee.

The students may decide not to form a student committee or entrust the functions of student committee to an association representing them.

“96.6. The purpose of the student committee is to encourage the collaboration of parents in developing, implementing and periodically evaluating the school’s educational project and their participation in fostering academic success and in school activities.

The student committee may also make suggestions to the student representatives on the governing board and to the principal that are likely to facilitate the proper operation of the school.

“96.7. The student committee or the association representing the students may, for the purpose of its functions, meet on the school premises.

“DIVISION V

“ PRINCIPAL

“§1. — *Appointment*

“96.8. The principal of a school shall be appointed by the school board in accordance with the selection criteria established by the school board after consulting with the governing board.

The school board may designate a person to fill the position of principal temporarily, having regard to the provisions of the applicable collective agreements or regulations of the Minister.

“96.9. The school board may appoint one or more vice principals after consulting with the principal.

“96.10. A vice principal shall assist the principal in the exercise of the principal’s functions and powers.

The vice principal, or the vice principal designated by the school board, shall exercise the principal’s functions and powers if the principal is absent or unable to act.

“96.11. The principal may not, on pain of forfeiture of office, have any direct or indirect interest in an enterprise which places the principal’s personal interest in conflict with the interest of the school.

However, forfeiture of office is not incurred if the interest is acquired by succession or gift, provided the principal renounces or disposes of it promptly.

“§2. — *Functions and powers*

“96.12. The principal, under the authority of the director general of the school board, shall ensure that educational services provided at the school meet the proper standards of quality.

The principal is the academic and administrative director of the school and shall see to the implementation of the decisions of the governing board and of the other provisions governing the school.

“96.13. The principal shall assist the governing board in the exercise of its functions and powers and, for that purpose, the principal shall

(1) coordinate the development, implementation and periodical evaluation of the school’s educational project;

(2) ensure that the proposals required under this chapter are prepared and submitted to the governing board for approval;

(3) encourage concerted action between the parents, the students and the staff, their participation in the life of the school and their collaboration in fostering academic success;

(4) inform the governing board on a regular basis concerning the proposals approved by the principal under section 96.15.

If the principal fails or refuses to submit to the governing board a proposal concerning a matter within the purview of the governing board within 15 days of the date on which the governing board requests the proposal, the governing board may act without such a proposal.

“96.14. In the case of a handicapped student or a student with a social maladjustment or a learning disability, the principal, with the assistance of the student’s parents, of the staff providing services to the student, and of the student himself, unless the student is unable to do so, shall establish an individualized education plan adapted to the needs of the student. The plan must be consistent with the school board’s policy concerning the organization of services for handicapped students and students with social maladjustments or learning disabilities and in keeping with the ability and needs of the student as evaluated by the school board before the student’s placement and enrollment at the school.

The principal shall see to the implementation and periodical evaluation of the education plan and inform the student’s parents on a regular basis.

“96.15. The principal is responsible for approving, on the proposal of the teachers or, in the case of matters referred to in subparagraph 5, of the members of the staff concerned and after consulting with the governing board in the case of proposals under subparagraph 3,

(1) in accordance with the policies determined by the governing board, the local programs of studies developed to meet the special needs of students ;

(2) the criteria for the introduction of new instructional methods ;

(3) in accordance with this Act and in keeping with the school budget, the textbooks and instructional material required for the teaching of programs of studies ;

(4) the standards and procedures for the evaluation of student achievement in keeping with the prescriptions of the basic school regulation and subject to the examinations that may be imposed by the Minister or the school board ;

(5) the rules governing the placement of students and their promotion from one cycle to the other at the elementary level, subject to the rules prescribed by the basic school regulation.

The proposals of the teachers or the staff members under this section shall be made according to the procedure determined by the teachers or the staff members at general meetings called for that purpose by the principal or, failing that, according to the procedure determined by the principal.

A proposal of the teachers or the staff members concerning a subject referred to in this section must be made within 15 days after the proposal is requested by the principal, failing which the principal may act without such proposal.

If the principal does not approve a proposal of the teachers or the staff members, the principal shall give reasons, in writing, for the decision.

“96.16. With the authorization of the Minister, a greater number of credits may be assigned to a local program of studies than the number of credits prescribed by the basic school regulation.

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

“96.17. Following a request, with reasons, from the parents of a child who has not achieved the objectives of preschool education, the principal may admit the child, as prescribed by regulation of the Minister, to preschool education for the school year in which he would be eligible for admission to elementary school education, if there are reasonable grounds to believe that such measure will enable the child to achieve those objectives.

“96.18. Following a request, with reasons, from the parents of a student who has not achieved the objectives or mastered the compulsory notional contents of elementary school education at the end of the period fixed by the basic school regulation for mandatory promotion to secondary school, the principal may admit the student, as prescribed by regulation of the Minister, to elementary school education for an additional school year, if there are reasonable grounds to believe that such measure will enable the student to achieve those objectives or master those notional contents.

“96.19. Each year, the principal shall submit a report to the school board on the number of students admitted under each of sections 96.17 and 96.18, on the date determined and in the form specified by the school board.

“96.20. After consulting with the school staff, the principal shall inform the school board, on the date and in the form determined by the school board, of the needs of the school in respect of each staff category and of the professional development needs of the staff.

“96.21. The principal is responsible for the management of the staff of the school and shall determine the duties and responsibilities of each staff member in accordance with the provisions of the applicable collective agreements or regulations of the Minister and, where applicable, with the agreements between the school board and university-level institutions concerning the training of future teachers or the mentoring of newly qualified teachers.

The principal shall ensure that every teacher assigned to Catholic or Protestant moral and religious instruction has the qualifications required by the Catholic or the Protestant committee established by the Act respecting the Conseil supérieur de l'éducation (chapter C-60).

The principal shall see to the organization of such professional development activities for the school staff as agreed with the staff, in accordance with the provisions of the applicable collective agreements.

“96.22. After consulting with the governing board, the principal shall inform the school board of the requirements of the school as regards goods and services, and of any required improvement, equipment, construction, conversion or repair of the premises or immovables placed at the disposal of the school.

“96.23. The principal shall manage the physical resources of the school in keeping with the applicable standards and decisions of the school board; the principal shall render an account of such management to the school board.

“96.24. The principal shall prepare the annual budget of the school, submit it to the governing board for adoption, administer the budget and render an account thereof to the governing board.

The budget must maintain a balance between expenditures, on the one hand, and the financial resources allocated to the school by the school board and the school's own revenues, on the other.

The approved school budget shall constitute separate appropriations within the school board's budget, and the expenditures for that school shall be charged to those appropriations.

If a school closes, the school's surpluses and funds shall be transferred to the school board.

“96.25. The principal shall participate in defining the policies and by-laws of the school board.

“96.26. The principal shall also exercise the functions and powers delegated by the council of commissioners.

The principal shall, at the request of the school board, exercise functions other than the functions of a principal.

“CHAPTER IV

“VOCATIONAL TRAINING CENTRES AND ADULT EDUCATION CENTRES

“DIVISION I

“ESTABLISHMENT

“97. Vocational training centres are educational institutions whose mission is to provide the educational services prescribed by the basic vocational training regulation established by the Government under section 448.

Adult education centres are educational institutions whose mission is to provide to persons entitled thereto under section 2 the educational services prescribed by the basic adult education regulation established by the Government under section 448.

It is also the mission of centres to contribute to the social and cultural development of the community.

“98. At the request of the school board, an adult education centre shall provide a general education program to students in a vocational training program offered by a vocational training centre or by an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of the Act respecting private education (chapter E-9.1).

Likewise, a vocational training centre shall provide a general education program to students in a vocational training program.

“99. For the purposes of section 72 of the Charter of the French language (chapter C-11), a vocational training centre shall be considered to be a school as far as persons entitled to educational services under section 1 are concerned.

“100. Centres shall be established by the school board.

The deed of establishment of a centre shall state the name and address of the centre and indicate the premises or immovables placed at the disposal of the centre. The deed shall also specify whether the centre is a vocational training centre or an adult education centre.

Where the deed of establishment of the centre places more than one immovable at the disposal of the centre, the school board, after consulting with the principal, may appoint a person to be responsible for each immovable and determine that person's functions.

The persons appointed shall perform their functions under the authority of the principal.

“101. A school board may, after consulting with the governing board or at its request, amend the deed of establishment of a centre in keeping with the three-year plan of allocation and destination of the school board immovables.

“DIVISION II**“GOVERNING BOARD****“§1. — *Composition and formation***

“102. A governing board shall be established for each centre.

The governing board, which shall have not more than 20 members, shall include the following persons, who shall become members of the board upon their appointment or election :

(1) students attending the centre, elected by their peers according to the procedure determined by the principal after consulting with the students or the students' association, if any ;

(2) at least four members of the staff of the centre, including at least two teachers and, if the persons concerned so decide, at least one non-teaching professional staff member and at least one support staff member, elected by their peers according to the procedure set out in their respective collective agreements or, failing that, according to the procedure determined by the principal after consulting with the persons concerned ;

(3) at least two persons appointed by the school board after consulting with the socio-economic and community groups in the territory principally served by the centre ;

(4) in the case of a vocational training centre, at least two parents of students attending the centre who are not members of the staff of the centre, elected by their peers according to the procedure determined by the principal ;

(5) at least two persons appointed by the school board from within enterprises of the region which, in the case of a vocational training centre, operate in economic sectors corresponding to the vocational education programs offered by the centre.

The term of office of members of the governing board is two years.

The members of the governing board shall remain in office until they are reelected, reappointed or replaced.

A vacancy resulting from the departure or disqualification of any other member of the governing board is filled, for the unexpired portion of the term, according to the mode of appointment prescribed for the member to be replaced.

“103. The school board shall determine the number of representatives of each group on the governing board after consulting with each group.

The total number of seats for staff representatives must not exceed the total number of seats for representatives of other groups.

“**104.** Commissioners elected or appointed pursuant to the Act respecting school elections (chapter E-2.3) cannot be members of the governing board of a centre under the authority of the school board.

However, a commissioner, if so authorized by the governing board, may take part in meetings of the governing board but is not entitled to vote.

“**105.** The principal shall take part in meetings of the governing board but is not entitled to vote.

“**106.** The fact that the representatives of a group fall short of the required number shall not prevent the formation of the governing board.

“§2. — *Operation*

“**107.** The governing board shall choose its chair from among the members appointed or elected under subparagraphs 3 to 5 of the second paragraph of section 102 who are not members of the personnel of the school board.

“**108.** Sections 57 to 73, adapted as required, apply to the operation of the governing board of a centre.

“§3. — *Functions and powers*

“**109.** The governing board shall determine, oversee the implementation of and evaluate periodically the policies and action plan of the centre.

In exercising those functions, the governing board shall seek the collaboration of persons having an interest in the centre.

To that end, the governing board shall encourage the communication of information, dialogue and concerted action between students, parents, the principal, teachers and other staff members and community representatives.

“**110.** The governing board shall advise the school board concerning

(1) any matter the school board is required to submit to the governing board;

(2) any matter likely to facilitate the operation of the centre;

(3) any matter likely to improve the organization of the services provided by the school board.

“**110.1.** The school board must consult the governing board concerning

(1) the amendment or revocation of the deed of establishment of the centre;

(2) the selection criteria for the appointment of the principal.

“110.2. The functions of the governing board include approving the proposals of the principal on the following matters:

(1) the approach for the implementation of the basic regulation;

(2) the implementation of the programs of studies;

(3) the implementation of the programs relating to student services and popular education prescribed by the basic regulation which are determined by the school board or provided for in an agreement made by the school board;

(4) the operating rules of the centre.

Proposals under subparagraph 2 of the first paragraph shall be developed in collaboration with the teachers and the other proposals, in collaboration with the staff members concerned.

The collaboration procedure shall be established by the persons concerned at general meetings called for that purpose by the principal or, failing that, shall be determined by the principal.

“110.3. The governing board may organize social, cultural or sports services or allow other persons or organizations to organize such services on the premises of the centre.

For the purposes of this section, the governing board may, in the name of the school board and in keeping with the budget of the centre, contract with a person or organization for the provision of goods and services. In addition, the governing board may require a financial contribution from users of such goods and services.

Revenues derived from the provision of such goods and services shall be credited to the appropriations allocated to the centre.

“110.4. Sections 80 to 83 and 93 to 95, adapted as required, apply to the governing board of a centre.

“DIVISION III**“PRINCIPAL****“§1. — *Appointment***

“110.5. The principal of a centre shall be appointed by the school board in accordance with the criteria established after consulting with the governing board.

The school board may designate a person to fill the position of principal temporarily, having regard to the provisions of the applicable collective agreements or regulations of the Minister.

“110.6. The school board may appoint one or more vice principals after consulting with the principal.

“110.7. A vice principal shall assist the principal in the exercise of his functions and powers.

The vice principal, or the vice principal designated by the school board, shall exercise the functions and powers of the principal if the principal is absent or unable to act.

“110.8. The principal may not, on pain of forfeiture of office, have any direct or indirect interest in an enterprise which places the principal's personal interest in conflict with the interest of the centre.

However, forfeiture of office is not incurred if the interest is acquired by succession or gift, provided the principal renounces or disposes of it promptly.

“§2. — *Functions and powers*

“110.9. The principal, under the authority of the director general of the school board, shall ensure that educational services provided at the centre meet the proper standards of quality.

The principal is the academic and administrative director of the centre and shall see to the implementation of the decisions of the governing board and of the other provisions governing the centre.

“110.10. The principal shall assist the governing board in the exercise of its functions and powers and, for that purpose, the principal shall

(1) coordinate the development, implementation and periodical evaluation of the centre's action plan;

(2) ensure that the proposals required under this chapter are prepared and submitted to the governing board for approval.

If the principal fails or refuses to submit to the governing board a proposal concerning a matter within the purview of the governing board within 15 days of the date on which the governing board requests the proposal, the governing board may act without such a proposal.

“110.11. In the case of a handicapped student or a student with a social maladjustment or a learning disability attending a vocational training centre, the principal, with the assistance of the student’s parents, of the staff providing services to the student, and of the student, unless the student is unable to do so, shall establish an individualized education plan adapted to the student’s needs and abilities.

The principal shall see to the implementation and periodical evaluation of the education plan and inform the student’s parents on a regular basis.

“110.12. The principal is also responsible for approving, on the proposal of the teachers,

- (1) the criteria for the introduction of new instructional methods ;
- (2) in keeping with the budget of the centre, the textbooks and instructional material required for the teaching of programs of studies ;
- (3) the standards and procedures for the evaluation of student achievement in keeping with the prescriptions of the basic regulation and subject to the examinations that may be imposed by the Minister or the school board.

The proposals of the teachers under this section shall be made according to the procedure determined by the teachers at a meeting called for that purpose by the principal or, failing that, according to the procedure determined by the principal.

A proposal of the teachers concerning a subject referred to in this section must be made within 15 days after the proposal is requested by the principal, failing which the principal may act without such proposal.

If the principal does not approve a proposal of the teachers, the principal shall give reasons for the decision.

“110.13. Sections 96.20 to 96.26, except the second paragraph of section 96.21, adapted as required, apply to the principal of a centre.”

14. Section 113 of the said Act is amended by replacing the words “public legal person having the necessary powers to carry out the functions conferred on it by law” in the first and second lines by the words “legal person established in the public interest”.

15. Section 118.1 of the said Act is amended by adding, at the end, the following paragraph :

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

16. Section 120 of the said Act is amended by replacing the word “Government” in the fourth line of the third paragraph by the word “Minister”.

17. Section 143 of the said Act, amended by section 5 of chapter 47 of the statutes of 1997, is again amended by replacing paragraph 2 by the following paragraph:

“(2) two commissioners representing the parents’ committee, one chosen from among the representatives of schools providing instruction at the elementary level and the other from among the representatives of schools providing instruction at the secondary level, elected pursuant to this Act.”

18. Section 145 of the said Act is amended

(1) by replacing the word “employees” in the fifth line of the first paragraph by the words “members of the personnel”;

(2) by striking out the words “, as the case may be” at the end of the first paragraph.

19. Section 147 of the said Act, amended by section 7 of chapter 47 of the statutes of 1997, is again amended by inserting, at the beginning, the following paragraph:

“**147.** A commissioner representing the parents’ committee whose child no longer attends a school of the school board may remain on the council of commissioners until the expiry of the commissioner’s term of office.”

20. Section 149 of the said Act, amended by section 9 of chapter 47 of the statutes of 1997, is again amended by inserting, after the first paragraph, the following paragraph:

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

21. Section 158 of the said Act is amended by inserting the words “absent or” after the word “is” in the first line.

22. Section 161 of the said Act is amended by replacing the words “votes of” in the second line of the first paragraph by the words “votes cast by”.

23. The said Act is amended by inserting, after section 168, the following section:

“**168.1.** A meeting of the council of commissioners may be held by any means which allow the provisions of sections 167 and 168 to be observed.”

24. Section 174 of the said Act is amended by replacing the words “a principal, a principal of an adult education” in the second and third lines of the first paragraph by the words “a school principal, the principal of a”.

25. The said Act is amended by inserting, after section 175.3, the following section :

“**175.4.** Any member of the council of commissioners who has a direct or indirect interest in any enterprise which places the member’s personal interest in conflict with the interest of the school board must, on pain of forfeiture of office, disclose the interest in writing to the director general of the school board, abstain from voting on any matter concerning the enterprise and avoid influencing the decision relating to it. The member must, in addition, withdraw from a sitting while the matter is discussed or voted on.

A disclosure under the first paragraph must be made at the first sitting of the council

- (1) after a person having such an interest becomes a member of the council ;
- (2) after a member of the council acquires such an interest ;
- (3) during which the matter is dealt with.

Forfeiture of office incurred under this section shall subsist for five years after the date on which the judgment in which the forfeiture is declared acquires the authority of *res judicata*.”

26. Section 176 of the said Act is amended

- (1) by replacing the figure “304” in the first line of the first paragraph by the figure “306”;
- (2) by striking out the second paragraph.

27. The said Act is amended by inserting, after section 177, the following sections :

“**177.1.** The members of the council of commissioners must act within the scope of the functions and powers conferred on them, and exercise the care, prudence and diligence that a reasonable person would exercise in similar circumstances ; they must also act with honesty and loyalty and in the interest of the school board and the population served by the school board.

“**177.2.** The school board shall assume the defence of any member of the council of commissioners who is prosecuted by a third person for an act done in the exercise of council functions.

In the case of penal or criminal proceedings, the school board may require a member who has been prosecuted to repay the defence expenses, except if the member had reasonable grounds to believe that the act was in conformity with the law, if the proceedings were withdrawn or dismissed or if the member was discharged or acquitted.

As well, the school board may require repayment of the defence expenses by the member if the member was found liable for damage caused by an act done in bad faith in the exercise of council functions.”

28. Section 178 of the said Act is amended by replacing the words “an orientation committee, of a school committee” in the first and second lines of the second paragraph by the words “a governing board”.

29. Section 179 of the said Act, amended by section 11 of chapter 47 of the statutes of 1997, is again amended by inserting, before the last paragraph, the following paragraph :

“The council of commissioners shall determine the term of office of the members of the executive committee.”

30. Section 182 of the said Act is amended by replacing “176 and 177” in the first line by “175.4 to 177.2”.

31. Section 183 of the said Act is amended

(1) by replacing the words “53 and 109” in the first line of the first paragraph by the words “96.25 and 110.13”;

(2) by inserting the words “the principals of vocational training centres,” after the words “school principals,” in the third line of the first paragraph;

(3) by striking out, in the French text, the words “d’éducation des adultes” in the first line of the second paragraph.

32. Section 184 of the said Act is amended by striking out the words “adult education” in the second line of the second paragraph.

33. Section 187 of the said Act is amended by replacing the word “norms” in the first line of subparagraph 1 of the first paragraph by the words “a policy”.

34. Section 189 of the said Act, amended by section 12 of chapter 47 of the statutes of 1997, is replaced by the following section :

“**189.** A parents’ committee composed of the following persons shall be established for each school board :

(1) one representative from each school, elected by the meeting of parents pursuant to the second paragraph of section 47;

(2) one representative of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, designated by and from among the parents who are members of that committee.

A representative from a school whose child no longer attends the school may remain on the parents' committee.

The parents who are members of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities may designate a second representative as a substitute to attend and vote at meetings of the parents' committee when their representative is unable to do so."

35. Section 191 of the said Act, amended by section 13 of chapter 47 of the statutes of 1997, is again amended by adding, at the end of the first paragraph, the words " and a representative of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, designated by and from among the parents who are members of that committee".

36. Section 192 of the said Act is amended by replacing paragraph 3 by the following paragraph:

"(3) to inform the school board of the needs of parents as identified by the school representatives and by the representative of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities;"

37. Section 193 of the said Act, amended by section 14 of chapter 47 of the statutes of 1997, is again amended

(1) by striking out paragraph 4;

(2) by replacing paragraph 6 by the following paragraphs:

"(6) the criteria referred to in section 239 for the enrollment of students in schools;

"(6.1) the dedication of a school to a special project pursuant to section 240 and the criteria for the enrollment of students in that school;"

(3) by replacing paragraph 8 by the following paragraph:

"(8) the rules governing promotion from elementary school to secondary school or from the first cycle to the second cycle of the secondary level;"

(4) by replacing paragraph 9 by the following paragraph:

“(9) the objectives and principles governing the allocation of subsidies, school tax proceeds and other revenues among educational institutions as well as the criteria pertaining thereto, and the objectives, principles and criteria used to determine the amount to be withheld by the school board for its needs and those of its committees.”

38. Section 194 of the said Act is amended by inserting the words “, free of charge” after the word “use” in the first line of the second paragraph.

39. Section 195 of the said Act is amended by replacing the second paragraph by the following paragraph:

“A member may take part in and vote at a meeting of the committee by any means allowing all the participants to communicate with each other.”

40. Section 196 of the said Act is amended by adding the following paragraph:

“Sections 177.1 and 177.2, adapted as required, apply to members of the parents’ committee and to members of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.”

41. Section 198 of the said Act, amended by section 15 of chapter 47 of the statutes of 1997, is again amended by replacing the word “Government” in the second line by the word “Minister”.

42. Section 199 of the said Act is amended by replacing the words “orientation committee of a school” in the second line by the words “governing board of a school or a centre”.

43. Section 200 of the said Act is replaced by the following section:

“**200.** The suspension or dismissal of the director general and the director general’s removal from office requires the vote of at least two-thirds of the voting members of the council of commissioners.”

44. Section 201 of the said Act is amended by striking out the third paragraph.

45. The said Act is amended by inserting, after section 201, the following sections:

“**201.1.** The director general shall, on pain of forfeiture of office, exercise the functions of that office exclusively.

The director general may, however, hold an office or position or provide a service if no compensation or direct or indirect benefit is granted to the director general therefor.

Moreover, the director general may, with the authorization of the council of commissioners, hold an office or position or provide a service for which compensation or any direct or indirect benefit is granted.

“201.2. The director general may not, on pain of forfeiture of office, have a direct or indirect interest in any enterprise which places the director general’s personal interest in conflict with the interest of the school board.

However, forfeiture of office is not incurred if the interest is acquired by succession or gift, provided the director general renounces or disposes of it promptly.”

46. Section 203 of the said Act is amended by inserting the words “absent or” before the words “unable to act” in the third line and in the third and fourth lines of the third paragraph.

47. Section 204 of the said Act is amended by replacing the second paragraph by the following paragraph :

“For the purposes of the provisions of this division relating to vocational training or adult education, any person entitled and wishing to be enrolled in vocational training or adult education, whether or not resident in the territory of the school board, comes under the jurisdiction of a school board.”

48. Section 209 of the said Act, amended by section 18 of chapter 47 of the statutes of 1997, is again amended

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

“(2) organize educational services or, if the school board can establish that its resources are insufficient or if the school board agrees to grant the request of parents, entrust the organization of educational services to another school board, a body or a person with which or whom it has entered into an agreement pursuant to any of sections 213 to 215.1, while making sure the services are provided as near the students’ place of residence as possible;”;

(2) by striking out the words “467 or” in the third line of the second paragraph.

49. Section 210 of the said Act, replaced by section 19 of chapter 47 of the statutes of 1997, is amended

(1) by inserting the words “vocational training and” after the word “However,” in the first line of the second paragraph;

(2) by striking out the figure “, 467” in the fourth line of the second paragraph.

50. Section 211 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following sentence: “The plan shall be sent to each regional county municipality or urban community whose territory coincides wholly or partly with the territory of the school board.”;

(2) by inserting the words “vocational training and” before the word “adult” in the second line of the second paragraph;

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

“Where two or more educational institutions are established in the same premises or immovables, the school board shall determine the allocation of the premises or immovables, or the allocation of the use of such premises or immovables among such educational institutions.”;

(4) by adding, after the third paragraph, the following paragraphs:

“In the case described in the third paragraph, the school board may, at the request of the governing boards concerned, establish a coordinating committee composed of representatives of the governing boards and determine the distribution of powers and functions between the governing boards and the coordinating committee, as well as the administrative and operating rules applicable to the coordinating committee.

The school board may also appoint a single principal for all the institutions and one or more vice principals for each institution. In such a case, the school board, after consulting with the governing boards concerned, shall determine the distribution of powers and functions between the principal and the vice principals.”

51. Section 212 of the said Act is replaced by the following section:

“212. After consulting the parents’ committee and subject to the guidelines, if any, established by the Minister, the school board shall adopt a policy concerning the maintenance or closure of schools.”

52. Section 213 of the said Act, amended by section 20 of chapter 47 of the statutes of 1997, is again amended

(1) by replacing the first and second paragraphs by the following paragraphs:

“213. A school board may enter into an agreement, for the provision of instructional services at the preschool, elementary or secondary level, with another school board or an educational institution governed by the Act

respecting private education (chapter E-9.1), or an educational body in Canada which provides educational services equivalent to those referred to in this Act.

A school board may enter into an agreement with another school board, a body or a person for the provision of student services and special educational services, literacy services or popular education services or for any purposes other than the provision of services referred to in the first paragraph.”;

(2) by adding, at the end of the third paragraph, the following sentence: “In the case of a handicapped student or a student with a social maladjustment or a learning disability, the school board shall consult the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.”;

(3) by adding, at the end of the fourth paragraph, the words “; it may also organize on-the-job training and apprenticeship programs”.

53. The said Act is amended by inserting, after section 215, the following section:

“215.1. A school board may, with the authorization of and subject to the conditions determined by the Minister, enter into a contract of association with a general and vocational college.

A general and vocational college that enters into a contract of association with a school board in accordance with the first paragraph may provide educational services provided for by this Act and prescribed by the basic regulations established by the Government under sections 447 and 448; the college is entitled to such benefits granted by this Act to schools, vocational training centres or adult education centres as are determined by the Minister.

Likewise, a school board that enters into a contract of association with a general and vocational college may provide college studies programs established by the Minister under the General and Vocational Colleges Act (chapter C-29); the school board is entitled to such benefits granted by the General and Vocational Colleges Act to general and vocational colleges as are determined by the Minister.”

54. Section 216 of the said Act is amended by inserting the words “vocational training or” after the words “enrolled in” in the third line of the second paragraph.

55. Section 217 of the said Act is amended by replacing the words “orientation committees, the school committees” in the first and second lines by the words “governing boards”.

56. Section 218 of the said Act, amended by section 21 of chapter 47 of the statutes of 1997, is again amended

(1) by replacing the part of the first paragraph following the words “each school” by the words “ and of the aims and objectives of each centre”;

(2) by replacing the words “orientation committee and the school committee” in the third line of the second paragraph by the words “governing board”;

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

“After consulting with the parents of the students attending the school in accordance with the regulation of the Minister, at the request of the governing board, the school board must apply for such a withdrawal where the governing board so requests.”

57. The said Act is amended by inserting, after section 218, the following sections :

“218.1. The school board may require from its educational institutions any information or document it considers necessary for the exercise of its functions and powers, on the date and in the form it specifies.

“218.2. If a school, a vocational training centre or an adult education centre fails or refuses to comply with this Act or with a regulation of the Government, the Minister or the school board, the school board shall give the institution formal notice to comply therewith; failing that, the school board shall take appropriate action to ensure compliance with this Act and the regulations, such as substituting its decisions for the decisions of the institution.”

58. Section 220 of the said Act is amended by striking out the words “adult education” wherever they appear.

59. Section 221 of the said Act is amended by inserting the words “vocational training or” after the words “apply to” in the first line of the first paragraph.

60. Section 222 of the said Act is replaced by the following section :

“222. Every school board shall ensure that the basic school regulation established by the Government is implemented in accordance with the gradual implementation procedure established by the Minister under section 459.

For humanitarian reasons or to avoid serious harm to a student, the school board may, following a request, with reasons, made by the parents of the student, by the student, if of full age, or by the school principal, exempt the student from the application of a provision of the basic school regulation. In the case of an exemption from the rules governing certification of studies referred to in section 460, the school board must apply therefor to the Minister.

The school board may also, subject to the rules governing certification of studies prescribed by the basic school regulation, permit a departure from a provision of the basic school regulation so that a special school project

applicable to a group of students may be carried out. In the case of a departure from the list of subjects, the school board must obtain the authorization of the Minister in accordance with section 459.”

61. The said Act is amended by inserting, after section 222, the following section :

“222.1. Every school board shall ensure that the programs of studies established by the Minister under section 461 are implemented.

However, a school board may, at the request of a school principal, after consulting with the student’s parents and subject to the rules governing certification of studies prescribed by the basic school regulation and to the by-laws of the Catholic committee or Protestant committee, exempt a student who needs special support services in the language of instruction, second language or mathematics program from a subject prescribed by the basic school regulation ; no exemption may be granted, however, in respect of those programs.

As well, a school board may, with the authorization of and subject to the conditions determined by the Minister, allow a school to replace a program of studies established by the Minister by a local program of studies designed for a student or a category of students who are unable to benefit from the programs of studies established by the Minister. Every local program of studies must be submitted by the school board to the Minister for approval.”

62. Section 223 of the said Act is replaced by the following section :

“223. A school board may, with the authorization of and subject to the conditions determined by the Minister, develop and offer, in addition to the vocational education programs that it is authorized to organize, programs of studies leading to an occupation or a profession and award an attestation of qualification for such programs.

The basic school regulation does not apply to a program of studies referred to in the first paragraph.”

63. Section 224 of the said Act is amended by striking out the words “and on the mode of administration of the programs” in the third and fourth lines of the second paragraph.

64. Section 225 of the said Act is amended by inserting the words “ensure that schools” after the word “shall” in the first line of the first paragraph.

65. Section 226 of the said Act is amended by inserting the words “ensure that schools” after the word “shall” in the first line.

66. Section 227 of the said Act is amended by inserting the words “Every school board shall ensure that” before the words “Catholic or” in the first line.

67. Section 228 of the said Act, amended by section 52 of chapter 47 of the statutes of 1997, is again amended by replacing the words “after consultation with the orientation committee and the school committee” in the first and second lines of the first paragraph by the words “at the request of a governing board”.

68. Section 229 of the said Act is repealed.

69. Section 230 of the said Act is amended

(1) by inserting the words “by schools” after the word “used” in the fifth line of the first paragraph and in the third line of the second paragraph;

(2) by replacing the word “and” in the first line of the first paragraph by a comma;

(3) by replacing the words “In accordance with section 7, it shall place at the disposal of the students, free of charge, the textbooks and instructional material used for the teaching of the programs of studies, and shall” in the first, second and third lines of the third paragraph by the words “It shall also ensure that schools, in accordance with section 7, place at the disposal of the students, free of charge, the textbooks and instructional material used for the teaching of the programs of studies, and”.

70. Section 231 of the said Act is replaced by the following section:

“231. Every school board shall ensure that each school evaluates student achievement and administers the examinations imposed by the Minister.

A school board may impose internal examinations in the subjects it determines at the end of each cycle of the elementary level and at the end of the first cycle of the secondary level.”

71. Section 233 of the said Act, amended by section 22 of chapter 47 of the statutes of 1997, is replaced by the following section:

“233. After consulting with the parents’ committee, every school board shall establish rules governing promotion from elementary school to secondary school and from the first cycle to the second cycle of the secondary level, subject to the rules prescribed by the basic school regulation.”

72. Section 234 of the said Act is replaced by the following section:

“234. Every school board shall, subject to sections 222 and 222.1, adapt the educational services provided to a handicapped student or a student with a social maladjustment or a learning disability according to the student’s needs and in keeping with the student’s abilities as evaluated by the school board according to the procedures prescribed under subparagraph 1 of the second paragraph of section 235.”

73. Section 235 of the said Act is amended

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

“235. Every school board shall adopt, after consultation with the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, a policy concerning the organization of educational services for such students to ensure the harmonious integration of each such student into a regular class or group and into school activities if it has been established on the basis of the evaluation of the student’s abilities and needs that such integration would facilitate the student’s learning and social integration and would not impose an excessive constraint or significantly undermine the rights of the other students.”;

(2) by replacing the words “Matters prescribed in the by-law” in the first line of the second paragraph by the words “The policy”;

(3) by inserting the words “; such procedures shall provide for the participation of the parents of the students and of the students themselves, unless they are unable to do so” after the word “disabilities” in the second line of subparagraph 1 of the second paragraph;

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

“Specialized schools referred to in subparagraph 3 of the second paragraph are not schools established under section 240.”

74. Section 237 of the said Act is repealed.**75.** Section 239 of the said Act is replaced by the following section :

“239. Each year, every school board shall enroll students in its schools in keeping with the choice of each student’s parents or the choice of the student, if of full age. However, if the number of applications for enrollment in a school exceeds the capacity of the school, enrollment shall be effected according to the criteria established by the school board after consultation with the parents’ committee.

The enrollment criteria must give priority to students coming under the jurisdiction of the school board and, as far as possible, to students whose place of residence is nearest to the school premises. They must be adopted, put into force and sent to each governing board at least 15 days before the beginning of the student enrollment period.

The conditions or criteria for participation in a special project may not serve as criteria for enrollment in a school; nor may they operate to exclude a student from the school of the student’s choice if the student has a right to enroll in that school pursuant to the criteria referred to in the first paragraph.”

76. Section 240 of the said Act is replaced by the following section:

“240. By way of exception, at the request of a group of parents and after consulting with the parents’ committee, a school board may, with the Minister’s approval, establish a school for the purposes of a specific project, subject to the conditions and for the period determined by the Minister.

The school board may determine the criteria for the enrollment of the students in that school.”

77. Sections 241.2 and 241.3 of the said Act are repealed.

78. Section 241.4 of the said Act is amended by replacing “241.1 to 241.3” in the third line by “96.17, 96.18 and 241.1”.

79. Section 244 of the said Act is amended by replacing “229, 231,” in the first paragraph by “in the second paragraph of section 231 and in sections”.

80. The heading of subdivision 4 of Division VI of Chapter V of the said Act is amended by inserting the words “*vocational training centres and*” after the words “*provided in*”.

81. Section 245 of the said Act is amended

(1) by inserting the words “vocational training and” after the words “only to” in the first paragraph;

(2) by replacing the words “school regulation is a reference to the basic school” in the first line of the second paragraph by the words “regulation is a reference to a basic”.

82. Section 246 of the said Act is amended

(1) by replacing the words “school regulation” in the first and second lines of the first paragraph by the word “regulations”;

(2) by replacing the words “terms and conditions” in the second and third lines of the first paragraph by the words “gradual implementation approach”;

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

“For humanitarian reasons or to avoid serious harm to a student, the school board may, following a request, with reasons, made by the parents of the student, by the student, if of full age, or by the principal of the centre, exempt the student from the application of a provision of the basic regulation. In the case of an exemption from the rules governing certification of studies referred to in section 460, the school board must apply therefor to the Minister.”

83. The said Act is amended by inserting, after section 246, the following section:

“246.1. A school board may, with the authorization of and subject to the conditions determined by the Minister, develop and offer, in addition to the vocational education programs that it is authorized to organize, programs of studies leading to an occupation or a profession and award an attestation of qualification for such programs.

The basic regulations do not apply to a program of studies referred to in the first paragraph.”

84. Section 248 of the said Act is repealed.

85. Section 249 of the said Act is replaced by the following section:

“249. Every school board shall ensure that each centre evaluates student achievement and administers the examinations imposed by the Minister.

A school board may impose internal examinations in the subjects in which no examination is imposed by the Minister and for which credits are compulsory for the issue of a secondary school diploma or a vocational training diploma.”

86. Section 250 of the said Act is amended

(1) by inserting the words “vocational training or” after the words “relating to” in the second line of the first paragraph;

(2) by inserting the words “vocational training or” after the words “enrolled in” in the second line of the second paragraph.

87. Section 251 of the said Act is amended by inserting the words “vocational training or” after the word “its” in the second line.

88. Section 252 of the said Act is amended by inserting the words “vocational training and” after the word “its” in the first line.

89. Section 255 of the said Act is replaced by the following section:

“255. A school board may

(1) through manpower training, technical assistance to enterprises and informational activities, contribute to the development and realization of technological innovation projects, to the implementation and dissemination of new technology and to regional development;

(2) provide cultural, social, sports, scientific or community services;

(3) take part, in keeping with Québec policy on Canadian intergovernmental affairs and international affairs, in the development and implementation of external cooperation programs in the fields under its jurisdiction.

The main object of the exercise of such powers shall not be the operation of a commercial enterprise.”

90. Section 255.1 of the said Act is amended by inserting the words “, except manpower training activities,” after the words “section 255”.

91. Section 256 of the said Act, amended by section 66 of chapter 16 of the statutes of 1996 and replaced by section 49 of chapter 58 of the statutes of 1997, is again replaced by the following section :

“256. At the request of the governing board of a school, a school board must provide childcare for preschool and elementary school students, in the manner agreed with the governing board, on the school premises or, if the school does not have suitable premises, on other premises.”

92. Section 256.1 of the said Act is repealed.

93. Section 258 of the said Act, amended by section 50 of chapter 58 of the statutes of 1997, is replaced by the following section :

“258. The school board may hire staff and enter into agreements for the purposes of sections 255 to 257. In addition, it may require a financial contribution from users of the services it provides.”

94. Section 259 of the said Act is amended

(1) by inserting the words “, vocational training centres” after the word “schools” in the second line of the first paragraph ;

(2) by replacing the word “Government” in the third line of the second paragraph by the word “Minister”.

95. Section 260 of the said Act is amended

(1) by replacing the word “an” in the second line of the second paragraph by the words “a vocational training or” ;

(2) by replacing the words “director of the adult education” in the third and fourth lines of the second paragraph by the words “principal of the”.

96. Section 261 of the said Act is amended

(1) by inserting the words “, vocational training centres” after the word “schools” in the first line of the first paragraph ;

(2) by replacing the words “directors of the adult education” in the third line of the first paragraph by the words “principals of the”;

(3) by replacing the words “as a teacher” in the first line of the second paragraph by the words “to provide preschool education services or to teach at the elementary or secondary level”.

97. The said Act is amended by inserting, after section 261, the following section:

“261.1. A school board may enter into an agreement with any educational institution at the university level concerning the training of future teachers and the mentoring of teacher trainees or newly qualified teachers.”

98. Section 262 of the said Act, amended by section 23 of chapter 47 of the statutes of 1997, is replaced by the following section:

“262. Every school board shall appoint a person to be responsible for administrative support to schools recognized as Catholic schools and schools recognized as Protestant schools and to the moral and religious instruction and pastoral or religious care and guidance services provided in those schools; the person’s time shall be devoted primarily to the exercise of such functions.

The appointment of the person must be approved by the bishop of the Catholic diocese in which the head office of the school board is situated and by a committee formed by the Protestant churches within the territory of the school board.

The person appointed shall consult and inform, on a regular basis, the parents of Catholic students and the parents of Protestant students, and the religious authorities, both Catholic and Protestant, having jurisdiction within the territory of the school board, concerning the matters under the person’s responsibility. The person shall, once a year, report to the director general on the status and needs of the schools and the services under the person’s responsibility; a copy of the report shall be sent without delay to the council of commissioners.”

99. Section 263 of the said Act, amended by section 24 of chapter 47 of the statutes of 1997, is replaced by the following section:

“263. A school board, if it considers it expedient, may, instead of appointing the person referred to in section 262, appoint a person responsible for administrative support to schools recognized as Catholic schools and to Catholic services and a person responsible for administrative support to schools recognized as Protestant schools and to Protestant services.

The provisions of section 262 apply to each person so appointed.”

100. Section 266 of the said Act is amended

(1) by inserting the words “, in conformity with an intergovernmental agreement on trade liberalization,” after the word “are” in the first line of the first paragraph;

(2) by inserting the words “and the activities of its educational institutions” after the word “activities” in the second line of subparagraph 1 of the first paragraph;

(3) by inserting the words “, subject to the right of its educational institutions to use the property placed at their disposal” after the word “it” in subparagraph 3 of the first paragraph;

(4) by inserting the words “, subject to the right of its educational institutions to use the property placed at their disposal” after the word “property” in subparagraph 4 of the first paragraph.

101. Section 267 of the said Act is amended

(1) by inserting the words “public libraries, administrative,” after the word “improve” in the third line of the first paragraph;

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

“The school board may also, with the authorization of and subject to the conditions determined by the Minister, enter into an agreement with another school board, a general and vocational college, a private educational institution governed by the Act respecting private education (chapter E-9.1) or an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of that Act and offers a vocational training program to jointly establish, maintain or improve a school, a vocational training centre, an adult education centre or a college-level educational institution. The agreement may provide for co-ownership of an immovable allocated to the educational institution.”

102. Section 271 of the said Act is repealed.**103.** Section 275 of the said Act is replaced by the following section:

“**275.** Every school board shall allocate among its schools, vocational training centres and adult education centres, in an equitable manner and in consideration of social and economic disparities and of the needs expressed by the institutions, the operating subsidies granted by the Minister, including equalization grants, if any, school tax proceeds and income derived from the investment of all or part of those proceeds, reserving the amount determined by the school board to be necessary for its own needs and the needs of its committees.

The allocation shall include resources for the operation of governing boards.

The school board shall make public the objectives and principles governing the allocation of subsidies, school tax proceeds and other revenues among its educational institutions as well as the criteria pertaining thereto, and the objectives, principles and criteria used to determine the amount reserved for its own needs and the needs of its committees.”

104. Section 276 of the said Act is amended

(1) by inserting the words “, vocational training centres” after the word “schools” in the first line ;

(2) by replacing the words “shall approve” in the first line by the words “is responsible for approving” and by striking out the words “, with or without amendments” in the second line ;

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

“The budget of an educational institution shall be without effect until it is approved by the school board. However, the school board may, subject to the conditions it determines, authorize an institution to incur expenses that have not been approved.”

105. Section 277 of the said Act is amended by adding, after the second paragraph, the following paragraph :

“The budgets of the educational institutions of the school board shall constitute separate appropriations within the school board’s budget.”

106. Section 287 of the said Act is amended by inserting, after the second paragraph, the following paragraph :

“A school board must, if any of its institutions receives a sum of money by way of a gift, legacy, subsidy or other voluntary contribution from any person or any public or private body wishing to provide funding for the activities of the institution, disclose it in a schedule appended to its financial statements, indicating the object for which the sum of money was granted.”

107. Section 291 of the said Act is amended by striking out the words “of Transport” in the first and second lines of the first and second paragraphs.

108. Section 292 of the said Act is amended by inserting the words “in the manner agreed upon with the governing boards and” after the word “ensure,” in the second line of the third paragraph.

109. Section 297 of the said Act is amended by striking out the words “of Transport” in the second line of the second paragraph.

110. Section 300 of the said Act is amended

(1) by striking out the words “of Transport” wherever they appear;

(2) by striking out the words “, after consultation with the Minister of Education,” in the first and second lines of the first paragraph.

111. Section 301 of the said Act is amended by striking out the words “of Transport” in the first line.

112. Section 313 of the said Act is amended by adding, after the second paragraph, the following paragraph:

“However, in the case of a tax levied on an immovable owned by a partnership or an immovable held in undivided co-ownership, the tax may be claimed and recovered in its entirety from any member of the partnership or from any co-owner.”

113. The said Act is amended by inserting, after section 313, the following section:

“313.1. Any person, other than the debtor, who pays a school tax owed by another person is subrogated by operation of law in the prior claims and legal hypothecs of the school board on the immovables of the debtor and may recover from the debtor the amount of taxes so paid. Such subrogation shall be of no effect unless the receipt which the school board is required to issue states that the payment was made by a third party for the debtor.

The name of such third party shall be recorded in the books of the school board.”

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

“316. Interest is payable on school taxes at the rate fixed by the school board.

The last rate fixed applies to any tax unpaid at the time it is fixed, from the date on which the tax became due.

Every tax bill shall set out clearly the rate of interest in force at the time the bill is sent and the fact that the interest rate may be changed without prior notice.”

115. The said Act is amended by inserting, after section 317, the following sections:

“317.1. In addition to being a prior claim within the meaning of paragraph 5 of article 2651 of the Civil Code of Québec, the school tax is secured by a legal hypothec on the immovable subject to the tax.

Registration by the school board of a legal immovable hypothec does not prevent it from exercising its prior claim.

“317.2. A creditor who takes proceedings in execution or who, as holder of an immovable hypothec, has registered a prior notice of his intention to exercise his hypothecary rights, may request the school board to declare the amount of its prior claim. The request must be registered and proof of its notification must be filed at the registry office.

Within 30 days following the notification, the school board must declare the amount of its claim and enter it in the land register; such a declaration does not have the effect of limiting the priority of the school board’s claim to the amount entered.

An application for registration, in the land register, of the request for declaration and of the declaration shall be made in the form of a notice. In addition to the provisions of this section and the requirements of the regulation made under Book IX of the Civil Code of Québec, the notice shall indicate the legislative provision under which it is given, the name of the debtor and the name of the school board; the notice does not require attestation and may be presented in single copy.”

116. Section 392 of the said Act is amended by replacing the words “orientation committee or, in the case contemplated in section 62, to the school committee” in the first and second lines of the second paragraph by the words “governing board”.

117. Section 393 of the said Act is amended by replacing the words “orientation committee or, in the case contemplated in section 62, to the school committee” in the first and second lines of the second paragraph by the words “governing board”.

118. Section 395 of the said Act is amended by replacing the words “orientation committee, to each school committee” in the second and third lines by the words “governing board”.

119. Section 397 of the said Act is amended by striking out the words “adult education” in the first and second lines.

120. Section 400 of the said Act is amended by replacing the words “public legal person having the powers necessary for the discharge of its functions under the law” in the first and second lines by the words “legal person established in the public interest”.

121. Section 419 of the said Act is amended by replacing “176” by “175.4”.

122. Section 420 of the said Act is amended by replacing the words “Section 200, adapted as required, applies” in the first line of the second paragraph by the words “Sections 200, 201.1 and 201.2, adapted as required, apply”.

123. Section 422 of the said Act is amended by inserting the words “absent or” before the words “unable to act” in the second line.

124. Section 424 of the said Act is amended

- (1) by replacing “1989” in the third line of the first paragraph by “1998”;
- (2) by replacing “30 June 1989” in the third line of the second paragraph by “1 July 1998”.

125. Section 425 of the said Act is amended

- (1) by replacing “1989” in the second line of the first paragraph by “1998”;
- (2) by replacing “30 June 1989” in the second line of the second paragraph by “1 July 1998”.

126. Section 432 of the said Act is amended

- (1) by replacing the words “vocational education” in subparagraph 1 of the second paragraph by the words “vocational training”;
- (2) by striking out the words “of Education or the Minister of Transport” in subparagraph 5 of the second paragraph.

127. Section 446 of the said Act is amended by replacing “268 to 274 and 278 to 287” by “270, 272 to 274 and 278 to 286 and the first and second paragraphs of section 287”.

128. Section 447 of the said Act is amended

- (1) by replacing the words “development and cognitive learning services” in the second line of subparagraph 1 of the second paragraph by the words “preschool education”;
- (2) by striking out subparagraphs 9 and 9.1 of the third paragraph.

129. Section 448 of the said Act is amended

- (1) by replacing the words “school regulation for adult education” in the first and second lines of the first paragraph by the words “vocational training regulation and a basic adult education regulation”;
- (2) by replacing the second paragraph by the following paragraph:

“The basic regulations shall relate to the nature and objectives of instructional, training and student services and, in the case of adult education, literacy and popular education services, as well as to the general organization framework for those services. The basic regulations shall prescribe, subject to

the third paragraph of section 3, the conditions governing free access to those services.”;

(3) by replacing the words “ school regulation” in the first line of the third paragraph by the word “regulations”;

(4) by inserting the words “vocational training or” after the word “to” in the second line of subparagraph 6 of the third paragraph;

(5) by striking subparagraph 7 of the third paragraph.

130. Section 451 of the said Act is amended by replacing the word “Government” in the first line by the word “Minister”.

131. Section 453 of the said Act is amended by striking out the words “of Transport” in the first and second lines of the second paragraph.

132. Section 454.1 of the said Act, enacted by section 51 of chapter 58 of the statutes of 1997, is amended by adding the following paragraph:

“The regulation may also deal with the nature and objectives of and the general organizational framework for childcare provided at school.”

133. Section 457.1 of the said Act is amended

(1) by replacing “241.1 to 241.3” in paragraph 2 by “96.17, 96.18 and 241.1”;

(2) by replacing “241.1 to 241.3” in paragraph 3 by “96.17, 96.18 and 241.1”.

134. Section 459 of the said Act is amended

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

“In order to exercise that function, the Minister may establish an approach for gradual implementation of the provisions of the basic regulations relating to the list of subjects and to the rules governing the evaluation of learning achievement and the certification of studies.”;

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

“Moreover, following a request, with reasons, made by a school board, the Minister may permit, on the conditions and to the extent determined by the Minister, a departure from provisions of a basic regulation relating to the list of subjects so that a special school project applicable to a group of students may be carried out.”

135. Section 460 of the said Act is amended by inserting the words “any student or” after the word “exempt” in the first line.

136. Section 461 of the said Act is amended by striking out the words “of developmental and cognitive learning activities” in the first and second lines of the first paragraph.

137. Section 462 of the said Act is amended

(1) by replacing the word “and” in the first line of the first paragraph by a comma;

(2) by inserting the words “vocational training or” after the word “to” in the second paragraph.

138. Section 463 of the said Act is amended by replacing the words “, upon request, authorize a school board” in the first line of the second paragraph by the words “authorize a school, following a request sent by the school board.”.

139. Section 464 of the said Act is replaced by the following section:

“**464.** The Minister shall ensure that every school board, governing board, school principal, principal of a centre and teacher, the Conseil supérieur de l'éducation, the Catholic committee and the Protestant committee have access, free of charge, to the programs and lists established by the Minister.”

140. Section 467 of the said Act is amended

(1) by striking out the words “to persons coming under its jurisdiction or, to the extent indicated therein, under the jurisdiction of any other school board” in the first paragraph;

(2) by striking out the third paragraph.

141. Section 468 of the said Act is replaced by the following section:

“**468.** The Minister may establish a school, vocational training centre or adult education centre having a regional or provincial role under the jurisdiction of one or more school boards, pursuant to an agreement with each of the school boards concerned.

The agreement shall state the name and address of the institution, indicate the premises or immovables placed at its disposal, specify the educational services to be provided by the institution, the enrollment criteria, the territory to be served as well as the mode of administration and operation of the institution.

In addition, the agreement may entrust the management of any or all of the services provided by the institution to a committee or body established by the agreement and determine the distribution of the functions and powers between the institution, the school board and the committee or body.

Neither Chapter III nor Chapter IV applies to the institution.”

142. Section 469 of the said Act is amended by inserting the words “vocational training or” after the word “in” in the third line of the second paragraph.

143. Section 472 of the said Act is amended

(1) by replacing the words “, with regard to the allocation of subsidies applicable to the operating expenses of school boards, an apportionment proportionate to the number of students enrolled in the schools” in the sixth, seventh and eighth lines of the first paragraph by the words “an equitable apportionment with regard to the allocation of subsidies applicable to the operating expenses of school boards”;

(2) by inserting the words “vocational training programs or” after the word “organize” in the second line of the second paragraph;

(3) by striking out the words “or under an agreement contemplated in the third paragraph of section 467” in the fifth and sixth lines of the second paragraph.

144. Section 473 of the said Act is amended

(1) by inserting the words “vocational training or” after the word “in” in the third line of paragraph 2;

(2) by inserting the words “vocational training or” after the word “to” in the second line of paragraph 3.

145. The said Act is amended by inserting, after section 477.1, the following:

“DIVISION II.1

“COUNCIL AND COMMITTEES OF THE MINISTER

“§1. — *Commission des programmes d'études*

“1. Establishment

“477.2. A programs council is hereby established under the name “Commission des programmes d'études”.

“477.3. The council shall be composed of eleven members, including the chair of the council, appointed by the Minister as follows :

- (1) five teachers at the elementary and secondary levels ;
- (2) an education sector professional ;
- (3) a member of the management staff or the director general of a school board ;
- (4) a representative of the college education sector ;
- (5) two representatives of the university education sector ;
- (6) a parent of a student attending an elementary or secondary school.

At least two members of the council must represent the English-language education sector.

“2. Mission and functions

“477.4. The mission of the council is to advise the Minister on any matter relating to programs of studies established by the Minister pursuant to section 461.

The council, in the pursuit of its mission, shall make recommendations to the Minister on

- (1) the general guidelines and framework for the establishment of programs of studies ;
- (2) the timetable for the development, implementation and review of programs of studies ;
- (3) the approval of programs of studies ;
- (4) the ongoing adaptation of programs of studies.

“477.5. The council shall advise the Minister on any matter submitted to it by the Minister concerning programs of studies.

“477.6. The council may

- (1) refer any matter relating to programs of studies to the Minister ;
- (2) solicit and receive observations and suggestions from individuals or groups on any matter relating to programs of studies.

“477.7. The council may, in exercising its powers and functions,

- (1) form advisory committees and determine their powers and functions as well as their operating rules;
- (2) hire the services of experts.

“§2. — *Comité d'évaluation des ressources didactiques*

“1. Establishment

“477.8. A teaching resource evaluation committee is hereby established under the name “Comité d'évaluation des ressources didactiques”.

“477.9. The committee shall be composed of thirteen members, including the chair of the committee, appointed by the Minister as follows:

(1) six persons exercising education functions, including three persons from the French language school boards, one person from the English language school boards, one person from a private educational institution providing instruction in French at the elementary or secondary level and one person from such an institution providing instruction in English at the elementary or secondary level;

(2) a principal of an elementary school and a principal of a secondary school;

(3) two parents of students attending an elementary or secondary school;

(4) a representative from a book publishers' association;

(5) a representative of the school boards;

(6) a university-level educational technology or didactics expert.

“2. Mission and functions

“477.10. The mission of the committee is to advise the Minister on any matter relating to textbooks, instructional material or classes of instructional material.

The committee, in the pursuit of its mission, shall make recommendations to the Minister concerning

(1) criteria for the approval of instructional resources;

(2) the approval of instructional resources.

“477.11. The committee shall advise the Minister on any matter submitted by the Minister in relation to the evaluation, approval, implementation and review of instructional resources.

“477.12. The committee may

- (1) refer any matter relating to instructional resources to the Minister;
- (2) solicit and receive observations and suggestions from individuals or groups on any matter relating to instructional resources.

“§3. — Comité d’agrément des programmes de formation à l’enseignement

“1. Establishment

“477.13. A teacher training program accreditation committee is hereby established under the name “Comité d’agrément des programmes de formation à l’enseignement”.

“477.14. The committee shall be composed of nine members appointed by the Minister after consultation with the interested bodies, as follows:

- (1) the chair shall be, alternately, an education sector professional and a person from university education sector;
- (2) three elementary or secondary-level teachers;
- (3) a teaching sector professional;
- (4) three university-level teachers;
- (5) a representative of the university education sector with experience at the preschool, elementary or secondary level.

At least two members of the committee must represent the English-language education sector.

In addition, the Minister may appoint two associate members to the committee, one chosen from among the employees of the Ministère de l’Éducation, the other from among the managerial staff of the school boards.

Associate members are not entitled to vote.

“2. Mission and functions

“477.15. The mission of the committee is to advise the Minister on any matter relating to the accreditation of teacher training programs for the elementary and secondary levels.

The committee shall, in the pursuit of its mission,

- (1) examine and approve training teacher programs for the preschool, elementary and secondary levels;
- (2) make recommendations to the Minister concerning teacher training programs required for the issue of teaching licences;
- (3) advise the Minister on the determination of the qualifications required of teachers at the elementary and secondary levels.

“§4. — *Comité d’orientation de la formation du personnel enseignant*

“477.16. A teacher training policy committee is hereby established under the name “Comité d’orientation de la formation du personnel enseignant”.

“477.17. The committee shall be composed of sixteen members, fifteen of which shall be appointed by the Minister as follows:

- (1) a committee chair;
- (2) six persons holding a pedagogical position at the elementary and secondary levels;
- (3) three members chosen from among the commissioners and the members of the managerial staff of the school boards, including a principal of an institution;
- (4) three representatives of the university education sector;
- (5) a member chosen from among the parents, students or enterprise executives;
- (6) an employee of the Ministère de l’Éducation.

At least two members of the committee must represent the English-language education sector.

The chair of the Comité d’agrément des programmes de formation à l’enseignement shall also be a member of the committee.

“2. Mission and functions

“477.18. The mission of the committee is to advise the Minister on any matter relating to the teacher training policy for the elementary and secondary levels.

At the Minister’s request or on its own initiative, the committee may propose guidelines and make recommendations to the Minister concerning

- (1) the identification of teacher training priorities;
- (2) draft regulations relating to teacher training;
- (3) teacher training and professional development;
- (4) any aspect of the teaching profession having a connection with teacher training.

“§5. — *Operation*

“**477.19.** Members of the council or of the committees shall be appointed for three years.

However, the Minister may appoint one-third of the first members designated by the Minister for one year and another third of the members designated by the Minister for two years.

“**477.20.** At the expiry of their terms, the members shall remain in office until reappointed or replaced.

The total duration of successive terms of a member and of any period in which the member remained in office between terms shall not exceed six years. At the end of such a six-year period, a member shall remain in office until replaced.

“**477.21.** Any vacancy during a term of office shall be filled, in the manner prescribed for the member’s appointment, for the unexpired portion of the term.

“**477.22.** Members of the council or of the committees shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions on the conditions and to the extent determined by the Government.

“**477.23.** The chair shall preside at the meetings of the council or committee and manage its operations.

The Minister shall designate a member of the council or committee to replace the chair if the chair is absent or unable to act.

“**477.24.** The quorum at meetings of the council or a committee is the majority of its members.

“**477.25.** The council and the committees may hold their meetings anywhere in Québec.

“**477.26.** The Minister shall place at the disposal of the council and the committees the department personnel and physical resources they need for the exercise of their missions.

“§6. — *Annual report*

“**477.27.** The council and each of the committees shall submit to the Minister, not later than 15 November each year, a report of its activities for the school year ending on the preceding 30 June.

“**477.28.** The Minister shall table the reports in the National Assembly within 30 days after receiving them if the Assembly is in session or, if it is not sitting, within 30 days of resumption.”

146. Section 478 of the said Act is replaced by the following sections :

“**478.** The Minister may designate a person generally or specially to ascertain whether the provisions of this Act and the statutory instruments are being complied with.

The person designated may

(1) enter, at any reasonable time, the premises or immovables of a school board, including the premises or immovables that are placed at the disposal of the educational institutions of the school board, or of the Conseil scolaire de l'Île de Montréal ;

(2) examine and make copies of any register or document relating to the activities of a school board or of any of the school board's educational institutions or of the Conseil scolaire de l'Île de Montréal ;

(3) require any information or document relating to the application of this Act.

“**478.1.** On request, the person designated by the Minister must identify himself or herself and show a certificate of capacity, signed by the Minister.

“**478.2.** The person designated by the Minister may not be prosecuted for acts done in good faith in the exercise of official functions.

“**478.3.** The Minister may designate a person to inquire into any matter relating to the quality of educational services or to the administration, organization or operation of any school board or of any of a school board's educational institutions or of the Conseil scolaire de l'Île de Montréal.

The person so designated shall be vested, for the purposes of an inquiry, with the immunity and powers of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

“**478.4.** The Minister, the Deputy Minister and the Associate Deputy Ministers have *ex officio* the right and power to make verifications or conduct inquiries.”

147. Section 508 of the said Act, replaced by section 28 of chapter 47 of the statutes of 1997, is amended by striking out the second paragraph.

148. Section 508.1 of the said Act, enacted by section 28 of chapter 47 of the statutes of 1997, is amended

(1) by replacing “38” in the third line of the first paragraph by “39”;

(2) by replacing the words “orientation committee, the school committee” in the second line of the second paragraph by the words “governing board”.

149. Section 508.4 of the said Act, enacted by section 28 of chapter 47 of the statutes of 1997, is replaced by the following section:

“**508.4.** The principal of a school placed under the supervision of a confessional council must send to the confessional council, not less than 30 days before its adoption, any proposal concerning any of the following matters:

(1) the enrichment and adaptation of the programs of studies established by the Minister;

(2) the development of local programs of studies;

(3) the selection of textbooks and instructional material required for the teaching of programs of studies.

The confessional council may, within the time provided for in the first paragraph, express its disagreement on the ground that the proposal is incompatible with the confessional nature of the school; otherwise, the proposal may be approved.

The proposal may be amended at the request of the confessional council.”

150. Section 508.5 of the said Act, enacted by section 28 of chapter 47 of the statutes of 1997, is amended by replacing paragraph 1 by the following paragraph:

“(1) the rules of conduct and safety rules, referred to in section 76, adopted by the governing board of a school placed under the supervision of the confessional council;”.

151. Section 508.6 of the said Act, enacted by section 28 of chapter 47 of the statutes of 1997, is amended by replacing the words “first paragraph of section 223” in the first and second lines of the first paragraph by the words “provisions of sections 85, 96.15 and 96.16”.

152. Section 508.8 of the said Act, enacted by section 28 of chapter 47 of the statutes of 1997, is amended by replacing the second paragraph by the following paragraph:

“The school board may refer to the Minister any dispute between the confessional council and a school concerning a matter referred to in any of subparagraphs 1 to 3 of the first paragraph of section 508.4.”

153. Section 508.11 of the said Act, enacted by section 28 of chapter 47 of the statutes of 1997, is amended

(1) by inserting the words “or receive” after the word “solicit” in the first line of the first paragraph;

(2) by inserting the words “or receive” after the word “solicit” in the first line of the second paragraph;

(3) by inserting the words “for the confessional council or the schools under the supervision of the confessional council” after the word “board” in the second line of the third paragraph.

154. Section 508.23 of the said Act, enacted by section 28 of chapter 47 of the statutes of 1997, is amended by replacing the word “Government” in the fourth line of the third paragraph by the word “Minister”.

155. Section 508.37 of the said Act, enacted by section 28 of chapter 47 of the statutes of 1997, is amended

(1) by inserting the words “vocational training and” after the word “However,” in the third line of the first paragraph;

(2) by striking out the figure “, 467” in the sixth line of the first paragraph.

156. Section 515 of the said Act, replaced by section 31 of chapter 47 of the statutes of 1997, is amended by inserting, after the first paragraph, the following paragraph:

“Sections 167 to 168.1, adapted as required, apply to the operation of the executive committee of the new school board.”

157. Section 520 of the said Act, amended by section 36 of chapter 47 of the statutes of 1997, is again amended

(1) by adding, at the end of the first paragraph, the following: “; the plan shall be sent to each regional county municipality or urban community whose territory coincides wholly or partly with that of the school board”;

(2) by inserting the words “and, where applicable, of vocational training” after the word “schools” in the first line of the second paragraph.

158. Section 521 of the said Act, amended by section 37 of chapter 47 of the statutes of 1997, is again amended by adding the following paragraph:

“However, the bonded debt of the Commission des écoles catholiques de Montréal and that of the Protestant School Board of Greater Montréal shall be disregarded.”

159. Section 523 of the said Act, amended by sections 39 and 52 of chapter 47 of the statutes of 1997, is again amended

(1) by inserting the words “the vocational training centres and” after the word “among” in the second line of subparagraph 2 of the first paragraph;

(2) by adding, at the end of subparagraph 4 of the first paragraph, the words “and, where applicable, the vocational training centres and the adult education centres”;

(3) by inserting the words “, the vocational training centres” after the word “schools” in subparagraph 5 of the first paragraph;

(4) by striking out the words “and submit it for the Minister’s approval” at the end of subparagraph 6 of the first paragraph.

160. Section 524 of the said Act, amended by section 41 of chapter 47 of the statutes of 1997, is again amended by adding, at the end, the following paragraph:

“This section does not apply to a loan in respect of which a subsidy is granted by the Minister pursuant to section 476.”

161. Section 533 of the said Act, amended by section 22 of chapter 78 of the statutes of 1990 and by section 47 of chapter 47 of the statutes of 1997, is again amended by replacing the words “Government, enacted pursuant to section 451,” in the fifth line of the first paragraph by the word “Minister”.

162. Section 538 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“The bonded debt of the Commission des écoles catholiques de Montréal and that of the Protestant School Board of Greater Montréal become the bonded debt of the Conseil scolaire de l’Île de Montréal.”

163. Section 725 of the said Act is amended by striking out the part which follows the word “Act”.

164. The English text of the said Act is amended

(1) by replacing the words “basic school regulations” wherever they appear in sections 23, 214, 449, 465 and 471 by the words “basic regulations”;

(2) by replacing the words “basic school regulation” wherever they appear in sections 247, 252 and 253 and in subparagraph 8 of the second paragraph of section 448 by the words “basic regulation”.

OTHER LEGISLATIVE AMENDMENTS

165. Section 24 of the Act respecting financial assistance for students (R.S.Q., chapter A-13.3) is amended by replacing the words “in a secondary school or in” in the second line of subparagraph 1 of the second paragraph by the words “at a secondary school, a vocational training centre or”.

166. Section 7 of the Act to foster the development of manpower training (R.S.Q., chapter D-7.1), amended by section 70 of chapter 21 of the statutes of 1996, is again amended by inserting the words “, vocational training centres” after the word “schools” in the first line of paragraph 1.

167. Section 1 of the Act respecting private education (R.S.Q., chapter E-9.1) is amended

(1) by replacing the words “developmental and cognitive learning” in paragraph 1 by the word “education”;

(2) by striking out paragraph 6;

(3) by striking out “, 6” in the fourth line of paragraph 9.

168. Section 23 of the said Act is amended by replacing the words “developmental and cognitive learning” in the first line by the word “education”.

169. Section 25 of the said Act is amended by replacing the words “in the manner” in the first line of the second paragraph by the words “according to the approach for progressive implementation”.

170. Section 30 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“30. For humanitarian reasons or to avoid serious harm to a student, the institution may, following a request, with reasons, made by the parents of the student or by the student, if of full age, exempt the student from the application of a provision of the basic school regulation. In the case of an exemption from the rules governing certification of studies referred to in section 460 of the Education Act (chapter I-13.3), the institution must apply therefor to the Minister.

The institution may also, subject to the rules governing certification of studies prescribed by the basic school regulation, permit a departure from a provision of the basic school regulation so that a special school project may be carried out. In the case of a departure from the list of subjects, the institution must obtain the authorization of the Minister in accordance with section 459 of the Education Act.”

171. Section 31 of the said Act is amended by replacing the words “preschool developmental and cognitive learning program” in the first line by the words “preschool program”.

172. Section 35 of the said Act is amended by replacing the word “and” in the second line by a comma.

173. Section 40 of the said Act is amended by replacing the words “in the manner” in the first line of the second paragraph by the words “according to the approach for progressive implementation”.

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

“**40.1.** For humanitarian reasons or to avoid serious harm to a student, the institution may, following a request, with reasons, made by the parents of the student or by the student, if of full age, exempt the student from the application of a provision of the basic school regulation. In the case of an exemption from the rules governing certification of studies referred to in section 460 of the Education Act (chapter I-13.3), the institution must obtain the authorization of the Minister.”

175. Section 41 of the said Act is amended by striking out the second paragraph.

176. Section 49 of the said Act is amended by striking out “,6” in the fifth line of the second paragraph.

177. Section 50 of the said Act is amended by replacing the words “developmental and cognitive learning” in the second line of the first paragraph by the word “education”.

178. Section 62 of the said Act is amended by striking out the words “of Transport” in the first and second lines of the second paragraph.

179. Section 62.1 of the said Act, enacted by section 42 of chapter 58 of the statutes of 1997, is amended by replacing the words “developmental and cognitive learning” by the word “education”.

180. Section 91 of the said Act is amended

(1) by striking out the words “of Transport” wherever they appear ;

(2) by striking out the words “, after consulting the Minister of Education,” in the fifth line of the first paragraph.

181. Section 92 of the said Act is amended by striking out the words “of Transport” in the first line.

182. Section 127 of the said Act is amended by striking out the words “of Transport” in the first line.

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

“**174.** The Minister of Education is responsible for the administration of this Act.”

184. Section 59 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is repealed.

185. Section 174 of the said Act, amended by section 36 of chapter 67 of the statutes of 1996 and by section 285 of chapter 43 of the statutes of 1997, is again amended by striking out paragraph 15.

186. Section 177 of the said Act is amended by striking out paragraph 6.

187. Section 195 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) is amended by striking out the words “of Transport given after consultation with the Minister” in the first and second lines.

188. Section 431.2 of the said Act is amended by striking out the words “of Transport” in the third line.

189. Section 431.4 of the said Act is amended by striking out the words “of Transport” in the third line of the second paragraph.

190. Section 431.9 of the said Act is amended by striking out the words “of Transport after consultation with the Minister,” in the fourth line.

191. Section 504 of the said Act, amended by section 729 of chapter 2 of the statutes of 1996, is again amended by striking out the words “of Transport” in the second line of the last paragraph.

192. Section 6 of the Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01), amended by section 70 of chapter 21 of the statutes of 1996, is again amended by inserting the words “, vocational training centres” after the word “schools” in the first line of the first paragraph.

193. Section 188 of the Consumer Protection Act (R.S.Q., chapter P-40.1), amended by section 791 of chapter 2 and by section 70 of chapter 21 of the statutes of 1996, is again amended by replacing the word “schools” in paragraph *a* by the words “educational institutions”.

194. Sections 18, 23 and 24 of the Act to amend the Education Act, the Act respecting school elections and other legislative provisions (1997, chapter 47) are repealed.

TRANSITIONAL AND FINAL PROVISIONS

195. The provisions of section 177.2 of the Education Act (R.S.Q., chapter I-13.3), enacted by section 27 of this Act, do not apply to cases pending on 19 December 1997.

196. The responsibilities of regional school boards under paragraph 2 of section 209 of the Education Act, as it stood before being replaced by section 48 of this Act, shall continue to be exercised by regional school boards until 1 July 1998.

197. Regulations made by the Government under section 451 of the Education Act are deemed to have been made by the Minister of Education.

Any regulation made by the Minister before 1 July 1998 under section 451 of the said Act is, for the purposes of sections 42 and 101 of the said Act as they stood before they were replaced by section 13 of this Act, deemed to have been made by the Government.

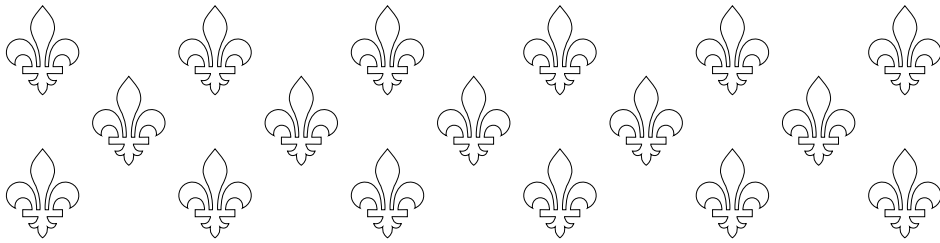
198. Every school board shall establish, after consulting with the governing boards, the approach applicable to the 1998-99 and 1999-2000 school years for the gradual implementation of the functions and powers resulting from sections 84 to 89, 96.15, 96.16, 110.2 and 110.12 of the Education Act enacted by section 13 of this Act and from sections 60 to 63, 68 to 71, 74, 79 and 82 to 85 of this Act.

199. The provisions of this Act come into force on 1 July 1998, except

(1) the provisions of sections 9 and 10, paragraphs 1 and 2 of section 11, sections 12, 14, 16, 19, 21 to 23, 27, 30, 38 to 41 and 46, paragraph 2 of section 94, sections 97, 101, 102, 112 to 115, 120, 123, 130, 132, 145, 146, 156, 160, 161, 184 to 186 and 194 to 197, which come into force on 19 December 1997;

(2) the provisions of sections 1 to 7, 47, 48 and 51, paragraphs 1 and 2 of section 52, sections 53, 58, 75 and 76, paragraph 1 of section 94, sections 95, 96, 98, 99, 103, 136, 140, 141, 143, 144, 157 to 159, 162, 167, 168, 171, 176, 177 and 179, which come into force on 19 December 1997 but apply only for the purposes of the school year 1998-99 and subsequent school years; and

(3) the provisions of sections 107 and 109 to 111, paragraph 2 of section 126, sections 131, 163, 178, 180 to 183 and 187 to 191, which come into force on the date or dates to be fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 198
(1997, chapter 101)

An Act respecting Municipalité régionale de comté de Maria-Chapdelaine

Introduced 19 November 1997
Passage in principle 3 December 1997
Passage 19 December 1997
Assented to 19 December 1997

Québec Official Publisher
1997

EXPLANATORY NOTE

This bill empowers Municipalité régionale de comté de Maria-Chapdelaine to grant a tax credit, spread over three years, to Ressources Orléans inc.

Bill 198

AN ACT RESPECTING MUNICIPALITÉ RÉGIONALE DE COMTÉ DE MARIA-CHAPDELAINÉ

WHEREAS Municipalité régionale de comté de Maria-Chapdelaine acts in the capacity of a local municipality in its unorganized territory ;

Whereas the regional county municipality cannot adopt any planning program in respect of the territory and, consequently, cannot grant any subsidies within the framework of a special planning program ;

Whereas, in addition, no revitalization program may be adopted in the circumstances ;

Whereas it is expedient to authorize the regional county municipality to apply a special taxation scheme to certain immovables situated in that territory ;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), Municipalité régionale de comté de Maria-Chapdelaine may grant a tax credit to Ressources Orléans inc. in respect of the immovables situated in the unorganized territory under its jurisdiction and described in the schedule. The tax credit shall not exceed

(1) for the fiscal year following the fiscal year in which the construction work on the plant carried out by the enterprise were completed, 100% of the real estate taxes ;

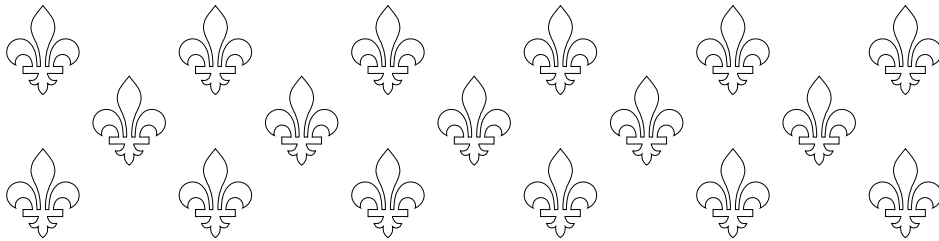
(2) for the following fiscal year, 75% of the real estate taxes ; and

(3) for the third fiscal year, 50% of the real estate taxes.

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

SCHEDULE

An undivided part of the township of Saint-Onge, bounded on all sides by other undivided parts of the township of Saint-Onge, measuring 300 metres by 250 metres, containing an area of 75,000 square metres and situated approximately 5,446,200 metres North and 312,800 metres East, Zone 19, UTM projection.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 224

(Private)

An Act respecting the adoption of Rémi Julien

Introduced 20 May 1997

Passage in principle 19 December 1997

Passage 19 December 1997

Assented to 19 December 1997

**Québec Official Publisher
1997**

Bill 224

(Private)

AN ACT RESPECTING THE ADOPTION OF RÉMI JULIEN

WHEREAS Rémi Julien was born in the city of Québec on 2 June 1959, but the act of birth drawn up at the time of his baptism contained neither the name of his father nor that of his mother;

Whereas in the fall of 1971, Paul-Émile Naud and his spouse, Laurette Hamelin, acting as a foster family, took Rémi Julien in and thereafter assumed parental responsibility in his respect, and whereas all three lived together as father, mother and son;

Whereas that situation was never the subject of a decision of the court;

Whereas Paul-Émile Naud died on 17 February 1994;

Whereas on 20 December 1994, Laurette Hamelin filed a motion with the Youth Division of the Court of Québec to have the adoption of Rémi Julien by herself and Paul-Émile Naud granted (file No. 200-43-000168-944);

Whereas in a judgment dated 24 February 1995, the Court of Québec granted the motion for adoption by Laurette Hamelin but refused the motion for adoption by Paul-Émile Naud, on the ground that Paul-Émile Naud could not be considered to be an applicant because he had died before the filing of the motion;

Whereas it is nevertheless clear from the judgment that the judge acknowledged the fact that Paul-Émile Naud had acted as a parent to Rémi Julien from the time the boy was twelve years old;

Whereas Laurette Hamelin considers that it is in the interest of Rémi Julien that his act of birth be changed to show that Paul-Émile Naud was his father in the same manner as it now shows that Laurette Hamelin is his mother;

Whereas, having regard to the principle of testamentary freedom set out in article 703 of the Civil Code of Québec, this Act does not have material financial implications;

Whereas Rémi Julien consents to passage of this Act;

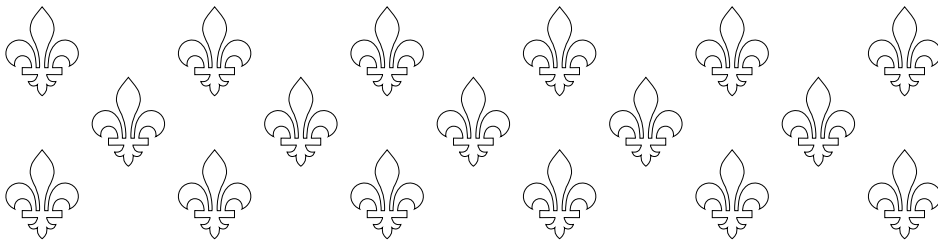
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

- 1.** The adoption of Rémi Julien by Paul-Émile Naud is hereby granted.

The adoptee is authorized to exercise his civil rights under his original surname and given name, Rémi Julien.

The Secretary of the National Assembly shall forward a certified copy of this Act to the registrar of civil status who, on receiving the document, shall make the entries and changes required by law in the case of an adoption.

- 2.** This Act comes into force on 19 December 1997.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 226

(Private)

An Act respecting Ville de Varennes

Introduced 19 June 1997

Passage in principle 19 December 1997

Passage 19 December 1997

Assented to 19 December 1997

**Québec Official Publisher
1997**

Bill 226

(Private)

AN ACT RESPECTING VILLE DE VARENNES

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Where municipal taxes on an immovable comprised in the sector described in the schedule have not been paid for three consecutive years, the city may be declared the owner of that immovable by the Superior Court sitting in the district in which the immovable is situated.

2. The application is made by a motion.

The motion may concern more than one immovable belonging to different owners.

It may be granted only after publication in a newspaper distributed in the territory of the city of a notice requesting every person who may have rights respecting the immovables to appear in court within 60 days after the publication in order to claim an indemnity equal to the value of his rights, after deducting an amount sufficient to pay all outstanding municipal and school taxes, any accrued interest and the costs pertaining to the motion, including publication costs. Before the deduction, the indemnity claimed may not exceed the actual value of the immovable on 1 January 1980.

Publication of the notice replaces service. The notice shall indicate that it is given under this Act. The description of immovables that are parts of a lot is deemed to be sufficient if it mentions the lot number and the area of the part of the lot concerned as well as the name of its owner.

3. The city becomes the owner of the immovables concerned by publication of a declaratory judgment of ownership at the registry office and no claim may be subsequently made in respect of the immovables. Publication discharges all real rights that may affect the immovables concerned, namely all resolutive clauses or published rights of cancellation, except servitudes of public utility. On presentation of an additional copy of the declaratory judgment, the registrar shall cancel all rights so discharged.

The publication confers on the city a title the validity of which may not be contested on any ground.

4. The city may, to consolidate land or to reconstitute the original lots in the sector described in the schedule in respect of which it wishes to promote, ensure or maintain agricultural operations,

- (1) acquire an immovable by agreement or by expropriation;
- (2) hold and manage the immovable;
- (3) carry out the required development, restoration, demolition or clearing work on the immovable;
- (4) alienate or lease the immovable;
- (5) exchange an immovable it owns in its territory for another immovable it wishes to acquire, if their value is comparable. It may also, where it considers that an unconditional exchange would not be appropriate, offer as consideration an amount of money in lieu of or in addition to an immovable.

5. Acquisitions by agreement and exchanges provided for in section 4 do not constitute an alienation within the meaning assigned to that word in section 1 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1).

6. An offer of exchange is made by service on the owner of a notice to that effect together with the text of sections 4 to 22 and 32 of this Act. Section 40.1 of the Expropriation Act (R.S.Q., chapter E-24) applies to the service of the notice. The notice shall then be published in the registry office.

The notice must also be published in the *Gazette officielle du Québec* at least 10 days before being served on the owner.

The notice must indicate that it is given under this Act and contain, in particular, the following information:

- (1) the description of the immovable that the city wishes to acquire;
- (2) the name of the owner of the immovable;
- (3) the description of the immovable offered as consideration;
- (4) the period for filing an objection with the city.

In the case provided for in paragraph 5 of section 4, the notice must mention the sum of money offered by the city as consideration.

7. The owner of the immovable that the city wishes to acquire may, within 60 days of the date on which the notice was served on him, file with the city an objection to the consideration offered, in writing and with reasons. Holders of real rights in the immovable and, in particular, holders of claims secured by a

prior claim or hypothec on the immovable have the same right within that time.

In addition, every owner, lessee or occupant of an immovable upon which there is a servitude other than a servitude of public utility may, within the same time, file an objection with the city, in writing and with reasons, for the purpose of claiming an indemnity.

No objection may be filed after the expiry of that time.

At the expiry of the time provided for in the first paragraph, the city shall carry out the exchange with the owners of the immovables if no objection to the consideration offered has been filed.

8. Where the owner of the immovable that the city wishes to acquire, or the holder of a real right in the immovable other than a servitude, files, within the time mentioned in section 7, an objection in writing and with reasons, the city may enter into an agreement with the owner or holder in relation to the exchange.

In addition, if the owner, lessee or occupant of an immovable that the city wishes to acquire and upon which there is a servitude other than a servitude of public utility files an objection in writing and with reasons, the city may enter into an agreement with the person in relation to the indemnity.

Where an agreement is reached, it shall be evidenced in writing. After payment or deposit in the Superior Court of the sum of money agreed upon, if any, the city shall carry out the exchange.

9. Failing agreement within 30 days from the expiry of the time for filing a notice of objection, the owner of the immovable that the city wishes to acquire, or the holder of a real right in the immovable other than a servitude, may, within 15 days after the expiry of the 30 days, by a motion served on the city, request that the Expropriation Division of the Court of Québec fix the amount of fair consideration resulting from the exchange.

Within the same time of 15 days, the owner, lessee or occupant of an immovable that the city wishes to acquire and upon which there is a servitude other than a servitude of public utility may request that the Expropriation Division of the Court of Québec fix the amount of the indemnity resulting from the extinction of the servitude.

Where, at the expiry of the 15 days, no request has been filed with the Expropriation Division in relation to the consideration, the city may carry out the exchange as proposed.

10. Where a person avails himself of section 9, the Expropriation Division shall hear the parties and fix the consideration or the indemnity owing to that person.

The consideration fixed to give effect to a request filed under the first paragraph of section 9 may consist, in whole or in part, in an immovable.

The indemnity fixed to give effect to a request filed under the second paragraph of section 9 may consist only in a sum of money.

Following the decision of the Expropriation Division and, as the case may be, the payment of the sum ordered or of its deposit in the Superior Court, the city shall carry out the exchange.

11. The ownership of an immovable designated in a notice under section 6 is transferred by the publication of a notice of the transfer at the registry office. The notice shall make reference to the notice served pursuant to section 6 by indicating its publication number at the registry office.

The real rights in the immovable acquired by the city other than the servitudes shall be transferred to the immovable transferred as consideration.

Servitudes of public utility shall continue to be a charge on the immovable acquired by the city, but the other servitudes are extinguished.

12. The city shall send to the owner with whom an exchange has been made a certified true copy of, or extract from, the notice referred to in section 11 concerning him. The document must mention the number under which the notice has been published at the registry office and is valid as title of ownership.

13. Sections 40.1, 47, 48, 52 and 58 of the Expropriation Act, adapted as required, apply to the proceedings.

14. From the transfer of the right of ownership resulting from an exchange, the immovables affected by the exchange are subject only to the rights and actions which the new owner may exercise.

15. Publication of the real rights that affected the immovable acquired by the city and that may be transferred to the immovable transferred as consideration pursuant to section 11 must be carried over in respect of the immovable by a notice published at the registry office within six months of the transfer of ownership.

At the expiry of the six months, any rights that have been registered but not carried over are extinguished and the registrar must refuse any requisition presented to have the registration declared.

The prior claims and hypothecs that have been registered and carried over in respect of the immovable transferred as consideration retain the initial order they had on the immovable acquired by the city.

16. Upon publication of a notice referred to in section 11, the clerk of the city shall send, by registered or certified mail, to the holders of real rights in the immovable acquired by the city other than servitudes, including claims secured by prior claim or hypothec on the immovable, a notice advising them to carry over, within six months after the transfer of ownership, the registration of the real right in respect of which they appear as holders in the immovable transferred as consideration by the city.

17. Upon publication of a notice referred to in section 11, the registrar shall cancel the registration of real rights other than servitudes of public utility on the immovable acquired by the city, including the registration of prior claims, hypothecs, resolutive clauses or rights of cancellation and servitudes other than servitudes of public utility on the immovable. Cancellation of the registration is effected by the registrar on presentation of an additional copy of the notice referred to in section 11 by the clerk of the city.

Cancellation of the registration relating to real rights other than servitudes shall not preclude the application of section 15.

18. The Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) does not apply to an immovable transferred by the city as consideration for an immovable acquired by the city under this Act.

19. The Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) does not apply to an immovable that is exchanged in accordance with this Act. However, it applies in the case of an acquisition by a non-resident of a lot offered by the city under section 27.

20. Sections 26, 27 and 1094 of the Taxation Act (R.S.Q., chapter I-3) do not apply to immovables exchanged by the city under paragraph 5 of section 4.

21. Subject to section 20, this Act does not apply to any immovable real right which may be held by the Minister of Revenue in respect of an immovable subject to consolidation, nor shall it operate to limit or prevent the total or partial application of the provisions of a fiscal law within the meaning of section 1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

22. The city may withdraw wholly or partly from a measure taken for the purpose of exchanging an immovable under this Act, before publication of the notice referred to in section 11.

No damages which may be granted following such withdrawal may exceed the value of the immovable entered on the assessment roll in force on the date on which the notice under section 6 is sent, multiplied by the factor established for that roll pursuant to the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

23. The Cities and Towns Act (R.S.Q., chapter C-19) is amended, for the city, by inserting, after section 486, the following sections :

“486.1. In addition to any real estate tax that it may impose and levy on vacant land, whether or not it is serviced, the council may impose and levy annually on land situated in the sector described in the schedule to the Act respecting Ville de Varennes (1997, chapter 106) a surtax that may be equal to the total of the real estate taxes that may be imposed and levied on such land for the fiscal year concerned. The council may by by-law order that the amount of the surtax for such land shall not be less than a minimum amount it fixes in the by-law and that may not exceed \$200.

The by-law may provide for categories of land subject to the surtax and impose a surtax whose rate may vary according to the category.

Such surtax ranks, in every respect, as a general real estate tax of the city. It applies to the land entered on the assessment roll in force as part of the categories fixed in the by-law.

“486.2. The following land is not subject to the surtax provided for in section 486.1 :

(1) land on which there is a building whose real estate value exceeds 25% of the real estate value of the land according to the assessment roll in force ;

(2) land owned by a railway undertaking and on which there is a railway track ;

(3) land used for overhead electric power lines ;

(4) land forming part of an agricultural operation registered in accordance with a regulation made pursuant to section 36.15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14) and operated by the person entered on the real estate assessment roll in force in the territory of the city, unless the land has already been consolidated or reconstituted under this Act ;

(5) land that may be used for purposes other than agriculture pursuant to an authorization of the Commission de la protection du territoire agricole du Québec.

“486.3. The debtor of the surtax is entitled to a refund where the unit of assessment subject to the surtax is land more than 50% of the area of which is used to cultivate soil and plants.

The city may, in the by-law, determine the formalities applicable to surtax refunds.

“486.4. The revenues from the surtax imposed under section 486.1 shall be paid into a special fund.

The sums from the fund shall be used solely to promote consolidation of land situated in the sector described in the schedule to the Act respecting Ville de Varennes (1997, chapter 106) and reuse of the land for agricultural purposes. In particular, the sums may be used for the purpose of acquiring land by agreement or by expropriation and of exchanging or alienating land.”

24. The first two paragraphs of section 57 and paragraph 13 of section 174 of the Act respecting municipal taxation, adapted as required, apply to the surtax that the council, under section 486.1 of the Cities and Towns Act, as amended for the city, may impose and levy on vacant land, whether or not it is serviced, in the sector described in the schedule. The roll must indicate which category, among the categories provided for in the by-law adopted by the council for that purpose, a unit of assessment subject to the surtax referred to in this section is part of.

25. Where the city, under this Act, becomes the owner of immovables sufficient to be used for genuine and sustained agricultural purposes, it shall submit to the Minister of Natural Resources a plan entailing the striking out or replacement of the numbers of the lots it owns in accordance with article 3043 of the Civil Code of Québec.

26. Every operation carried out under section 25 must be authorized by the Minister of Agriculture, Fisheries and Food.

27. The city shall, within two years following the authorization provided for in section 26, offer for sale, at its actual value, the lot concerned by the cadastral amendment to enable it to be used for agricultural purposes, and shall so advise the Minister of Agriculture, Fisheries and Food and the Fédération régionale de l’Union des producteurs agricoles. The city shall first offer the lot to the owners of the land contiguous to it that forms part of an agricultural operation registered in accordance with a regulation made pursuant to section 36.15 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation.

If the city fails to find a purchaser for a lot at its actual value within the required time, it shall so advise the Minister of Agriculture, Fisheries and Food who may grant a new time limit for the selling of the lot or, at the request of the council, authorize the city to retain it permanently.

The city may, in respect of an immovable it is authorized to retain, carry out thereon development, restoration, demolition or clearing work, operate it or lease it.

28. Section 8 of the Act to amend the charter of the city of Varennes (1978, chapter 116) is repealed.

This section does not operate to cancel the recourse under the seventh and eighth paragraphs of section 8 of the said Act for personal claims which replace immovable real rights extinguished under that section nor to reduce the prescription period applicable to that recourse.

In addition, notwithstanding section 14, this section does not affect contracts in force on 19 December 1997 under which the city has leased the rights it has in respect of the immovables comprised in the sector described in the schedule. The leases remain in force until the date on which it is provided they will cease to have effect.

29. All by-laws or resolutions adopted by the city under section 8 of the Act to amend the charter of the city of Varennes remain in force until the date on which it is provided they will cease to have effect, until their object is achieved or until they are replaced or repealed.

30. This Act shall not affect cases pending on 8 December 1997.

31. The transfer to the city of ownership of the immovables to which the judgments rendered on 13 February 1990 in the records of the Superior Court of the district of Richelieu bearing the following numbers apply :

765-05-000032-901	765-05-000046-901
765-05-000033-909	765-05-000047-909
765-05-000034-907	765-05-000048-907
765-05-000035-904	765-05-000049-905
765-05-000036-902	765-05-000050-903
765-05-000037-900	765-05-000051-901
765-05-000038-908	765-05-000052-909
765-05-000039-906	765-05-000053-907
765-05-000040-904	765-05-000054-905
765-05-000041-902	765-05-000055-902
765-05-000042-900	765-05-000056-900
765-05-000043-908	765-05-000057-908
765-05-000044-906	765-05-000058-906
765-05-000045-903	765-05-000059-904
765-05-000060-902	765-05-000075-900
765-05-000061-900	765-05-000076-908
765-05-000062-908	765-05-000077-906
765-05-000063-906	765-05-000078-904
765-05-000064-904	765-05-000079-902
765-05-000065-901	765-05-000080-900
765-05-000066-909	765-05-000081-908
765-05-000067-907	765-05-000082-906
765-05-000068-905	765-05-000083-904
765-05-000069-903	765-05-000084-902
765-05-000070-901	765-05-000085-909
765-05-000071-909	765-05-000086-907
765-05-000072-907	765-05-000087-905
765-05-000073-905	765-05-000088-903
765-05-000074-903	765-05-000089-901

is effected by publication at the registry office of a notice to that effect containing the text of this section.

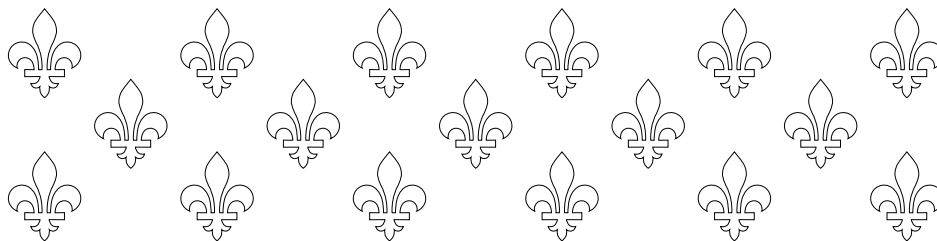
Publication of the notice has the same effect as registration or publication of a judgment respecting the putting into definitive possession rendered under section 8 of the Act to amend the charter of the city of Varennes.

32. The title obtained by Ville de Varennes under this Act in respect of the immovables situated in the territory described in the schedule and the title obtained under the Act to amend the charter of the city of Varennes may not be contested.

33. This Act comes into force on 19 December 1997, except sections 28 and 29 which come into force three months after that date.

SCHEDULE

A territory forming part of the cadastre of the parish of Varennes, comprising the lots or parts of lots and their subdivisions and redivisions, the whole enclosed within the perimeter hereinafter described, to wit: starting from the intersection of the northeast limit of the territory of Ville de Varennes with the southeast limit of the Autoroute de l'Acier (No. 30); southeasterly, along the northeast limit of the territory of Ville de Varennes to the southeast corner of lot 344; southwesterly, on the southeast limit of the territory of Ville de Varennes to the southwest corner of lot 403; southeasterly, again along the northeast limit of the territory of Ville de Varennes, being the northeast limit of lot 404 to the southeast corner of the said lot 404; southwesterly, again along the southeast limit of the territory of Ville de Varennes, being the southeast limit of lots 404 to 418 inclusively, to the intersection with the dividing line between lots 418 and 419; northwesterly, along the dividing line between lots 418 and 419, to the southeast limit of the front road of the Concession des Trente (Ninth Concession) known under the name of Chemin du Cordon; southwesterly, along the southeast limit of the said Chemin du Cordon to the intersection with the extension of the dividing line between lots 314 and 315; northwesterly, along the dividing line between lots 314 and 315, then along the southwest limit of lot 315 and the southwest limit of lot 246, along the Montée de Picardie, to the southeast limit of the road known under the name of Picardie Range Road; northeasterly, along the southeast limit of the said Picardie Range Road to the intersection with the extension of the dividing line between lots 165 and 166; northwesterly, along the extension of the dividing line between lots 165 and 166, then along the said dividing line between lots 165 and 166 to the Notre-Dame brook; northeasterly, along the Notre-Dame brook to the northeast limit of the Montée de la Baronnie; southeasterly, along the northeast limit of the Montée de la Baronnie to the intersection with the southeast limit of the Autoroute de l'Acier (No. 30); northeasterly, along the southeast limit of the Autoroute de l'Acier (No. 30) to the starting point.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 253

(Private)

An Act respecting the Association de villégiature du Mont Sainte-Anne

Introduced 17 June 1997

Passage in principle 19 December 1997

Passage 19 December 1997

Assented to 19 December 1997

**Québec Official Publisher
1997**

Bill 253

(Private)

AN ACT RESPECTING THE ASSOCIATION DE VILLÉGIATURE DU MONT SAINTE-ANNE

WHEREAS the Mont Sainte-Anne sector is a major tourist destination ;

Whereas a majority of the tradespeople in the Mont Sainte-Anne sector wish to form a group and pool certain resources to promote the development and marketing of the Mont Sainte-Anne tourist destination ;

Whereas for such purpose, it is desirable that a non-profit legal person be established, and that membership in the legal person be compulsory for those tradespeople ;

Whereas it is necessary to delimit the territory of the association ;

Whereas it is necessary that a statute be enacted for those objects to be achieved ;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

- 1.** A non-profit legal person is hereby established under the name “Association de villégiature du Mont Sainte-Anne”.
- 2.** The territory designated and covered by the Association is the territory described in the schedule.
- 3.** The members of the Association are as follows :
 - (a) natural and legal persons carrying on commercial or tourism-related activities in the designated territory ;
 - (b) the municipalities having jurisdiction over the designated territory ;
 - (c) persons admitted for membership in accordance with the by-laws of the Association.
- 4.** The head office of the Association shall be situated in the municipality of Beaupré, at the location designated by the board of directors.

5. The first directors of the Association shall be the directors of the association as it exists on the date of coming into force of this Act before its establishment as a legal person. They shall remain in office until duly replaced, and their number shall constitute the number of directors to be elected until that number is modified in accordance with law.

6. The objects of the Association are

(a) to promote and encourage the development and operation of a four-season resort centre, to the advantage of its members ;

(b) to provide, in accordance with the by-laws, certain services to its members, in particular an integrated programme of resort activities, a reservation service, a tourist reception and information service and a marketing programme.

7. The board of directors of the Association may adopt by-laws

(a) establishing classes of members and the rights and obligations of each class ;

(b) establishing rules for territorial representation of the members on the board of directors and on the executive committee so as to ensure optimal representation within the designated territory ;

(c) defining the rules to govern the voting of the members according to objective and equitable criteria, and the procedure for exercising voting rights, including voting by proxy ;

(d) determining the contributions to be paid to the Association by the members or classes of members, and the terms and conditions of payment ;

(e) determining the terms upon which a business from outside the designated territory may be admitted, with the written consent of the business owner, the rights and obligations of the business and the contribution payable ;

(f) regulating the internal management of the Association.

An amendment to a by-law adopted under subparagraph *c* or *d* may come into force only on the vote of three-quarters of the members of the Association at an extraordinary meeting convened for that purpose.

8. For the purposes of this Act, the first two lines of section 28 of the Companies Act (R.S.Q., chapter C-38) are replaced by the following :

“**28.** The Association may be dissolved, on its application, if it proves to the Inspector General that the dissolution has been authorized by the Minister responsible for the administration of the Tourist Establishments Act (chapter E-15.1) and”.

9. Part III of the Companies Act and the sections of Part I that apply to Part III pursuant to section 224 of that Act apply to the Association, except sections 5, 8 to 10.1, 12, 18 to 18.2, 19, 20, 30, 37 to 40 and 80, the first paragraph of section 84, and sections 119, 120, 217, 218 to 221, 231 and 232.

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

SCHEDULE

The territory covered by the Private Bill respecting the Association de villégiature du Mont Sainte-Anne comprises a continuous area of land of irregular shape situated in the territory of the town of Beauré and the municipality of Saint-Ferréol-les-Neiges.

(A) Town of Beauré

Beginning at the most northerly point of the town of Beauré, along the following lines and through the following points: in a generally southeasterly and southwesterly direction along the dividing line between the town of Beauré and the municipality of Saint-Ferréol-les-Neiges to its intersection with the centre line of the Sainte-Anne river; thence, in a generally southeasterly and southwesterly direction along the centre line of the Sainte-Anne river to its intersection with the northwest boundary of the right of way of Sainte-Anne boulevard; thence, along a straight line in an astronomically westerly direction to its intersection with the dividing line between the town of Beauré and the town of Sainte-Anne-de-Beauré; thence, in a generally northwesterly and northeasterly direction along the dividing line between the town of Beauré and the town of Sainte-Anne-de-Beauré to its intersection with the dividing line between the town of Beauré and the municipality of Saint-Ferréol-les-Neiges; thence, in a generally northeasterly and northwesterly direction along the dividing line between the town of Beauré and the municipality of Saint-Ferréol-les-Neiges to the starting point.

(B) Municipality of Saint-Ferréol-les-Neiges

Beginning at the most westerly point of the municipality of Saint-Ferréol-les-Neiges, along the following lines and through the following points: in a generally northeasterly direction along the northwestern boundary of the municipality of Saint-Ferréol-les-Neiges to its intersection with the eastern boundary of lot 708 of the cadastre of the parish of Saint-Ferréol; thence, with reference to the said cadastre, in a generally southeasterly direction along the eastern boundary of lots 708 and 711 to the southeastern corner of lot 711; thence, in a generally southwesterly and southeasterly direction along the southeast and southwest boundary of lots 711 and 708 to its intersection with the Saint-Julien range road; thence, in a generally southeasterly direction along the southwestern boundary of the right of way of the Saint-Julien range road, across Avenue Royale, and along the dividing line between lots 392 and 395 to its intersection with the northwest bank of the Sainte-Anne river; thence, in a generally southwesterly direction, along the northwest bank of the Sainte-Anne river to its intersection with the dividing line between the municipality of Saint-Ferréol-les-Neiges and the town of Beauré; thence, in a generally northwesterly and northeasterly direction along the dividing line between the municipality of Saint-Ferréol-les-Neiges and the town of Beauré to the most northerly point of the town of Beauré; thence, in a generally southwesterly and southeasterly direction along the dividing line between the municipality of Saint-Ferréol-les-Neiges and the town of Beauré to its

intersection with the dividing line between the municipality of Saint-Ferréol-les-Neiges and the town of Sainte-Anne-de-Beaupré; thence, in a generally northwesterly direction, along the dividing line between the municipality of Saint-Ferréol-les-Neiges and the town of Sainte-Anne-de-Beaupré to the starting point.

Regulations and other acts

Gouvernement du Québec

O.C. 37-98, 14 January 1998

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Certain controlled zones for the development, harvesting and conservation of anadromous atlantic salmon

— Establishment

Establishment of certain controlled zones for the development, harvesting and conservation of anadromous atlantic salmon

WHEREAS under section 104 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may, by Order in Council, establish controlled zones on land in the public domain for the development, harvesting and conservation of wildlife or a species of wildlife;

WHEREAS in accordance with section 104 of the Act, the zone d'exploitation contrôlée de la Grande-Rivière was established for the development, harvesting and conservation of anadromous atlantic salmon by Décret 123-89 dated 8 February 1989;

WHEREAS it is expedient to amend the territory of the zone d'exploitation contrôlée de la Grande-Rivière;

IT IS ORDERED, therefore, upon the recommendation of the Minister the Environment and Wildlife:

THAT Décret 123-89 dated 8 February 1989 establishing the zone d'exploitation contrôlée de la Grande-Rivière be amended in its French version by substituting Annexe IV attached hereto for Annexe IV to the Décret and by adding the English text of that Schedule, attached hereto;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

SCHEDULE IV

PROVINCE DE QUÉBEC
GASPÉ LAND DIVISION
MINISTÈRE DE L'ENVIRONNEMENT
ET DE LA FAUNE

TECHNICAL DESCRIPTION

Grande-Rivière controlled zone

A territory situated on the territory of the Municipalité régionale de comté de Pabok in the cadastre of the Municipalité de Grande-Rivière and the Canton de Rameau, comprising a part of the bed of La Grande Rivière over a length of 22.8 km and a part of the bed of Grande Rivière Est, over a length of 0.2 km, that is a total length of 23.0 km and also made up of the lots and parts of lots of the said cadastres, described as follows:

REVISED CADASTRE OF THE MUNICIPALITÉ DE GRANDE-RIVIÈRE

Premier Rang ouest de la Grande-Rivière

Lot 155-6, except and to be withdrawn that part of the lot bounded as follows: to the north, by the second concession; to the east, by the residual part of lot 155-6; to the south, by lot 156-1 and to the west, by lot 155-5, measuring 60.96 m to the north and 107.59 m to the west.

Lot 156-1, except and to be withdrawn that part of the lot bounded as follows: to the north, by lots 155-5 and 155-6; to the north, by the residual part of lot 156-1; to the south, by lot 156-2 and to the southwest, by the public road, measuring 208.79 m to the north, 230.37 m to the south and 58.31 m to the southwest.

Lots 158-2, 162-5, 163-3, 165-8, 166-6, 167-5, 168-1.

The half-width of the bed of the river and the islands and islets located in front of those lots.

Premier Rang Est de la Grande-Rivière

Lot 138.

The half-width of the bed of the river and the islands and islets located in front of that lot.

Deuxième Rang Est de la Grande-Rivière

Lot 287-2.

The half-width of the river and the islands and islets located in front of that lot.

Second concession

Lots 369, 371, 372, 375, 376, 377, 379, 380, 381, 383-1, 386, 387, 390, 391, 394, 395, 398, 399, 403, 406, 407, 409, 410, 628 and 629.

Lot 402, except and to be withdrawn that part of the lot bounded as follows: to the north, by another part of lot 402; to the east, by lot 401-5, a public road; to the south, by another part of lot 402 and to the west, by La Grande Rivière, measuring 17.37 m to the north, 19.20 m to the east and 15.39 m to the south.

The bed of the river and the islands and islets located on lot 383-1.

Third concession

Lots 510, 513, 514, 517, 518, 521, 522, 524, 525, 527 and 529.

The bed of the river and the islands and islets in front of those lots.

Fourth concession

Lots 544, 545 and 546.

The bed of the river and the islands and islets in front of those lots.

Fifth concession

A part of lot 584, made up of a strip of land 16-m wide located on the left bank of La Grande Rivière, bounded as follows: to the southwest, by lot 581; to the west, by the normal high water mark (N.H.W.M.) on the left bank of La Grande Rivière; to the east, by another part of lot 584; and to the northwest, by the sixth concession.

The bed of the river and the islands and islets located in front of lot 584.

Sixth concession

A part of lot 585, made up of a strip of land 16-m wide located on the left bank of La Grande Rivière, bounded: to the southeast, by the fifth concession; to the southwest, by the NHWM on the left bank of La Grande-Rivière; to the northwest, by a brook; to the northeast, by another part of lot 585.

The mouth of the brook mentioned above is located 640 m from the intersection of the dividing line between

the cadastre of the Municipalité de Grande-Rivière and the cadastre of the Canton de Rameau and the dividing line between ranges III and IV of the Canton de Rameau.

A part of lots 585, 586 and 587, made up of a strip of land of irregular width located on the left bank of La Grande Rivière and bounded: to the south, by the NHWM on the left bank of La Grande Rivière; to the northwest, by the Canton de Rameau; to the north, by the northern limit of the right-of-way of a road along the left bank of La Grande Rivière; to the southeast, by the above-mentioned brook.

The bed of La Grande Rivière crossing those lots and the islands and islets that may be found there.

CADASTRE OF THE CANTON DE RAMEAU

Rang III

A strip of land, made up of the following parts of lots: part of lot 1 to part of lot 27, excluding lot 22, a strip located on the left bank of La Grande Rivière, of irregular width, bounded: to the southwest, by the NHWM on the left bank of La Grande Rivière; to the northwest, by the dividing line between lots 27 and 28 of Rang III; to the northeast, by the northeastern limit of the right-of-way of the road along the left bank of La Grande Rivière; to the southeast, by the sixth concession.

The bed of La Grande Rivière and the islands and islets from the southern limit of the Canton de Rameau to its meeting point with the extension of the right bank of a brook flowing into La Grande Rivière near the dividing line between the townships of Rameau and Pelleguin.

The part of the bed of La Grande Rivière Est comprised between its mouth at La Grande Rivière and the northeastern limit of the right-of-way of the above-mentioned road.

The whole as shown on plan P-9181, a copy of which in reduced size bearing number P-9181-1 is attached hereto for information purposes.

The original of this document is kept at the Division des données foncières et de la cartographie of the Ministère de l'Environnement et de la Faune.

Maps 1:50 000

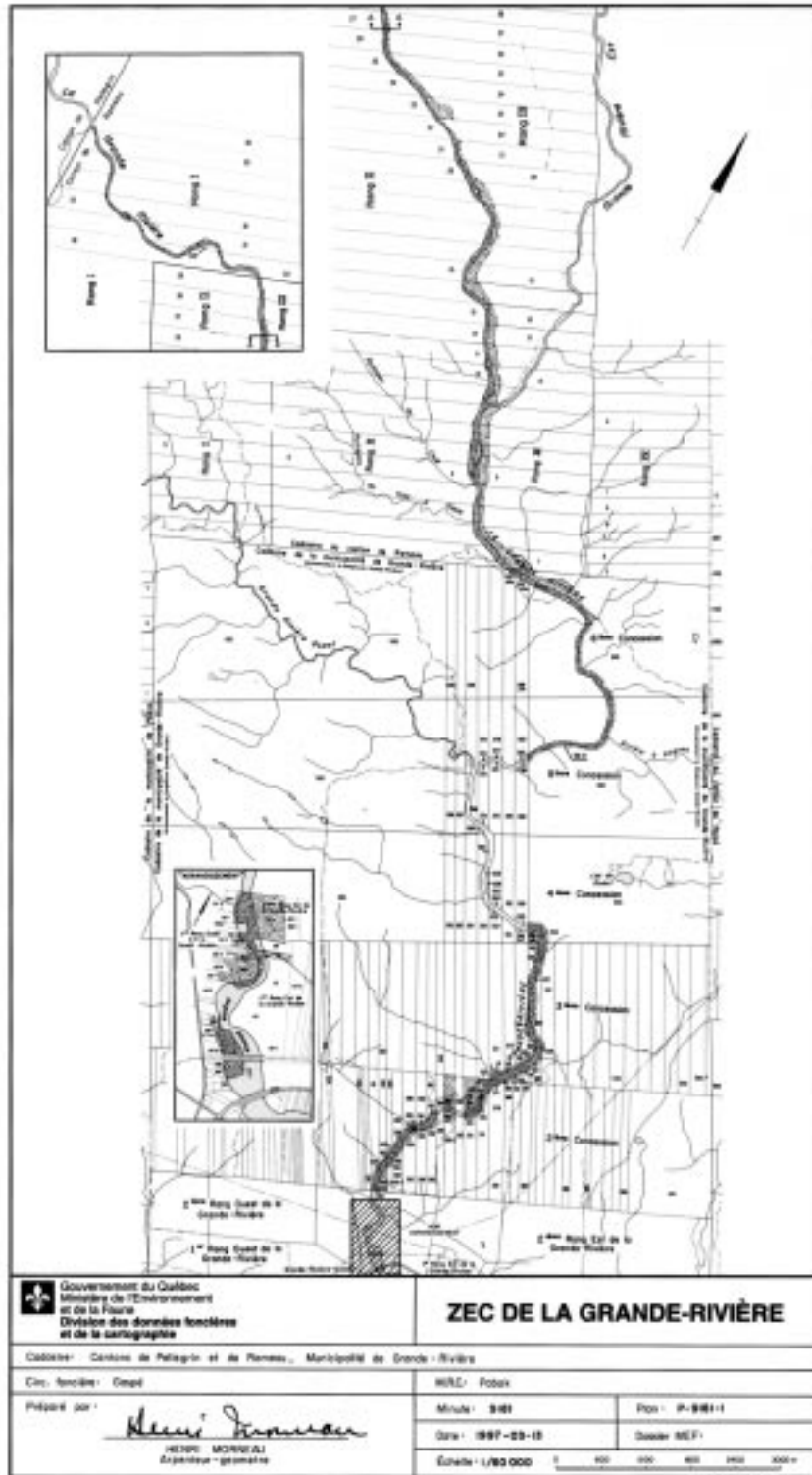
22 A/7, 22 A/10

Prepared by: HENRI MORNEAU,
Land surveyor

Québec, 13 March 1997

Minute 9181

Place names revised by the Commission de toponymie in March 1997.



 Gouvernement du Québec Ministère de l'Environnement et de la Pêche Division des données foncières et de la cartographie		ZEC DE LA GRANDE-RIVIÈRE	
Cadastre: Cantons de Patagon et de Rimous, Municipalité de Grande-Rivière			
Cite: foncière: Gaspé		M.R.E.: Robex	
Préparé par:  HENRI GAUTHIER arpenteur-géomètre		Minute: 3881	Page: 18-3881-1
		Date: 1997-03-18	Québec: M.E.P.
		Échelle: 1/50 000 	

Art Spectra Inc.

Gouvernement du Québec

O.C. 38-98, 14 January 1998

An Act to facilitate the payment of support
(R.S.Q., c. P-2.2)

Collection of support — Amendment

CONCERNING the Regulation to amend the Regulation respecting the collection of support

WHEREAS under section 36 of the Act to facilitate the payment of support (R.S.Q., c. P-2.2), the Minister of Revenue may pay, as advances, an amount not exceeding \$1 000 or three months of support to the creditors of support;

WHEREAS under the third paragraph of section 36 of the Act, the Government may, by regulation, provide for an increase in the maximum amount of advances that the Minister may pay;

WHEREAS an exceptional freezing rain storm struck various Québec municipalities from 5 to 9 January 1998, thereby delaying or preventing the regular collection of support;

WHEREAS it is expedient, in the circumstances, to increase the maximum amount provided for in the second paragraph of section 36 of the Act;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without prior publication as prescribed in section 8 of that Act and under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under those sections, the reason justifying such coming into force shall be published with the regulation;

WHEREAS in the opinion of the Government, the urgency arising from the following circumstances warrants such coming into force:

— the above-mentioned climactic conditions delay or prevent the regular collection of support in the concerned municipalities, and if the maximum amount of the advance is not rapidly increased, the economic situation of the concerned creditors of support will be aggravated.

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Economy and Finance and of the Minister for Revenue:

THAT the Regulation to amend the Regulation respecting the collection of support, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the collection of support¹

An Act to facilitate the payment of support
(R.S.Q., c. P-2.2, s. 36, 3rd par.)

1. The Regulation respecting the collection of support is amended by inserting, after section 6, the following section 6.1:

“**6.1.** The maximum amount of the advance made to the creditor of support pursuant to the second paragraph of section 36 of the Act is increased to \$2 000.”

2. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec* and ceases to be in force on 29 March 1998.

2017

Gouvernement du Québec

O.C. 49-98, 17 January 1998

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

Chartered appraisers — Conciliation and arbitration procedure for the accounts

Regulation respecting the conciliation and arbitration procedure for the accounts of chartered appraisers

WHEREAS under section 88 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des évaluateurs agréés du Québec must establish, by regulation, a con-

¹ The only amendment to the Regulation respecting the collection of support made by Order in Council 1531-95 dated 22 November 1995 (1995, *G.O.* 2, 3333) was made by the regulation made by Order in Council 1637-95 dated 13 December 1995 (1995, *G.O.* 2, 3599).

ciliation and arbitration procedure for the accounts of the members of the order which may be used by persons having recourse to the services of the members;

WHEREAS under section 88 of the Code, the Bureau adopted a Regulation respecting the procedure for conciliation and arbitration of accounts of chartered appraisers (R.R.Q., 1981, c. C-26, r. 94);

WHEREAS it is expedient to replace the Regulation;

WHEREAS under that section of the Code, the Bureau adopted the Regulation respecting the conciliation and arbitration procedure for the accounts of chartered appraisers;

WHEREAS in accordance with section 95.3 of the Code, a draft Regulation was sent to every member of the professional order at least 30 days before its adoption by the Bureau;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 26 March 1997 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the conciliation and arbitration procedure for the accounts of chartered appraisers, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the conciliation and arbitration procedure for the accounts of chartered appraisers

Professional Code
(R.S.Q., c. C-26, s. 88)

DIVISION I GENERAL

1. The syndic of the Ordre des évaluateurs agréés du Québec shall send a copy of this Regulation to any person who so requests and to a person who sends him an application for conciliation.

In this Regulation, the term “syndic” means the syndic, assistant syndic or a corresponding syndic of the Order.

2. A client who has a dispute with a member of the Order concerning the partial or total amount of an account for professional services may, even if it has been paid for, require conciliation by the syndic.

Where the conciliation did not settle the dispute, the client may submit it to arbitration.

3. A member of the Order may not institute proceedings in respect of an account so long as the dispute may be settled by conciliation or arbitration, except with the authorization of the syndic where there is a risk that recovery of the account will be imperilled unless proceedings are instituted.

Notwithstanding the foregoing, a member of the Order may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

DIVISION II PROCEDURE FOR CONCILIATION

4. An application for conciliation shall be sent to the syndic within 45 days following the day on which the client received the account.

Where payment of the account has been withdrawn or withheld by the member of the Order from the funds that he holds or receives for or on behalf of his client, the period runs from the moment on which the client becomes aware of the withdrawal or withholding.

An application for conciliation in respect of an account whose full amount has not been paid may be sent to the syndic upon the expiry of the 45-day period provided that it is sent before proceedings on the account are served on the client.

5. Within 5 days of receiving an application for conciliation, the syndic shall notify the member of the Order or, where he is unable to notify the member personally within that period, the member's firm.

6. The syndic shall proceed with the conciliation using such procedure as he considers appropriate.

To that end, he may require that the member of the Order or the client give him any information or document he deems necessary.

7. Any agreement reached during conciliation shall be put in writing, shall be signed by the client and the member of the Order and shall be filed with the secretary of the Order.

8. Failing an agreement within 45 days from the date of receipt of the application for conciliation, the syndic shall send a report on the conciliation to the client and to the member of the Order, within the 20 days that follow, by registered mail.

The syndic shall give the following information in his report, where applicable;

- (1) the amount of the account in dispute;
- (2) the amount that the client acknowledges owing;
- (3) the amount that the member of the Order acknowledges having to reimburse or is willing to accept as a settlement of the dispute;
- (4) the amount suggested by the syndic during conciliation as a payment to the member of the Order or as a reimbursement to the client.

The syndic shall send the client the form in Schedule I and shall indicate to him the procedure and deadline for submitting the dispute to arbitration.

DIVISION III PROCEDURE FOR ARBITRATION

§1.- Application for arbitration

9. Where conciliation has not led to an agreement, the client may, within 30 days of receiving the conciliation report, apply for arbitration of the account by sending the form in Schedule I, duly completed, to the secretary of the Order.

The application shall be accompanied by the conciliation report and, where applicable, by the deposit of the amount he has acknowledged owing during conciliation and which is mentioned in the syndic's report.

10. Within 5 days of receiving an application for arbitration, the secretary of the Order shall give notice

thereof to the member concerned of the Order by registered mail, to which he shall attach, where applicable, the amount deposited in accordance with section 9. The arbitration shall proceed and shall pertain only to the amount still in dispute.

11. A client who wishes to withdraw his application for arbitration shall so notify the secretary of the Order in writing.

12. A member of the Order who acknowledges having to reimburse an amount to a client shall deposit that amount with the secretary of the Order, who shall then remit it to the client.

In such case, the arbitration shall proceed and shall pertain only to the amount still in dispute.

13. Any agreement reached by the client and the member of the Order after the application for arbitration has been filed shall be put in writing, shall be signed by the parties and shall be filed with the secretary of the Order. Where the parties reach an agreement after a council of arbitration has been formed, the agreement shall be recorded in the arbitration award.

§2.- Formation of council of arbitration

14. A council of arbitration shall be composed of 3 arbitrators where the amount in dispute is \$2 000 or more, and of a single arbitrator where the amount is less than \$2 000.

15. The administrative committee shall appoint the members of the council of arbitration from among the members of the Order and, if the council is composed of 3 arbitrators, shall designate the chairman.

The administrative committee shall also appoint a clerk to assist the council of arbitration.

16. The secretary of the Order shall send written notice of the formation of the council to the arbitrators and parties.

17. Before acting, the member or members of the council of arbitration shall take the oath or make the solemn affirmation of office and discretion in Schedule II.

18. A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure. The request shall be sent to the secretary of the Order, to the council of arbitration and to the parties or their advocates within 10 days of receipt of the notice provided for in section 16 or of the day on which the reason for the request becomes known.

The administrative committee shall decide the request and, where expedient, shall see that the arbitrator is replaced.

19. Should an arbitrator die or be unable to act, the other arbitrators shall see the matter through. Where that arbitrator is the chairman of the council of arbitration, the administrative committee shall designate from among the other two arbitrators the arbitrator who shall act as chairman.

If the council of arbitration consists of a single arbitrator, he shall be replaced by a new arbitrator and the dispute shall be reheard.

§3.- Hearing

20. The council of arbitration shall fix the date, time and place of the hearing. At least 10 days before the date fixed, the clerk shall notify the parties of the hearing by registered mail.

21. The parties are entitled to be represented or assisted by an advocate.

22. The council of arbitration shall hear the parties as soon as possible, receive their evidence or record any failure on their part. For those purposes, it shall follow the rules of evidence and procedure as it considers appropriate.

23. The council of arbitration may order the parties to submit a statement of their contentions with documents in support thereof within the time it fixes.

24. A party requesting that the testimony be recorded shall assume the cost thereof.

§4.- Arbitration award

25. The council of arbitration shall issue its award within 60 days of the end of the hearing.

26. The award shall be a majority award of the members of the council of arbitration; failing a majority, it shall be rendered by the chairman of the council.

The award shall give reasons and shall be signed by all the members. Where a member refuses or is unable to sign, the others shall mention that fact and the award shall have the same effect as though it were signed by all the members.

27. In its award, the council of arbitration may uphold, reduce or cancel the amount of the account in dispute and determine the reimbursement or payment to which a party may be entitled.

28. The council of arbitration may also, when all or part of the account in dispute is maintained or when a reimbursement is granted, add interest and an indemnity, computed in accordance with articles 1618 and 1619 of the Civil Code of Québec (1991, c. 64), from the date of the application for conciliation.

The council of arbitration may also decide the arbitration expenses, which are the expenses incurred by the Order for the arbitration. The total expenses may not exceed 15 % of the amount to which the arbitration pertains.

29. The arbitration award is binding on the parties and is subject to compulsory execution after having been homologated in accordance with the procedure provided for in articles 946.1 to 946.6 of the Code of Civil Procedure.

30. The arbitration award shall be filed with the secretary of the Order and shall be sent to the syndic, to each party or to their advocates within 10 days after being filed.

31. This Regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of chartered appraisers (R.R.Q., 1981, c. C-26, r. 94), but the latter Regulation continues to govern the procedure for conciliation and arbitration of disputes for which conciliation was applied for prior to the date of coming into force of this Regulation.

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

SCHEDULE I
(ss. 8 and 9)

APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned,.....
(client's name)

.....
(domicile)

declare that:

1.
(Order member's name)

is claiming from me (or refuses to reimburse to me) a sum of money for professional services.

2. I have enclosed a copy of the conciliation report and, where applicable, a certified cheque made out to the name of the member of the Ordre des évaluateurs agréés

du Québec representing the amount I acknowledge owing and which is mentioned in the conciliation report.

3. I am applying for arbitration of the account under the Regulation respecting the procedure for conciliation and arbitration of accounts of chartered appraisers.

4. I have received a copy of the Regulation mentioned above and have taken cognizance thereof.

5. I agree to submit to the procedure provided for in the Regulation and, where required, to pay to

.....
(member's name)
the amount of the arbitration award.

Signed on
Client's signature

SCHEDULE II

(s. 17)

OATH OR SOLEMN AFFIRMATION OF OFFICE AND DISCRETION

I swear (or solemnly affirm) that I will perform all my duties and exercise all my powers as an arbitrator faithfully, impartially and honestly, to the best of my ability and knowledge.

I also swear (or solemnly affirm) that I will not, without being so authorized by law, disclose or make known anything whatsoever of which I may take cognizance in the performance of my duties.

In the case of an oath, add: "So help me God."

.....
(signature of arbitrator)

Sworn or solemnly affirmed before
me
(name and position, profession or capacity)

at on
(municipality) (date)

.....
(signature of person who receives oath or
solemn affirmation)

Gouvernement du Québec

O.C. 52-98, 14 January 1998

An Act respecting the Régie de l'énergie
(1996, c. 61)

Fees payable

Regulation respecting fees payable to the Régie de l'énergie

WHEREAS under subparagraph 2 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (1996, c. 61), the Government may make regulations determining the fees payable for the examination of an application submitted to the Régie de l'énergie;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made notwithstanding the publication requirement of section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 13 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication;

— the fees for the examination of the applications submitted to the Régie de l'énergie must be payable as of 11 February 1998 to allow interested persons to fully exercise their rights;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Natural Resources and Minister of Natural Resources:

THAT the Regulation respecting fees payable to the Régie de l'énergie, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting fees payable to the Régie de l'énergie

An Act respecting the Régie de l'énergie
(1996, c. 61, s. 112, 1st par., subpar. 2)

1. The fees for the application referred to in section 94 of the Act respecting the Régie de l'énergie (1996, c. 61) shall be \$30.

2. The fees for an application other than that referred to in section 94 of the Act, by a person other than a distributor subject to the payment of duty under a government regulation, shall be \$500.

3. This Regulation comes into force on 11 February 1998.

2019

Gouvernement du Québec

O.C. 55-98, 14 January 1998

Highway Safety Code
(R.S.Q., c. C-24.2)

Road vehicle registration — Amendments

Regulation to amend the Regulation respecting road vehicle registration

WHEREAS under paragraphs 7, 8.5, 8.7, 8.8, 8.9, 10, 11 and 11.2 of section 618 of the Highway Safety Code (R.S.Q., c. C-24.2), amended by section 15 of Chapter 85 of the Statutes of 1997, sections 619.1 and 619.3 of that code, the Government may, by regulation, establish the standards on the subjects referred to by those provisions, particularly on the additional duty payable to obtain registration of a motor vehicle, the right to operate it and to retain the right to operate it;

WHEREAS under section 619.4 of that Code, introduced by section 16 of Chapter 85 of the Statutes of 1997, the Government may determine by regulation the class of road vehicles that are 7 years old or less whose value exceeds \$40 000 and in respect of which an additional duty is payable; that fee shall correspond on an annual basis to 1 % of the value of the vehicle in excess of \$40 000 as well as the rules for calculation for the additional duty and the age of a vehicle and those of the determination of the value of a vehicle, which, in order to determine its value, may refer to a price or a value fixed by another government, a body or another person specified by the Regulation, which may further provide

that references made therein to other texts include any subsequent amendments to those texts, where such is the case;

WHEREAS under section 776 of Chapter 85 of the Statutes of 1997, the first regulation made under paragraphs 7, 8.5, 8.7, 8.8, 8.9, 10, 11 and 11.2 of section 618, sections 619.1, 619.3 and 619.4 of that Code intended to provide the terms and conditions of application of the additional duty are not subject to the provisions concerning the obligation of publication or to the date of coming into force set out in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1) and come into force on the date of its publication in the *Gazette officielle du Québec* and has effect from 1 January 1998;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT the Regulation to amend the Regulation respecting road vehicle registration, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting road vehicle registration*

Highway Safety Code

(R.S.Q., c. C-24.2, s. 618, pars. 7, 8.5, 8.7, 8.8, 8.9, 10, 11 and 11.2 and ss. 619.1, 619.3 and 619.4; 1997, c. 85, ss. 15 and 16)

1. The Regulation respecting road vehicle registration is amended by inserting the following after section 2:

“**2.1** The additional duty exigible for obtaining the registration of a road vehicle and the right to operate it and the additional duty exigible to retain that right applies solely to a motor vehicle with a net weight of 3 000 kg or less, except for an ambulance, a bus engaged in the transportation of schoolchildren, a hearse, a moped, a tow truck, a motor home, a minibus, a motorcycle, a snowmobile, a taxi, a vehicle engaged in the transportation of people

* The Regulation respecting road vehicle registration made by Order in Council 1420-91 dated 16 October 1991 (1991, *G.O.* 2, 4111) was last amended by the Regulation made by Order in Council 438-97 dated 26 March 1997 (1997, *G.O.* 2, 1434). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

during weddings, funerals and christenings, a vehicle belonging to a foreign government insofar as that government grants such exclusion to the Gouvernement du Québec, a vehicle used exclusively in train stations, harbours and airports, a passenger vehicle whose licence plate bears the prefix "CC" or "CD" and a vehicle belonging to the Gouvernement du Québec or to a public agency within the meaning of section 1 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) except those of government corporations listed in Schedule I and their subsidiaries."

2. The following is substituted for the first paragraph of section 19:

"19. The period during which the owner of a motor home with a net weight of 3 000 kg or less that is used for personal purposes or of a passenger vehicle must pay the fees, the duties, the insurance contribution, the contribution of motorists to public transit and, where applicable, the additional duty to retain the right to operate a road vehicle are determined according to an order based on the owner's surname."

3. The following is substituted for section 20:

"20. Notwithstanding section 19, the owner of a passenger vehicle covered by section 137 or which is used in a locality not linked to the Québec highway system and covered by sections 124 to 125 or who holds a ham radio operator's licence, must, between the first day of January and the last day of March, pay the fees, the duties, the insurance contribution, the contribution of motorists to public transit and, where applicable, the additional duty to retain the right to operate the road vehicle."

4. The following is substituted for section 21:

"21. The owner of a farm motor vehicle, of a farm tractor if the owner is a farmer, of a motor home if the owner is a legal person, of a motor home with a net weight of more than 3 000 kg, of a motorcycle or of a moped must, between the first day of February and the last day of April, pay the fees, the duties, the insurance contribution and, where applicable, the additional duty to retain the right to operate the road vehicle."

5. The following is substituted for the first paragraph of section 22:

"22. The owner of a vehicle engaged in the transportation of schoolchildren or of a bus engaged in the transportation of schoolchildren must, between the first day of July and the last day of September, pay the fees, the duties, the insurance contribution and, where appli-

cable, the additional duty to retain the right to operate the road vehicle."

6. The following is substituted for the text preceding paragraph 1 of section 24:

"24. Between the first day of January and the last day of March, the owner of the following road vehicles must pay the fees, the duties, the insurance contribution, the contribution of motorists to public transit and, where applicable, the additional duty to retain the right to operate the road vehicle:"

7. The following is substituted for the second paragraph of section 25:

"Notwithstanding the foregoing, the owner having paid \$15 000 and more of fees, duties, insurance contribution, tax on that contribution and, where applicable, additional duty to obtain or retain the right to operate his vehicles during the last calendar year may pay, during the period applicable to his category of vehicles and determined in one of sections 19 to 24, half of the amounts referred to in the first paragraph of section 31.1 of the Highway Safety Code and the second half of those amounts, 5 months after the first payment is due."

8. The following is inserted after section 55:

"55.1 For the purposes of sections 61.1 to 142.1, the age of any motor vehicle is the number of years passed from the model year of the vehicle to the current calendar year inclusively and the vehicle whose model year is the same as or subsequent to the current calendar year is considered a vehicle of less than one year.

The model year of a motor vehicle designates the year used by the manufacturer of that vehicle to designate a distinct model of vehicle, regardless of the calendar year of its production.

The model year of a motor vehicle is the one indicated by a code in the identification number of the vehicle in accordance with the Motor Vehicle Safety Act (S.C., 1993, c. 16)."

9. The following is substituted for the first paragraph of section 61:

"61. Subject to sections 61.1 to 66, the fees and duties payable for registration of a road vehicle and the right to operate that vehicle are calculated by multiplying the monthly fees fixed in one of sections 86 to 90 according to the category of the road vehicle, its net weight, the number of its axles, its use and the date on which registration is obtained, by the number of full

months, plus one, between the date on which registration is applied for and the last day of the month preceding the last month during which the amounts provided for in the first paragraph of section 31.1 of the Highway Safety Code next become due.”.

10. The following is inserted after section 61:

“**61.1** In addition to the fees fixed in this Division, if a motor vehicle is 7 years old or less and valued at more than \$40 000, an additional duty is payable for registration of that vehicle and the right to operate it. The duty is calculated by multiplying the monthly fee provided for in section 90.1 by the number of full months, plus one, between the date on which registration is applied for and the last day of the month preceding the last month during which the amounts provided for in the first paragraph of section 31.1 of the Highway Safety Code next become due.”.

11. The following is substituted for the first and second paragraphs of section 67:

“**67.** The owner of a registered road vehicle who notifies the Société, prior to the due date for payment of the annual amounts to retain the right to operate the vehicle, that he elects not to operate his vehicle during part of the twelve-month period corresponding to the payment of those amounts, must pay before the due date the fees, the insurance contribution and the contribution of motorists to public transit established pursuant to section 88.2 of the Transport Act and, where applicable, the additional duty for the part of the twelve-month period not affected by his election when he applies to the Société for authorization to again operate his road vehicle.

The fees and duties are calculated by multiplying the monthly fees fixed for that road vehicle in one of sections 78 to 90 by the number of full months, plus one, which comprise the part of the twelve-month period not affected by the election.

The insurance contribution is calculated by multiplying the monthly insurance contribution fixed for that vehicle in the Regulation respecting insurance contributions, approved by Order in Council 1422-91 dated 16 October 1991 by the number of full months, plus one, which comprise the part of the twelve-month period not affected by the election.

The contribution of motorists to public transit is calculated by multiplying the monthly contribution of \$2.50 by the number of full months, plus one, which comprise the part of the twelve-month period not affected by the election.

The additional duty is calculated by multiplying the monthly fee fixed in section 90.1 by the number of full months, plus one, which comprise the part of the twelve-month period not affected by the election.”.

12. The following is substituted for the first paragraph of section 68:

“**68.** The owner of a registered road vehicle who has not paid the annual amounts to retain the right to operate the vehicle by the due date for the payment of those amounts, nor notified the Société that he elects not to operate his road vehicle for all or part of the twelve-month period corresponding to the payment of those amounts, must pay the annual fees, the annual insurance contribution and the supplementary fees prescribed in the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects and, where applicable, the additional duty provided for in section 142.1 in order to obtain authorization to again operate his road vehicle until the end of the twelve-month period.”.

13. The following is substituted for the first paragraph of section 69:

“**69.** The owner of a registered vehicle who has failed more than once to pay the annual amounts to retain the right to operate the vehicle by the due date for the payment of those amounts, and who has not notified the Société that he elects not to operate his road vehicle for all or part of the twelve-month period corresponding to the payment of each of those amounts, must pay the latest amount of annual fees, annual insurance contribution, and supplementary fees prescribed in the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects and, where applicable, the additional duty provided for in section 142.1 in order to obtain authorization to again operate his road vehicle until the end of the twelve-month period corresponding to that amount.”.

14. Section 72 is amended

(1) by substituting the following for the first paragraph:

“**72.** The owner of a registered road vehicle who has not paid the annual amounts to retain the right to operate the vehicle by the due date for the payment of those amounts nor notified the Société that he elects not to operate his road vehicle for all or part of the twelve-month period corresponding to the payment of those amounts, but whose registration was cancelled during that twelve-month period, must, upon cancellation or obtention of new registration within the period, pay the

fees, the insurance contribution, the contribution of motorists to public transit established pursuant to section 88.2 of the Transport Act, and the supplementary fees prescribed in the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects and, where applicable, the additional duty for the part of the twelve-month period preceding registration cancellation.”; and

(2) by adding the following at the end:

“The additional duty is calculated by multiplying the monthly fee fixed in section 90.1 by the number of full months, plus one, which comprise the part of the twelve-month period preceding registration cancellation. If such duty is paid upon issue of new registration, the applicant for registration must also pay the additional duty prescribed by section 61.1.”.

15. The following is substituted for the first and second paragraphs of section 73:

“73. The owner of a registered road vehicle who is subject to a prohibition from putting his vehicle back into operation under section 188 or 189 of the Highway Safety Code during a payment period prescribed for that vehicle in one of sections 19 to 24 is exempted for the duration of that prohibition from paying the annual amounts to retain the right to operate his vehicle. Upon the lifting of the prohibition he must pay the fees, insurance contribution and contribution of motorists to public transit established pursuant to section 88.2 of the Transport Act and, where applicable, the additional duty for the part of the twelve-month period not covered by the prohibition.

The fees and duties are calculated by multiplying the monthly fees fixed for that road vehicle by one of sections 78 to 90 by the number of full months, plus one, between the date of the lifting of the prohibition and the following due date for payment of fees.

The insurance contribution is calculated by multiplying the monthly insurance contribution fixed for that vehicle in the Regulation respecting insurance contributions by the number of full months, plus one, between the date of the lifting of the prohibition and the following due date for payment of the contribution.

The contribution of motorists to public transit is calculated by multiplying the monthly contribution of \$2.50 by the number of full months, plus one, between the date of the lifting of the prohibition and the following due date for payment of the contribution of motorists to public transit.

The additional duty is calculated by multiplying the monthly fee fixed in section 90.1 by the number of full months, plus one, between the date of the lifting of the prohibition and the following due date for payment of the duty.”.

16. The following is substituted for the first and second paragraphs of section 74:

“74. The owner of a registered road vehicle who has not paid the annual amounts to retain the right to operate his vehicle by the due date for those amounts nor notified the Société prior to such date that he elects not to operate his vehicle during all or part of the twelve-month period corresponding to the payment of those amounts, but who is subject to a prohibition from putting his vehicle back into operation under section 188 or 189 of the Highway Safety Code for part of that twelve-month period, must upon the lifting of the prohibition, if it occurs within the twelve-month period, pay the fees, insurance contribution and the contribution of motorists to public transit established pursuant to section 88.2 of the Transport Act and the supplementary fees prescribed in the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects and, where applicable, the additional duty for the part of the twelve-month period not affected by the prohibition.

The fees and duties are calculated by multiplying the monthly fees fixed for that road vehicle in one of sections 78 to 90 by the number of full months, plus one, which comprise that part of the twelve-month period.

The insurance contribution fixed for that vehicle in the Regulation respecting insurance contributions by the number of full months, plus one, which comprise that part of the twelve-month period.

The contribution of motorists to public transit is calculated by multiplying the monthly contribution of \$2.50 by the number of full months, plus one, which comprise that part of the twelve-month period.

The additional duty is calculated by multiplying the monthly fee fixed in section 90.1 by the number of full months, plus one, which comprise that part of the twelve-month period.”.

17. The following is substituted for the first and second paragraphs of section 75:

“75. Subject to section 74, the owner of a registered road vehicle subject to a prohibition from putting his vehicle back into operation pursuant to section 188 or 189 of the Highway Safety Code during the twelve-

month period corresponding to the payment of the annual amounts to retain the right to operate his vehicle and who has obtained a reimbursement under section 162 must, upon the lifting of the prohibition, pay the fees, the insurance contribution, the contribution of motorists to public transit established pursuant to section 88.2 of the Transport Act and, where applicable, the additional duty for the part of the twelve-month period following the lifting of the prohibition.

The fees and duties are calculated by multiplying the monthly fees fixed for that road vehicle in one of sections 78 to 90 by the number of full months, plus one, between the date of lifting of the prohibition and the following due date for payment of fees and duties.

The insurance contribution is calculated by multiplying the monthly insurance fixed for that vehicle in the Regulation respecting insurance contributions, by the number of full months, plus one, between the date of lifting of the prohibition and the following due date for payment of the contribution.

The contribution of motorists to public transit is calculated by multiplying the monthly contribution of \$2.50 by the number of full months, plus one, between the date of lifting of the prohibition and the following due date for payment of the contribution of motorists to public transit.

The additional duty is calculated by multiplying the monthly fee fixed in section 90.1 by the number of full months, plus one, between the date of lifting of the prohibition and the following due date for payment of the duty.”.

18. Section 76 is amended by

(1) substituting the following for the first paragraph:

“**76.** The owner of a registered road vehicle who has failed more than once to pay the annual amounts to retain the right to operate his vehicle by the due date for the payment of those amounts, and who has not notified the Société that he elects not to operate his road vehicle for all or part of the twelve-month period corresponding to the payment of each of those amounts, but whose registration has been cancelled during the twelve-month period corresponding to the latest of those amounts, must, upon such cancellation or upon obtention of new registration during the said twelve-month period, pay the fees, the insurance contribution, the contribution of motorists to public transit established pursuant to section 88.2 of the Transport Act and the supplementary fees prescribed by the Regulation respecting fees exigible under the Highway Safety Code and the return of confis-

cated objects and, where applicable, the additional duty for the part of the twelve-month period preceding registration cancellation.”;

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

“The additional duty is calculated by multiplying the monthly fee fixed in section 90.1 by the number of full months, plus one, which comprise the part of the twelve-month period preceding cancellation. If that duty is paid upon the issue of registration, the applicant for registration must also pay the duty prescribed by section 61.1.”.

19. The following is substituted for the first and second paragraphs of section 77:

“**77.** The owner of a registered road vehicle who has failed more than once to pay the annual amounts to retain the right to operate his vehicle by the due date for the payment of those amounts, and who has not notified the Société that he elects not to operate his road vehicle for all or part of the twelve-month period corresponding to the payment of each of those amounts, but who is subject to a prohibition from putting his vehicle back into operation under section 188 or 189 of the Highway Safety Code during the twelve-month period corresponding to the latest of those amounts, must, upon the lifting of the prohibition pay the fees, the insurance contribution and the contribution of motorists to public transit established pursuant to section 88.2 of the Transport Act and the supplementary fees prescribed by the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects and, where applicable, the additional duty for the part of the twelve-month period not covered by the prohibition.

The fees and duties are calculated by multiplying the monthly fees fixed for that road vehicle in one of sections 78 to 90 by the number of full months, plus one, which comprise that part of the twelve-month period.

The insurance contribution is calculated by multiplying the monthly insurance contribution fixed for that vehicle in the Regulation respecting insurance contributions, by the number of full months, plus one, which comprise that part of the twelve-month period.

The contribution of motorists to public transit is calculated by multiplying the monthly contribution of \$2.50 by the number of full months, plus one, which comprise that part of the twelve-month period.

The additional duty is calculated by multiplying the monthly fees fixed for that road vehicle in section 90.1 by the number of full months, plus one, which comprise that part of the twelve-month period.”.

20. The following is inserted after section 90:

“90.1 The additional monthly duty is obtained by dividing by 12 the amount corresponding to 1 % of the value of a vehicle exceeding \$40 000.

The value of a vehicle is the most recent value established during registration or the value established during the calculation of the latest additional duty to retain the right to operate the registered vehicle.

DIVISION III.1 **ASSESSMENT RULES OF A VEHICLE**

90.2 For the purposes of this section, “average wholesale price” means the average wholesale price for a vehicle of the same brand, model and characteristics entered in the latest edition of the Guide d’Évaluation des Automobiles or the Guide d’Évaluation des Camions Légers published by Hebdo Mag Inc..

90.3 Where the owner elects not to operate his motor vehicle and applies for authorization to operate it, between the date on which he notified the Société of that election and the last day of the month during which the payment of the additional duty provided for in the first paragraph of section 31.1 of the Highway Safety Code next becomes due, the value of the vehicle used for calculating the additional duty payable to obtain that authorization shall be the one used during the calculation of the additional duty payable for registration of the vehicle and the right to operate it, without regard to the age of the vehicle on the date of the application for authorization to operate it.

90.4 Where the owner elects not to operate his motor vehicle and applies for authorization to operate it, during the twelve-month period corresponding to the payment of the additional duty provided for in the first paragraph of section 31.1 of the Highway Safety Code, the value of the vehicle used for calculating the additional duty payable to obtain that authorization shall be the one used during the calculation of the latest payment of the additional duty provided for in the first paragraph of section 31.1 of that Code, without regard to the age of the vehicle on the date of the application for authorization to operate it again.

90.5 In the case of a new motor vehicle sold by a dealer, the value used for calculating the additional duty payable to obtain registration of the vehicle and the right to operate it is the sale price entered by the dealer on the form that the Société provided him with and that the owner of the vehicle must provide to the Société upon registration.

If the new vehicle sold is imported from another Canadian province, the value used for calculating the additional duty payable to obtain registration of the vehicle and the right to operate it is the amount entered on the sales contract. The owner of the vehicle must provide a copy of that contract to the Société upon registration.

90.6 In the case of a new motor vehicle that is leased or received following a trade, the value used for calculating the additional duty payable to obtain registration of the vehicle and the right to operate it is the value of the vehicle entered by the dealer on the form that the Société provided him with and that the owner of the vehicle must provide to the Société upon registration.

90.7 In the case of the sale of a used motor vehicle, the value used for calculating the additional duty payable to obtain registration of the vehicle and the right to operate it shall be the highest amount of the sale price declared by the owner or the average wholesale price, which shall be reduced by \$500. Where the characteristics of the model to which the vehicle belongs do not appear in the guides referred to in section 90.2, the value used shall be the one indicated on the owner’s insurance policy. The owner shall provide a copy of that policy to the Société upon registration.

Notwithstanding the foregoing, where the vehicle belongs to a model that does not appear in those guides and that was sold during the previous calendar year or the year of the model year, the value used shall be the amount entered on the sales contract entered into between the dealer and the first owner, from which is subtracted the depreciation obtained by multiplying 2.5 % of the amount entered on the contract by the number of months passed from the date of the sale to the registration date. The owner of the vehicle must provide a copy of the contract to the Société upon registration.

90.8 If there is an assessment with reasons on the repairs of the vehicle by an appraiser of material damage referred to in the second paragraph of section 55.0.3 of the Act respecting the Québec sales tax (R.S.Q., c. T-0.1), introduced by section 263 of Chapter 1 of the Statutes of 1995, the value used for calculating the additional duty payable to obtain registration of the vehicle and the right to operate it is the highest of the following amounts:

- (1) the sale price declared by the buyer;
- (2) the amount calculated according to the following formula:

$A = (p - \$500) - (r - \$500)$

A: the amount calculated;

p: the average wholesale price

r: the amount of repairs on the vehicle.

If there is a motivated assessment for the worn-out state of the vehicle by that appraiser, the value used for calculating the additional duty payable to obtain registration of the vehicle and the right to operate it shall be the highest amount of the sale price declared by the buyer or of the value of the vehicle determined by the appraiser.

The owner of the vehicle must provide those evaluations to the Société upon registration.

90.9 In the case of a new motor vehicle that is leased or received following a trade, the value used for calculating the additional duty payable to obtain registration of the vehicle and the right to operate it shall be the highest amount of the value of the vehicle declared by the dealer on the form that the Société provided him with or the average wholesale price from which \$500 is subtracted. The owner of the vehicle must provide that form to the Société upon registration.

90.10 In the case of a motor vehicle received by donation, succession or following a publicity contest, a draw or lottery system authorized in accordance with the law, the value used for calculating the additional duty payable to obtain registration of the vehicle and the right to operate it shall be the retail price suggested by the dealer if the vehicle is new or, if it is used, the average wholesale price from which \$500 is subtracted.

90.11 In the case of a motor vehicle imported from outside Canada, the value used for calculating the additional duty payable to obtain registration of the vehicle and the right to operate it shall be the amount of the value determined by the Federal Minister of Revenue in addition to excise duties applicable.

If no value is determined by the Minister, the value used shall be the retail price suggested by the manufacturer if the vehicle is new or, if it is used, the average wholesale price from which \$500 is subtracted.

90.12 The value used for calculating the additional duty payable by the owner of a motor vehicle to retain the right to operate the registered vehicle shall be the lowest of the following amounts:

(1) the average wholesale price from which \$500 is subtracted;

(2) the amount of the value used for calculating the additional duty payable to obtain registration of the vehicle and the right to operate it.

90.13 During the calculation of the additional duty payable by the owner of a registered motor vehicle to retain the right to operate the vehicle, where the average wholesale price does not appear in the guides referred to in section 90.2, the value used shall be the amount referred to in paragraph 2 of section 90.12 and reduced by 7 % annually from the due date of the latest payment made to retain the right to operate that vehicle.

Notwithstanding the foregoing, where the vehicle was registered before 1 January 1998, the value used shall be the retail price suggested by the manufacturer and reduced by 15 %. In addition, where the vehicle was registered prior to that date and where the characteristics of the model to which the vehicle belongs do not appear in the guides referred to in section 90.2, the value used shall be the one entered in one of those guides for the vehicle of the same model having characteristics similar to those of the vehicle concerned and, where there is no such model, the value used shall be the one indicated on the owner's insurance policy. He must provide a copy of that policy to the Société upon registration."

21. The following Division is inserted after section 142:

"DIVISION XII
ADDITIONAL DUTY PAYABLE TO RETAIN THE
RIGHT TO OPERATE A VEHICLE

142.1 In addition to the fees fixed in this chapter, if a vehicle is 7 years old or less and is valued at more than \$40 000, an additional annual duty is payable to retain the right to operate the vehicle. That right corresponds to 1 % of the value of the vehicle exceeding \$40 000."

22. The following is substituted for the first paragraph of section 162:

"162. An owner who elects not to operate a road vehicle during all or part of the period corresponding to the payment of the fees and duties is entitled to obtain the reimbursement, in accordance with sections 166, 167, 169, 170, 170.1, 173 to 176, 179 and 180, of that portion of the fees, of the additional duty and of the contribution of motorists to public transit paid by him for the period during which such election has effect."

23. The following is substituted for section 163:

“163. The owner of a vehicle whose registration is cancelled is entitled to the reimbursement in accordance with sections 168, 169, 171, 171.1, 173 to 175, 177, 179 and 180 of a portion of the fees, of the additional duty and of the contribution of motorists to public transit that he paid.”

24. The following is substituted for the first paragraph of section 164:

“164. Every owner of a road vehicle subject to a prohibition from putting his road vehicle back into operation, pursuant to section 188 or 189 of the Highway Safety Code, is entitled to obtain on request the reimbursement in accordance with sections 172 to 175 and 178 to 180 of a portion of the fees, the additional duty and the contribution of motorists to public transit paid by him for the period during which that prohibition has effect.”

25. The following is inserted after section 170:

“170.1 In the cases of an election not to operate a vehicle, the amount of the reimbursement of the additional duty paid is calculated by multiplying the additional monthly fee applicable to the motor vehicle at the time of the last payment according to section 90.1, by the number of full months between the date on which the Société is notified of such election and the last day of the month preceding the last month of the payment period prescribed in Division VIII of Chapter I which would have ensued had the right to operate the vehicle not been cancelled.”

26. The following is inserted after section 171:

“171.1 In cases of cancellation of registration, the amount of the reimbursement of the additional duty paid is calculated by multiplying the additional monthly duty applicable to the motor vehicle at the time of their last payment according to section 90.1, by the number of full months between the date of cancellation and the last day of the month preceding the last month of the payment period prescribed in Division VIII of Chapter I which would have ensued had the right to operate the vehicle not been cancelled.”

27. The following is inserted after section 172:

“172.1 In cases of prohibition from putting a motor vehicle back into operation, the amount of the reimbursement of the additional duty paid is calculated by multiplying the monthly fee applicable to the road vehicle at the time of its last payment according to section 90.1, by the number of full months between the date of the prohibition from putting the road vehicle back into

operation and the last day of the month preceding the month during which the prohibition is lifted.”

28. The following is substituted for section 179:

“179. A road vehicle owner may be reimbursed by cheque. Notwithstanding the foregoing, reimbursement of the fees and additional duty to the owner may be made in the form of a credit. The owner may ask that it be subsequently applied to the payment of the fees, the insurance contribution or the contribution of motorists to public transit and, where applicable, the additional duty payable for registration, for the right to operate a vehicle or retention of that right.”

29. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec* and has effect from 1 January 1998.

2020

Gouvernement du Québec

O.C. 56-98, 14 January 1998

Highway Safety Code
(R.S.Q., c. C-24.2)

Fees exigible
— **Amendments**

Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects

WHEREAS under subparagraph 1.1 of the first paragraph of section 624 of the Highway Safety Code (R.S.Q., c. C-24.2), the Société de l'assurance automobile du Québec may by regulation fix the amount of any additional fee exigible on payment of the duties and insurance contribution prescribed under section 31.1 of the Code, in cases of failure to pay within the period determined by a regulation made under paragraph 8.8 of section 618 of that Code amended by paragraph 3 of section 15 of Chapter 85 of the Statutes of 1997;

WHEREAS under section 776 of Chapter 85 of the Statutes of 1997, the first regulation made under subparagraph 1.1 of the first paragraph of section 624 of the Code and intended to prescribe the terms and conditions for the implementation of the additional duty, is not subject to the provisions concerning the obligation of publication or to the date coming into force set out in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1), comes into force on the date of its publication in the *Gazette officielle du Québec* and has effect from 1 January 1998;

WHEREAS under section 625 of the Code, every regulation made by the Société is subject to the approval of the Government;

WHEREAS the Société made the Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, at its meeting of 19 December 1997;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT the Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 624, par. 1, subpar. 1.1)

1. The following is substituted for section 3 of the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects:

“**3.** The supplementary fee exigible for failure to pay, during more than 30 days, the registration fee, the additional registration fee, and the insurance premium covered by sections 68, 69, 72, 74, 76 and 77 of the Regulation respecting road vehicle registration, corresponds to the higher of:

(1) \$10;

(2) the amount calculated according to the following formula:

$$F = S \times I \times N$$

365

F: is the supplementary fee;

S: is the total of unpaid fees set under subparagraph 3 of section 2 of the Regulation and the registration fee, the additional registration fee, and the insurance premium covered by sections 68, 69, 72, 74, 76 and 77 of the Regulation respecting road vehicle registration;

I: is the interest rate corresponding to the rate determined under the first paragraph of section 28 of the Act respecting the Ministère du Revenu;

N: is the number of days during which the owner of a road vehicle may not under the third paragraph of section 31.1 of the Highway Safety Code put his vehicle back into operation. For purposes of the calculation, the first 30 days during which the owner is in this situation are not counted but the day on which the Société authorizes the owner to put the vehicle back into operation counts, as does the day on which the owner advises the Société that he renounces the right to operate his vehicle.”

2. This regulation comes into force on the date of its publication in the *Gazette officielle du Québec* and has effect from January 1, 1998.

2021

Gouvernement du Québec

O.C. 74-98, 21 January 1998

Health Insurance Act
(R.S.Q., c. A-29)

Hearing devices — Amendments

Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act

WHEREAS under subparagraph *h.2* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29), the Government may, after consultation with the Board or upon its recommendation, make regulations to determine the hearing aids which are to be considered insured services for the purposes of the seventh paragraph of section 3 of the Act and fix the cost of purchase, fitting, replacement or repair thereof;

* The last amendments to the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, approved by Order in Council 646-91 dated 8 May 1991 (1991, *G.O.* 2, 1695), were made by the regulation approved by O.C. 1425-97 dated 29 October 1997 (1997, *G.O.* 2, 5454). For prior amendments refer to the «Tableau des modifications et Index sommaire», Éditeur officiel du Québec, 1997, updated to 1 September 1997.

WHEREAS under section 69.0.1 of the Health Insurance Act, a regulation adopted in particular under subparagraph *h.2* of section 69 of the Act following a contract with a supplier pursuant to section 3.1 of the Act is not subject to the provisions concerning the obligation of publication and the date of coming into force which are set out in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS by Order in Council 869-93 dated 16 June 1993, the Government made the Regulation respecting hearing devices insured under the Health Insurance Act and it is expedient to amend it;

WHEREAS the Régie de l'assurance-maladie du Québec has been consulted regarding the amendments;

WHEREAS it is expedient to make that Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

SCHEDULE I

“CHAPTER V HEARING DEVICES, THEIR OPTIONS AND PRICES

DIVISION I HEARING AIDS

§1. *In-the-ear hearing aids*

Name of supplier: **AUDIO-CONTRÔLE INC. “AUDIO-CONTRÔLE”**

Model	Price
ACI 2 CLASS A — LINEAR	177.00

Including:

- IROS, Select-A-Vent and D-vent
- Bell canal
- Soft canal
- Hypoallergenic case shell
- Raised volume control
- Screw adjust volume control
- Handle or finger grip notch
- Wind screen
- Wax guard
- Choice of colours

Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act (*)

Health Insurance Act
(R.S.Q., c. A-29, s. 69, 1st par., subpar. *h.2*)

1. The Regulation respecting hearing devices insured under the Health Insurance Act is amended:

(1) by substituting subdivisions I and II of Schedule I to this Regulation for those of Division I of Chapter V;

(2) by substituting the words “Vibra Sound” for the word “Buddy” with respect to the adapted alarm clock (tactile) in item I of subdivision III of Division II of Chapter V.

2. This Regulation comes into force on 1 February 1998.

* The Regulation respecting hearing devices insured under the Health Insurance Act, made by Order in Council 889-93 dated 16 June 1993, was last amended by the Regulations made by Orders in Council 535-97 dated 23 April 1997 (1997, *G.O.* 2, 1826) and 1394-97 dated 22 October 1997 (1997, *G.O.* 2, 5265). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

Model	Price
ACI 2 CLASS A — AGCi	215.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
ACI 2 CLASS A — AGCo	220.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
ACI 5 CLASS B — LINEAR	187.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
ACI 5 CLASS B — AGCi	223.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	

Model	Price
ACI 5 CLASS B — AGCo	223.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
ACI 7 CLASS D — LINEAR	190.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
ACI 7 CLASS D — AGCi	229.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
ACI 7 CLASS D — AGCo	225.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	

Model	Price
ACI 13 CLASS D — AGCi	230.00

Including:

IROS, Select-A-Vent and D-vent
 Bell canal
 Soft canal
 Hypoallergenic case shell
 Raised volume control
 Screw adjust volume control
 Handle or finger grip notch
 Wind screen
 Wax guard
 Choice of colours

Options (Optional components)	Price
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High-pass tone control	21.00
Low-pass tone control	21.00
Output control	21.00
Gain control	21.00
Low profile	35.00
Half-shell	50.00
Telecoil with amplifier	40.00
ASP circuit (ACI 2-Lin, ACI 7-Lin)	45.00
ASP control (ACI 2-Lin, ACI 7-Lin)	21.00
AGC control (ACI 2-ACGi, ACI 2-ACGo, ACI 5-AGCi, ACI 5-AGCo, ACI 7-AGCi and ACI 7-AGCo)	21.00
Compression ratio control (ACI 7-AGCi, ACI 7-AGCo)	21.00
Compression threshold control (ACI 13-AGCi)	21.00
Low level compression (ACI 13-AGCi)	21.00
Filtered microphone	20.00
N-H tone switch	25.00
Active tone (ACI-2, ACI-7)	10.00

Accessories	Price
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N/A

Name of supplier: **BELTONE ELECTRONICS OF CANADA LTD. "BELTONE"**

Model	Price
OPTIMA 2000 CLASS D — LINEAR	193.00

Including:

IROS, Select-A-Vent and D-vent
 Bell canal
 Soft canal
 Hypoallergenic case shell
 Raised volume control
 Screw adjust volume control
 Handle or finger grip notch
 Wind screen
 Wax guard
 Choice of colours
 Filtered microphone

Model	Price
OPTIMA 2000 CLASS D — AGCi	230.00

Including:

IROS, Select-A-Vent and D-vent
 Bell canal
 Soft canal
 Hypoallergenic case shell
 Raised volume control
 Screw adjust volume control
 Handle or finger grip notch
 Wind screen
 Wax guard
 Choice of colours
 Filtered microphone

Options (Optional components)	Price
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High-pass tone control	20.00
Low-pass tone control	20.00
Output control	20.00
Gain control	20.00
Low profile	20.00
Half-shell	50.00
Telecoil with amplifier	30.00
Telecoil without amplifier	20.00
ASP circuit (Optima 2000-Lin)	60.00
ASP control (Optima 2000-Lin)	18.00
N-H tone switch	20.00
PUSH-PULL (Optima 2000-Lin)	20.00
FFI (combination active low/high frequencies) (Optima 2000-Lin)	45.00

Accessories	Price
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N/A

Name of supplier: **DAHLBERG SCIENCES LTD. "DAHLBERG"**

Model	Price
CRYSTAL CLASS B — LINEAR	185.00

Including:

IROS, Select-A-Vent and D-vent
 Bell canal
 Soft canal
 Hypoallergenic case shell
 Raised volume control
 Screw adjust volume control
 Handle or finger grip notch
 Wind screen
 Wax guard
 Choice of colours

Model	Price
CRYSTAL CLASS B — AGCi	215.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
CRYSTAL CLASS D — LINEAR	195.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
CRYSTAL CLASS D — AGCi	225.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
Options (Optional components)	Price
High-pass tone control	20.00
Low-pass tone control	20.00
Output control	20.00
Gain control	20.00
Resonance peak control	20.00
Half-shell	50.00
Telecoil with amplifier	40.00
Telecoil without amplifier	30.00
ASP circuit (Class B-Lin)	50.00
ASP circuit (Class D-Lin)	45.00

Options (Optional components)	Price
ASP control (Classes B-Lin and D-Lin)	20.00
Filtered microphone	20.00
N-H tone switch	25.00
Audio input	60.00
Twin headphones (Class B-Lin)	35.00
Soft shell	15.00
Accessories	
CROS kit (including audio input, cord and microphone)	75.00
BI-CROS kit (including audio input, cord and microphone)	80.00
CROS or BI-CROS replacement cord	15.00
Name of supplier: DANALAB INC. "GN DANAVOX"	
Model	Price
DCE CLASS D — LINEAR	189.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
Filtered microphone	
DCE CLASS D — AGCi	204.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
Filtered microphone	
Options (Optional components)	Price
High-pass tone control	21.00
Low-pass tone control	21.00
Output control	21.00
Gain control	21.00

Options (Optional components)	Price
Low profile	25.00
Half-shell	48.00
Telecoil with amplifier	30.00
Telecoil without amplifier	25.00
ASP circuit	45.00
ASP control	18.00
N-H tone switch	24.00
Input compression threshold control (Class D-AGCi)	21.00

Accessories	Price
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N/A

Name of supplier: **DANALAB INC. "DANALAB"**

Model	Price
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DISCRET CLASS D — LINEAR	179.00
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Including:

- IROS, Select-A-Vent and D-vent
- Bell canal
- Soft canal
- Hypoallergenic case shell
- Raised volume control
- Screw adjust volume control
- Handle or finger grip notch
- Wind screen
- Wax guard
- Choice of colours

DISCRET CLASS D — AGCi	214.00
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Including:

- IROS, Select-A-Vent and D-vent
- Bell canal
- Soft canal
- Hypoallergenic case shell
- Raised volume control
- Screw adjust volume control
- Handle or finger grip notch
- Wind screen
- Wax guard
- Choice of colours

Options (Optional components)	Price
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High-pass tone control	20.00
Low-pass tone control	20.00
Output control	20.00
Gain control	20.00
Low profile	28.00
Half-shell	45.00

Options (Optional components)	Price
Telecoil with amplifier	40.00
Telecoil without amplifier	32.00
ASP circuit (Discret Class D-Lin)	51.00
ASP control (Discret Class D-Lin)	22.00
N-H tone switch	25.00
Filtered microphone	15.00
AGCi control	20.00

Name of supplier: **DANALAB INC. "DANALAB"**

Model	Price
SONOTECH CLASS D — LINEAR	189.00

Including:

- IROS, Select-A-Vent and D-vent
- Bell canal
- Soft canal
- Hypoallergenic case shell
- Raised volume control
- Screw adjust volume control
- Handle or finger grip notch
- Wind screen
- Wax guard
- Choice of colours

SONOTECH CLASS D — AGCi	230.00
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Including:

- IROS, Select-A-Vent and D-vent
- Bell canal
- Soft canal
- Hypoallergenic case shell
- Raised volume control
- Screw adjust volume control
- Handle or finger grip notch
- Wind screen
- Wax guard
- Choice of colours

Options (Optional components)	Price
High-pass tone control	22.00
Low-pass tone control	22.00
Output control	22.00
Gain control	22.00
Low profile	27.00
Half-shell	48.00
Telecoil with amplifier	32.00
Telecoil without amplifier	25.00
ASP circuit	47.00
ASP control	20.00
N-H tone switch	25.00
Input compression threshold control (Sonotech Class D-AGCi)	21.00

 Name of supplier: **ORSONIQUE INC. "ORSONIQUE"**

Model	Price
OR CLASS D — LINEAR	190.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
Filtered microphone	
OR CLASS D — AGCi	217.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
Filtered microphone	
OR CLASS D — AGCo	217.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
Filtered microphone	
Options (Optional components)	Price
High-pass tone control	19.00
Low-pass tone control	19.00
Output control	19.00
Gain control	19.00
Low profile	19.00

Options (Optional components)	Price
Half-shell	49.00
Telecoil with amplifier	39.00
Telecoil without amplifier	19.00
N-H tone switch	19.00
Switch option (on, off, etc.)	19.00
Modified slope	19.00
Compression threshold control	19.00
Compression ratio control (Class D-AGCo)	19.00
ASP circuit (Class D-Lin)	49.00
ASP control (Class D-Lin)	9.00
Frequency cut control (Class D-Lin)	19.00

Accessories	Price
N/A	

Name of supplier: **SIEMENS HEARING INSTRUMENTS LTD. "SIEMENS"**

Model	Price
LS CLASS A — LINEAR	178.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
Filtered microphone	
Pressure vent	
Extended receiver tube	
No. 312 battery for in-the-ear device	
LS CLASS A — AGCi	219.00

Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
Filtered microphone	
Pressure vent	
Extended receiver tube	
No. 312 battery for in-the-ear device	
AGCi control	

Model	Price
LS-PP CLASS B — LINEAR	188.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
Filtered microphone	
Pressure vent	
Extended receiver tube	
No. 312 battery for in-the-ear device	
Low-pass tone control	
LS-PP CLASS B — AGCi	229.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
Filtered microphone	
Pressure vent	
Extended receiver tube	
No. 312 battery for in-the-ear device	
Low-pass tone control	
AGCi control	
LS CLASS D — LINEAR	197.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
Filtered microphone	
Pressure vent	
Extended receiver tube	
No. 312 battery for in-the-ear device	

Model	Price
LS CLASS D — AGCi	238.00

Including:

IROS, Select-A-Vent and D-vent
 Bell canal
 Soft canal
 Hypoallergenic case shell
 Raised volume control
 Screw adjust volume control
 Handle or finger grip notch
 Wind screen
 Wax guard
 Choice of colours
 Filtered microphone
 Pressure vent
 Extended receiver tube
 No. 312 battery for in-the-ear device
 AGCi control

Options (Optional components)	Price
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High-pass tone control	19.00
Low-pass tone control (LS Classes A-AGCi, D-Lin and D-AGCi)	19.00
Output control	19.00
Gain control	19.00
Resonance peak control (LS Classes A-AGCi and D-Lin)	22.50
Low profile (LS Classes A-AGCi, D-Lin and D-AGCi)	30.00
Half-shell (LS Classes A-AGCi, D-Lin and D-AGCi)	50.00
Telecoil with amplifier	36.00
Telecoil without amplifier	25.00
A.T.C circuit (LS Classes D-Lin and D-AGCi)	10.00
A.T.C. control (LS Classes D-Lin and D-AGCi)	19.00
N-H tone switch	30.00

Accessories	Price
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N/A

Name of supplier: **LABORATOIRE SONUM INC. "SONUM"**

Model	Price
OPUS CLASS A — LINEAR	173.00

Including:

IROS, Select-A-Vent and D-vent
 Bell canal
 Soft canal
 Hypoallergenic case shell
 Raised volume control
 Screw adjust volume control
 Handle or finger grip notch
 Wind screen
 Wax guard
 Choice of colours

Model	Price
OPUS CLASS D — LINEAR	173.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
Filtered microphone	
OPUS CLASS D — AGCi	230.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
Filtered microphone	
Options (Optional components)	Price
High-pass tone control	20.00
Low-pass tone control	20.00
Output control (Class A-Lin)	20.00
Gain control	20.00
Resonance peak control (Class A-Lin)	20.00
Low profile	28.00
Half-shell	50.00
Telecoil with amplifier	45.00
Telecoil without amplifier	35.00
ASP circuit (Class A-Lin, Class D-Lin)	45.00
ASP circuit (Class D-AGCi)	40.00
ASP control	20.00
N-H tone switch	25.00
Filtered microphone	15.00
Stabilizer circuit (anti-Larsen)	24.00
Accessories	Price
CROS kit (including audio input, cord and microphone)	95.00
BI-CROS kit (including audio input, cord and microphone)	115.00
CROS or BI-CROS replacement cord	18.00

Name of supplier: **STARKEY LABS-CANADA LTD. "STARKEY"**

Model	Price
CE-8 CLASS A — LINEAR	175.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
CE-8 CLASS A — AGCi	214.99
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
CE-8 CLASS A — AGCo	214.99
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
CE-8 CLASS B — LINEAR	190.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	

Model	Price
CE-8 CLASS D — LINEAR	200.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
CE-8 CLASS D — AGCi	225.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
CE-8 CLASS D — AGCo	225.00
Including:	
IROS, Select-A-Vent and D-vent	
Bell canal	
Soft canal	
Hypoallergenic case shell	
Raised volume control	
Screw adjust volume control	
Handle or finger grip notch	
Wind screen	
Wax guard	
Choice of colours	
Options (Optional components)	Price
High-pass tone control	19.99
Low-pass tone control	19.99
Resonance peak control (Classes A-Lin and B-Lin)	19.99
Output control	19.99
Gain control	19.99
Low profile	19.99
Half-shell	49.99
Telecoil with amplifier	39.99
Telecoil without amplifier	29.99
ASP circuit (Class D)	46.99

Options (Optional components)	Price
ASP control (Class D)	19.99
Feedback reduction circuit (Class A)	29.99
Control (active low cut) (Classes A and D)	19.99
Threshold kneepoint control (Classes A-AGCi and D-AGCi)	19.99
S-AMP (Classes A-AGCi and D-AGCi)	39.99
Power Peak filter (Class B-Lin)	19.99
Direct audio input	59.99
Filtered microphone	9.99
Options (Optional components)	Price
Soft seal coat	19.99
N-H tone switch	19.99
Helix (Classes A and D)	49.99
Helix (Class B)	59.99
Accessories	Price
CROS kit (including audio input, cord and microphone)	69.99
BI-CROS kit (including audio input, cord and microphone)	79.99
CROS or BI-CROS replacement cord	9.99

§2. Behind-the-ear hearing aids

Name of supplier: **AUDIO-CONTRÔLE INC. "REXTON"**

Model	Price
M29 PP-PC	235.00
Including:	
Low frequency tone control	
Output control	
Telecoil	
M-T-O switch	
Standard or filtered earhook	
ORION PP	217.00
Including:	
Low frequency tone control	
Output control	
Telecoil	
M-T-O switch	
Standard or filtered earhook	
ORION PP-D	217.00
Including:	
Low frequency tone control	
Output control	
Telecoil	
M-T-O switch	
Directional microphone	
Standard or filtered earhook	

Model	Price
ORION PP-M	217.00
Including: Low frequency tone control Output control Telecoil M-T-O switch Standard or filtered earhook	
PICCOLO PP-IGC	265.00
Including: Mini casing Low frequency tone control Output control Gain control AGC control Telecoil M-T-O switch Direct audio input Class B amplifier Standard or filtered earhook	
PICCOLO PP-OGC	265.00
Including: Mini casing Low frequency tone control Output control Gain control AGC control Telecoil M-T-O switch Direct audio input Class B amplifier Standard or filtered earhook	
PP 142 L	245.00
Including: Low frequency tone control Output control AGCo control Telecoil M-T-O switch Direct audio input Standard or filtered earhook	
Options (Optional components)	Price
Replacement standard earhook	4.00
Replacement filtered earhook	6.00

Accessories	Price
CROS kit (including boot, cord and microphone) (Piccolo series)	122.00
BI-CROS kit (including boot, cord and microphone) (Piccolo series)	122.00
CROS or BI-CROS replacement cord (Piccolo series)	20.00
CROS or BI-CROS replacement microphone (Piccolo series)	90.00
Audio boot (Piccolo series)	32.00
3.5 mm single cord (Piccolo series)	35.00
3.5 mm binaural cord (Piccolo series)	45.00
Replacement acoustic filter	2.00
Volume control cover	6.50

Name of supplier: **DAHLBERG SCIENCES LTD. "DAHLBERG"**

Model	Price
MA	215.00
Including:	
High-pass tone control	
AGC with control	
Telecoil	
Standard or filtered earhook	
MH	215.00
Including:	
High-pass tone control	
AGC with control	
Telecoil	
Standard or filtered earhook	
Directional microphone	
SI	265.00
Including:	
High-pass tone control	
Low-pass tone control	
Output control	
AGC with control	
Telecoil	
Standard or filtered earhook	
SI-H	265.00
Including:	
High-pass tone control	
Low-pass tone control	
Output control	
AGC with control	
Telecoil	
Standard or filtered earhook	

Model	Price
SP	260.00

Including:

- High-pass tone control
- Low-pass tone control
- Output control
- Gain control
- Telecoil
- Peak clipper
- Standard or filtered earhook

Options (Optional components)	Price
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Replacement standard earhook	5.00
Replacement filtered earhook	5.00
Audio input	10.00

Accessories	Price
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CROS kit (including audio input, boot, cord and microphone)	115.00
BI-CROS kit (including audio input, boot, cord and microphone)	115.00
CROS or BI-CROS replacement cord	20.00
CROS or BI-CROS replacement microphone	65.00
Boot for audio input	30.00
Single FM cord	25.00
Binaural FM cord	45.00
Single 3.5 mm cord	40.00
Binaural 3.5 mm cord	65.00
Volume control cover	5.00

Name of supplier: **DANALAB INC. "GN DANAVOX"**

Model	Price
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143 AGCi	220.00
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Including:

- Low frequency tone control
- Output control
- AGC input compression
- Threshold compression control
- PUSH-PULL amplifier
- Telecoil
- M-T-O switch
- Electret microphone
- Standard or filtered acoustic earhook

Model	Price
143 PP AGCi	220.00
Including:	
Low frequency tone control	
Output control	
AGC input compression	
Threshold compression control	
PUSH-PULL amplifier	
Telecoil	
M-T-O switch	
Electret microphone	
Standard or filtered acoustic earhook	
143 V	220.00
Including:	
Low frequency tone control	
Output control	
Gain control	
Telecoil	
ASP circuit	
PUSH-PULL amplifier	
M-T-O switch	
Electret microphone	
Standard or filtered acoustic earhook	
155 PP	240.00
Including:	
Low frequency tone control	
High frequency tone control	
Output control	
Gain control	
Telecoil	
PUSH-PULL amplifier	
M-MT-T switch	
Peak clipper	
Standard or filtered acoustic earhook	
Options (Optional components)	Price
Replacement standard earhook	4.50
Replacement filtered earhook	4.50
Audio input	15.00
Coloured box (155 PP)	10.00
M-T-O, N-H-O, N-H-T switch (155 PP)	10.00
Accessories	Price
CROS kit (including audio input, boot, cord and microphone)	110.00
BI-CROS kit (including audio input, boot, cord and microphone)	110.00
CROS or BI-CROS replacement microphone	50.00
Boot	32.00
Single cord	25.00
“Y” cord	35.00
Volume control cover	2.00

Name of supplier: **LES ENTREPRISES LOUMARODE INC. "HANSATON"**

Model	Price
DIAMANT 46 HP-PC	249.00
Including:	
Integrated PUSH-PULL circuit	
Electret microphone	
Frontal sound reception	
Telecoil	
M-T-O switch	
Audio input plug	
Continuous diode PC	
Continuous bass cut N-H control	
Continuous base increase BASS control	
Standard or filtered earhook	
OPAL 44 PP-PC	219.00
Including:	
Integrated PUSH-PULL circuit	
Electret microphone	
Frontal sound reception	
Telecoil	
M-T-O switch	
Continuous diode PC	
N-H tone control	
Standard or filtered earhook	
SAPHIR 48 AGCi	269.00
Including:	
Mini behind-the-ear device	
Input compression circuit	
Electret microphone	
Frontal sound reception	
Telecoil	
M-T-O switch	
Audio input plug	
Four continuous controls:	
— diode PC	
— automatic gain control (AGC)	
— N-H tone control	
— N-L tone control	
Standard or filtered earhook	
SAPHIR 48 C-WR	249.00
Including:	
Mini behind-the-ear device	
Special circuit for reduction of Larsen effect	
Electret microphone	
Frontal sound reception	
Highly sensitive telecoil	
M-T-O switch	

Model	Price
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Audio input plug
Diode PC
Gain control
N-H tone control
Wide frequency range
Standard or filtered earhook

SAPHIR 48 PP-PC	269.00
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Including:

Highly powerful mini behind-the-ear device
Integrated circuit
Electret microphone
Frontal sound reception
Telecoil
M-T-O switch
Audio input plug
Diode PC
N-H tone control
N-L tone control
Gain control
Standard or filtered earhook

Options (Optional components)	Price
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Replacement standard earhook	4.50
Replacement filtered earhook	6.50
High performance telecoil (OPAL 44 PP-PC, SAPHIR 48 PP-PC, DIAMANT 46 HP-PC)	30.00
Power option (gain increase) (AGCi) (SAPHIR 48 AGCi)	30.00

Accessories	Price
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Volume stop cover	2.00
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Name of supplier: **ORSONIQUE INC. "ORSONIQUE"**

Model	Price
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OR D	271.00
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Including:

High frequency tone control
Active low frequency tone control
Output control
Threshold compression control
Two Class D circuits: ASP and linear
M-NF-T switch (Lin-FB-TEL)
Audio input
Telecoil
Standard or filtered earhook
Choice of colours

Model	Price
OR DP	271.00
Including: High frequency tone control Active low frequency tone control Output control Threshold compression control Two Class D circuits: ASP and linear M-NF-T switch (Lin-FB-TEL) Audio input Telecoil Standard or filtered earhook Choice of colours	
OR G	271.00
Including: High frequency tone control Active low frequency tone control Output control Threshold compression control Two Class D circuits: AGCi and linear M-G-T switch (Lin-AGC-TEL) Audio input Telecoil Standard or filtered earhook Choice of colours	
OR GP	271.00
Including: High frequency tone control Active low frequency tone control Output control Threshold compression control Two Class D circuits: AGCi and linear M-G-T switch (Lin-AGC-TEL) Audio input Telecoil Standard or filtered earhook Choice of colours	
OR HF	262.00
Including: High frequency tone control Active low frequency tone control Output control Gain control Class D circuit: Linear M-MT-T switch Audio input Telecoil Standard or filtered earhook Choice of colours	

Model	Price
OR L	262.00

Including:

- High frequency tone control
- Active low frequency tone control
- Output control
- Gain control
- Class D circuit: Linear
- M-MT-T switch
- Audio input
- Telecoil
- Standard or filtered earhook
- Choice of colours

OR LP	262.00
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Including:

- High frequency tone control
- Active low frequency tone control
- Output control
- Gain control
- Class D circuit: Linear
- M-MT-T switch
- Audio input
- Telecoil
- Standard or filtered earhook
- Choice of colours

Options (Optional components)	Price
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Child's or standard replacement earhook	5.00
1000 and 1500 ohm replacement filtered earhook	5.00

Accessories	Price
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CROS kit (including boot, cord and microphone)	90.00
BI-CROS kit (including boot, cord and microphone)	90.00
Replacement CROS or BI-CROS cord	19.00
Replacement CROS or BI-CROS microphone	49.00
CROSS boot or audio input boot	32.50

Name of supplier: **PHILIPS ÉLECTRONIQUE LIMITED "PHILIPS"**

Model	Price
M 49-0	228.00

Including:

- Tone control
- Power control
- Telecoil
- Standard or filtered acoustic earhook
- Choice of colours

Model	Price
M 61	248.00
Including: Low tone control ("H" control) Maximum power control ("P" control) Telecoil Three-position switch (M-T-O) Standard or filtered acoustic earhook Choice of colours	
P 47	228.00
Including: Tone control Power control Telecoil Standard or filtered acoustic earhook Choice of colours	
P 47-i	228.00
Including: Tone control Power control Telecoil Standard or filtered acoustic earhook Choice of colours	
P 47-iH	228.00
Including: Tone control Power control Telecoil Standard or filtered acoustic earhook Choice of colours	
P 49	228.00
Including: Tone control Power control Telecoil Standard or filtered acoustic earhook Choice of colours	
P 61	248.00
Including: Low tone control ("H" control) Maximum power control ("P" control) Telecoil Three-position switch (M-T-O) Standard or filtered acoustic earhook Choice of colours	

Model	Price
S 45 G	228.00

Including:

High tone control (H)
 Low tone control (L)
 Output power control
 Gain control
 Telecoil
 Standard or filtered acoustic earhook
 Choice of colours

S 47-i	228.00
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Including:

Tone control
 Maximum acoustic pressure control
 AGC
 Telecoil
 Standard or filtered acoustic earhook
 Choice of colours

Options (Optional components)	Price
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Replacement regular earhook	5.00
Replacement filtered earhook	7.00

Accessories	Price
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CROS modification (including boot, cord and microphone) (S 45 G)	168.00
BI-CROS modification (including boot, cord and microphone) (S 45 G)	168.00
Boot and audio input (M 49-0, P 49, S 45 G)	35.00

Name of supplier: **PHONIC EAR LIMITED "OTICON"**

Model	Price
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380P	240.00
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Including:

Tone control (A-GRAM)
 AGC output control
 Output control (PC)
 D.V.P. (Dynamic Voice Processing)
 Third-order active filtering
 Automatic high frequency suppression
 M-T-O switch
 MT-T-O switch
 Noise and wind-protected microphone
 Mat, silk, anti-glare finish
 Support program (Oticon 4 Kids)
 Choice of colours

Model	Price
390PL	250.00
Including:	
Tone control (A-GRAM)	
AGC output control	
Output control (PC)	
D.V.P. (Dynamic Voice Processing)	
Third-order active filtering	
Automatic high frequency suppression	
M-T-O switch	
MT-T-O switch	
Noise and wind-protected microphone	
Mat, silk, anti-glare finish	
Support program (Oticon 4 Kids)	
Choice of colours	
PERSONIC 400	234.00
Including:	
Tone control (A-GRAM)	
Gain control	
AGC input compression	
D.V.P. (Dynamic Voice Processing)	
Noise suppression switch	
PUSH-PULL circuit	
Telecoil	
Mat, silk, anti-glare finish	
Support program (Oticon 4 Kids)	
Standard or filtered earhook	
Choice of colours	
PERSONIC 420	234.00
Including:	
Tone control (A-GRAM)	
Gain control	
A.O.L. (Active Output Limiting)	
D.V.P. (Dynamic Voice Processing)	
PUSH-PULL circuit	
Telecoil	
Mat, silk, anti-glare finish	
Support program (Oticon 4 Kids)	
Standard or filtered earhook	
Choice of colours	
PERSONIC 425	234.00
Including:	
Tone control (A-GRAM)	
Gain control	
A.O.L. (Active Output Limiting)	
D.V.P. (Dynamic Voice Processing)	
PUSH-PULL circuit	
Telecoil	
Mat, silk, anti-glare finish	
Support program (Oticon 4 Kids)	
Standard or filtered earhook	
Choice of colours	

Options (Optional components)	Price
Replacement standard earhook	2.10
Replacement filtered earhook	5.07
Direct audio input plug	74.00

Accessories	Price
CROS kit (including audio input, boot, cord and microphone)	110.00
BI-CROS kit (including audio input, boot, cord and microphone)	110.00
Replacement CROS and BI-CROS cord	20.00
Replacement CROS and BI-CROS microphone	79.00
Boot	35.00
Single 3.5 mm direct audio input cord (AT646)	25.00
Single direct audio input cord (AT326 and AT673)	17.37
“Y” direct audio input cord (AT 329 and AT674)	30.89
“Y” 3.5 mm direct audio input cord (AT647)	50.00
Safety battery drawer	10.00
Safety cover for volume control	7.00

Name of supplier: **SIEMENS HEARING INSTRUMENTS LTD. “SIEMENS”**

Model	Price
562 A	225.00
Including:	
High-pass N-H tone control	
AGCo output compression control	
Audio input	
M-T-O switch	
Telecoil	
Choice of colours	
Standard or filtered earhook	
564 P	210.00
Including:	
High-pass N-H tone control	
Acoustic pressure control	
Audio input	
M-T-O switch	
Telecoil	
Choice of colours	
Standard or filtered earhook	
566 H	225.00
Including:	
High-pass N-H tone control	
Acoustic pressure control	
Audio input	
M-T-O switch	
Telecoil	
Choice of colours	
Standard or filtered earhook	

Model	Price
568 W	225.00
Including: High-pass N-H tone control Acoustic pressure control Audio input M-T-O switch Telecoil Choice of colours Standard or filtered earhook	
584 P 2	242.00
Including: High-pass N-H tone control High frequency N-L tone control Acoustic pressure control Gain control PUSH-PULL circuit Frequency cut Audio input M-T-O switch Second hearing condition switch Telecoil Choice of colours Standard or filtered earhook	
584 PP-AGCi	242.00
Including: High-pass N-H tone control High frequency N-L tone control Acoustic pressure control Input compression control PUSH-PULL circuit Audio input M-T-O switch Telecoil Choice of colours Standard or filtered earhook	
584 PP-GC	242.00
Including: High-pass N-H tone control High frequency N-L tone control Acoustic pressure control Gain control PUSH-PULL circuit Audio input M-T-O switch Telecoil Choice of colours Standard or filtered earhook	

Model	Price
604 PL	299.00

Including:

Low-pass N-L tone control
 Acoustic pressure control
 PUSH-PULL circuit
 Audio input
 M-T-O switch
 Telecoil
 Choice of colours
 Standard or filtered earhook

684 P AO	299.00
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Including:

High-pass N-H tone control
 Acoustic pressure control
 Output compression control
 PUSH-PULL circuit
 Audio input
 M-T-O switch
 Telecoil
 Choice of colours
 Standard or filtered earhook

Options (Optional components)	Price
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Replacement standard earhook	5.00
Replacement filtered earhook	5.00

Accessories	Price
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CROS kit (including audio input, boots, cord and satellite microphone) (584 series)	90.00
BI-CROS kit (including audio input, boots, cord and satellite microphone) (584 series)	90.00
CROS and BI-CROS replacement cord (584 series)	21.75
Audio boot	27.50
Single audio input cord (monaural)	21.75
“Y” audio input cord (binaural)	31.00

Name of supplier: **STARKEY LABS-CANADA LTD. “BOSCH”**

Model	Price
STAR 33 PP	170.00

Including:

High-pass tone control
 Acoustic pressure control
 AGC control
 High performance telecoil
 Etymotic filtered earhook
 Standard earhook

Model	Price
STAR 42 PP SP	265.00
Including:	
High-pass tone control	
Output control	
Gain control	
High performance telecoil	
M-T-O switch	
Standard or filtered earhook	
Options (Optional components)	Price
Replacement standard earhook	3.00
Replacement etymotic filtered earhook	6.00
Accessories	Price
CROS kit (including audio input, boot, cord and microphone)	95.00
BI-CROS kit (including audio input, boot, cord and microphone)	95.00
Boot for audio input	45.00
Single cord	9.99
“Y” cord	13.99
Name of supplier: STARKEY LABS-CANADA LTD. “STARKEY”	
Model	Price
SM-VEGA	110.00
Including:	
On/off switch	
Standard or filtered earhook	
SM III AGC	240.00
Including:	
High-pass tone control	
AGC control	
On/off switch	
Etymotic filtered earhook	
Standard earhook	
SMIII SP	240.00
Including:	
High-pass tone control	
High performance telecoil	
M-T-O switch	
Standard or filtered earhook	

Model	Price
EUROLINE A13 K.AMP	235.00
Including:	
High frequency tone control	
Low frequency tone control	
Peak control	
M-T-O switch	
Direct audio input	
Etymotic filtered earhook	
Standard earhook	
EUROLINE A13 OSP	235.00
Including:	
High frequency tone control	
AGC output control (AO)	
Compression control	
High performance telecoil	
M-T-O switch	
Direct audio input	
Etymotic filtered earhook	
Standard earhook	
EUROLINE A13 OSP H	235.00
Including:	
High frequency tone control	
AGC output control (AO)	
Compression control	
High performance telecoil	
M-T-O switch	
Direct audio input	
Etymotic filtered earhook	
Standard earhook	
EUROLINE A13 S.AMP	235.00
Including:	
High-pass tone control	
Low-pass tone control	
Peak control	
M-T-O switch	
Direct audio input	
Etymotic filtered earhook	
Standard earhook	
Options (Optional components)	Price
Replacement standard earhook	3.00
Replacement filtered earhook (SM series)	6.00
Replacement etymotic filtered earhook (Euroline series)	7.00

Accessories	Price
CROS kit (including audio input, boot, cord and microphone) (Euroline series)	95.00
BI-CROS kit (including audio input, boot, cord and microphone) (Euroline series)	95.00
Audio input boot (Euroline series)	45.00
Single cord (Euroline series)	9.99
“Y” cord (Euroline series)	13.99

Name of supplier: **UNITRON INDUSTRIES LTD. “UNITRON”**

Model	Price
E1-P	225.00
Including:	
High-pass tone control	
Output control	
PUSH-PULL circuit	
Telecoil	
Standard or filtered earhook	
ICON LIN	240.00
Including:	
High-pass tone control	
Low-pass tone control	
Output control	
Telecoil	
Standard or filtered earhook	
ICON AGCi	268.00
Including:	
High-pass tone control	
Output control	
Compression threshold control (AI)	
AGC input compression (FDC-AGCi)	
Telecoil	
Standard or filtered earhook	
ICON AGCo	268.00
Including:	
High-pass tone control	
Output control	
Compression threshold control (AO)	
AGC output compression (AGCo)	
Telecoil	
Standard or filtered earhook	
ICON AOHPL	268.00
Including:	
High-pass tone control	
Output control	
Compression threshold control (AO)	
AGC output compression (AGCo)	
Telecoil	
Standard or filtered earhook	

Model	Price
UE 7	180.00
Including: High-pass tone control Output control Telecoil Standard or filtered earhook	
UE 10	230.00
Including: High-pass tone control Maximum tone control Compression threshold control AGC input compression (FDC-AGCi) PUSH-PULL circuit Telecoil Standard or filtered earhook	
UE 12-PP	238.00
Including: High-pass tone control Output control Gain control PUSH-PULL circuit Telecoil Standard or filtered earhook	
UE 12-PPL	238.00
Including: High-pass tone control Output control Gain control PUSH-PULL circuit Telecoil Standard or filtered earhook	
UM 60	190.00
Including: High-pass tone control Output control Telecoil Standard or filtered earhook	
UM 60 AGCo	225.00
Including: High-pass tone control Output control AGC output compression (AGCo) Telecoil Standard or filtered earhook	

Model	Price
UM 60-D	210.00
Including: High-pass tone control Output control AGC input compression (FDC-AGCi) Directional microphone Telecoil Standard or filtered earhook	
UM 60-H	220.00
Including: High-pass tone control Output control AGC input compression (FDC-AGCi) Telecoil Standard or filtered earhook	
UM 60-PP	220.00
Including: High-pass tone control Output control PUSH-PULL circuit Telecoil Standard or filtered earhook	
US80-PP	277.00
Including: High-pass tone control Low-pass tone control Output control Gain control Linear/AGC output (AGCo) PUSH-PULL circuit Telecoil Standard or filtered earhook	
US80-PPL	277.00
Including: High-pass tone control Low-pass tone control Output control Gain control Linear/AGC output (AGCo) PUSH-PULL circuit Telecoil Standard or filtered earhook	

Options (Optional components)	Price
Replacement standard earhook	3.50
Replacement filtered earhook	3.50
M-MT-O switch option	20.00
Direct Audio input	17.50
Addition of audio input plug after purchase	59.00
Safety battery drawer	10.00
Accessories	Price
CROS kit (including audio input, boot, cord and microphone) (E1-P, UE and UM series)	82.30
BI-CROS kit (including audio input, boot, cord and microphone) (E1-P, UE and UM series)	82.30
CROS kit (including audio input, boot, cord and microphone) (ICON and US series)	102.30
BI-CROS kit (including audio input, boot, cord and microphone) (ICON and US series)	102.30
CROS and BI-CROS replacement cord	15.80
CROS and BI-CROS replacement microphone	49.00
Boot	30.00
Modification for bone conduction including cord (E1-P, UE and US series)	85.00
Bone vibrator (E1-P, UE 12-PP, UE 12-PPL and US series)	45.50
Fixed made-to-measure headband (E1-P, UE 12-PP, UE 12-PPL and US series)	45.00
Fixed headband (E1-P, UE 12-PP, UE 12-PPL and US series)	14.50
Single cord with attenuator between FM system and boot	25.00
Single cord with attenuator between infrared system and boot	42.00
V cord with attenuator between FM system and boot	45.00
V cord with attenuator between infrared system and boot	62.00
Volume control safety cover	10.00".

2028

**Extract from the Operating Rules
of the National Assembly
(Adopted on 22 March 1984)**

**CHAPTER III
RULES FOR THE CONDUCT OF PROCEEDINGS
RESPECTING PRIVATE BILLS**

32. Objects — A bill relating to private or local matters must be introduced by a Member of the Assembly.

33. Deposit with law clerk — A Member who sponsors a bill relating to private or local matters shall deposit such bill with the law clerk.

The said Member shall not be answerable for the contents of the bill, nor shall he be required to endorse anything that may be provided therein.

34. Documents to be provided — Such bill shall be accompanied by a notice stating the name of the Member who is to introduce it and by a copy of every document mentioned therein and of every other document that may be pertinent thereto.

Any bill relating to a municipal corporation governed by the Cities and Towns Act, the Municipal Code, or a special charter shall likewise be accompanied by a certified true copy of the resolution authorizing its introduction.

35. Introduction and passage during same sessional period — No bill deposited with the law clerk between the second Tuesday in March and the twenty-third day of June or between the second Tuesday in September and the twenty-first day of December may be passed within that same period.

36. Notice in *Gazette officielle du Québec* — The applicant for a private bill shall cause to be published in the *Gazette officielle du Québec*, over his signature, a notice entitled "Avis de présentation d'un projet de loi d'intérêt privé." Such notice shall specify the objects of the bill and state that any party whose interest may be affected by it and who wishes to make submissions with respect thereto must so advise the law clerk.

37. Notices in newspaper — The said notice shall likewise be published in a newspaper circulating in the judicial district wherein the applicant is domiciled; and

if there be no newspaper circulating in that district, it shall be published in a newspaper circulating in the nearest district thereto.

Such notice shall be published once in each week for four weeks.

A copy of this notice shall accompany the bill upon its deposit with the law clerk.

38. Reports from the law clerk — The law clerk shall submit to the President of the Assembly a report stating whether such notice has been drafted and published in accordance with these rules.

The President shall forward a copy of this report to the Government House leader and to the Member sponsoring the bill.

39. Private bills register — The law clerk shall keep a register in which he shall enter the name, the occupation, and the place of residence of the applicant for a private bill and those of every party who has advised him that his interest is affected by such bill and that he wishes to make submissions with respect thereto.

The law clerk shall provide to the Government House leader and to the Member who is to introduce such bill a list of the parties who have advised him of their wish to make submissions with respect thereto.

40. Notices to interested parties — The director of the Secrétariat des commissions shall convene the interested parties not less than seven days before such bill is to be considered in committee.

41. Annual publication of rules — The law clerk shall publish in the *Gazette officielle du Québec*, in January of each year, the rules pertaining to private bills, together with Title III, Chapter IV, of the Standing Orders of the National Assembly.

EXTRACT FROM THE STANDING ORDERS
OF THE NATIONAL ASSEMBLY
(ADOPTED ON 13 MARCH 1984)

TITLE III

CHAPTER IV PRIVATE BILLS

264. Notice and introduction — Any Member may, at the request of an interested person or body of persons, introduce a bill relating to private or local matters.

He shall give notice of his intent not later than the sitting day preceding that on which such bill is to be introduced and shall provide a copy thereof to the President before the sitting at which it is to be introduced.

265. Report from law clerk — Before such bill is introduced the President shall communicate to the Assembly the contents of the report from the law clerk thereon.

266. Preamble — A private bill shall require no explanatory notes; but every such bill shall contain a preamble setting out the facts on which it is founded and the circumstances giving rise to the necessity for it.

267. Referral to committee — When a private bill has been introduced the Government House leader shall move, without notice, that it be referred to a committee; and such motion shall be decided without debate.

The committee shall hear the interested parties, examine the bill clause by clause, and report thereon to the Assembly. The question for concurrence in such report shall be put forthwith and decided without debate.

268. Motions for passage in principle and passage — The passage in principle of the bill shall be set down for a future sitting day. No motion may be made to divide such bill or to defer its passage in principle.

A private bill when passed in principle shall not again be referred to a standing committee but may be passed during the same sitting day, and Standing Order 257 shall apply: Provided that the bill may not then be passed if opposition to its passage is taken by five Members.

269. Debate — During the debates on the passage in principle and the final passage of a private bill, each Member may speak for up to ten minutes: Provided that the Member sponsoring the bill and the leaders of the parliamentary groups may each speak for up to thirty minutes.

270. Procedure — Except as otherwise provided in this chapter of these Standing Orders, the general rules pertaining to bills shall apply to private bills.

2023

Draft Regulations

Draft Regulation

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001; 1997, c. 27)

Commission des lésions professionnelles — Recruitment and selection of persons apt for appointment as commissioners and renewal of their term of office

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their term of office, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to establish a procedure for the recruitment and selection of persons apt for appointment as commissioners to the Commission des lésions professionnelles and a procedure for the renewal of their term of office as provided for in sections 388 to 391, 395 and 396 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), amended by section 24 of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, c. 27).

In that respect, the draft Regulation proposes rules concerning the publication of a notice of vacant positions and its content, the documents and information to be forwarded by a candidate, the formation, composition and functioning of selection committees and the consultations that the committees may hold. The draft Regulation also proposes criteria to be taken into account by the selection committees to determine a candidate's aptitude.

The draft Regulation sets out rules on the content and forwarding of committee reports, the register of persons declared apt and the manner in which the recommendation of a person who has been declared apt for appointment as commissioner to the Commission des lésions professionnelles is to be made to the Government.

Moreover, the draft Regulation proposes that the Associate Secretary General for Senior Positions of the

Ministère du Conseil exécutif form a committee in the 12 months preceding the expiry of the term of office of a commissioner to determine whether the term of office should be renewed. The rules for the composition of selection committees will also apply to renewal committees.

To date, study of the matter has revealed no significant impact on businesses and the public.

Further information may be obtained by contacting Mr. Claude Verge, 900, place D'Youville, bureau 700, Québec (Québec) G1R 3P7; tel.: (418) 643-7129, fax: (418) 644-8237.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

MATHIAS RIOUX,
Minister of Labour

Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their term of office

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001, ss. 388, 390, 391, 395 and 396; 1997, c. 27, s. 24)

DIVISION I NOTICE OF VACANT POSITIONS

1. Where one or more positions are vacant and cannot be filled by resorting to the list of persons already declared apt for appointment as commissioners to the Commission des lésions professionnelles, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall publicly announce the vacant positions by a notice in a publication circulating throughout Québec, and shall invite interested persons to submit their candidacies for the position of commissioner of the Commission des lésions professionnelles.

2. The notice shall give

(1) a brief description of the duties of a commissioner;

(2) in substance, the selection conditions and criteria prescribed by the Act and this Regulation and, where applicable, the qualifications, training and professional experience required for the Board;

(3) in substance, the system of confidentiality applicable to the selection procedure and an indication that the selection committee may hold consultations about the candidacies; and

(4) the deadline and address for submitting a candidacy.

3. A copy of the notice shall be sent to the Minister of Labour and to the chairman of the Board.

**DIVISION II
CANDIDACIES**

4. A person who wishes to submit his candidacy shall forward his résumé and the following information:

(1) his name, address, home telephone number and, if applicable, office telephone number;

(2) his date of birth;

(3) the nature of the activities that he has carried out and through which he has acquired the relevant experience;

(4) where applicable, proof that he has the qualifications mentioned in the notice of vacant positions, when they were acquired and for how many years they were required;

(5) any penalty imposed under a statute or regulation, as well as the object of and the reasons for that penalty;

(6) where applicable, the names of his employers or partners over the past 10 years;

(7) where applicable, whether he has filed his candidacy for any such competition in the past 5 years;

(8) a summary of the reasons for his interest in performing the duties of commissioner of the Board.

The person shall also provide a written statement in which he agrees to a verification with a disciplinary

body, any professional order of which he is or was a member, his employers in the last 10 years, police authorities and, where applicable, in which he agrees that the persons, partnerships, organizations mentioned in section 14 may be consulted.

**DIVISION III
FORMATION OF A SELECTION COMMITTEE**

5. Following publication of the notice of vacant positions, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall form a selection committee, designate a chairman and appoint to it

(1) the chairman of the Board or, after consulting him, another commissioner of the Board;

(2) a member of the staff of the Ministère du Conseil exécutif or the Ministère du Travail; and

(3) a representative of the groups concerned who is neither an advocate nor a notary and a representative of the legal community or one of them.

6. Where his impartiality could be questioned, a member of the committee shall withdraw in regard to a candidate, particularly in the following situations:

(1) the member is or was the candidate's spouse;

(2) the member is related to the applicant by birth or marriage, to the degree of first cousin inclusively;

(3) the member is or was a partner, employer, employee of the candidate in the last 10 years; notwithstanding the foregoing, a member who is in the public service must withdraw in regard to a candidate only if he is or was the employee or immediate superior of the candidate.

Where a member of the committee has withdrawn, is absent or unable to act, the decision shall be made by the other members.

7. The members of the committee are required to take the oath of discretion provided for in Schedule A.

8. A person may be appointed to more than one committee at the same time.

9. Travel and accommodation expenses of the committee members shall be reimbursed in accordance with Décret 2500-83 dated 30 November 1983 concernant les règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux, as amended.

In addition to the reimbursement of their expenses, the committee members who are neither commissioners of the Board nor employees of a government department or agency are entitled to fees of \$100 per half-day of sitting which they attend.

DIVISION IV FUNCTIONING OF THE SELECTION COMMITTEE

10. The list of candidates and their records shall be sent to the chairman of the selection committee.

11. The committee shall analyze the candidates' records and shall retain those who, in its opinion, meet the eligibility requirements and any additional evaluative measures applied in consideration of the positions to be filled or the large number of candidates.

12. The chairman of the committee shall inform the short-listed candidates of the date and place of their meeting with the committee and shall inform the other candidates that they were turned down and, as a result, will not be called to a meeting.

13. The committee's report shall list the candidates that were turned down, giving the reasons therefor.

DIVISION V CONSULTATIONS AND SELECTION CRITERIA

14. The committee may, on any matter in a candidate's record or any aspect of a candidacy or of the candidacies as a whole, consult with

(1) any person who has been, in the last 10 years, an employer, partner, immediate superior or first-line supervisor of the candidate;

(2) any legal person, partnership or professional association of which the candidate is or was a member.

15. The selection criteria that the committee shall take into account in determining a candidate's aptitude are

(1) the candidate's personal and intellectual qualities;

(2) the candidate's experience and the relevancy of that experience in relation to the duties of the Board;

(3) the extent of the candidate's knowledge or skills in view of the required qualifications, training and professional experience stated in the notice of vacant positions;

(4) the candidate's ability to carry out adjudicative functions;

(5) the applicant's judgment, open-mindedness, perceptiveness, level-headedness, decision-making and expressive abilities;

(6) the candidate's conception of the duties of a commissioner of the Board.

DIVISION VI REPORT OF THE SELECTION COMMITTEE

16. Committee decisions shall be made by a majority of its members. In the case of a tie-vote, the chairman of the committee has a casting vote.

17. Not later than 30 days after an application therefor by the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif, the committee shall promptly submit a report including

(1) the names of the candidates with whom the committee met and whom it declared apt to be appointed as commissioners to the Board, their profession and the particulars concerning their work place;

(2) any comments that the committee considers expedient, especially with respect to the particular characteristics or qualifications of the candidates considered apt.

That report shall be submitted to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif and to the Minister of Labour.

18. Wherever possible, the committee shall declare apt a number of candidates normally corresponding to at least twice the number of vacant positions.

19. A member may register his dissent with respect to all or part of the report.

DIVISION VII REGISTER OF DECLARATIONS OF APTITUDE

20. The Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall write to the candidates to inform them that they have been declared apt or inapt to be appointed as commissioners to the Board.

21. The Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall keep the register of declarations of aptitude up-to-date and shall enter therein the list of the candidates declared apt to be appointed as commissioners to the Board.

He shall strike out an entry upon the expiry of the validity period of the declaration of aptitude, or where the person is appointed as commissioner to the Board, dies or asks to be withdrawn from the register.

22. As soon as he is notified of a vacant position, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall forward a copy of the updated list to the Minister of Labour.

**DIVISION VIII
RECOMMENDATION**

23. The Minister of Labour, having consulted the Conseil consultatif du travail et de la main-d’oeuvre, shall recommend to the Government the name of a person who has been declared apt to be appointed as commissioner to the Board.

Where the vacant position is that of chairman or vice-chairman of the Board, the Minister of Labour, having consulted the Conseil consultatif du travail et de la main-d’oeuvre, shall recommend to the Government the name of a commissioner of the Board or the name of a person declared apt to be appointed as commissioner to the Board.

24. If, after receiving the selection committee’s report and considering the list of persons apt to be appointed as commissioners, the Minister of Labour is of the opinion that he cannot, in the interests of, and to best carry out the duties of the Board, recommend an appointment, he shall then ask the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif to have a new notice of vacant positions published, in accordance with Division I.

The committee that submitted a report following the first notice is competent to evaluate the candidates who submitted their candidacy after the second notice and to report to the Minister.

**DIVISION IX
RENEWAL OF TERMS OF OFFICE**

25. In the 12 months before the expiry of a commissioner’s term of office, the Secretary General for Senior Positions of the Ministère du Conseil exécutif shall form a committee to examine the renewal thereof. Sections 5 to 9 apply.

The committee shall then determine whether the candidate still fulfils the criteria set out in section 15, taking into account the needs of the Board, and may hold the consultations provided for in section 14 on any matter in a candidate’s record.

Committee decisions shall be made by a majority of its members. In the case of a tie-vote, the chairman of the committee has a casting vote. A member may register his dissent.

The committee shall forward its recommendation to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif and to the Minister of Labour.

**DIVISION X
CONFIDENTIALITY**

26. The names of candidates, the reports of selection or renewal committees, the list of candidates declared apt to be appointed as commissioners to the Board, as well as any information or document related to a consultation or decision by a committee, are confidential.

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

**SCHEDULE A
(s. 7)**

OATH OF DISCRETION

I.....,
(name)

declare under oath and solemnly affirm that I will neither reveal nor make known, without due authorization to do so, anything whatsoever of which I may gain knowledge in the exercise of my office.

.....
(signature)

Sworn before me at
on this

Commissioner for oaths

2027

Draft Regulation

Financial Administration Act
(R.S.Q., c. A-6)

Conditions of contracts of government departments and public bodies — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation makes it possible to maintain quality control requirements in respect of suppliers of goods, which are presently imposed by a provision of the Regulation respecting supply contracts of government departments and public bodies that will be revoked by an amendment to that Regulation to be made at the same time as this draft Regulation. The latter also includes a concordance amendment to the name of the government central register of suppliers.

Not renewing certain quality control requirements will enable new suppliers to tender for the supply of suspended file folders.

Further information may be obtained by contacting Mr. Michel Brown, Secrétariat du Conseil du trésor, 875, Grande-Allée Est, Québec (Québec) G1R 5R8; tel.: (418) 644-6276, fax: (418) 643-2987.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister for Administration and the Public Service, Chairman of the Conseil du trésor, 875, Grande-Allée Est, Québec (Québec) G1R 5R8.

JACQUES LÉONARD,
*Minister for Administration
and the Public Service,
Chairman of the Conseil du trésor*

Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies (*)

Financial Administration Act
(R.S.Q., c. A-6, s. 49)

1. The General Regulation respecting the conditions of contracts of government departments and public bodies is amended in section 2 by substituting “government central register of suppliers” for “central register of suppliers of goods and services to the Government” in the definition of “central register”.

2. Section 7.1 is amended by substituting the following for the first paragraph:

“**7.1** No contract pertaining primarily to the supply of goods and services included in one of the specialties listed in Schedule 1 may not, if the contract is in an amount identified in the Schedule, be awarded to a supplier unless he holds a registration certificate, issued by a registrar accredited by the Standards Council of Canada (SCC) or by an accrediting agency recognized by it, to the effect that the supplier has a quality system covering the supply of the goods and services concerned and complying with the ISO standard indicated in the Schedule.

No contract pertaining primarily to the supply of services included in one of the specialties listed in Schedule 2 may, if the contract is in an amount identified in the Schedule, be awarded to a supplier unless he holds accreditation based on the ISO/IEC Guide 25 and issued by the Minister of the Environment and Wildlife under section 118.6 of the Environment Quality Act (R.S.Q., c. Q-2), for each of the fields of accreditation covered by the contract.”

3. Schedule 1 is amended

(1) by deleting the column “Date of coming into force”; and

(2) by substituting the following for the specialty “Bituminous compound for the Ministère des Transports”:

* The General Regulation respecting the conditions of contracts of government departments and public bodies, made by Order in Council 1166-93 dated 18 August 1993 (1993, *G.O.* 2, 4920) was last amended by the Regulation made by Order in Council 332-97 dated 19 March 1997 (1997, *G.O.* 2, 1269). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

“			Side filing units	≥ \$25 000	ISO 9003
Bitumens and bituminous compound					
Bitumens designed to make compound for road construction	≥ \$25 000	ISO 9002	Standardized office and office automation furniture, made from wood particle boards, with a stratified or melanin finish, complying with specifications DGA-S-7110-series: 0100, 2000 and 3000	≥ \$25 000	ISO 9003
Cut-back bitumens for road construction	≥ \$25 000	ISO 9003			
Bitumen emulsions for road construction	≥ \$25 000	ISO 9003	Roads and road signs		
Bituminous compound for road construction	≥ \$1	ISO 9002	Control devices (controllers) for traffic lights	≥ \$25 000	ISO 9003
Timber			Traffic light cabinets	≥ \$25 000	ISO 9003
Pressure-treated timber	≥ \$25 000	ISO 9002	Alkyd-based paint for road marking	≥ \$25 000	ISO 9003
Packaging			Pipes		
Document boxes complying with specification DGA-S-8115-1	≥ \$25 000	ISO 9003	Corrugated metal pipes made of galvanized steel for culvert piping	≥ \$25 000	ISO 9003
Metal structures			”		
Galvanized steel shafts and posts for road lighting	≥ \$25 000	ISO 9003	4. This Regulation comes into force on the fifteenth day following the date of its publication in the <i>Gazette officielle du Québec</i> .		
Aluminium shafts and posts for road lighting	≥ \$25 000	ISO 9003	2011		
Galvanized steel guardrails		ISO 9003	Draft Regulation		
Aluminium single-tube posts	≥ \$25 000	ISO 9003	Financial Administration Act (R.S.Q., c. A-6)		
Aluminium extrusions for road signs	≥ \$25 000	ISO 9003	Construction contracts of government departments and public bodies — Amendments		
Galvanized steel high mast towers and mobile crowns for road lighting	≥ \$25 000	ISO 9003	Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting construction contracts of government departments and public bodies, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.		
Office supplies			The draft Regulation makes concordance amendments to the name of the government central register of suppliers. It also rectifies the names of several subregions and the list of subregions bordering on some subregions, which are used in the operation of the central register.		
Non-suspended file folders complying with specifications DGA-S-7530-3	≥ \$25 000	ISO 9003	The proposed Regulation will have no significant impact on contractors.		
Furniture					
Integrated furniture, composed of electrifiable removable partitions and of furniture components hung on the partitions or self-supporting	≥ \$25 000	ISO 9002			
Metal cabinets, libraries and display units	≥ \$25 000	ISO 9003			
Chairs and armchairs complying with specification DGA-S-7110-5000	≥ \$25 000	ISO 9003			

Further information may be obtained by contacting Mr. Michel Brown, Secrétariat du Conseil du trésor, 875, Grande-Allée Est, Québec (Québec) G1R 5R8; tel.: (418) 644-6276, fax: (418) 643-2987.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister for Administration and the Public Service, Chairman of the Conseil du trésor, 875, Grande-Allée Est, Québec (Québec) G1R 5R8.

JACQUES LÉONARD,
*Minister for Administration
and the Public Service,
Chairman of the Conseil du trésor*

Regulation to amend the Regulation respecting construction contracts of government departments and public bodies (*)

Financial Administration Act
(R.S.Q., c. A-6, s. 49)

1. The Regulation respecting construction contracts of government departments and public bodies is amended in section 2

(1) by substituting the following for the definition of “Subregion”:

“**Subregion** means the territory corresponding to that of a regional county municipality or of an urban community, or to one of the following territories: Jamésie and Kativik, both divided into 2 subregions located on either side of the 76th meridian, and the territory delimited to the east by the Québec limit, to the north and west by the “Minganie” subregion and to the south by the Gulf of St. Lawrence; an Indian reserve is included in the subregion in which it is geographically located; the territory of the Municipalité de Notre-Dame-des-Anges is included in that of the Communauté urbaine de Québec; (*sous-région*)”; and

(2) by inserting the words “, if the region where the work is carried out includes at least two subregions,” in the definition of “Border subregion”, before the words “located”.

* The Regulation respecting construction contracts of government departments and public bodies, made by Order in Council 1168-93 dated 18 August 1993 (1993, *G.O.* 2, 4937), was last amended by the Regulation made by Order in Council 333-97 dated 19 March 1997 (1997, *G.O.* 2, 1271). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

2. Section 4 is amended by substituting “of Kativik, Jamésie” for “of the Kativik Regional Government, the territory covered by the James Bay and Northern Québec Agreement” in paragraph 5.

3. Section 64 is amended by substituting the words “government central register of suppliers” for the words “central register of suppliers of goods and services to the Government”.

4. Section 77 is amended

(1) by inserting the following after “section 76,”:

“the “Sept-Rivières” subregion is deemed to be a subregion bordering on the “Caniapiscau” subregion;”;

(2) by substituting “Kativik-est” for “Administration régionale Kativik-est”;

(3) by substituting “Kativik-ouest” for “Administration régionale Kativik-ouest”;

(4) by substituting “Jamésie-ouest” for “Territoire conventionné-ouest”; and

(5) by substituting “Jamésie-est” for “Territoire conventionné-est”.

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

2013

Draft Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Development of wildlife — Scale of fees and duties — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, the text of which appears below, may be made by the gouvernement du Québec upon the expiry of 45 days following this publication.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of the Environment and Wildlife, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30^e étage, Québec, G1R 5V7.

PAUL BÉGIN,
Minister of the Environment and Wildlife

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife (*)

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 54, 97, 102, 121, par. 1 and 162, par. 10)

1. The Regulation respecting the scale of fees and duties related to the development of wildlife is amended by substituting the following for section 2:

“**2.** The fee payable for the replacement of a hunter’s or trapper’s certificate that has been lost, stolen, made unusable or already issued but not renewed is \$25.21.”

2. Section 4 is amended

(1) by substituting the number “13.65” for the number “13.15” in paragraphs 1, 3 and 4; and

(2) by substituting the number “249.65” for the number “242.65” in paragraph 2.

3. Section 4.1 is amended

(1) by substituting the following for paragraph 1:

“(1) (a) sport fishing licence for anadromous Atlantic salmon

i. resident	\$29.48
ii. non-resident	\$95.12

(b) one-day sport fishing licence for anadromous Atlantic salmon

i. resident	\$11.44
ii. non-resident	\$24.70

(c) sport fishing licence for anadromous Atlantic salmon with catch and release obligation

i. resident	\$6.66
ii. non-resident	\$6.66”;

(2) by substituting the numbers “42.96”, “11.88” and “9.05” for the numbers “42.94”, “11.57” and “8.72” respectively in paragraph 2;

(3) by substituting the numbers “5.79” and “17.53” for the numbers “5.65” and “17.36” respectively in paragraph 3;

(4) by adding the following paragraphs after paragraph 3:

“(4) one-day sport fishing licence for species other than anadromous Atlantic salmon for non-resident \$6.66

(5) sport fishing licence for species other than anadromous Atlantic salmon with catch and release obligation

(a) resident	\$6.66
(b) non-resident	\$6.66

4. Section 4.2 is amended

(1) by substituting the number “69.00” for the number “67.00” in subparagraph 1 of the first paragraph;

(2) by substituting the number “11.75” for the number “11.50” in subparagraph 2 of the first paragraph;

(3) by substituting the number “31.50” for the number “30.50” in subparagraph 3 of the first paragraph; and

(4) by substituting the number “51.50” for the number “50.00” in subparagraph 4 of the first paragraph.

5. Section 4.3 is amended

(1) by substituting the number “208.00” for the number “202.25” in subparagraph 1 of the first paragraph;

(2) by substituting the number “104.00” for the number “101.00” in subparagraph 2 of the first paragraph;

(3) by substituting the number “28.75” for the number “28.00” in subparagraph 3 of the first paragraph;

(4) by substituting the number “57.50” for the number “56.00” in subparagraph 4 of the first paragraph;

(5) by substituting the number “172.75” for the number “168.00” in subparagraph 5 of the first paragraph;

(6) by substituting the number “345.75” for the number “336.00” in subparagraph 6 of the first paragraph; and

* The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908) was last amended by the Regulation made by Order in Council 306-97 dated 12 March 1997 (1997, *G.O.* 2, 1163). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

(7) by substituting the number “28.75” for the number “28.00” in subparagraph 7 of the first paragraph.

6. Section 6 is amended

(1) by substituting the number “233.50” for the number “227.00” in paragraph 1; and

(2) by substituting the number “937.00” for the number “911.00” in paragraph 2.

7. Section 6.1 is amended by substituting the number “29.25” for the number “28.50”.

8. Section 7 is amended

(1) by substituting the numbers “93.75” and “190.00” for the numbers “91.00” and “184.75” respectively in paragraph 1;

(2) by substituting the numbers “361.50” and “734.50” for the numbers “351.25” and “713.75” respectively in paragraph 2;

(3) by substituting the number “31.75” for the number “30.75” in paragraph 3;

(4) by substituting the number “276.75” for the number “269.00” in paragraph 4; and

(5) by substituting the number “915.00” for the number “889.00” in paragraph 5.

9. Section 10 is amended by substituting the number “36.30” for the number “35.32”.

10. Section 11 is amended

(1) by substituting the following for subparagraphs 1 to 4 of the first paragraph:

“(1) Lease of exclusive trapping rights \$1.46/km²

(2) Lease of exclusive hunting rights \$16.08/km²;

(3) Lease of exclusive fishing rights, for outfitting purposes

(a) fishing in a salmon river or in a part thereof referred to in the Québec Fishery Regulations (1990) (SOR/90-214 dated 29 March 1990); the amount is calculated by applying the following formula:

$$Kt \times \frac{(L \times A)}{1.6} \times C + Ke \times (S \times P);$$

(b) fishing in a territory other than the territory referred to in clause a: \$16.08/km²

(4) Lease of exclusive fishing rights, for purposes other than those of outfitting \$52.16/year”;

(2) by substituting the number “43.84” for the number “42.60” in the second paragraph and in respect of variable (Kt); and

(3) by substituting the number “11.69” for the number “11.36” in the third paragraph and in respect of variable (Ke).

11. Section 12 is amended

(1) by substituting the number “14.61” for the number “14.20” in paragraph 1; and

(2) by substituting the number “146.12” for the number “142.00” in paragraphs 2 and 3.

12. Section 15 is amended

(1) by substituting “From 1 April 1999, the fee payable for the replacement of a hunter’s or trapper’s certificate referred to in section 2” for “From 1 April 1998”; and

(2) by deleting the second paragraph.

13. Schedule I attached hereto is substituted for Schedule I to the Regulation for the purposes of changing the amount of the annual fees.

14. Schedules II, III, IV and V attached hereto are substituted for Schedules II, III, IV and V to the Regulation for the purposes of changing the right of access fees.

15. This Regulation comes into force on 1 April 1998 except for section 3 which will come into force on the date of coming into force, in 1998, of the Regulation to amend the Québec Fishery Regulations respecting the price of fishing permits and made under the Fisheries Act (R.S.C., 1985, c. F-14) if that date is later than 1 April 1998.

SCHEDULE I

(s.3)

FEES PAYABLE FOR HUNTING LICENCES

Section	Column I Type of licence	Column II Annual fee
1	Caribou	
	(a) Valid for the southern part of Area 19 described in Schedule V to the Regulation respecting hunting	
	i. resident	\$40.00
	(b) Valid for the part of Area 22 described in Schedule VII to the Regulation respecting hunting	
	i. resident	\$40.00
	(c) Valid for Area 23	
	Fall	
i. resident	\$40.00	
ii. non-resident	\$230.83	
(d) Valid for Area 23		
Winter		
i. resident	\$40.00	
ii. non-resident	\$230.83	
(e) Valid for Area 24		
i. resident	\$40.00	
(f) Valid for the part of Area 19 and of Area 23 described in Schedule IX to the Regulation respecting hunting		
i. resident	\$40.00	
(g) Valid for the part of Area 22 described in Schedule XVII to the Regulation respecting hunting		
i. resident	\$40.00	
ii. non-resident	\$230.83	
2	White-tailed deer	
	(a) Elsewhere than in Area 20	
i. resident	\$33.05	
ii. non-resident	\$191.27	
(b) In Area 20		
i. resident	\$44.78	
ii. non-resident	\$256.91	
3	Northern leopard frog, green frog, bullfrog	
i. resident	\$12.09	
4	Hare or rabbit, using snares	
i. resident	\$12.09	
5	Moose	
	i. resident	\$37.39
ii. non-resident	\$248.87	

Section	Column I Type of licence	Column II Annual fee
6	Black bear	
	i. resident	\$31.96
	ii. non-resident	\$105.64
7	Small game, except for the snaring of hare or rabbit	
	i. resident	\$11.44
	ii. non-resident	\$60.13
8	Licence to hunt moose in a new area	
	i. resident	\$5.87
	ii. non-resident	\$5.87

SCHEDULE II

(s. 8)

RIGHT OF ACCESS FEES FOR RESTRICTED HUNTING IN WILDLIFE SANCTUARIES

Wildlife sanctuary	Species	Right of access fee per hunter or group of hunters	
Ashuapmushuan	Moose, Snowshoe hare	\$773.09	per stay, per group of hunters for hunting both species
Chic-Chocs	Moose	\$773.09	per stay, per group of hunters
	Black bear resident non-resident	\$35.00 \$70.00	per day, per hunter per day, per hunter
Dunière	Moose	\$773.09	per stay, per group of hunters
	Black bear resident non-resident	\$35.00 \$70.00	per day, per hunter per day, per hunter
Laurentides	Moose	\$773.09	per stay, per group of hunters
	Black bear resident non-resident	\$35.00 \$70.00	per day, per hunter per day, per hunter
La Vérendrye	Moose	\$773.09	per stay, per group of hunters
	Ruffed grouse, Spruce grouse, Snowshoe hare, Wildfowl	\$15.00	per stay, per hunter, for hunting all 4 species

Wildlife sanctuary	Species	Right of access fee per hunter or group of hunters	
	Black bear resident	\$35.00	per day, per hunter
	non-resident	\$70.00	per day, per hunter
Mastigouche	Moose	\$773.09	per stay, per group of hunters
Matane	Moose	\$773.09	per stay, per group of hunters
	Black bear resident	\$35.00	per day, per hunter
	non-resident	\$70.00	per day, per hunter
Papineau-Labelle	Moose	\$773.09	per stay, per group of hunters
	White-tailed deer	\$31.08	per day, per hunter
	Black bear resident	\$35.00	per day, per hunter
	non-resident	\$70.00	per day, per hunter
Portneuf	Moose	\$773.09	per stay, per group of hunters
	Black bear resident	\$35.00	per day, per hunter
	non-resident	\$70.00	per day, per hunter
Rimouski	Moose	\$773.09	per stay, per group of hunters
	Black bear resident	\$35.00	per day, per hunter
	non-resident	\$70.00	per day, per hunter
Rouge-Matawin	Moose	\$773.09	per stay, per group of hunters
	Black bear resident	\$35.00	per day, per hunter
	non-resident	\$70.00	per day, per hunter
Saint-Maurice	Moose	\$773.09	per stay, per group of hunters
Sept-Îles – Port-Cartier	Moose Black bear	\$773.09	per stay, per group of hunters for hunting both species

SCHEDULE III

(s. 9)

RIGHT OF ACCESS FEES FOR UNRESTRICTED HUNTING IN WILDLIFE SANCTUARIES

Wildlife sanctuary	Species	Right of access fee per hunter	
Aiguebelle	Snowshoe hare	\$27.17	per season
Ashuapmushuan	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$15.00 \$104.33	per day for hunting all 4 species per season for hunting all 4 species
	Black bear	\$23.26	per day
	Snowshoe hare (i. 7) *	\$27.17	per season
Chic-Chocs	Coyote Ruffed grouse, Wolf	\$15.00	per day for hunting all 6 species
	Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$104.33	per season for hunting all 6 species
	Snowshoe hare (i. 7) *	\$27.17	per season
Dunière	Coyote Ruffed grouse, Wolf	\$15.00	per day for hunting all 6 species
	Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$104.33	per season for hunting all 6 species
	Snowshoe hare (i. 7) *	\$27.17	per season
Laurentides	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$15.00 \$104.33	per day for hunting all 4 species per season for hunting all 4 species
	Snowshoe hare (i. 7) *	\$27.17	per season
	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$15.00 \$104.33	per day for hunting all 4 species per season for hunting all 4 species
La Vérendrye	Snowshoe hare (i. 7) *	\$27.17	per season
	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$15.00 \$104.33	per day for hunting all 4 species per season for hunting all 4 species
Mastigouche	Snowshoe hare (i. 7) *	\$27.17	per season
	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$15.00 \$104.33	per day for hunting all 4 species per season for hunting all 4 species
	Snowshoe hare (i. 7) *	\$27.17	per season
	Black bear	\$23.26	per day

Wildlife sanctuary	Species	Right of access fee per hunter		
Matane	Coyote	\$15.00	per day for hunting all 6 species	
	Ruffed grouse, Wolf	\$104.33	per season for hunting all 6 species	
	Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl			
	Snowshoe hare (i. 7) *	\$27.17	per season	
Papineau-Labelle	Ruffed grouse, Spruce grouse, Snowshoe hare, Eastern cotton-tail rabbit (i. 3) *, Wildfowl	\$15.00	per day for hunting all 5 species	
		\$104.33	per season for hunting all 5 species	
		Snowshoe hare (i. 7) *	\$27.17	per season
Plaisance	Snowshoe hare (i. 7) *	\$27.17	per season	
	Wildfowl	\$25.43	per season	
		\$12.61	per day	
Port-Daniel	Coyote	\$15.00	per day for hunting all 6 species	
	Ruffed grouse, Wolf	\$104.33	per season for hunting all 6 species	
	Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl			
	Snowshoe hare (i. 7) *	\$27.17	per season	
Portneuf	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$15.00	per day for hunting all 4 species	
		\$104.33	per season for hunting all 4 species	
		Snowshoe hare (i. 7) *	\$27.17	per season
Rimouski	Wolf, Coyote, White-tailed deer	\$26.30	per day for hunting all 3 species	
	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$15.00	per day for hunting all 4 species	
		\$104.33	per season for hunting all 4 species	
		Snowshoe hare (i. 7) *	\$27.17	per season
		Black bear	\$23.26	per day
Rouge-Matawin	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$15.00	per day for hunting all 4 species	
		\$104.33	per season for hunting all 4 species	
		Snowshoe hare (i. 7) *	\$27.17	per season
Saint-Maurice	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$15.00	per day for hunting all 4 species	
		\$104.33	per season for hunting all 4 species	

Wildlife sanctuary	Species	Right of access fee per hunter	
	Snowshoe hare (i. 7) *	\$27.17	per season
	Black bear	\$23.26	per day
Sept-Îles – Port-Cartier	Ruffed grouse, Spruce grouse, Snowshoe hare (i. 3) *, Wildfowl	\$15.00	per day for hunting all 4 species
		\$104.33	per season for hunting all 4 species
	Snowshoe hare (i. 7) *	\$27.17	per season
	Black bear	\$23.26	per day

* The reference in parentheses is to the types of hunting implement described in the Regulation respecting hunting, made by Order in Council 1383-89 dated 23 August 1989.

SCHEDULE IV

(s. 10.1)

RIGHT OF ACCESS FEES FOR ALL TYPES OF FISHING OTHER THAN ANADROMOUS ATLANTIC SALMON IN CERTAIN WILDLIFE SANCTUARIES

Column I Wildlife sanctuaries	Column II right of access fee per day or per seven consecutive days per person	
1. Aiguebelle	\$13.04/day \$63.46/7 days	
2. Ashuapmushuan	\$13.04/day \$63.46/7 days	
3. Assinica	\$13.04/day \$63.46/7 days	
4. Chics-Chocs	\$13.04/day \$63.46/7 days	
5. Albanel, Mistassini and Waconichi lakes	\$13.04/day \$63.46/7 days	
6. Laurentides	\$13.04/day \$63.46/7 days	
7. La Vérendrye	\$11.74/day \$63.46/7 days	
8. Mastigouche	Lac au Sorcier	\$26.08/day
	Elsewhere	\$13.04/day \$63.46/7 days
9. Matane	\$13.04/day \$63.46/7 days	

Column I Wildlife sanctuaries	Column II right of access fee per day or per seven consecutive days per person
10. Papineau-Labelle	\$13.04/day \$63.46/7 days
11. Port-Daniel	\$13.04/day \$63.46/7 days
12. Portneuf	\$13.04/day \$63.46/7 days
13. Rimouski	\$13.04/day \$63.46/7 days
14. Rouge-Matawin	\$13.04/day \$63.46/7 days
15. Saint-Maurice	\$13.04/day \$63.46/7 days
16. Sept-Îles / Port-Cartier	\$13.04/day \$63.46/7 days
17. Dunière	\$13.04/day \$63.46/7 days

SCHEDULE V

(s. 10.2)

**RIGHT OF ACCESS FEES FOR FISHING ANADROMOUS ATLANTIC SALMON
IN CERTAIN WILDLIFE SANCTUARIES**

Column I Wildlife sanctuaries	Column II Sector	Right of access fee per person	
		Column III Resident	Column IV Non-resident
1. Rivière Petit-Saguenay	(1) Sector 1:		
	The territory described under the heading "Sector 1" in Schedule III to the Regulation respecting fishing in certain wildlife sanctuaries, made by Order in Council 847-84 dated 4 April 1984, as amended.	\$26.98/day	\$54.19/day
	(2) Sector 2:		
	The territory described under the heading "Sector 2" in Schedule III to the Regulation respecting fishing in certain wildlife sanctuaries.	\$41.46/day	\$83.15/day

Column I Wildlife sanctuaries	Column II Sector	Right of access fee per person	
		Column III Resident	Column IV Non-resident
2. Matapédia and Patapédia rivers Rivière Matapédia sectors	(1) Sector 1:		
	The territory described under the heading “Sector 1” in Schedule IV to the Regulation respecting fishing in certain wildlife sanctuaries.	\$29.12/day from 1-06 to 7-08	\$58.90/day from 1-06 to 7-08
		\$20.00/day from 8-08 to 31-08	\$39.99/day from 8-08 to 31-08
		\$15.21/day from 1-09 to 30-09	\$28.26/day from 1-09 to 30-09
		\$8.69/day for hunters under 18 years of age	\$17.39/day for hunters under 18 years of age
	(2) Sector 2:		
	The territory described under the heading “Sector 2” in Schedule IV to the Regulation respecting fishing in certain wildlife sanctuaries.	\$63.03/day	\$126.06/day
	(3) Sector 3:		
	The territory described under the heading “Sector 3” in Schedule IV to the Regulation respecting fishing in certain wildlife sanctuaries.	\$29.12/day from 1-06 to 7-08	\$58.90/day from 1-06 to 7-08
		\$20.00/day from 8-08 to 31-08	\$39.99/day from 8-08 to 31-08
		\$15.21/day from 1-09 to 30-09	\$28.26/day from 1-09 to 30-09
		\$8.69/day for hunters under 18 years of age	\$17.39/day for hunters under 18 years of age
	(4) Sector 4:		
	The territory described under the heading “Sector 4” in Schedule IV to the Regulation respecting fishing in certain wildlife sanctuaries.	\$3.48/day	\$6.74/day
3. Matapédia and Patapédia rivers Rivière Patapédia sectors	(1) Sector 1:		
	The territory described under the heading “Sector 1” in Schedule V to the Regulation respecting fishing in certain wildlife sanctuaries.	\$31.30/day	—

Column I Wildlife sanctuaries	Column II Sector	Right of access fee per person	
		Column III Resident	Column IV Non-resident
	(2) Sector 2:		
	The territory described under the heading “Sector 2” in Schedule V to the Regulation respecting fishing in certain wildlife sanctuaries.	\$31.30/day	—
	(3) Sector 3:		
	The territory described under the heading “Sector 3” in Schedule V to the Regulation respecting fishing in certain wildlife sanctuaries.	\$31.30/day	\$63.03/day
4. Matapédia and Patapédia rivers	(1) Sector 1:		
Rivière Causapscal sectors	The territory described under the heading “Sector 1” in Schedule VI to the Regulation respecting fishing in certain wildlife sanctuaries.	\$29.12/day	\$58.90/day
	(2) Sector 2:		
	The territory described under the heading “Sector 2” in Schedule VI to the Regulation respecting fishing in certain wildlife sanctuaries.	\$54.99/day	\$110.19/day
5. Sainte-Anne		\$39.00/day	\$78.00/day
6. Saint-Jean	(1) Sector 1:		
	The territory described under the heading “Sector 1” in Schedule VII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$35.54/day	\$71.30/day
	(2) Sector 2:		
	The territory described under the heading “Sector 2” in Schedule VII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$50.00/day	\$100.00/day
	(3) Sector 3:		
	The territory described under the heading “Sector 3” in Schedule VII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$50.00/day	\$100.00/day

Column I Wildlife sanctuaries	Column II Sector	Right of access fee per person	
		Column III Resident	Column IV Non-resident
	(4) Sector 4:		
	The territory described under the heading “Sector 4” in Schedule VII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$72.18/day	\$144.35/day
7. Port-Daniel		\$29.56/day	\$59.12/day
8. Sept-Îles–Port-Cartier	(1) Sector 1:		
Rivière aux Rochers sectors	The territory described under the heading “Sector 1” in Schedule VIII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$46.95 ⁽¹⁾ /day	\$93.89 ⁽¹⁾ /day
	⁽¹⁾ from 1 August those amounts shall be reduced by 50 %		
	(2) Sector 3:		
	The territory described under the heading “Sector 3” in Schedule VIII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$23.48/day \$187.79/season	\$46.95/day
9. Sept-Îles–Port-Cartier	(1) Sector 2:		
Rivière MacDonald sectors	The territory described under the heading “Sector 2” in Schedule VIII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$23.48/day \$187.79/season	\$46.95/day
	(2) Sector 3:		
	The territory described under the heading “Sector 3” in Schedule VIII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$23.48/day \$187.79/season	\$46.95/day
	(3) Sector 5:		
	The territory described under the heading “Sector 5” in Schedule VIII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$23.48/day \$187.79/season	\$46.95/day

Column I Wildlife sanctuaries	Column II Sector	Right of access fee per person	
		Column III Resident	Column IV Non-resident
	(4) Sector 6:		
	The territory described under the heading "Sector 6" in Schedule VIII to the Regulation respecting fishing in certain wildlife sanctuaries.	\$23.48/day \$187.79/season	\$46.95/day
10. Rivière-Cascapédia	(1) Sector 3 (c)		
	The territory described under the heading "Sector 3 (c)" in Schedule IX to the Regulation respecting fishing in certain wildlife sanctuaries.	\$60.00/day	\$120.00/day
	(2) Sector 4 (d)		
	The territory described under the heading "Sector 4 (d)" in Schedule IX to the Regulation respecting fishing in certain wildlife sanctuaries.	\$60.00/day	\$120.00/day

2024

Draft Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Fishing licences — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Fishing Licences Regulation, the text of which appears below, may be made by the gouvernement du Québec upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to establish two new sport fishing licences for species other than anadromous Atlantic salmon.

For that purpose, the Regulation proposes a one-day sport fishing licence for species other than anadromous Atlantic salmon, for non-residents and a catch-and-release sport fishing licence for species other than anadromous Atlantic salmon, for residents and non-residents. The latter licence is intended for outfitters' customers.

To date, study of the matter has shown no negative impact on citizens, businesses and in particular small and medium-size businesses. Less expensive fishing licences are made available to citizens; as for businesses, outfitters may offer their customers a catch-and-release fishing licence.

Further information may be obtained by contacting:

Mr. Serge Bergeron
Ministère de l'Environnement et de la Faune
Service de la réglementation
150, boulevard René-Lévesque Est, 4^e étage, boîte 91
Québec (Québec)
G1R 4Y1

Tel.: (418) 643-4880
Fax: (418) 528-0834
E-mail: serge.bergeron@mef.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of the Environment and Wildlife, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30^e étage, Québec, G1R 5V7.

PAUL BÉGIN,
Minister of the Environment and Wildlife

Regulation to amend the Fishing Licences Regulation(*)

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, pars. 4, 8, 9, 10 and 14)

1. The Fishing Licences Regulation is amended in section 1:

(1) by substituting “;” for “.” in subparagraph 3 of the first paragraph;

(2) by adding the following subparagraphs after subparagraph 3 of the first paragraph:

“(4) the one-day sport fishing licence for species other than anadromous Atlantic salmon for non-resident;

(5) the catch-and-release sport fishing licence for species other than anadromous Atlantic salmon for resident and non-resident.”.

2. The following section is inserted after section 1.1:

“**1.2** The holder of a catch-and-release sport fishing licence for species other than anadromous Atlantic salmon for resident and non-resident provided for in section 1 shall use the services of an outfitter to fish.”.

3. Section 2.1 is amended by inserting the number “, 1.2” after “1.1”.

4. This Regulation comes into force on 1 April 1998 or on the date of coming into force in 1998 of the Regulation to amend the Quebec Fishery Regulations in respect of the price of fishing licences made under the Fisheries Act (R.S.C., 1985, c. F-14) where that date is later than 1 April 1998.

2026

* The Fishing Licences Regulation, made by Order in Council 845-84 dated 4 April 1984 (1984, *G.O.* 2, 1507), was last amended by the Regulation made by Order in Council 959-97 dated 30 July 1997 (1997, *G.O.* 2, 4298). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

Draft Regulation

Parks Act
(R.S.Q., c. P-9)

Parks

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Parks Regulation, the text of which appears below may be made by the gouvernement du Québec upon the expiry of 45 days following this publication.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of the Environment and Wildlife, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30^e étage, Québec, G1R 5V7.

PAUL BÉGIN,
Minister of the Environment and Wildlife

Regulation to amend the Parks Regulation(*)

Parks Act
(R.S.Q., c. P-9, s. 9.1, 1st par., subpar. a)

1. Schedule I to the Parks Regulation is amended

(1) by substituting the figures “13.04” and “63.46” for the figures “11.41” and “61.43” respectively, in section 1;

(2) by substituting the figures “80.00” and “160.00” for the figures “61.43” and “122.86” respectively, in section 2;

(3) by substituting the number “1999” for the number “1998” in section 3.

2. This Regulation comes into force on 1 April 1998.

2025

* The Parks Regulation made by Order in Council 567-83 dated 23 March 1983 (1983, *G.O.* 2, 1399) was last amended by the Regulation made by Order in Council 308-97 dated 12 March 1997 (1997, *G.O.* 2, 1175). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

Draft Regulation

Automobile Insurance Act
(R.S.Q., c. A-25)

Processing of a claim for compensation or application for review and recovery of sums owed to the Société de l'assurance automobile du Québec

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the processing of a claim for compensation or an application for review and the recovery of sums owed to the Société de l'assurance automobile du Québec, the text of which appears below, may be submitted to the Government for approval after forty-five days have elapsed from the date of this publication.

This regulation is intended to replace the Regulation respecting the rules of evidence and procedure before the Société de l'assurance automobile du Québec and recovery of sums owed to the Société. The draft provisions are in keeping with the principles set forth by the Act respecting administrative justice (1996, c. 54). The proposed regulation contains simplified rules, freed of judicial connotation, particularly as concerns the process of reviewing decisions on compensation for victims of automobile accidents.

Further information is available from Ms. Louise Gonthier, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-41, P. O. Box 19600, Québec, G1K 8J6; tel.: (418) 528-4808; fax: (418) 644-0339.

Any person wishing to make comments on the matter must forward them in written form, before expiry of the 45-day period, to the Chairman and CEO of the Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-2, P. O. Box 19600, Québec, G1K 8J6; fax: (418) 644-0339.

JEAN-YVES GAGNON,
*Chairman and CEO of the
Société de l'assurance automobile du Québec*

Regulation respecting the processing of a claim for compensation or application for review and recovery of sums owed to the Société de l'assurance automobile du Québec

Automobile Insurance Act
(R.S.Q., c. A-25, s. 195, pars. 20°, 24°, 25°)

DIVISION I GENERAL RULES

- 1.** A Claim for Compensation or an Application for Review is made on a form supplied by the Société for that purpose, and signed by the claimant. An Application for Review must indicate the main reasons for challenging a decision.
- 2.** A claim or an application is deemed to be filed with the Société on the date it is received at a Société office.
- 3.** When a claim or an application is filed after the time period allowed under the Automobile Insurance Act (R.S.Q., c. A-25), the claimant must include a signed, written statement setting forth the reasons preventing him from acting before the time limit.
- 4.** If a time limit occurs on a day on which the offices of the Société are closed, the time limit is extended to the following working day.
- 5.** No document submitted shall be rejected because of faulty drafting or a procedural irregularity.
- 6.** Before making a decision, the Société shall ensure that the claimant has had an opportunity to make known his observations and complete his case.
- 7.** A claim or application may be withdrawn or modified at any time by means of an express notice to that effect. When this notice is given verbally, the Société shall take note and provide written confirmation of this to the claimant.
- 8.** The Société shall send a decision in writing and the reasons for it to the claimant by mail, in care of his last address on record at the Société. A review decision shall be sent by certified or registered mail or priority post.
- 9.** In the event of an interruption in postal service, the Société may use another method of conveyancing.
- 10.** At the Société's request, a person acting as the agent of a claimant must produce a written statement, authorizing him to act as representative.

11. As soon as the Société is advised of the name of a representative, it shall provide the agent with a copy of all written communications it sent to the person represented.

12. The Société's officer responsible for rendering a decision on a claim for compensation or application for review, as the case may be, must withdraw where there is reasonable fear of bias, due to, in particular:

- (1) a conflict of pecuniary interest;
- (2) the existence of a personal, family, social, professional or business relationship with the claimant or an interested party;
- (3) the officer's being or having been an interested party in an application for review or claim for compensation involving a matter like the one in question;
- (4) the officer's public statements or prior positions in direct connection with a case;
- (5) manifestations of hostility or interest in favouring a claimant or interested party.

DIVISION II RULES CONCERNING THE REVIEW OF A DECISION

13. Upon receipt of an application for review, the Société shall communicate with the claimant:

- (1) to provide necessary information on the Automobile Insurance Act as well as the review process and its role;
- (2) to provide assistance in completing the review file;
- (3) to clarify, where necessary, the decision challenged, reasons for the challenge and the end sought.

14. The review officer shall reexamine the relevant aspects of a case and the grounds for an initial decision, taking into consideration the observations of the claimant and any interested party along with additional documentation they submit to complete a case.

The review officer shall communicate with the claimant or any other person likely to shed light on a case.

15. Where the Société deems it necessary to ensure that a claimant has had the opportunity to present observations, it may decide to hold a hearing, in which event the claimant shall be notified in advance of the time and place of the hearing.

16. If the persons notified of a hearing are not present, the Société may proceed with a review of the decision on the basis of information already on file.

17. At any time before rendering its decision, the review officer may, on his own initiative, order an assessment by a health care professional.

The Société must forward a copy of the assessment report to the persons concerned, and allow them to present their observations concerning the report.

DIVISION III RECOVERY OF SUMS OWED TO THE SOCIÉTÉ

18. Where a person has received compensation to which he or she is not entitled, the Société may, without prejudice to any legal recourse, deduct the amount of the debt from any amount due to that person, in the following manner:

(1) if the amount due is an indemnity payable every fourteen days, the Société may:

(a) reduce the amount of compensation by a maximum percentage of 50 % until the sum owed is repaid in full;

(b) reduce the amount of compensation by a percentage higher than that indicated in subparagraph a where the person consents to this or where it appears impossible to recover the entire sum owed because of the amount and the foreseeable length of compensation payments;

(2) where the amount due is not compensation payable every fourteen days, the Société may subtract the sum owed from that amount and pay any difference.

DIVISION IV COMING INTO FORCE

19. This regulation replaces the Regulation respecting the rules of evidence and procedure before the Société de l'assurance automobile du Québec and recovery of sums owed to the Société, approved by Order in Council 1924-89 dated 13 December 1989.

20. Claims and applications already submitted to the Société when this regulation comes into force shall be processed under its provisions.

21. This regulation comes into force on April 1, 1998.

2010

Draft Regulation

Financial Administration Act
(R.S.Q., c. A-6)

Services contracts of government departments and public bodies — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting services contracts of government departments and public bodies, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation changes the name of the central register of suppliers of goods and services to the Government, which will become the “government central register of suppliers”. It also rectifies the name of several subregions and the list of the subregions bordering on some subregions, which are used in the operation of the register. It also replaces the name of the Daily Newspapers Publishers Association (DNPA) by “Canadian Newspaper Association (CNA)”.

The proposed Regulation will have no significant impact on suppliers.

Further information may be obtained by contacting Mr. Michel Brown, secrétariat du Conseil du trésor, 875, Grande-Allée Est, Québec (Québec) G1R 5R8; tel.: (418) 644-6276, fax: (418) 643-2987.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister for Administration and the Public Service, Chairman of the Conseil du trésor, 875, Grande-Allée Est, Québec (Québec) G1R 5R8.

JACQUES LÉONARD,
*Minister for Administration
and the Public Service,
Chairman of the Conseil du trésor*

Regulation to amend the Regulation respecting services contracts of government departments and public bodies (*)

Financial Administration Act
(R.S.Q., c. A-6, s. 49)

An Act respecting the Service des achats du gouvernement
(R.S.Q., c. S-4)

1. The Regulation respecting services contracts of government departments and public bodies is amended in section 2

(1) by substituting the words “government central register of suppliers” for the words “central register of suppliers of goods and services to the Government” in the definition of “General invitation to tender”;

(2) by inserting the following in the definition of “Region” after the year “1987”: “, amended by Orders in Council 1399-88 dated 14 September 1988, 1389-89 dated 23 August 1989 and 965-97 dated 30 July 1997”;

(3) by substituting the following for the definition of “Subregion”:

“**Subregion** means the territory corresponding to that of a regional county municipality or of an urban community, or to one of the following territories: Jamésie and Kativik, both divided into 2 subregions located on either side of the 76th meridian, and the territory delimited to the east by the Québec limit, to the north and west by the “Minganie” subregion and to the south by the Gulf of St. Lawrence; an Indian reserve is included in the subregion in which it is geographically located; the territory of the Municipalité de Notre-Dame-des-Anges is included in that of the Communauté urbaine de Québec; (*sous-région*)”; and

(4) by inserting the words “, if the region where the work is carried out includes at least two subregions,” in the definition of “Border subregion”, before the word “located”.

* The Regulation respecting services contracts of government departments and public bodies, made by Order in Council 1169-93 dated 18 August 1993 (1993, *G.O.* 2, 4951), was last amended by the Regulation made by Order in Council 1498-96 dated 4 December 1996 (1996, *G.O.* 2, 4936). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

2. Section 4 is amended by substituting “of Kativik, Jamésie” for “of the Kativik Regional Government, the territory covered by the James Bay and Northern Québec Agreement” in paragraph 8.

3. Section 91 is amended by substituting the words “Government central register of suppliers” for the words “central register of suppliers of goods and services to the Government”.

4. Section 108 is amended

(1) by inserting the following after “section 107,”:

“the “Sept-Rivières” subregion is deemed to be a subregion bordering on the “Caniapiscau” subregion;”;

(2) by substituting “Kativik-est” for “Administration régionale Kativik-est”;

(3) by substituting “Kativik-ouest” for “Administration régionale Kativik-ouest”;

(4) by substituting “Jamésie-ouest” for “Territoire conventionné-ouest”; and

(5) by substituting “Jamésie-est” for “Territoire conventionné-est”.

5. Section 165 is amended in paragraph 1 by substituting “the Canadian Newspaper Association (CNA)” for “the Daily Newspapers Publishers Association (DNPA)”.

6. Schedule 8 is amended

(1) in section 3, by substituting “Kativik” for “the Kativik Regional Government”; and

(2) in section 6, by substituting “Jamésie-est, Jamésie-ouest, Kativik-est, Kativik-ouest” for “the Kativik Regional Government” for “Territoire conventionné-est, Territoire conventionné-ouest, Administration régionale Kativik-est, Administration régionale Kativik-ouest”.

7. The central register of suppliers of goods and services to the Government, mentioned in section 193 of that Regulation, is henceforth referred to as the government central register of suppliers.

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

2015

Draft Regulation

Financial Administration Act
(R.S.Q., c. A-6)

Snow removal services contracts of government departments and public bodies — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting snow removal services contracts of government departments and public bodies, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

This draft Regulation simplifies the registration of contractors in the government central register of suppliers by eliminating the obligation to declare unregistered equipment. It replaces the sending of a letter of invitation by a public call for tenders published in newspapers in the cases where, presently, all contractors entered in the central register must be invited. However, that public call for tenders will remain reserved for contractors entered in the register. Finally, concordance amendments are made to the name of the register.

The draft Regulation also eliminates the prohibition to submit more than one tender per call for tenders, as well as the obligation to use a cost evaluation form approved by the Conseil du trésor for contracts entered into with municipalities.

The draft Regulation will simplify the registration of contractors in the central register and the verification procedures followed by the Direction du fichier in their respect. It will significantly reduce the number of letters of invitation addressed to contractors for contracts in which they are not interested.

Further information may be obtained by contacting Mr. Michel Brown, Secrétariat du Conseil du trésor, 875, Grande-Allée Est, Québec (Québec) G1R 5R8; tel.: (418) 644-6276, fax: (418) 643-2987.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister for Administration and the Public Service, Chairman of the Conseil du trésor, 875, Grande-Allée Est, Québec (Québec) G1R 5R8.

JACQUES LÉONARD,
*Minister for Administration
and the Public Service,
Chairman of the Conseil du trésor*

Regulation to amend the Regulation respecting snow removal services contracts of government departments and public bodies (*)

Financial Administration Act
(R.S.Q., c. A-6, s. 49)

1. The Regulation respecting snow removal services contracts of government departments and public bodies is amended in section 2

(1) by inserting the following after the definition of "Place of business":

"**Public call for tenders** means a call for tenders published in a Québec newspaper; (*appel d'offres public*)"; and

(2) by substituting "government central register of suppliers" for "central register of suppliers of goods and services to the Government" in the definition of "General invitation to tender".

2. Section 6 is revoked.

3. The following is substituted for the headings of Chapter III and Division 1 of that chapter:

"CHAPTER III CALL FOR TENDERS

DIVISION 1 TYPES OF CALLS FOR TENDERS"

4. The following is substituted for sections 7 and 8:

"**7.** A public call for tenders shall be used where

(1) the estimated amount of the work is equal to or greater than \$100 000; or

(2) the call for tenders provided for in section 8 did not make it possible to select a contractor.

8. A general invitation to tender shall be used where the estimated amount of the work is less than \$100 000."

5. Sections 8.2 and 9 are revoked.

6. The word "called" is substituted for the word "invited" in section 10.

7. The following headings and sections are inserted before section 12:

"§1. *Public call for tenders*

11.1 A public call for tenders shall be published in French in a daily newspaper in Montréal and in Québec City, in a regional daily or weekly newspaper distributed in the subregion where the services are to be rendered and in at least one specialized publication, if any.

11.2 The published text of the call for tenders shall include, at least,

(1) the name of the department or agency;

(2) a brief description of the services required;

(3) the place to reach for information and where tender documents can be obtained or consulted;

(4) the nature and amount of the tender security required, where applicable;

(5) the place and time limit fixed for the submission and opening of tenders; and

(6) a statement that only tenders submitted by contractors entered in the central register at the appropriate level, having, according to their registration statement, at least the number of trucks required to perform the contract and being entitled under section 52 to tender in the subregion where the work is to be carried out will be considered; and

(7) a statement that the department or agency does not undertake to accept any of the tenders.

§2. *General invitation to tender*

11.3 Subject to section 52, a general invitation to tender shall be addressed to all the contractors entered in the central register at the appropriate level in the subregion where the work is to be carried out and the border subregions thereof and having, according to their registration statement, at least the number of trucks required to be allowed to tender. That number is equal to the number of trucks required to perform the contract, unless the number of contractors meeting that condition is fewer than 5, in which case the number of trucks shall be reduced until at least 5 contractors become eligible or, if

* The Regulation respecting snow removal services contracts of government departments and public bodies, made by Order in Council 1170-93 dated 18 August 1993 (1993, G.O. 2, 4989), was last amended by the Regulation made by Order in Council 1500-96 dated 4 December 1996 (1996, G.O. 2, 4940). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

it proves impossible, until all the registered contractors become eligible.”.

8. The following heading is inserted after section 13:

“§3. *Provisions applicable to any call for tenders*”.

9. The words “the call for tenders is first published or the letters of invitation are sent, as the case may be,” are substituted for the words “on which the letters of invitation are sent” in section 16.

10. Section 35 is amended in the part preceding paragraph 1 by substituting “government central register of suppliers” for “central register of suppliers of goods and services to the Government”.

11. Sections 36.1 to 36.3 are revoked.

12. The words “concerning his equipment” are struck out in sections 39 and 41.

13. The following is substituted for section 41.3:

“**41.3** Where a contractor registers in level 1 or 2 of the central register, he shall declare the trucks that he owns or leases for one year or more, that are in good working order, that have a minimum capacity of 15 400 kg and are less than 20 years old and that are registered in his name with the Société de l’assurance automobile du Québec or, where an intergovernmental agreement is applicable, with the competent department or agency in a province or territory covered by that agreement.”.

14. The words “concerning equipment” are struck out in sections 42 and 45.

15. The words “whose name has been referred from the central register and” are struck out in section 46.

16. The words “allowed” is substituted for the word “invited” in section 52.

17. Schedule 4 is revoked.

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

2014

Draft Regulation

Financial Administration Act
(R.S.Q., c. A-6)

An Act respecting the Service des achats du gouvernement
(R.S.Q., c. S-4)

Supply contracts of government departments and public bodies — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting supply contracts of Government departments and public bodies, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation proposes to eliminate the obligation to use the Government’s central register of suppliers for a supply contract. The invitations to tender that are now extended to suppliers entered in the register will be replaced by public calls for tenders. The draft Regulation also eliminates the indexing of the threshold for a public call for tenders in order to comply with the Agreement on Internal Trade.

The proposed Regulation will have an impact on the suppliers entered in the register: they will no longer be required to maintain their registration, but will have to incur expenses to buy the tender documents, now provided free of charge, or to subscribe to an electronic tender system (consulting tender notices on the Internet is however free). It will also make government contracts open to new suppliers, particularly because tenderers are no longer required to be manufacturers.

Further information may be obtained by contacting Mr. Michel Brown, Secrétariat du Conseil du trésor, 875, Grande-Allée Est, Québec (Québec) G1R 5R8; tel.: (418) 644-6276, fax: (418) 643-2987.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister for Administration and the Public Service, Chairman of the Conseil du trésor, 875, Grande-Allée Est, Québec (Québec) G1R 5R8.

JACQUES LÉONARD,
*Minister for Administration
and the Public Service,
Chairman of the Conseil du trésor*

Regulation to amend the Regulation respecting supply contracts of Government departments and public bodies (*)

Financial Administration Act
(R.S.Q., c. A-6, s. 49)

An Act respecting the Service des achats du gouvernement
(R.S.Q., c. S-4, s. 4)

- 1.** The Regulation respecting supply contracts of Government departments and public bodies is amended in section 10 by substituting “paragraph 4” for “paragraphs 2 and 4”.
- 2.** Section 22 is amended by deleting paragraph 2.
- 3.** Chapters IX and X are revoked.
- 4.** Section 65 is amended by substituting “Those” for “Subject to paragraph 2 of section 22, those”.
- 5.** Section 68 is revoked.
- 6.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2012

* The Regulation respecting supply contracts of Government departments and public bodies, made by Order in Council 1167-93 dated 18 August 1993 (1993, *G.O.* 2, 4927) was last amended by the Regulation made by Order in Council 899-97 dated 9 July 1997 (1997, *G.O.* 2, 4169). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

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