

Gazette officielle du Québec

Part 2 Laws and Regulations

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PROVINCE OF QUÉBEC

2nd SESSION

35th LEGISLATURE

QUÉBEC, 17 JUNE 1998

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 17 June 1998

This day, at eleven minutes past six o'clock in the evening, His Excellency the Lieutenant-Governor was pleased to sanction the following bills :

- | | | | |
|-----|---|--|---|
| 182 | An Act to amend the Mining Act and the Act respecting the lands in the public domain | 427 | An Act to amend various legislative provisions respecting municipal bodies |
| 405 | An Act to provide for the protection of groundwater | 432 | An Act to amend article 21 of the Civil Code and other legislative provisions |
| 417 | An Act to extend the effect of certain provisions of the Act respecting the practice of midwifery within the framework of pilot projects | 444 | Tobacco Act |
| 419 | An Act to amend the Act to promote the parole of inmates | To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor. | |
| 420 | An Act to amend the Act respecting correctional services and other legislative provisions | | |
| 421 | An Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture | | |
| 422 | An Act to amend the Act respecting municipal courts and the Courts of Justice Act | | |

PROVINCE OF QUÉBEC

2nd SESSION

35th LEGISLATURE

QUÉBEC, 19 JUNE 1998

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 19 June 1998

This day, at fifty-seven minutes past seven o'clock in the morning, the Honourable the Administrator of Québec was pleased to sanction the following bill:

453 An Act respecting the appointment of a chief electoral officer

To this bill the Royal assent was affixed by the Honourable the Administrator of Québec.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 182
(1998, chapter 24)

**An Act to amend the Mining Act and
the Act respecting the lands in the public
domain**

**Introduced 2 December 1997
Passage in principle 9 December 1997
Passage 12 June 1998
Assented to 17 June 1998**

**Québec Official Publisher
1998**

EXPLANATORY NOTES

The object of this bill is to make substantial changes to the mineral exploration licences and leases that may be granted under the Mining Act, and to phase out the ground-staking method for obtaining mineral claims; mining exploration licences and licences to explore for surface mineral substances will also be gradually withdrawn.

First, the bill gives the Minister of Natural Resources the power to indicate, on maps filed in the office of the registrar, the boundaries of the areas in which claims may be obtained by staking and the areas in which claims may be obtained by map designation; the maps will also fix the shape and area of a map designated claim. Under the bill, the Minister will have the power to modify the boundaries of each area from time to time so that, eventually, all claims will be obtained by the map designation method.

In addition, from the coming into force of the provisions to amend the sections of the Act dealing with mining exploration licences and licences to explore for surface mineral substances, no new licences will be issued by the Minister. From the same date, rights will be conferred by way of a claim.

The bill provides for a mechanism to facilitate the conversion of ground staked claims and licences to explore for surface mineral substances into map designated claims.

The bill harmonizes the rules relating to the granting of title over lands subject to mining rights with the rules contained in the Act respecting the lands in the public domain. It also validates certain titles granted even though not all the legal requirements were respected, and converts the emphyteutic leases still in force in mining towns into actual sales of land.

The bill makes amendments to the Mining Act in connection with the prospecting and development of petroleum and natural gas reserves and underground reservoirs. In this regard, the bill establishes a single licence to authorize exploration for petroleum, natural gas and underground reservoirs. It provides that exploration licences in certain zones in a marine environment, as delimited by ministerial order, will be issued following a call for tenders, and

that in such zones the Minister will be able to prescribe requirements and obligations that differ from the mineral rights relating to petroleum, natural gas and underground reservoirs.

The bill contains provisions that will allow exploration licences to be extended with ministerial authorization where the existence of a petroleum or natural gas deposit or an underground reservoir whose development is economically viable is demonstrated on the basis of sound evidence. The bill also introduces a measure to allow the period of validity of an exploration licence to be suspended, and a further measure to ensure that any application that relates to an area for which an exploration licence was in force less than 60 days previously will be refused.

Lastly, the bill contains a provision that suspends, until the coming into force of the new regime, the issue of licences in a marine environment to explore for petroleum, natural gas, brine or underground reservoirs for applications filed from the date of introduction of the bill. It also enacts transitional provisions and consequential amendments.

Bill 182

AN ACT TO AMEND THE MINING ACT AND THE ACT RESPECTING THE LANDS IN THE PUBLIC DOMAIN

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Mining Act (R.S.Q., chapter M-13.1) is amended

(1) by replacing the words “an exploration licence” in the third line of the definition of “to prospect” by the words “a licence to explore for petroleum, natural gas and underground reservoirs, an authorization to produce brine”, and by replacing the words “, natural gas or brine” in that definition by the words “or natural gas”;

(2) by replacing the definition of “surface mineral substances” by the following definition :

“ **“surface mineral substances”** means peat ; sand including silica sand ; gravel ; limestone ; calcite ; dolomite ; common clay and argillaceous rocks used in the manufacture of clay products ; all types of rocks used as dimension stone, crushed stone or silica ore or in the making of cement ; and every mineral substance that is found in its natural state as a loose deposit, except the tilth, as well as inert mine tailings, where such substances and tailings are used for construction purposes, for the manufacture of construction materials, or for the improvement of soils ;”.

2. Section 8 of the said Act is amended

(1) by replacing the words “exploration licences for petroleum and natural gas” by the words “licences to explore for petroleum, natural gas and underground reservoirs”;

(2) by striking out the words “exploration licences for brine;” and “exploration licences for underground reservoirs;”;

(3) by replacing the words “leases to produce brine” by the words “authorizations to produce brine”.

3. Section 10 of the said Act is amended

(1) by replacing the words preceding the list of mining rights by the following :

“**10.** The following are exempt from registration at the registry office of the registration division:”;

(2) by replacing the words “exploration licences for petroleum and natural gas” by the words “licences to explore for petroleum, natural gas and underground reservoirs”;

(3) by striking out the words “exploration licences for brine;” and “licences to explore for underground reservoirs;”;

(4) by adding, at the end, the words “authorizations to produce brine”.

4. Section 12 of the said Act is repealed.

5. Section 14 of the said Act is replaced by the following section:

“**14.** Every transfer of a real and immovable mining right, and every other act to which paragraph 3 of section 13 applies, shall be registered in the public register of real and immovable mining rights on presentation of a copy of the instrument evidencing the transfer or act and on payment of the fees fixed by regulation.

No such transfer or act, whether or not it is exempt from registration at the registry office of the registration division, may have effect against the Crown unless it has been registered in the public register of real and immovable mining rights.”

6. Section 15 of the said Act is repealed.

7. Section 22 of the said Act is replaced by the following section:

“**22.** Any person, even a person not holding a prospecting licence, may designate on a map a parcel of land on which a claim may be obtained by a map designation.”

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

“**28.** Ground staking is prohibited on any parcel of land within the boundaries of a territory where claims may be obtained by map designation.

Map designation is prohibited in respect of any parcel of land within the boundaries of a territory where claims may be obtained by ground staking.

The boundaries shall be determined by the Minister and shown on maps kept at the office of the registrar in accordance with section 60.1.”

9. Section 29 of the said Act is amended by replacing the words “a mining concession or a mining lease or an application for a mining lease” in the second and third lines by the words “or any land that is subject to a mining

concession, a mining lease, an application for a mining lease or an application for a conversion of mining rights under subdivision 5 of Division III of this chapter”.

10. Section 31 of the said Act is repealed.

11. Section 32 of the said Act is amended

(1) by striking out the words “or designate on a map” in the second line ;

(2) by striking out paragraph 3 ;

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

“(4) reserved to the Crown by ministerial order pursuant to subparagraph 1 of the first paragraph of section 304;”.

12. Section 33 of the said Act is amended by replacing the words “, stake, or designate on a map” in the second line by the words “or stake”.

13. Section 34 of the said Act is amended

(1) by replacing the words “sections 72 to 81” in the second and third lines by the words “the provisions of this Act”;

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

“The Minister may also, in the public interest, impose such conditions and requirements on the claim holder during the term of the claim, alter existing conditions and requirements or impose new conditions and requirements.”

14. Section 35 of the said Act is amended by striking out the words “or designate on a map” in the first line.

15. Section 36 of the said Act is amended by replacing the words “registered in favour of a third person” in the second line of the first paragraph by the words “obtained by staking and registered in favour of a third person, except if the claim has already been converted into a map designated claim or if an application for conversion has been made.”

16. Section 37 of the said Act is repealed.

17. Section 38 of the said Act is amended

(1) by replacing the words “dont l’enregistrement a été refusé” in the second line of the first paragraph of the French text by the words “dont l’inscription a été refusée”, and by replacing the word “enregistrement” in the fifth line of the French text of the said paragraph by the word “inscription”;

(2) by replacing the words “receipt by the registrar of the written notice of abandonment” in the fifth and sixth lines of the first paragraph by the words “registration of the abandonment by the registrar”;

(3) by replacing the word “enregistrement” in the third line of the second paragraph of the French text by the word “inscription”;

(4) by replacing the word “enregistrement” in the first line of the last paragraph of the French text by the word “inscription”.

18. Section 41 of the said Act is repealed.

19. Section 42 of the said Act is amended

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

“42. The area of each parcel of land staked shall, as nearly as practicable, be 16 hectares and its sides shall be 400 metres in length, with boundary lines running as nearly as possible north and south and east and west astronomically.”;

(2) by replacing the words “or map designation may be staked or designated on a map” in the fourth line of the second paragraph by the words “may be staked”;

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

“The area and shape of a parcel of land that may be the subject of a claim by way of map designation shall be determined by the Minister and shown on the maps kept at the office of the registrar.”

20. The said Act is amended by inserting, after section 42, the following sections:

“42.1. Every claim obtained by map designation or by conversion of a mining right into a map designated claim pursuant to subdivision 5 of this division must cover the entire area of a parcel of land determined by the Minister and shown on the maps kept at the office of the registrar or, where applicable, only the area of the parcel of land that is open to map designation in accordance with this Act.

However, where a map designated claim has been obtained by the conversion of a mining right, the claim holder may, within 60 days from the date of issue of the certificate of registration of the claim, refuse the inclusion of any part of the parcel of land subject to the claim that exceeds the area subject to the converted mining right if the inclusion of the excess portion would impose new requirements on the claim holder by reason of the application of section 231.

“42.2. Where it has not been possible to extend a claim obtained by map designation or by conversion of a mining right to cover the total area of a parcel of land as shown on the maps, the area of land subject to the claim must, as soon as possible, be extended so as to include an area corresponding to the total area of a parcel of land shown on the maps provided that the included area is open to map designation in accordance with this Act.

Where parts of a parcel of land shown on the maps are subject to more than one claim, the Minister shall extend one such claim, as determined by a drawing of lots, to include the excess portion of the parcel of land, provided that the included area is contiguous and is open to map designation in accordance with this Act.

However, the holder of the claim extended to include the excess portion of land may, within 60 days from the date of issue of the notice of extension, refuse the extension if it would impose new obligations on the claim holder by reason of the application of section 231.

“42.3. No extension of the area of the parcel of land subject to a claim, pursuant to section 42.2, shall have the effect of increasing the cost of the work to be performed in respect of the claim for the term during which the extension is effected.

“42.4. Any decision concerning the application of sections 42.1 and 42.2 may be made by the Minister, including a decision concerning the rules relating to the area of the parcel of land subject to a claim obtained by map designation or by conversion of a mining right, and the Minister may order, where necessary for the application of the said provisions, a survey of the parcels of land concerned.”

21. Section 43 of the said Act is repealed.

22. Section 44 of the said Act is amended by striking out the words “referred to in section 42” in the first line.

23. Section 46 of the said Act is amended

(1) by replacing the word “déposé” in the second line of the first paragraph of the French text by the word “présenté”, and by replacing the word “enregistré” in the fourth line of the first paragraph of the French text by the word “inscrit”;

(2) by striking out the second paragraph.

24. Section 47 of the said Act is replaced by the following section :

“47. A map designated claim is acquired by the filing of a notice of map designation followed by its registration at the office of the registrar.

A notice of map designation may also be filed in person at a regional office designated by ministerial order. The notice shall then be forwarded to the office of the registrar for registration.”

25. Section 48 of the said Act, amended by section 353 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing the words “prescribed by regulation, contain the information required therein” in the first and second lines by the words “supplied by the Minister, contain the information determined by regulation”;

(2) by striking out the words “or the limits of the mining sites referred to in paragraph 3 of section 32” in the third and fourth lines of paragraph 2.

26. Section 49 of the said Act is amended

(1) by replacing the words “prescribed by regulation, contain the information required therein” in the first and second lines by the words “supplied by the Minister, contain the information determined by regulation”;

(2) by replacing the second sentence by the following sentence: “The notice of map designation must be accompanied with a statement signed by the applicant to the effect that the information furnished is accurate.”

27. Section 50 of the said Act is amended

(1) by replacing the words “déposer, avant l’enregistrement” in the first line of the French text by the words “présenter, avant l’inscription”;

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

“The registrar shall, on finding a manifest error in a notice of staking or notice of map designation and before registering the claim, send the applicant a notice describing the error to be corrected. If the applicant fails to file an amended notice of staking or notice of map designation within 15 days of receiving the notice requesting that a correction be made, the registrar shall refuse the notice of staking or notice of map designation filed by the applicant.”

28. Section 51 of the said Act is amended

(1) by striking out the figure “31,” in the second line of paragraph 2;

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

“(3) where the notice relates to a parcel of land that has been staked in contravention of section 29, 30, 35 or 38 or the second paragraph of section 40;”;

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

“The registrar shall also refuse a notice of staking that relates to a parcel of land that has been staked in contravention of the first paragraph of section 28 except if, less than six months before the staking, the land staked formed part of the territory in which claims could be obtained by staking. However, in that case, the notice of staking shall be deemed to be a notice of map designation for the purposes of this Act.”

29. Section 52 of the said Act is amended

(1) by replacing the word “enregistré” in the first line of paragraph 1 of the French text by the word “inscrit”;

(2) by striking out paragraph 2;

(3) by replacing the words “, 35, 37, 38, 41 or 42” in the second line of paragraph 3 by the words “or 38”;

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

“The registrar shall forward, to the Minister, every notice of map designation that relates to a parcel of land

(1) from which mineral substances referred to in section 5 have been, or are being, extracted, except sand or gravel;

(2) for which authorization from the Minister would be required under section 32 or 33 were the parcel of land a parcel of land open for staking.

The Minister may refuse the notice of map designation or, where considered necessary by the Minister, accept it subject to the conditions and requirements imposed by the Minister that may, in particular and notwithstanding the provisions of this Act, concern work to be performed on the parcel of land that will be subject to the claim.

The Minister may also, in the public interest, impose such conditions and requirements on the claim holder during the term of the claim, alter existing conditions and requirements or impose new conditions and requirements.”

30. Section 56 of the said Act is amended

(1) by replacing the words “certificat d’enregistrement” in the second and third lines of the first paragraph of the French text by the words “certificat d’inscription”;

(2) by replacing the words “certificat d’enregistrement attestant l’existence du claim à compter de la date du dépôt de cet avis” in the second and third lines of the second paragraph of the French text by the words “certificat d’inscription attestant l’existence du claim à compter de la date de la présentation de cet avis”.

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

“**60.1.** The Minister shall determine the boundaries of the territories in which claims may be obtained by staking and the boundaries of the territories in which claims may be obtained by map designation, and indicate them on maps kept at the office of the registrar. The Minister shall, from time to time, modify the boundaries of the territories as and when claims obtained by staking are converted into map designated claims, are not renewed, or are abandoned or revoked.

The notice of modification, accompanied with the map showing the new boundaries of the territories, must be filed and kept at the office of the registrar, and a copy of the notice must be posted in a conspicuous place at the office of the registrar.

The modification shall take effect on the date on which the notice of modification is filed at the office of the registrar. However, no such modification may affect the right of a person having staked a parcel of land before the date of filing of the notice to file a notice of staking for registration within the required time. In such a case, a corresponding modification shall be made to the map accompanying the notice of modification, except if the person agrees to a conversion into a map designated claim.”

32. Section 61 of the said Act is amended

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

“**61.** Subject to the special rules set out in the first paragraph of section 83.3 for the conversion of mining rights into map designated claims following an application under section 83.2 or 83.6, the first term of a claim shall expire two years from the day the claim is registered, except where the date of expiry of a claim is changed following an application made under subdivision 6 of this division for the determination of a common claim expiry date or for the reduction of the term of a claim.”;

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

“(1) has applied for the renewal of the claim before its date of expiry or, on payment of the extra amount fixed by regulation, within the 15 days following its date of expiry. An application for renewal must be filed using the form supplied by the Minister and must contain the information determined by regulation;”;

(3) by replacing the word “enregistré” in the first line of the third paragraph of the French text by the word “inscrit”.

33. Section 63 of the said Act is amended

(1) by replacing the words “certain conditions” in the first line by the words “the conditions determined by the Minister”;

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

“(1) during such time as the validity of the claim is contested;”.

34. Section 64 of the said Act is replaced by the following section:

“**64.** The holder of a claim has the exclusive right to explore for mineral substances on the parcel of land subject to the claim, with the exception of

(1) petroleum, natural gas and brine;

(2) sand other than silica sand used for industrial purposes, gravel, common clay used in the manufacture of clay products and every other mineral substance found in its natural state as a loose deposit, as well as inert mine tailings used for construction purposes;

(3) on any part of the parcel of land that is also subject to an exploration licence for surface mineral substances or an exclusive lease to mine surface mineral substances, every other surface mineral substance.”

35. Section 66 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**66.** The claim holder may not erect or maintain any construction on lands of the public domain without first obtaining authorization from the Minister, except if the construction is located on the parcel of land subject to the claim and is a construction of a type defined by a ministerial order made under subparagraph 2.1 of the first paragraph of section 304.”

36. Section 69 of the said Act is amended by replacing the words “a greater quantity is required” in the first line of the second paragraph by the words “it is necessary to extract or dispatch a greater quantity of mineral substances, other than surface mineral substances,” and by inserting the word “such” after the word “of” in the second line of the second paragraph.

37. Section 72 of the said Act is amended by replacing the words “beyond one-fourth of that minimum cost” in the fifth and sixth lines of the first paragraph by the words “unless the work is performed within 48 months following the date on which the claim was registered”.

38. Section 73 of the said Act is replaced by the following section:

“**73.** Where the work to be performed by the holder of a claim has not been performed or reported within the time prescribed or where the work performed, on the expiry of the time prescribed, is not sufficient for the renewal of the claim, the claim holder may pay the Minister an amount equal

to the minimum cost of the work that should have been performed or reported or, where applicable, equal to the difference between that minimum cost and the cost of the work performed on the land and reported.”

39. Section 76 of the said Act is amended by replacing the words “if he does so sixty days or more before” in the first line of the first paragraph by “not later than fifteen days after the date of”.

40. Section 77 of the said Act is amended by replacing the first paragraph by the following paragraph :

“**77.** A claim holder who is also the holder of a mining lease or mining concession may, not later than fifteen days after the date of expiry of the claim to be renewed, apply all or part of the amounts spent to perform work in respect of the lease or concession to the claim to be renewed, provided that the total of all such amounts does not exceed one-fourth of the minimum cost of the work to be performed for the renewal of the claim and provided that the work was performed during the term of the claim and that all the land that is subject to the claim, lease or concession is included in a 3.2 kilometre square.”

41. Section 80 of the said Act is replaced by the following section :

“**80.** The work performed in respect of a claim during the 24 months preceding the current term may, in a report, be applied to the current term of the claim.

However, where a claim obtained by staking is converted into one or more map designated claims following an application under section 83.2, only the work performed in respect of the claim during the 24 months preceding the date of conversion may be applied, in a report, to the term of the claim that follows the conversion.”

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

“**81.** All geological, geophysical or geochemical surveys and prospecting work defined by regulation, performed in the territory comprising the parcel of land that is subject to a claim during the 24 months preceding the date of staking or filing of the notice of map designation may, in a report, be applied to the first term of a claim.

However, where a claim obtained by staking is, during its first term, converted into one or more map designated claims following an application under section 83.2, the 24-month period shall be calculated with reference to the date of conversion, and the surveys and work referred to in the first paragraph may be applied, in a report, to the term immediately following the conversion.”

43. Section 83 of the said Act is amended by adding, at the end, the following sentence: “The claim is deemed to be abandoned on the day on which the registrar registers the abandonment in the public register of real and immovable mining rights.”

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

“§5. — *Conversion of mining rights into map designated claims*

“83.1. Except with respect to a claim held on a parcel of land situated in Îles-de-la-Madeleine, the holder of a claim obtained by staking, held on a parcel of land staked in a lot of 500 hectares or less and situated in a township or seigniorie or in a block formerly subject to a mining lease or mining concession, may apply to the Minister for the conversion of the staked claim into a map designated claim.

The application for conversion must be filed using the form supplied by the Minister and contain the information prescribed by regulation.

The claim obtained by conversion shall replace the converted claim from the date of issue of the certificate of registration of the claim converted into a map designated claim. The map designated claim shall be deemed to exist from the same date as the converted claim; the unexpired portion of the term of the claim and the rights and obligations of the claim holder during the term of the claim shall remain unchanged.

“83.2. The holder of a claim obtained by staking with respect to a parcel of land situated in Îles-de-la-Madeleine or in any territory other than a territory referred to in section 83.1, may also apply to the Minister for the conversion of the staked claim into one or more map designated claims.

The application for conversion must be filed using the form supplied by the Minister, and contain the information and be accompanied with the documents determined by regulation.

The claims obtained by conversion shall replace the converted claims from the date of issue of the certificates of registration of the claims converted into map designated claims, and the date of registration of the converted claims is deemed to be the date of conversion.

The conversion of a claim applied for under this section is effected in accordance with sections 83.3 to 83.5.

“83.3. The date of expiry of the claims converted into map designated claims shall be the date of expiry of the converted claims. However, where an application for conversion concerns more than one claim held on contiguous parcels of land, the Minister shall fix the date of expiry of the claims converted

into map designated claims by calculating, in the manner prescribed by regulation, the average unexpired portion of the terms of all the claims to be converted.

The Minister shall also determine, for each of the parcels of land subject to the converted claims, the minimum cost of the work required for the first renewal of the claims following conversion by adding together the minimum cost of the work to be performed on all the parcels of land that are subject to the claims to be converted and by allocating the resulting total minimum cost among the converted claims in proportion to the respective area of each.

“83.4. The Minister shall allocate any excess amount disbursed for work performed on all the parcels of land subject to the claims to be converted among the resulting map designated claims, in the manner and subject to the conditions prescribed by regulation.

“83.5. In order to establish the minimum cost of the work required to renew the claims converted into map designated claims for every renewal except the first renewal following conversion, the Minister shall determine the number of terms of the converted claims in the manner prescribed by regulation.

“83.6. The holder of a licence to explore for surface mineral substances in a territory that is subject to no claim or mining exploration licence may apply to the Minister for the conversion of the licence into one or more map designated claims.

The application for conversion must be filed using the form supplied by the Minister, and must contain the information and be accompanied with the documents determined by regulation.

The claims obtained by conversion shall replace the licence from the date of issue of the certificates of registration of the claims.

The rules set out in sections 83.3 to 83.5 for the conversion of claims obtained by staking with respect to parcels of land situated in a territory referred to in section 83.2, adapted as required, apply to conversions under this section.

“83.7. The holder of a licence to explore for surface mineral substances that relates to a territory all or part of which is also subject to a claim or mining exploration licence held by the same holder may, in accordance with section 139, abandon the rights held over the territory also subject to the claim or mining exploration licence and request that the excess amount disbursed for work performed on the territory subject to the licence to explore for surface mineral substances, or part of that excess amount, be applied to the terms for which the claim is renewed or to subsequent terms of the mining exploration licence.

Where all or part of the territory subject to the licence to explore for surface mineral substances is also subject to more than one claim or more than one mining exploration licence, the excess amount disbursed or the part of that excess amount shall be apportioned among them in proportion to their respective area.

Upon the abandonment of the rights held by the holder of the licence to explore for surface mineral substances over the part of the territory that is also subject to a claim or mining exploration licence, any licence to explore for surface mineral substances over the remaining part of the territory that is subject to no claim or mining exploration licence may be converted on application into one or more map designated claims in accordance with section 83.6.

“83.8. No licence to explore for surface mineral substances over a parcel of land all or part of which is also subject to a claim or mining exploration licence held by a third person may be converted.

“§6. — Determination of common claim expiry date and reduction of term

“83.9. A claim holder may apply to the Minister for the determination of a common expiry date in respect of the claims specified by the claim holder.

An application for the determination of a common expiry date must be made using the form supplied by the Minister and must contain the information and be accompanied with the fees fixed by regulation.

Only one application may be filed in respect of a given claim during a given term.

“83.10. The common date of expiry of the claims concerned is determined by calculating, in the manner prescribed by regulation, the average unexpired portion of the terms of all the claims concerned by the application.

“83.11. The claim holder may, in an application for the determination of a common expiry date, request that the Minister determine a date prior to the date calculated pursuant to section 83.10 as the new date of expiry of the claims concerned by the application.

“83.12. A claim holder may, at any time, apply to the Minister for the reduction of the term of a claim.

An application for the reduction of a term must be made using the form supplied by the Minister and must contain the information and be accompanied with the fees fixed by regulation.

“83.13. The determination of a common expiry date or the reduction of a term obtained following an application under this subdivision shall not affect the rights and obligations of the holder of the claims concerned by the application.”

45. Section 84 of the said Act is replaced by the following sections :

“84. This division applies to mining exploration licences issued before *(insert here the date of coming into force of section 45 of chapter 24 of the statutes of 1998)*.

Beginning on that date, no mining exploration licence may be issued for exploration in land situated to the north of the fifty-second degree of latitude.

“84.1. The holder of a mining exploration licence has an exclusive right to explore for mineral substances in the territory for which the licence is issued, with the exception of

(1) petroleum, natural gas and brine ;

(2) sand other than silica sand used for industrial purposes, gravel, common clay used in the manufacture of clay products and every other mineral substance found in its natural state as a loose deposit, as well as inert mine tailings used for construction purposes ;

(3) in the part of the territory also subject to a licence to explore for surface mineral substances or an exclusive right to mine surface mineral substances, every other surface mineral substance.”

46. Sections 85 to 89 of the said Act are repealed.

47. Section 91 of the said Act is amended by replacing the second paragraph by the following paragraph :

“The licensee shall also comply with any other condition imposed by the Minister, upon the issue of the licence, pursuant to section 34 or in the public interest.”

48. The said Act is amended by inserting, after section 92, the following section :

“92.1. A licensee who, pursuant to section 92, obtains one or more claims covering the whole territory for which the licence was issued may, on filing a notice of map designation, request that the excess amount disbursed for work performed in the territory for which the licence was issued be applied to the renewed terms of the claims, and that it be allocated to the claims in the manner and subject to the conditions prescribed by regulation.”

49. Section 101 of the said Act is amended by inserting the words “, unless it has already been entirely surveyed,” after the word “involved” in the second line of the second paragraph.

50. The said Act is amended by inserting, after section 101, the following section:

“101.1. Notwithstanding the first paragraph of section 101, the Minister may, if part of the parcel of land concerned by the application for a mining lease is already subject to an exclusive lease to mine surface mineral substances, postpone the granting of the mining lease until the applicant has obtained the consent of the holder of the exclusive lease to exercise, should the lease be granted, a right of access to or the right to perform mining operations on the land concerned or, failing agreement as to the amount of compensation to be paid to the holder of the exclusive lease, until an application for the fixing of compensation has been filed with the competent court. An application for the fixing of compensation is introduced by motion; it is heard and decided by preference.

The Minister may refuse to grant the mining lease if the applicant, six months after a decision by the Minister to postpone the granting of the lease, has not obtained the consent of the holder of the exclusive lease or has not filed an application for the fixing of compensation with the competent court.”

51. Section 104 of the said Act is amended by inserting the words “, by mere notice,” after the word “lease” in the first line of the second paragraph.

52. Sections 112 and 113 of the said Act are repealed.

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

“114. All lots subject to a mining concession that have been alienated in accordance with the Mining Act as it read on the date on which the alienation was authorized, and all lots the transfer of which cannot be invalidated under section 361, shall be withdrawn from the mining concession and shall form part of the private domain from the date of alienation or transfer.”

54. Section 115 of the said Act is repealed.

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

“115.1. From 17 June 1998, all lands in the public domain that are subject to a mining concession shall be governed, in addition to the provisions of this Act, by the provisions of the Act respecting the lands in the public domain (chapter T-8.1) and the Act respecting the Ministère des Ressources naturelles (chapter M-25.2).

The first paragraph applies to lots the alienation of which was authorized but for which no instrument of alienation has been made and published at the registry office before the said date.

The concession holder is not entitled to any indemnity or reimbursement in respect of any claim arising from the application of this section.”

56. Section 123 of the said Act is amended

(1) by replacing the word “enregistrer” in the third line of the first paragraph of the French text by the word “inscrire”;

(2) by replacing the words “Within thirty days from the expiry of the time prescribed in the first paragraph” in the first and second lines of the second paragraph by the word “Thereafter”;

(3) by striking out the third paragraph.

57. Section 126 of the said Act is amended

(1) by replacing the words “le régistrateur de la division d’enregistrement” in the first and second lines of the first paragraph of the French text by the words “l’officier de la publicité des droits de la circonscription foncière”;

(2) by replacing the words “enregistrées, avec renvoi au numéro d’enregistrement” in the second line of the second paragraph of the French text by the words “inscrites, avec renvoi au numéro d’inscription”.

58. Section 130 of the said Act is replaced by the following sections :

“**130.** This division applies to licences to explore for surface mineral substances issued before (*insert here the date of coming into force of section 58 of chapter 24 of the statutes of 1998*).

Beginning on that date, no licence to explore for surface mineral substances may be issued by the Minister.

“**130.1.** The holder of a licence to explore for surface mineral substances has an exclusive right to explore for surface mineral substances, except sand, other than silica sand used for industrial purposes, gravel, common clay and any other mineral substance found in its natural state in the form of a loose deposit, as well as inert mine tailings used for construction purposes, in the territory for which the licence is issued.”

59. Sections 131 to 133 of the said Act are repealed.

60. Section 135 of the said Act is replaced by the following section :

135. The licensee shall comply with the conditions of the licence prescribed by regulation and any other conditions imposed by the Minister, upon the issue of the licence, pursuant to section 34 or in the public interest, or because of the existence of other mining rights affecting the territory for which the licence is issued.”

61. Section 136 of the said Act is amended by replacing the words “65 to 67 and 69 to 71” in the second line by the words “65 to 67, the first paragraph of section 69 and sections 70 and 71”.

62. Section 140 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “Every person receiving such authorization must pay the duties and royalty fixed by regulation.”

63. Section 141 of the said Act is amended

(1) by inserting the words “every other mineral substance found in its natural state as a loose deposit, and” after the word “clay” in the third line of the first paragraph;

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

“The lease is exclusive where it is granted for the extraction or mining of silica sand used for industrial purposes or for surface mineral substances other than those mentioned in the first paragraph. The lease is also exclusive where it is granted for the extraction or mining of sand, gravel, common clay or a mineral substance found in its natural state as a loose deposit, if it is shown to the Minister’s satisfaction that a supply guarantee is necessary for the carrying on of an industrial activity, or a crushing activity to guarantee supplies for an industrial activity or to engage in commercial export outside Québec, or where the lease is applied for by the Crown for the construction or maintenance of a public highway or other Crown works.”

64. Section 142 of the said Act is amended by adding, at the end of the third paragraph, the following sentence: “Moreover, no exclusive lease shall be granted where the land concerned is subject to a claim or mining exploration licence held by a third person, except for the part of the land subject to a licence to explore for surface mineral substances held by the applicant, unless the lease applied for is only for the mining of a surface mineral substance referred to in paragraph 2 of section 64 or 84.1 that is excluded from the exclusive right to explore for mineral substances granted to the holder under the claim or mining exploration licence.”

65. The said Act is amended by inserting, after section 142, the following section:

142.1. No person may apply for an exclusive lease to mine surface mineral substances on a parcel of land that is subject to a claim the registration of which has been refused or to an abandoned, revoked, unrenewed or expired claim, before the lapse of the time fixed in the first paragraph of section 38.

However, in no case may the holder of the abandoned, revoked, unrenewed or expired claim or any person who had an interest therein, or any person whose application for the registration of a claim has been refused, apply for an exclusive lease to mine surface mineral substances, on his own behalf, on the parcel of land that was subject thereto before an additional thirty-day period.

Where the interested person withdraws an appeal relating to a refusal to register, a refusal to authorize work, a refusal to renew or a revocation, the period begins to run from the day a notice of discontinuance is filed in the office of the Court of Québec.

This section does not apply to an application for an exclusive lease to mine surface mineral substances on a parcel of land subject to a licence to explore for surface mineral substances held by the applicant, or to an application that concerns only the mining of a surface mineral substance referred to in paragraph 2 of section 64 that is excluded from the exclusive right to explore for mineral substances granted to the holder under the claim.”

66. Section 144 of the said Act is amended

(1) by replacing the words “paragraphs 1 and 4” in the second line of the first paragraph by the words “paragraphs 1, 4 and 5”;

(2) by adding, at the end of the first paragraph, the following sentence: “A lease may also be granted in respect of a parcel of land to the extent that it is open for map designation according to subparagraph 1 of the second paragraph of section 52 and subject to the conditions fixed pursuant to the third and fourth paragraphs of that section.”

67. Section 146 of the said Act is amended

(1) by replacing the word “industrial” in the third line of paragraph 1.1 by the word “an” and by replacing the words “or common clay” in the first line of that paragraph by “, common clay or a mineral substance found in its natural state as a loose deposit”;

(2) by inserting the words “paid the fees prescribed by regulation and” after the word “has” in the first line of paragraph 3.

68. Section 147 of the said Act is amended

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

“147. A non-exclusive lease is effective from the date the registrar issues a certificate of registration of the lease and ends on 31 March of the year following the year in which the certificate of registration is issued.”;

(2) by striking out the words “30 days or more” in subparagraph 1 of the second paragraph.

69. Section 148 of the said Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentences: “The term of an exclusive lease fixed by the Minister may not exceed ten years. The Minister shall fix the term of the lease on the basis of the anticipated duration of the activities to which the application for extraction or mining pertains.”;

(2) by inserting the words “, by mere notice,” after the word “lease” in the first line of the second paragraph;

(3) by replacing the words “or common clay” in the second line of the fourth paragraph by the words “, common clay or mineral substances found in their natural state as a loose deposit” and by striking out the word “industrial” in the sixth line of the fourth paragraph;

(4) by replacing the words “and common clay” in the second line of the fifth paragraph by the words “, common clay or mineral substances found in their natural state as a loose deposit” and by replacing the words “an industrial activity” in the third line of the fifth paragraph by the words “the activity to which the application for extraction or mining pertains”.

70. Section 155 of the said Act is replaced by the following section:

“155. On the dates fixed by regulation, the lessee shall transmit to the Minister a report indicating the quantity of surface mineral substances extracted and the quantity of those alienated. The report must be submitted with the royalty fixed by regulation, where applicable.

Notwithstanding the first paragraph, the Minister may, in the cases provided for by regulation, allow a lessee to transmit one yearly report on the date fixed by the Minister or require the holder of a non-exclusive lease to transmit monthly reports on the dates fixed by the Minister.

No royalties are payable on sand, gravel and stone extracted from a sand pit or quarry for the construction or maintenance, on lands in the public domain, of

(1) a mining road;

(2) a forest road within the meaning of the second paragraph of section 31 of the Forest Act (chapter F-4.1) by the beneficiary of a timber supply and forest management agreement holding a forest management permit issued under section 85 of that Act;

(3) a public highway constructed or maintained by the Crown, where the Crown holds a lease to mine surface mineral substances.”

71. Section 157 of the said Act is amended by striking out the word “, brine” in the second and third lines of the first paragraph and in the third line of the second paragraph.

72. Section 158 of the said Act is amended by replacing the word “prescribed” in the second line of the first paragraph by the words “and pays the fees prescribed”.

73. Section 160 of the said Act is amended by replacing the words “, natural gas or brine” in the first and second lines of the first paragraph by the words “or natural gas”.

74. Section 161 of the said Act is amended

(1) by replacing the word “prescribed” in the second line of the first paragraph by the words “and pays the fees prescribed”;

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

“The Minister shall refuse to issue a licence where the applicant is not already the holder of a licence to explore for petroleum, natural gas and underground reservoirs, a lease to produce petroleum and natural gas or a lease to operate an underground reservoir with respect to the land that is the subject of the licence application.”

75. Section 164 of the said Act is amended

(1) by replacing the words “, natural gas or brine” in the first line by the words “or natural gas”;

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

“(1) he applies therefor in writing to the Minister;”;

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

“(4) he has registered, in the registry office of the registration division concerned, a declaration of the existence and location of the closed well. The declaration shall be registered in the Register of real rights of State resource development and, where applicable, in the land register under the number of the lot affected by the well.”

76. The heading of Division XI of Chapter III of the said Act is replaced by the following heading :

“LICENCE TO EXPLORE FOR PETROLEUM, NATURAL GAS AND UNDERGROUND RESERVOIRS”.

77. Section 165 of the said Act is replaced by the following section:

“**165.** No person may explore for petroleum, natural gas or underground reservoirs without holding a licence to explore for petroleum, natural gas and underground reservoirs issued by the Minister.”

78. Section 166 of the said Act is replaced by the following section:

“**166.** Except in the cases provided for in section 166.1, the fifth paragraph of section 207 and section 289, the Minister shall issue a licence in respect of a given territory to any person who meets the requirements and pays the annual fee fixed by regulation.

However, the Minister shall refuse to issue a licence where the territory concerned

(1) is subject to a time limit under section 289;

(2) was subject, less than 60 days previously, to a licence to explore for petroleum, natural gas and underground reservoirs that expired or was abandoned, or to such a licence in respect of which a final decision has been made to refuse renewal;

(3) is subject to a licence to explore for petroleum, natural gas or underground reservoirs or to a lease to produce petroleum and natural gas held by a third person, or to an application for such a licence or lease;

(4) contains an underground reservoir that is subject to a lease to operate an underground reservoir held by a third person, or to an application for such a lease.”

79. The said Act is amended by inserting, after section 166, the following section:

“**166.1.** In a marine environment, within a zone delimited by ministerial order pursuant to subparagraph 1.2 of the first paragraph of section 304, a licence may only be issued following a call for tenders.

The Minister may, on his own initiative or at the request of any interested person, decide to make a call for tenders for all or part of such a zone.”

80. Section 167 of the said Act is repealed.

81. Section 169 of the said Act is amended

(1) by inserting, at the beginning of the second paragraph, the words “Except in the case provided for in section 169.1.”;

(2) by striking out the third paragraph.

82. The said Act is amended by inserting, after section 169, the following sections :

“169.1. The Minister may, during the fifth renewed term of a licence, authorize an extension of the term of the licence for the part of the territory covered by the licence that is recognized by the Minister as being the site of a significant find, where the licence holder shows, on the basis of sound evidence, the existence of petroleum, natural gas or an underground reservoir, as the case may be, able to be developed on an economic basis.

The application must be filed by the licence holder at least 60 days before the expiry of the fifth renewed term of the licence, and must be accompanied with a report, certified by an engineer, giving a detailed description of the nature and location of the evidence. The Minister may also require any other research or information that is considered necessary by the Minister.

Where the Minister grants authorization, the area of the territory covered by the licence that is recognized as a significant find shall be designated by the Minister, who shall also fix the term of the licence extension for that area and the amount of the duties payable. The Minister shall determine the conditions and requirements to which the licence extension is subordinated.

“169.2. The Minister may, on his own initiative or at the request of any interested person, suspend the term of the licence on the conditions he determines,

(1) for any period during which the validity of the licence is contested ;

(2) for any period fixed by the Minister, when the licence holder is prevented from performing the work prescribed by section 177 ;

(3) until the Minister has rendered a decision pursuant to section 169.1.”

83. Section 171 of the said Act is amended by replacing the words “an exploration licence for” in the third and fourth lines by the words “a lease to explore for petroleum, natural gas and”.

84. Section 173 of the said Act is amended by striking out the word “, brine” in the second line and the words “, as the case may be,” in the second and third lines.

85. Section 174 of the said Act is amended by striking out the words “for petroleum and natural gas or an exploration licence for brine” in the first and second lines and by replacing the words “, natural gas or brine” in the second and third lines by the words “or natural gas”.

86. Section 175 of the said Act is amended by striking out the words “for underground reservoirs” in the first line.

87. Section 176 of the said Act is amended

(1) by striking out the words “for petroleum and natural gas, an exploration licence for brine or an exploration licence for underground reservoirs” in the first, second and third lines of the first paragraph, and by replacing “, natural gas or brine” in the fourth line of the first paragraph by “or natural gas”;

(2) by striking out the words “for petroleum and natural gas, an exploration licence for brine or an exploration licence for underground reservoirs” in the third and fourth lines of the third paragraph;

(3) by striking out the last sentence of the third paragraph.

88. Section 177 of the said Act is amended by striking out the second paragraph.

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

“**180.** The holder of several exploration licences may, in his report, apply all or part of the amounts spent for work performed in a territory subject to a licence to his other exploration licences, in the proportion he determines, provided

(1) he informs the Minister thereof in writing;

(2) the territory in which the work was performed and the territory to which the amounts spent for the work are applied are located in part within a radius of 40 kilometres.”

90. Section 186 of the said Act is amended by striking out the word “, brine” in the fourth line of the second paragraph.

91. Section 190 of the said Act is amended by striking out the words “, a lease to produce brine” in the second line of the first paragraph.

92. The heading of Division XIII of Chapter III of the said Act is replaced by the following heading:

“LEASE TO PRODUCE PETROLEUM AND NATURAL GAS,
LEASE TO OPERATE AN UNDERGROUND RESERVOIR AND
AUTHORIZATION TO PRODUCE BRINE”.

93. Section 193 of the said Act is amended

(1) by striking out the words “, or brine,” in the first line and the words “, or lease to produce brine” in the third line;

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

“No person may produce brine without the prior authorization of the Minister.”

94. Section 194 of the said Act is amended by replacing the second and third paragraphs by the following paragraph :

“However, the Minister shall refuse to grant a lease to produce petroleum and natural gas or a lease to operate an underground reservoir where the parcel of land concerned

(1) is subject to a time limit or call for tenders under the fifth paragraph of section 207 or section 289 ;

(2) is subject to a licence to explore for petroleum, natural gas or underground reservoirs, or to a lease to produce petroleum and natural gas, held by a third person, or to an application for such a licence or lease ;

(3) contains an underground reservoir that is subject to a lease to operate an underground reservoir held by a third person, or to an application for such a lease.”

95. The said Act is amended by inserting, after section 194, the following sections :

“**194.1.** The Minister may authorize a person to produce brine for the period and subject to the conditions determined by the Minister and on payment of the annual duties fixed by regulation.

On land granted, alienated or leased by the Crown for purposes other than mining and on land subject to a mining right, such authorization shall be subject to the consent of the owner, lessee or holder of the mining right, as the case may be.

“**194.2.** The Minister may cancel an authorization to produce brine where a lease relating to the production of mineral substances or the operation of an underground reservoir on the land for which the authorization was granted is entered into by the Minister.

The holder of the lease shall, where applicable, pay compensation to the person whose authorization is cancelled, calculated on the basis of the investments made for brine production, as well as a lump sum payment equal to the difference between the average annual well head value for the period prior to cancellation and the average annual payment paid pursuant to section 204 during that period, multiplied by the number of years of operation lost by reason of the cancellation. Failing agreement concerning the amount of compensation, it shall be fixed by the court having jurisdiction. An application for the fixing of compensation is introduced by motion ; it is heard and decided by preference.”

96. Section 195 of the said Act is amended by striking out the words “or a lease to produce brine” in the second line of the first paragraph.

97. Section 198 of the said Act is amended by replacing the words “and natural gas or an exploration licence for brine” in the second line of the first paragraph by “, natural gas and underground reservoirs”.

98. Section 201 of the said Act is amended by striking out the words “or a lease to produce brine” in the fourth line.

99. Section 202 of the said Act is amended by striking out the words “or of a lease to produce brine” in the first and second lines of the first paragraph.

100. Section 203 of the said Act is amended by striking out the words “or a lease to produce brine” in the second line of the second paragraph.

101. Section 204 of the said Act is amended by replacing the words “a lease” in the second line of the first paragraph by the words “an authorization”.

102. Section 206 of the said Act is amended

(1) by striking out the words “or a lease to produce brine” in the third line ;

(2) by replacing the word “enregistré” in the second line of paragraph 1 of the French text by the word “inscrit”.

103. Section 207 of the said Act is replaced by the following sections :

“207. A staking notice, an application for a licence, a lease or an authorization under section 32, 33 or 194.1, a report, an application for exemption from the work required under this Act, or an application for the renewal or conversion of a mining right, is deemed to have been forwarded, filed or received on the date on which it is received at the office of the registrar or at a regional office designated by ministerial order. A notice of map designation is deemed to have been filed on the date on which it is received at the office of the registrar or, if it is filed in person at a regional office designated by ministerial order, on the date on which it is received at that office.

Where a parcel of land already subject to a licence to explore for surface mineral substances or to a claim obtained by staking registered in favour of a third person is staked on the same day as that on which an application for the conversion of mining rights is filed by the third person under subdivision 5 of Division III of this chapter, the parcel of land is deemed, for the purposes of section 29, to have been staked after the filing of the application for conversion.

Applications for a licence, a lease or an authorization under section 32, 33 or 194.1 are admitted according to the order in which they are received at the office of the registrar or a regional office designated by ministerial order.

Staking notices are admitted according to the date and time of the staking. Notices of map designation are admitted according to the order in which they are received at the office of the registrar or, if they are filed in person at a regional office designated by ministerial order, according to the order in which they are received at that office.

Applications for a licence, lease or authorization under section 32 or 33, where they relate to the same parcel of land and are received on the same day, shall be admitted in the order established by a drawing of lots. Every person who intends to take part in the drawing of lots must, beforehand, pay the duties fixed by regulation and comply with the conditions for participation prescribed by regulation.

However, applications for a licence or lease relating to petroleum, natural gas or underground reservoirs, and authorizations to produce brine, shall be admitted in the order established by a drawing of lots or a call for tenders, as decided by the Minister.

“207.1. Where a situation referred to in the first paragraph of section 38, the second paragraph of section 123 or the first paragraph of section 267 or 288 occurs, or where the Minister intends to revoke the withdrawal of land from staking, map designation, mining exploration or mining operation under subparagraph 1 of the first paragraph of section 304, the Minister may decide that the notices of map designation that relate to the same parcel of land and that are received on the first day on which a notice may be filed will be admitted according to the order established by a drawing of lots. The Minister’s decision must be made before the time limits provided for in the first paragraph of sections 38 and 123 have expired, before the date on which a revocation of mining rights pursuant to section 261 or a revocation of mining rights referred to in the first paragraph of section 288 becomes executory, or before the withdrawal of land is revoked, as the case may be.

The Minister may also, where a situation occurs that prevents the order of receipt of notices of map designation from being established in accordance with the third paragraph of section 207, decide that the notices of map designation whose order of receipt cannot be determined will be admitted according to the order established by a drawing of lots.

Every person who intends to take part in the drawing of lots must, beforehand, pay the duties fixed by regulation and comply with the conditions for participation prescribed by regulation.”

104. The said Act is amended by inserting, after section 213.2, the following section :

“213.3. The Minister may impose conditions and requirements in addition to, or that differ from, those provided for in this Act and the regulations thereunder in respect of a mining right relating to petroleum, natural gas or an underground reservoir situated in a zone in a marine environment delimited by ministerial order.”

105. Section 226 of the said Act is amended by inserting the words “at least ten days before the beginning of the suspension, transmit to the Minister a written notice informing the Minister of the suspension of operations and,” after the word “shall,” in the third line of the first paragraph.

106. Section 235 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “An application for the fixing of compensation is introduced by motion; it is heard and decided by preference.”

107. Section 236 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “An application for the fixing of compensation is introduced by motion; it is heard and decided by preference.”

108. Section 240 of the said Act is amended by replacing the word “Government” in the third line by the words “Minister or, where the project is subject to the environmental impact assessment and review procedure provided for in Division IV.1 of Chapter I of the Environment Quality Act (chapter Q-2), by the Government”.

109. Section 241 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: “The same applies to every holder of a mining right, owner of mineral substances or operator who intends to establish a mine tailings site”.

110. Section 260 of the said Act is repealed.

111. Section 262 of the said Act is amended by replacing the words “in section 260 or” in the second line of the first paragraph by the words “in section”.

112. Section 266 of the said Act is replaced by the following section:

“**266.** The revocation of mining rights in a mining concession does not affect any other right of ownership transferred to a third person under a deed of alienation referred to in section 361.”

113. Section 267 of the said Act is amended

(1) by replacing the word “enregistrement” in the fourth line of the first paragraph of the French text by the word “inscription”, and by replacing the words “and natural gas, an exploration licence for brine, a lease to produce petroleum and natural gas or a lease to produce brine” in the fourth, fifth and sixth lines of the first paragraph by the words “, natural gas and underground reservoirs or a lease to produce petroleum and natural gas”;

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

“Thereafter, a person whose rights have been revoked may also apply for the registration of a right referred to in the first paragraph in relation to all or part of the parcel of land subject to the revoked rights.”

114. Section 268 of the said Act is amended by replacing the figure “2%” in the first line of paragraph 2 by the figure “1/2%”.

115. Section 279 of the said Act is amended by striking out the word “, brine” in the second line.

116. Section 280 of the said Act, amended by section 355 of chapter 43 of the statutes of 1997, is replaced by the following section :

“**280.** The Minister may, on his own initiative or at the request of an interested person, revoke a claim obtained by staking, provided the claim has not been converted into a map designated claim,

(1) where the parcel of land concerned has not been staked as required by this Act;

(2) where the staking rules have not been complied with, and the claim is revoked before the end of the first year following the date of registration of the claim;

(3) where the provisions of either of the first two paragraphs of section 42 have not been complied with, unless the right has been registered for not less than one year in the register referred to in section 13 in the name of a subsequent purchaser in good faith.”

117. Section 281 of the said Act is amended

(1) by replacing the words “and natural gas, an exploration licence for brine or an exploration licence for underground reservoirs” in the first and second lines of paragraph 2 by the words “, natural gas and underground reservoirs”;

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

“(2.1) at any time, a mining right obtained or renewed by mistake;”;

(3) by replacing the word “enregistré” in the third line of paragraph 3 of the French text by the word “inscrit”.

118. Section 283 of the said Act is repealed.

119. Section 284 of the said Act, amended by section 357 of chapter 43 of the statutes of 1997, is again amended by adding, at the end, the following paragraph:

“The mailing of the notice of revocation shall interrupt the time limits provided for in sections 280 and 281.”

120. Section 285 of the said Act, amended by section 358 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing the words “the revocation of a mining right” in the first line of the first paragraph by the words “revocation under section 280”;

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

“The mailing of the application for revocation shall interrupt the time limits provided for in section 280.”

121. Section 287 of the said Act is replaced by the following section :

“**287.** The revocation of mining rights in a mining concession does not affect any other right of ownership transferred to a third person under a deed of alienation referred to in section 361.”

122. Section 288 of the said Act is amended

(1) by replacing the words “a mining exploration licence or a mining right relating to the seabed or surface mineral substances” in the fifth and sixth lines of the first paragraph by the words “a lease to mine surface mineral substances or a mining right relating to the seabed”;

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

“Thereafter, a person whose mining right has been revoked may also obtain, in accordance with this Act, a right referred to in the first paragraph in relation to all or part of the parcel of land subject to the revoked mining right.”

123. Section 289 of the said Act is amended by replacing the word “thirty” in the first line of the first paragraph by the figure “60”, and by striking out the word “, brine” in the second line of the first paragraph.

124. Section 291 of the said Act is replaced by the following section :

“**291.** Every decision rendered pursuant to section 42.4, 53, 58, 61, 62, 63, 74, 90, 97, 101, 101.1, 104, 120, 134 or 138, the second paragraph of section 141, section 147, 148, 169, 169.2, 179, 188, 194, 199, 230 or 231, the first paragraph of section 232.5, subparagraph 4 of the first paragraph of section 232.6, the first paragraph of section 232.7, 232.8 or 232.11, or section 234, 254, 278, 279, 280 or 281, must be in writing and give the reasons on which it is based. It shall be transmitted to the person concerned and, in the case of a decision rendered pursuant to section 42.4, to every holder of a mining right that may be affected by the decision, within fifteen days by registered or certified mail.”

125. Section 293 of the said Act is amended

(1) by replacing the word “enregistré” in the first line of the first paragraph of the French text by the word “inscrit”;

(2) by replacing the words “de l’enregistrement au bureau de la division d’enregistrement” in the fourth and fifth lines of the first paragraph of the French text by the words “de l’inscription au bureau de la publicité des droits de la circonscription foncière”.

126. Section 295 of the said Act is amended by adding, at the end, the following sentence: “Any holder of a mining right affected by a decision rendered pursuant to section 42.4 may also appeal therefrom to the Court of Québec.”

127. Section 304 of the said Act is amended

(1) by inserting the words “power transmission lines,” after the word “waterpower,” in the ninth line of subparagraph 1 of the first paragraph;

(2) by inserting, after subparagraph 1.1 of the first paragraph, the following subparagraph:

“(1.2) delimit the zones in a marine environment in which a mining right relating to petroleum, natural gas or underground reservoirs shall be subject to sections 166.1 and 213.3;”;

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

“(2.1) define, for lands of the public domain, the types of construction that may be erected or maintained by the holder of a claim on the land subject to the claim without being required to obtain authorization from the Minister;”;

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

“The Minister may allow, by order, on land reserved to the Crown, mining exploration or mining operations in accordance with this Act for such mineral substances as are determined by the Minister.”

128. Section 306 of the said Act, amended by section 359 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing the words “instrument respecting mining rights” in the second line of paragraph 1 by the words “act referred to in paragraph 3 of section 13”;

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

“(2.1) fix the amount of the annual fees payable for an authorization to produce brine;”;

(3) by replacing the words “prescribe the form and content of notices of staking and of” in the first line of paragraph 8 by the words “determine the information that must be contained in notices of staking and notices of”;

(4) by inserting, after paragraph 10, the following paragraph:

“(10.1) determine, for the purposes of the first paragraph of sections 72, 94, 119 and 137, what constitutes property examination and technical assessment work and, for the fixing of the fees referred to in paragraph 8 of this section that must accompany a map designation notice, define the word “person” as used in the first paragraph of section 307;”;

(5) by inserting the figure “61,” after the word “sections” in the second line of paragraph 11;

(6) by inserting, after paragraph 12, the following paragraphs:

“(12.1) define the prospecting work that may be applied, in a report, to the first term of a claim or the first term following conversion of a claim, in accordance with section 81;

“(12.2) determine the information that must be contained in an application for the conversion of mining rights referred to in subdivision 5 of Division III of Chapter III and specify, in the case of an application for conversion under section 83.2 or 83.6, the documents that must be submitted with it;

“(12.3) prescribe, for the purposes of applications for conversion under section 83.2 or 83.6, the manner of calculating the average unexpired portion of the terms of all the claims or exploration licences for surface mineral substances to be converted in order to determine the date of expiry of the claims converted into map designated claims;

“(12.4) prescribe, for the purposes of applications for conversion under section 83.2 or 83.6, the manner in which and the conditions according to which the excess amounts disbursed for work performed on all the parcels of land subject to the claims or exploration licences for surface mineral substances to be converted are to be distributed;

“(12.5) prescribe, for the purposes of applications for conversion under section 83.2 or 83.6, the manner of determining the number of terms of a claim in order to establish the minimum cost of the work to be performed for further renewals of claims converted into map designated claims after the first renewal following conversion;

“(12.6) determine the cases in which and conditions according to which a mining right may be converted into one or more map designated claims

pursuant to subdivision 5 of Division III of Chapter III, and the effects of conversion on rights granted to third persons evidenced in an instrument relating to the converted mining right registered in the public register of real and immovable mining rights ;

“(12.7) determine the information that must be included in an application for the determination of a common claim expiry date and an application for the reduction of the term of a claim, and fix the amount of the fees to be paid with the application ;

“(12.8) prescribe, for the purposes of an application for the determination of a common claim expiry date, the manner of calculating the average unexpired portion of the terms of the claims concerned by the application so as to determine the common expiry date ;

“(12.9) prescribe the manner in which and conditions according to which the excess amounts disbursed for work performed on the territory subject to a mining exploration licence are to be calculated, in the case referred to in section 92.1 ;” ;

(7) by inserting, after paragraph 13, the following paragraph :

“(13.1) fix the amount of the duties to be paid by a person authorized to extract a fixed quantity of surface mineral substances pursuant to the second paragraph of section 140, and the amount of the duties to be paid by the holder of an exclusive lease to mine surface mineral substances who applies under section 146 for an increase in the area of the territory subject to the lease ;” ;

(8) by replacing the words “the second paragraph of section 155 or 204” in the second line of paragraph 14 by the words “the second paragraph of section 140 or the first paragraph of section 155 or under the second paragraph of section 204” ;

(9) by inserting, after paragraph 14, the following paragraphs :

“(14.1) fix the dates on which the report referred to in section 155 must be transmitted to the Minister and prescribe the cases in which the Minister may, in accordance with the second paragraph of that section, allow one yearly report or require the holder of a non-exclusive lease to mine surface mineral substances to transmit monthly reports ;

“(14.2) prescribe the payment of an additional amount, that it fixes, to be added to royalties, payable by the holder of a lease to mine surface mineral substances or by an operator or a person referred to in section 223.1, in particular for a failure to forward to the Minister the report referred to in section 155 within the specified time, or for any other failure to fulfil the requirements of that section that it determines ;” ;

(10) by replacing the words “an exploration licence for petroleum and natural gas or of an exploration licence for brine” in the first and second lines of paragraph 17 by the words “a licence to explore for petroleum, natural gas and underground reservoirs”;

(11) by replacing the words “an exploration licence for” in the second and third lines of paragraph 18 by the words “a licence to explore for petroleum, natural gas and”;

(12) by replacing the words “section 207” in the second line of paragraph 21.1 by the words “sections 207 and 207.1, and prescribe the conditions to be complied with by a person who intends to take part in the drawing of lots”.

129. Section 307 of the said Act is amended

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

“307. In the case of a claim, the fees referred to in paragraphs 3 and 8 of section 306 may vary according to the area of land covered by the claim or according to the region where the land is situated. Moreover, the fees referred to in paragraph 3 of section 306 may vary according to whether the renewal of the claim is applied for before or after the sixtieth day preceding its expiry, and the fees referred to in paragraph 8 of that section which must accompany the notice of map designation may vary according to the number of claims that are map designated during the same day for the same person, whatever the number of notices of map designation presented by that person during that day.”;

(2) by inserting the words “, the regions where the land is situated” after “on which it is performed” in the second line of the second paragraph.

130. Section 309 of the said Act is amended

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

“In the case of an exclusive lease, the rental referred to in paragraphs 2 and 3 of section 306 may vary according to the term of the lease, the area of the parcel of land subject to the lease and the mineral substance mined, or according to whether or not the substance is mined on land forming part of the public domain.”;

(2) by inserting the words “, the fees referred to in paragraph 13.1 of section 306” after the words “section 306” in the second line of the second paragraph.

131. Section 310 of the said Act is amended

(1) by replacing the words “an exploration licence or a lease to produce petroleum, natural gas, or brine” in the first and second lines of the first

paragraph by the words “licence to explore for petroleum, natural gas and underground reservoirs or a lease to produce petroleum and natural gas”;

(2) by adding, at the end of the second paragraph, the following sentence: “In the case of section 204, the royalty may also vary according to whether it pertains to a zone delimited by ministerial order in a marine environment.”

132. Section 313 of the said Act is amended by replacing the words “an exploration licence for petroleum, natural gas, brine or an underground reservoir” in the first and second lines by the words “licence to explore for petroleum, natural gas and underground reservoirs”.

133. The said Act is amended by inserting, after section 313.2, the following section:

“313.3. The term and amount of the guarantee mentioned in paragraph 26.2 of section 306 may vary according to the nature of the activities or operations carried on by the holder of the mining right, the operator or person referred to in section 232.1, or according to the nature and estimated quantity of mine tailings to be produced on a given site.”

134. Section 349 of the said Act is amended by replacing the words “second and third paragraphs” in the third line of the first paragraph by the words “third paragraph”.

135. Section 361 of the said Act is amended

(1) by replacing the words “1 January 1971” in the first line of the first paragraph by the words “17 June 1998”;

(2) by replacing the words “division into lots” in the third and fourth lines of the first paragraph by the word “alienation”, and by replacing the words “a public officer” in the fifth line of the first paragraph by the words “the ministers concerned”;

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

“The first paragraph does not apply to a deed of alienation that has not, on that date, been published at the registry office of the registration division concerned.”

136. Section 362 of the said Act is amended by replacing the words “radiée sur dépôt d’une réquisition” in the fifth line of the second paragraph of the French text by the words “radiée sur présentation d’une réquisition”.

137. Section 363 of the said Act is amended by inserting the words “or a restriction as to use” after the word “repossession” in the third line.

138. The said Act is amended by inserting, after section 364, the following section:

“**364.1.** Except in the cases referred to in section 114, the retrocession of mining rights by a concessionary in favour of the Minister, effected before 17 June 1998, shall include the surface rights even if they are not mentioned in the instrument of retrocession, and shall form part of the public domain from the date of the retrocession.

The concessionary is not entitled to any indemnity or reimbursement for any claim arising from the application of this section.”

139. Section 374 of the said Act is replaced by the following section:

“**374.** All lands in the public domain that were allocated for the establishment of a mining town or village are subject to the provisions of the Act respecting the lands in the public domain (chapter T-8.1) and the Act respecting the Ministère des Ressources naturelles (chapter M-25.2).”

140. The said Act is amended by inserting, after section 374, the following sections:

“**374.1.** No deed of alienation granted by the Minister in respect of a lot situated in a mining town or village before 17 June 1998 may not be invalidated on the sole ground that the price and conditions of alienation were not fixed by the Government.

“**374.2.** Every transfer of a lot in a mining town or village by way of a lease known as an emphyteutic lease granted before 17 June 1998 by the Government or by a third person having acquired land in the public domain for the establishment of a mining town or village, is deemed to constitute a sale pure and simple.

The clauses of the contract that are incompatible with the first paragraph are deemed unwritten; all hypothecs guaranteeing the payment of a sum of money are extinguished and their registration may be cancelled by the filing of an application in notarial form and *en minute* by the interested person.

“**374.3.** The conditions stipulated in the letters patent issued on 10 November 1952 for block 9 of the original survey and of the cadastre for the township of Holland, registered at the office of the Québec registrar on 11 November 1952 under Libro 82 Folio 102 shall cease to have effect on 17 June 1998.

Acts of alienation granted by the holder of the letters patent or by the holder’s successors may not be invalidated on the sole ground that the conditions have not been complied with.”

141. Section 375 of the said Act is repealed.

142. Schedule I to the said Act is repealed.

143. The word “enregistrement”, wherever it occurs in the French text of the heading of subdivision 2 of Division III of Chapter III and in sections 54, 57, 60, 67, 70, 259, 306.1 and 355, is replaced by the word “inscription”.

144. The words “enregistrer”, “enregistré” and “enregistrées”, wherever they occur in the French text of sections 13, 78, 122, 124 and 156 of the French text, are replaced by the words “inscrire”, “inscrit” and “inscrites”, respectively.

145. The words “déposer” and “déposés”, wherever they occur in the French text of sections 53, 54 and 60 are replaced by the words “présenter” and “présentés”, respectively.

146. Section 35 of the Act respecting the lands in the public domain (R.S.Q., chapter T-8.1) is amended

(1) by striking out the words “, unless they are included in a mining concession” in the second and third lines of the first paragraph;

(2) by inserting the words “, a mining concession or an exclusive lease to mine surface mineral substances” after the word “lease” in the first line of the second paragraph, and by adding, at the end of the second paragraph, the words “, the mining concession or the exclusive lease to mine surface mineral substances”.

147. Section 48 of the said Act is amended

(1) by striking out the words “, unless they are included in a mining concession” in the second and third lines of the first paragraph;

(2) by inserting the words “, a mining concession or an exclusive lease to mine surface mineral substances” after the word “lease” in the first line of the second paragraph, and by adding, at the end of the second paragraph, the words “, the mining concession or the exclusive lease to mine surface mineral substances”.

TRANSITIONAL AND MISCELLANEOUS PROVISIONS

148. The requirements for renewal under section 77 of the Mining Act that are applicable to the first renewal of a claim to occur after (*insert here the date of coming into force of this section*) are the requirements contained in the provisions of that section as they read prior to that date, provided that the claim concerned by the application for renewal was obtained before that date.

149. A notice of staking or of map designation filed before (*insert here the date of coming into force of this section*) shall be continued and decided in accordance with the provisions of the Mining Act as they read before that date.

A notice of staking filed on or after (*insert here the date of coming into force of this section*) shall be decided in accordance with the provisions of the Mining Act applicable on the date of staking.

150. Notwithstanding section 84 of the Mining Act, enacted by section 45 of this Act, an application for a mining exploration licence made before (*insert here the date of coming into force of section 45 of this Act*) shall be continued and decided in accordance with the provisions of sections 85 to 88 and of the second paragraph of section 91 of the Mining Act as they read before that date.

151. Notwithstanding section 130 of the Mining Act, enacted by section 58 of this Act, an application for an exploration licence for surface mineral substances made before (*insert here the date of coming into force of section 58 of this Act*) shall be continued and decided in accordance with the provisions of sections 131 to 133 and 135 of the Mining Act as they read before that date.

152. In addition to the cases provided for in section 280 of the Mining Act, enacted by section 116 of this Act, the Minister may, on the Minister's own initiative or at the request of any interested person, revoke a claim obtained by staking before (*insert here the date of coming into force of section 116 of this Act*) that has not been converted into a map designated claim, where the provisions of section 41 of the Mining Act as they read before that date were not complied with, unless the right has been registered for not less than one year in the register referred to in section 13 of the Mining Act in the name of a subsequent purchaser in good faith.

153. No exploration licence for petroleum and natural gas, exploration licence for brine or exploration licence for underground reservoirs relating to a territory in a marine environment may be issued under section 166 of the Mining Act as it reads on 2 December 1997 in respect of an application filed on or after that date.

154. A licence to explore for petroleum, natural gas and underground reservoirs is deemed to be held under the provisions of the Mining Act introduced by this Act by

(1) the holder of an exploration licence for petroleum and natural gas issued under section 166 of the Mining Act as it read before (*insert here the date of coming into force of section 78 of this Act*);

(2) the holder of an exploration licence for underground reservoirs issued under section 166 of the Mining Act as it read before (*insert here the date of coming into force of section 78 of this Act*);

(3) the holder of an exploration licence for petroleum and natural gas and an exploration licence for underground reservoirs issued under section 166 of the Mining Act as it read before (*insert here the date of coming into force of*

section 78 of this Act) that cover the same territory. The term of the licence to explore for petroleum, natural gas and underground reservoirs shall be that of the most recently issued licence.

155. Every exploration licence for brine and every lease to produce brine shall expire on (*insert here the date occurring three months after the date of coming into force of section 93 of this Act*). However, the holder of such a licence or lease may obtain from the Minister during that period an authorization to produce brine pursuant to section 194.1 of the Mining Act, introduced by section 95 of this Act. In such a case, the second paragraph of that section 194.1 does not apply to the application.

156. Where, on (*insert here the date of coming into force of section 82 of this Act*), fewer than 60 days remain before the expiry of the fifth renewal of an exploration licence and the holder of the licence serves written notice on the Minister, before the licence expires, of the holder's intention to file an application pursuant to section 169.1 of the Mining Act, introduced by section 82 of this Act, that 60-day period shall begin on (*insert here the date of coming into force of section 82 of this Act*) and, where applicable, the term of the licence shall be suspended until the Minister has made a decision regarding the application.

157. The first regulation after passage of this Act that replaces or amends the Regulation respecting petroleum, natural gas, brine and underground reservoirs, approved by Order in Council 1539-88 (1988, G.O.2, 3724) is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

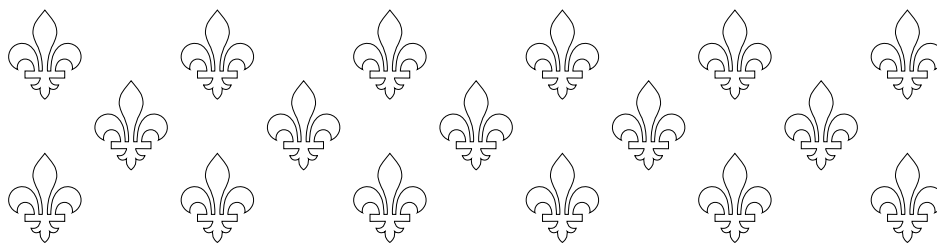
158. The Government may, by regulation, prescribe any other transitional provision that is not inconsistent with the provisions of this Act to ensure the carrying out of this Act.

A regulation made under this section is not subject to the publication requirements set out in section 8 of the Regulations Act. In addition, the regulation may, once published and where it so provides, apply from any date not prior to the date of coming into force of this section.

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

(1) the provisions of section 46, to the extent that they repeal section 89 of the Mining Act, which come into force on (*insert here the date occurring three years after the date of coming into force of section 46 of this Act*);

(2) the provisions of sections 52 to 55, 110 to 112, 121, 135, 137 to 141, 146, 147 and 153, which come into force on 17 June 1998.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 405
(1998, chapter 25)

An Act to provide for the protection of groundwater

Introduced 18 December 1997
Passage in principle 25 March 1998
Passage 17 June 1998
Assented to 17 June 1998

**Québec Official Publisher
1998**

EXPLANATORY NOTES

This bill provides that beginning on the date on which the bill is introduced in the National Assembly, no person will be authorized to establish facilities to extract groundwater all or part of which is to be marketed for human consumption in bottles or other containers, or to increase the rate of flow in facilities that extract groundwater, all or part of which is to be used for such purposes, above a certain rate of flow.

The bill also provides that such prohibition does not apply to projects to establish extraction facilities or to increase the rate of flow of existing facilities that were submitted to the Minister before the date of introduction of the bill and for which no authorization was issued up to that date.

Lastly, the bill provides that it is of temporary application ; the provisions contained in the bill will cease to have effect on the date fixed by the Government or on 1 January 1999 at the latest.

Bill 405

AN ACT TO PROVIDE FOR THE PROTECTION OF GROUNDWATER

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. No person may, from 18 December 1997,

(1) establish facilities to extract groundwater all or part of which is to be marketed for human consumption in bottles or other containers ;

(2) increase the rate of flow in existing facilities that extract groundwater, all or part of which is to be used for the purpose mentioned in subparagraph 1, to a rate of flow greater than the maximum rate of flow authorized pursuant to section 32 of the Environment Quality Act (R.S.Q., chapter Q-2), or failing such authorization, to a rate of flow greater than the peak rate of flow attained between 1 January 1997 and 18 December 1997.

The operator of extraction facilities referred to in subparagraph 2 who is not the holder of an authorization issued under section 32 of the Environment Quality Act shall, within 30 days after the coming into force of this Act, send to the Minister of the Environment and Wildlife a statement indicating the peak rate of flow attained in the operator's extraction facilities during the period referred to in subparagraph 2.

2. The prohibition set out in section 1 does not apply to

(1) projects to establish extraction facilities or to increase the rate of flow in existing facilities in respect of which, before 18 December 1997, an application was made for an authorization referred to in section 32 of the Environment Quality Act and for which, on that date, no decision had been made by the Minister of the Environment and Wildlife granting or refusing the authorization ; or

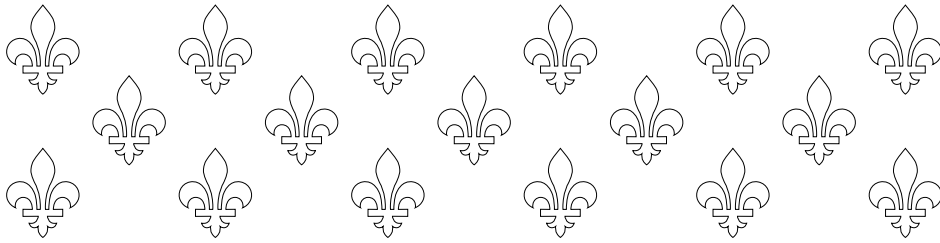
(2) projects to establish extraction facilities for which an authorization was granted before 18 December 1997 and which, on that date, had not been carried out.

3. Any person who contravenes the provisions of section 1 is liable to the fines prescribed in section 106 of the Environment Quality Act.

The provisions of the first paragraph of section 109.1.1 and sections 109.1.2, 109.2, 110, 110.1, 112, 114 and 115 of that Act apply.

4. This Act comes into force on 17 June 1998.

This Act ceases to have effect on the date to be fixed by the Government or, at the latest, on 1 January 1999.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 417
(1998, chapter 26)

An Act to extend the effect of certain provisions of the Act respecting the practice of midwifery within the framework of pilot projects

Introduced 2 April 1998
Passage in principle 22 April 1998
Passage 16 June 1998
Assented to 17 June 1998

Québec Official Publisher
1998

EXPLANATORY NOTE

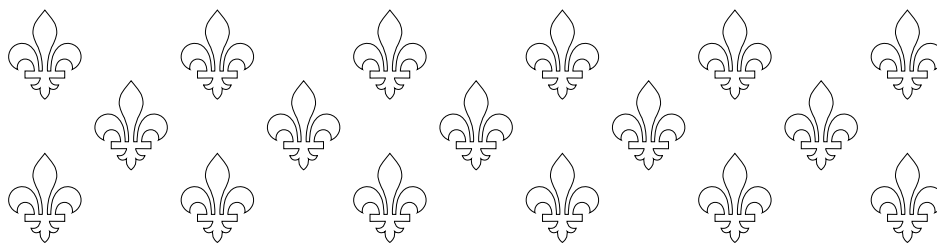
This bill extends the effect of certain provisions of the Act respecting the practice of midwifery within the framework of pilot projects in order to authorize the continuation of the practice of midwifery within the framework of approved pilot projects.

Bill 417

AN ACT TO EXTEND THE EFFECT OF CERTAIN PROVISIONS OF THE ACT RESPECTING THE PRACTICE OF MIDWIFERY WITHIN THE FRAMEWORK OF PILOT PROJECTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

- 1.** For the purpose of authorizing the continuation of the practice of midwifery within the framework of pilot projects already approved by the Minister of Health and Social Services, the provisions of sections 2, 5, 8 to 35, subparagraphs 3 and 4 of the first paragraph of section 36 and sections 37 to 39, 41 and 44 of the Act respecting the practice of midwifery within the framework of pilot projects (R.S.Q., chapter P-16.1) continue to be effective until 24 September 1999 or any date to be fixed by government order, which shall not be later than 24 December 1999.
- 2.** The term of the members of the committee on admission to the practice of midwifery and of the pilot project assessment board in progress on 24 September 1998 is extended until the date on which the provisions referred to in section 1 cease to be effective.
- 3.** This Act comes into force on 24 September 1998.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 419
(1998, chapter 27)

An Act to amend the Act to promote the parole of inmates

Introduced 14 May 1998
Passage in principle 3 June 1998
Passage 17 June 1998
Assented to 17 June 1998

**Québec Official Publisher
1998**

EXPLANATORY NOTES

The chief object of this bill is to harmonize the Act to promote the parole of inmates with recent federal legislation concerning sentence determination for offences under the Criminal Code or another federal statute. The bill proposes amendments concerning the calculation of sentences for parole purposes and adds a provision to allow parole to be granted in certain exceptional circumstances. In addition, it introduces the possibility of terminating parole for reasons beyond the control of the inmate that do not call into question the inmate's willingness to comply with the conditions of parole, modifies the definition of "inmate", and excludes, under certain conditions, persons found guilty of contempt of court in a civil or penal matter as well as young offenders within the meaning of the Young Offenders Act committed to custody pursuant to that Act from becoming eligible for parole.

The bill also introduces changes to the organization and operation of the Commission québécoise des libérations conditionnelles. More specifically, the bill proposes that a person other than a member of the commission be authorized to rule on a suspension of parole, that the members of the commission from a community be authorized to mitigate or lift a condition of parole, that the decision-making powers of the commission regarding the review process be broadened, and that the requirement that either the chairman or vice-chairman sit on a review committee be abolished.

Bill 419

AN ACT TO AMEND THE ACT TO PROMOTE THE PAROLE OF INMATES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Act to promote the parole of inmates (R.S.Q., chapter L-1.1) is amended by adding, at the end of paragraph *b*, the following: “, but not a young person within the meaning of the Young Offenders Act (Revised Statutes of Canada, 1985, chapter Y-1) who is committed to custody pursuant to that Act, or a person found guilty of contempt of court in a civil or penal matter where a condition of the sentence imposed requires that the person return before the court”.

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

“**3.1.** The chairman shall be responsible for the administration and general direction of the commission.

The functions of the chairman include coordinating and assigning the work of the members of the commission, defining the commission’s policies and ensuring that a high standard of quality and coherence is maintained in the commission’s decisions.

“**3.2.** The vice-chairman shall replace the chairman when the latter is absent or unable to act or, if the position of chairman is vacant, until a new chairman is appointed ; the vice-chairman shall, in such circumstances, exercise the functions and powers assigned to the chairman by this Act.”

3. Section 4 of the said Act is amended by replacing “two years” by “three years”.

4. Section 9 of the said Act is amended by inserting “other than the chairman” after “commission” in the first paragraph.

5. Section 14 of the said Act is replaced by the following :

“**14.** Documents or copies emanating from the commission or forming part of its records are authentic when signed by the chairman, the secretary or a member designated by the chairman.”

6. Section 19 of the said Act is amended

(1) by replacing, in the English text, the word “qualifies” in the first line by the words “becomes eligible”;

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

“(b) after serving one-half of the sentence of imprisonment imposed by the court or ten years, whichever is less, in the case of a sentence of imprisonment of two years or more, where the circumstances set out in section 743.6 of the Criminal Code apply ; or”.

7. The said Act is amended by inserting, after section 19, the following:

“**19.1.** An inmate who receives an additional sentence is not eligible for parole

(a) until the day on which the inmate has served any remaining period of ineligibility in relation to the sentence the inmate was serving and one-third of the additional sentence, commencing on the day on which the additional sentence is imposed, if it is consecutive and imposed under the Criminal Code or another federal statute ; or

(b) until the day on which the inmate has served one-third of the sentence that includes the additional sentence as provided in section 25, in other cases.

“**19.2.** The parole of an inmate who receives an additional sentence is suspended and cannot resume

(a) until the day on which the inmate has served one-third of the additional sentence, commencing on the day on which the additional sentence is imposed, if it is consecutive and imposed under the Criminal Code or another federal statute ; or

(b) until the day on which the inmate has served one-third of the sentence that includes the additional sentence as provided in section 25, in other cases.

However, parole cannot resume if the commission or a designated person has ordered a suspension of parole pursuant to section 26.

“**19.3.** Notwithstanding sections 19, 19.1 and 19.2, parole may be granted to an inmate

(a) who is terminally ill ;

(b) whose physical or mental health is likely to suffer serious damage if the inmate continues to be held in confinement ;

(c) for whom continued confinement would constitute an excessive hardship that was not reasonably foreseeable at the time the inmate was sentenced; or

(d) who is the subject of an order to be surrendered under the Extradition Act (Revised Statutes of Canada, 1985, chapter E-23) or the Fugitive Offenders Act (Revised Statutes of Canada, 1985, chapter F-32) and to be detained until surrendered.”

8. Section 20 of the said Act is amended

(1) by replacing the first sentence of the second paragraph by the following :
“The commission may, upon application and in the light of new facts, re-examine the case of an inmate whose parole has previously been refused, terminated or revoked.”;

(2) by replacing “examine” in the second sentence of the second paragraph by “re-examine”;

(3) by replacing “the decision to refuse or to revoke parole” in the second sentence of the second paragraph by “a decision to refuse, terminate or revoke parole”.

9. The said Act is amended by inserting, after section 20, the following :

“20.1. The commission is not required to examine the case of an inmate who, at the time fixed for a hearing under section 20, is unlawfully at large, stands accused, is serving a sentence under the Young Offenders Act or is the subject of an immigration inquiry. If the inmate is unlawfully at large, however, the commission must examine the case as soon as possible after being informed of the inmate’s return to custody.”

10. Section 25 of the said Act is amended by replacing “last of them” by “the last of the sentences to be served”.

11. The heading of subdivision 2 of Chapter III of the said Act is amended by inserting “, *termination*” after “*Suspension*”.

12. Section 26 of the said Act is amended by inserting “or for any valid ground put forward by the inmate,” after “contravention,” in the first paragraph.

13. The said Act is amended by inserting, after section 26, the following :

“26.1. The person who has issued a warrant under section 26 or, after consulting the commission, any person designated by the commission in writing may, once the inmate has been recommitted to custody and the case has been examined, cancel the suspension or refer the record to the commission.”

14. Section 28 of the said Act is amended by replacing “or order his commitment, or release him” by “, order that the inmate’s parole be terminated if it was suspended by reason of circumstances beyond the control of the inmate and order the commitment of the inmate, or release the inmate”.

15. The said Act is amended by inserting, after section 30, the following :

“**30.1.** An inmate whose parole has been terminated must complete the portion of the term of imprisonment that remained to be served at the time parole was granted, less

(a) any remission time credited at the time parole was granted ;

(b) any time spent on parole ;

(c) any time spent in custody by reason of the suspension of the inmate’s parole ; and

(d) any remission time for the period spent in custody by reason of such suspension.

“**30.2.** Where the suspension of an inmate’s parole is cancelled, the inmate is deemed to have continued serving the sentence during the period beginning on the date of the suspension and ending on the date on which the suspension was cancelled.”

16. Section 34 of the said Act is amended by inserting “, to terminate” after “refuse”.

17. Section 35 of the said Act is amended by replacing “members” by “full-time members”.

18. Section 36 of the said Act is repealed.

19. Section 37 of the said Act is replaced by the following :

“**37.** The commission, after examining the record, may

(a) affirm, cancel or vary the decision under review ;

(b) refer the case for re-examination under section 20 and, pending the re-examination, order the continuation of the decision under review.”

20. Section 38 of the said Act is amended

(1) by striking out “full-time” ;

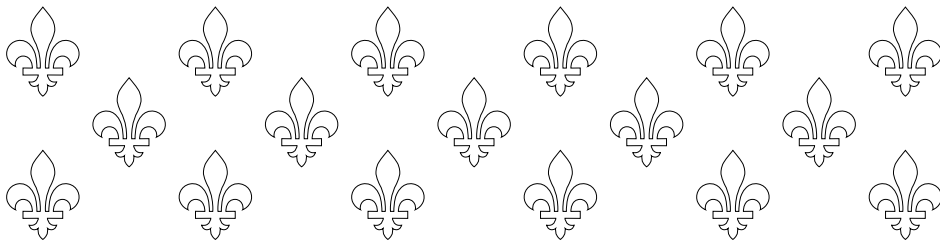
(2) by adding, at the end, the following :

“A member of the commission or, after consulting the commission, a person designated in writing by the commission may, in addition, reinforce or add to the conditions.

No decision under the second paragraph may be made without giving the inmate an opportunity to present observations.”

21. Section 49 of the said Act is amended by replacing, in the English text, the word “qualifies” in subparagraph *b* of the first paragraph by the words “becomes eligible”.

22. This Act comes into force on 17 June 1998, except section 13 which comes into force on the date to be fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 420
(1998, chapter 28)

**An Act to amend the Act respecting
correctional services and other
legislative provisions**

**Introduced 14 May 1998
Passage in principle 3 June 1998
Passage 17 June 1998
Assented to 17 June 1998**

**Québec Official Publisher
1998**

EXPLANATORY NOTE

The main object of this bill is to harmonize the Act respecting correctional services with the new federal provisions relating to the determination of penalties for offences under the Criminal Code or another federal Act. In addition, the bill proposes to offer the same protection, rights and exemptions to a person who performs community work, whether under a probation order or a suspension order. Lastly, the bill recognizes non-profit community resources engaged in the social rehabilitation of criminal offenders as partners of the correctional services.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3);
- Act respecting correctional services (R.S.Q., chapter S-4.01).

Bill 420

AN ACT TO AMEND THE ACT RESPECTING CORRECTIONAL SERVICES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Act respecting correctional services (R.S.Q., chapter S-4.01) is amended by inserting, after section 4, the following :

“**4.1.** The Minister shall recognize non-profit community resources engaged in the social rehabilitation of criminal offenders as partners of the correctional services.”

2. Section 9 of the said Act is amended by replacing “community work” by “community service”.

3. Section 12.1 of the said Act is amended

(1) by replacing “an order for community work” in the portion before paragraph *a* by “an order involving the performance of hours of community service”;

(2) by replacing “for community work” in paragraph *a* by “involving the performance of hours of community service”;

(3) by replacing “consents to work without remuneration, under the supervision of a probation officer, for a community resource” in paragraph *b* by “agrees to perform, without remuneration and under the supervision of a probation officer, community service with a community resource”;

(4) by replacing “for community work” in paragraph *c* by “involving the performance of hours of community service”;

(5) by replacing “contemplated for community work” in paragraph *d* by “concerned for community service”;

(6) by replacing “to be worked” and “limit for carrying out the work” in paragraph *e* by “of community service to be performed” and “within which the hours of community service are to be performed”;

(7) by replacing “mode of execution of the community work proposed to him” in paragraph *f* by “conditions established for the performance of the hours of community service”.

4. Section 12.2 of the said Act is amended by replacing “the order for community work” by “an order involving the performance of hours of community service”.

5. Section 12.3 of the said Act is amended by replacing “for community work” by “involving the performance of hours of community service”.

6. Section 19.6.1 of the said Act is amended by replacing “executes a probation order involving community work” in subparagraph 2 of the first paragraph by “performs hours of community service under a probation order or a suspension order”.

7. Section 19.7 of the said Act is amended by replacing paragraph 3 by the following :

“(3) hours of community service under a probation order or a suspension order.”

8. Section 22.2 of the said Act is amended by replacing “having served one-third of such term” in the third paragraph by “becoming eligible for parole”.

9. Section 22.5 of the said Act is amended

(1) by replacing “fifteen” by “60”;

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

“A period of absence may, after re-examination of the record, be extended by one or more periods of not more than 60 days.”

10. Section 22.16 of the said Act is amended by replacing “of them” in the last line by “term of imprisonment”.

11. Section 23 of the said Act, amended by section 717 of chapter 43 of the statutes of 1997, is again amended by replacing “for community work” in paragraph *w* by “involving the performance of hours of community service”.

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

12. Section 11 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by replacing paragraph 2 by the following :

“(2) a person who performs hours of community service under a probation order or a suspension order;”.

ACT RESPECTING THE MINISTÈRE DE LA SÉCURITÉ PUBLIQUE

13. Section 9 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3) is amended by inserting, after paragraph 5, the following :

“(5.1) to ensure the availability of supervisors’ services and to supervise the carrying out of suspension orders;”.

14. This Act comes into force on 17 June 1998.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 421
(1998, chapter 29)

**An Act to amend the Act respecting the
conservation and development of wildlife
and the Act respecting commercial
fisheries and aquaculture**

**Introduced 5 May 1998
Passage in principle 2 June 1998
Passage 17 June 1998
Assented to 17 June 1998**

**Québec Official Publisher
1998**

EXPLANATORY NOTES

This bill amends the Act respecting the conservation and development of wildlife to transfer to the Minister certain powers of the Government concerning the establishment of wildlife areas and the determination of standards relating to the conditions for the harvesting of wildlife, in particular hunting and trapping periods and capture limits, given the variable nature of the standards.

The bill also gives the Minister the power to determine, by regulation, the conditions on which and the period during which the holder of a trapping licence may damage a beaver dam or open a muskrat den to set a trap. Under the bill, the Minister may, for scientific, educational or wildlife management purposes, issue a licence authorizing a person to disregard a prohibition of the law concerning the modification of a component of a wildlife habitat.

Amphibians are exempted from the application of the law pertaining to fish-breeding activities. Dressed pelts and ranch-raised pelts are exempted from the application of the provisions applicable to the sale and trade of pelts.

The bill empowers the Government to fix, by regulation, the amount of fees payable for the registration of animals and fish and allows the Minister to authorize a person, partnership or association to register animals or fish and to retain a portion of the fees collected for the registration.

The bill transfers responsibility for applying the standards concerning the operation of fishing ponds for commercial purposes, in particular the issuing of licences and the development of regulatory standards for this sector of activities, to the Minister of Agriculture, Fisheries and Food. The Act respecting commercial fisheries and aquaculture is amended accordingly.

Lastly, the bill contains transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL :

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

- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01).

Bill 421

AN ACT TO AMEND THE ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE AND THE ACT RESPECTING COMMERCIAL FISHERIES AND AQUACULTURE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 26.1 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is replaced by the following :

“26.1. Notwithstanding section 26, the holder of a trapping licence may, during the period and on the conditions determined by regulation of the Minister, damage a beaver dam to ascertain the presence of beavers or to set a trap.

Moreover, the holder of a trapping licence may, during the period and on the conditions determined by regulation of the Minister, open a muskrat den to set a trap.”

2. Section 47 of the said Act, amended by section 2 of chapter 95 of the statutes of 1997, is again amended

(1) by adding “, or a provision of the first paragraph of section 128.6” at the end of the first paragraph ;

(2) by replacing “2, 3 and 5” in the third line of the second paragraph by “2 and 3”.

3. Section 48 of the said Act is amended by striking out “a fishing pond,” in the first line.

4. Section 49 of the said Act is amended by striking out “or amphibians” wherever those words appear in that section.

5. Section 51 of the said Act is amended by inserting “or a fishing pond” after “plant” in the first line.

6. Section 53 of the said Act is amended

(1) by replacing “trade or dress pelts” in the second line of the first paragraph by “trade in or dress undressed pelts from an animal that has been hunted or trapped” ;

(2) by replacing, in the French text, “en apprêter” in the second line of the first paragraph by “l’apprêter”;

(3) by inserting “such” before “pelts” in the second line of the first paragraph.

7. Section 54.1 of the said Act is replaced by the following:

“**54.1.** The Minister may, by regulation,

(1) fix the kinds and classes of licences and certificates, in particular for residents and non-residents, and limit the number of licences of each class for an area, territory or place the Minister indicates;

(2) determine the content and term of a licence or certificate and the manner of issuing, replacing and renewing a licence or certificate according to the category of persons concerned or according to the species of wildlife sought or the age or sex of animals.”

8. Section 56 of the said Act is amended

(1) by replacing “Government” in the first line of the second paragraph by “Minister” and by replacing “it determines” in the second line by “determined by the Minister”;

(2) by inserting “or age” after “sex” in the first line of subparagraph 1 of the third paragraph;

(3) by replacing “territory or the area” in subparagraph 3 of the third paragraph by “area, territory or place”;

(4) by inserting “and” at the end of subparagraph 3 of the third paragraph and by striking out “and” at the end of subparagraph 4 of that paragraph;

(5) by striking out subparagraph 5 of the third paragraph;

(6) by adding, at the end, the following:

“The Minister may also, by regulation,

(1) determine the means and their specifications, and the animals, including domestic animals and dogs, with which hunting, trapping or capturing an animal the Minister indicates is permitted;

(2) determine the maximum number of animals that may be killed or captured by a person or group of persons during a period and in an area, territory or place the Minister indicates.”

9. Section 56.1 of the said Act is replaced by the following:

“56.1. The Minister may, on the conditions determined by the Minister, authorize a person, partnership or association to register animals or fish. The authorization may provide that all or some of the fees collected for the registration devolve upon the holder of the authorization.”

10. Section 71 of the said Act is amended by replacing “, a regulation made under section 56 or a ministerial order issued under section 56.1” in paragraph 3 by “or a regulation made under section 56”.

11. Section 73 of the said Act is amended

(1) by replacing paragraph 1 by the following :

“(1) determine the fish or classes of live fish that may be produced, used for stocking purposes, kept in captivity, propagated or transported in a fish-breeding area;”;

(2) by striking out “a fishing pond,” in the second line of paragraph 2 ;

(3) by striking out “or amphibians” wherever those words appear in paragraph 3 ;

(4) by striking out “a fishing pond,” in the second line of paragraph 5 ;

(5) by striking out “a fishing pond,” in the second line of paragraph 6.

12. The said Act is amended by adding, at the end of Chapter III, the following :

“DIVISION VII

“TERRITORIES DELIMITED FOR WILDLIFE HARVESTING

“84.1. The Minister may divide Québec into hunting areas, fishing areas or trapping areas, and delimit the areas.

The Minister may also delimit a territory for the purposes of paragraph 1 of section 54.1, subparagraph 3 of the third paragraph and subparagraph 2 of the fourth paragraph of section 56, and paragraphs 18 and 19 of section 162.

“84.2. The Minister may, after consultation with the Minister of Agriculture, Fisheries and Food, divide Québec into fish-breeding areas and delimit the areas.

“84.3. An order made by the Minister under section 84.1 or 84.2 shall be published in the *Gazette officielle du Québec*, together with a plan of the area or territory delimited, and comes into force on the date of its publication or on any later date indicated therein.”

13. Section 85 of the said Act is amended

(1) by replacing “Government may designate and delimit areas on land in the public domain in view of” in the first and second lines by “Minister may, after consultation with the Minister of Natural Resources, delimit areas on land in the public domain with a view to”;

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

“An order made by the Minister under this section shall be published in the *Gazette officielle du Québec*, together with the plan of the areas of land delimited, and comes into force on the date of its publication or on any later date indicated therein.”

14. Section 86.2 of the said Act is amended by striking out “designated and” in the fourth line of the portion of the first paragraph before subparagraph 1.

15. Section 89 of the said Act is amended

(1) by replacing “Government repeals or amends an order that has designated and delimited” in the first and second lines by “Minister repeals, amends or replaces the instrument delimiting”;

(2) by replacing, in the French text, “le ministre” in the second line by “il”;

(3) by replacing “or amendment” in the fourth line by “, amendment or replacement”.

16. Section 93 of the said Act is amended

(1) by replacing “regulation designating and” in the second and third lines of the second paragraph by “instrument”;

(2) by replacing “or amended” in the third and fourth lines of the second paragraph by “, amended or replaced”.

17. Section 104 of the said Act is amended

(1) by replacing “Government may” in the first line of the first paragraph by “Minister may, after consultation with the Minister of Natural Resources,”;

(2) by replacing “Government” in the first line of the second paragraph by “Minister”;

(3) by replacing, in the French text, “du décret” in the second line of the fourth paragraph by “de l’arrêté”;

(4) by adding, at the end, the following:

“An order made by the Minister under this section shall be published in the *Gazette officielle du Québec*, together with a plan of the controlled zone delimited, and comes into force on the date of its publication or on any later date indicated therein.”

18. Section 111 of the said Act is amended

(1) by replacing “Government may” in the first line of the first paragraph by “Minister may, after consultation with the Minister of Natural Resources,”;

(2) by replacing “Government” in the first line of the second paragraph by “Minister”;

(3) by replacing, in the French text, “du décret” in the fourth line of the third paragraph by “de l’arrêté”;

(4) by adding, at the end, the following:

“An order made by the Minister under this section shall be published in the *Gazette officielle du Québec*, together with a plan of the wildlife sanctuary delimited, and comes into force on the date of its publication or on any later date indicated therein.”

19. Sections 113 to 117 of the said Act are repealed.

20. Section 122 of the said Act is amended

(1) by replacing “Government may” in the first line of the first paragraph by “Minister may, after consultation with the Minister of Natural Resources,”;

(2) by replacing “Government” in the first line of the second paragraph by “Minister”;

(3) by replacing, in the French text, “le ministre” in the second line of the second paragraph by “il”;

(4) by replacing, in the French text, “du décret” in the fourth line of the third paragraph by “de l’arrêté”;

(5) by adding, at the end, the following:

“An order made by the Minister under this section shall be published in the *Gazette officielle du Québec*, together with a plan of the wildlife preserve delimited, and comes into force on the date of its publication or on any later date indicated therein.”

21. Section 128.6 of the said Act is amended by adding “under this Act” after “Government” at the end of subparagraph 3 of the second paragraph.

22. Section 162 of the said Act is amended

- (1) by striking out paragraphs 5, 6, 8 and 15;
- (2) by replacing “the form, tenor and term of a licence or certificate, the mode and cost of its issue, replacement and renewal” in the first and second lines of paragraph 10 by “the cost of issuing, replacing and renewing a licence or certificate according to the kind or class of licence or certificate,” and by striking out “, and the obligations of holders respecting a change of address” in the fourth and fifth lines;
- (3) by inserting “and fixing, according to species, the fees exigible for the registration” after “fish” in the second line of paragraph 16;
- (4) by replacing “or territory” in the first line of paragraph 18 by “, territory or place”;
- (5) by striking out “it delimits” in the first line of paragraph 19;
- (6) by replacing “, for each pelt purchased or obtained, the duty that must be paid by the holder of a licence contemplated in section 53 and the conditions with which he” in the first, second and third lines of paragraph 21 by “the duties payable by the holder of a licence referred to in section 53 for each undressed pelt from an animal that has been hunted or trapped and for each pelt purchased, dressed or received on consignment as an intermediary for its sale or trade, as well as the conditions with which the holder”.

23. Section 164 of the said Act is replaced by the following:

“**164.** A regulation made by the Minister under sections 26.1, 54.1 and 56 is not subject to the publication requirements set out in section 8 of the Regulations Act (chapter R-18.1).”

24. Section 165 of the said Act is amended

- (1) by striking out “or 5” in the second line of subparagraph 1 of the first paragraph;
- (2) by striking out “, a ministerial order under section 56.1” after “56” in the second line of subparagraph 2 of the first paragraph;
- (3) by replacing “paragraph 1, 2 or 3” in the fourth line of subparagraph 2 of the first paragraph by “subparagraph 1, 2 or 3 of the third paragraph”.

25. Section 167 of the said Act is amended by striking out “, a ministerial order under section 56.1” after “56” in the second line of subparagraph 1 of the first paragraph and by inserting, in the French text, “du troisième alinéa” after “3^o” in the fourth line of that subparagraph.

26. Section 171 of the said Act is amended by striking out “or 5” in the second line of paragraph 1.

27. Section 191.1 of the said Act is amended by adding, at the end, the following :

“From 17 June 1998, those regulations may be replaced or repealed by order of the Minister of the Environment and Wildlife.”

28. Section 12 of the Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01) is amended

(1) by adding “or a fishing pond” at the end of the first paragraph ;

(2) by replacing “For the purposes of this Act, a fish-breeding plant is” in the first line of the second paragraph by ““Fish-breeding plant” means” ;

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

““Fishing pond” means a body of water having an area of not more than 10 hectares containing exclusively farmed fish, closed on all sides to hold the fish captive, situated on private property and used for angling.”

29. Section 14 of the said Act, amended by section 398 of chapter 43 of the statutes of 1997, is again amended by adding, at the end, the following :

“The second and third paragraphs do not apply to a licence to operate a fishing pond.”

30. Section 47 of the said Act is amended

(1) by inserting “or a fishing pond” after “plant” in the second line of the first paragraph ;

(2) by inserting “or a fishing pond” after “plant” in the second line of the second paragraph.

31. Section 49 of the said Act is amended

(1) by adding “or a fishing pond” after “plant” in the second line of paragraph 4 ;

(2) by inserting “the keeping in captivity in a fishing pond,” after “relating to” in the first line of paragraph 5.

32. Section 149 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing subparagraph 5 of the first paragraph by the following :

“(5) delimits part of the lands in the public domain to foster the utilization of wildlife resources, or abolishes or changes such delimitation ;”.

33. Orders made by the Government under sections 85, 104, 111, 122 and 191.1 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced or repealed by order of the Minister of the Environment and Wildlife.

34. Orders made by the Minister under sections 54.1 and 56.1 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced, amended or repealed by order of the Minister of the Environment and Wildlife.

35. The provisions of the regulations made by the Government under section 56, paragraph 1 of section 73 in respect of the establishment of fish-breeding areas, paragraphs 5, 6, 8 and 10 in respect of the determination of the tenor and term of a licence or certificate, its mode of issue, replacement or renewal according to the category of persons concerned or according to the species of wildlife sought or the age or sex of animals, as well as paragraphs 14 and 15 of section 162 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced or repealed by order of the Minister of the Environment and Wildlife.

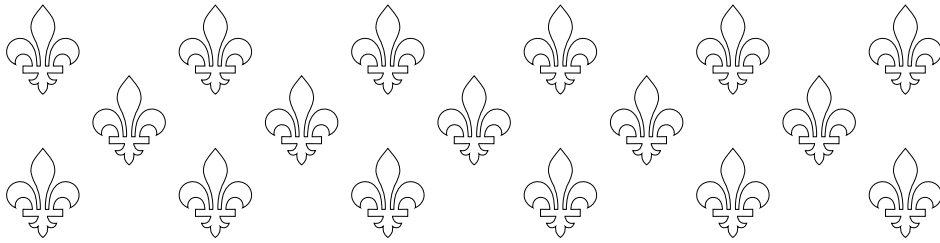
36. Order in Council 1066-97 (1997, G.O. 2, 4529), made by the Government under section 4 of the Act respecting the conservation and development of wildlife as it read before 19 December 1997, remains in force until it is replaced by an order of the Minister of the Environment and Wildlife.

This section has effect from 19 December 1997.

37. The provisions of sections 6 to 10 and 35 of the Regulation respecting aquaculture and the sale of fish, made by Order in Council 1302-94 (1994, G.O. 2, 3951) respecting licences to operate a fishing pond, and the provisions of subparagraph 1 of the first paragraph of section 4.2 of the Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 (1991, G.O. 2, 3909), made under the Act respecting the conservation and development of wildlife, remain in force until they are replaced by a regulation under the Act respecting commercial fisheries and aquaculture. Those provisions are deemed to be made under paragraphs 8, 9 and 12 of section 49 of the Act respecting commercial fisheries and aquaculture.

38. The licences relating to the operation of fishing ponds referred to in section 48 of the Act respecting the conservation and development of wildlife are deemed to be issued under section 12 of the Act respecting commercial fisheries and aquaculture, as amended by section 28 of this Act, and are governed by the provisions of the Act respecting commercial fisheries and aquaculture.

39. This Act comes into force on 17 June 1998.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 422
(1998, chapter 30)

**An Act to amend the Act respecting
municipal courts and the Courts of
Justice Act**

**Introduced 5 May 1998
Passage in principle 20 May 1998
Passage 16 June 1998
Assented to 17 June 1998**

**Québec Official Publisher
1998**

EXPLANATORY NOTES

This bill amends the Act respecting municipal courts and the Courts of Justice Act to allow for the creation of the office of chief judge of the municipal courts. The chief judge of the municipal courts is to be appointed by the Government from among municipal judges for a non-renewable term of seven years. The functions of the chief judge will include designating acting and deputy judges, formulating, in collaboration with municipal judges, general policies applicable to municipal judges, seeing to the adoption of uniform rules of practice necessary to the exercise of the jurisdiction of the municipal courts, and ensuring compliance with judicial ethics.

In addition, the rules applicable to the office of municipal judge in the event that the municipal court is abolished are defined in the bill.

Lastly, the bill proposes various technical amendments that concern the administration of the Act respecting municipal courts. These amendments include authorizing a regional county municipality to enter into an agreement or become a party to an existing agreement pertaining to a municipal court which has jurisdiction in a contiguous territory. As well, municipalities may agree on common locations, other than the chief-place, in which the municipal court is to sit. The bill also clarifies the legislative provisions that relate to the consequences of the abolition of a municipal court or the withdrawal of a territory of a municipality from the jurisdiction of a municipal court.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting municipal courts (R.S.Q., chapter C-72.01) ;
- Courts of Justice Act (R.S.Q., chapter T-16).

Bill 422

AN ACT TO AMEND THE ACT RESPECTING MUNICIPAL COURTS AND THE COURTS OF JUSTICE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 11.1 of the Act respecting municipal courts (R.S.Q., chapter C-72.01) is amended by inserting, after the third paragraph, the following :

“The provisions of this section also apply to a regional county municipality that, for the purposes of its jurisdiction, wishes to enter into an agreement with a contiguous regional county municipality or a local municipality forming part of a contiguous regional county municipality or to join in an existing agreement.”

2. Section 12 of the said Act is amended

(1) by replacing paragraph 3 by the following :

“(3) the address of the place where the court is to sit for matters relating to one or to two or more municipalities;” ;

(2) by striking out paragraph 7.

3. Section 18.2 of the said Act is amended by striking out “or” at the end of subparagraph 1 of the first paragraph and by inserting, after subparagraph 2 of the first paragraph, the following :

“(3) the common municipal court which, at the time the joint application for the amalgamation of municipal territories is filed under section 85 of the said Act, has jurisdiction over the territory of the municipalities party to the joint application for amalgamation, provided that the only change in the agreement respecting the municipal court that results from the amalgamation consists in replacing the names of the municipalities by the name of the new municipality resulting from the amalgamation.”

4. Section 23 of the said Act is amended by adding, at the end of the first paragraph, the following : “The Minister of Justice shall give notice of such approval to the chief judge of the municipal courts.”

5. Section 36 of the said Act is amended by inserting “the chief judge of the municipal courts or” after “before” in the first line of the second paragraph.

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

“36.1. The Government shall appoint the chief judge of the municipal courts, by commission under the Great Seal, from among the municipal judges.

“36.2. The term of office of the chief judge is of seven years and cannot be renewed.

Notwithstanding the expiry of that term, the chief judge shall remain in office until a successor is appointed.

“36.3. The chief judge shall continue to exercise the functions of a municipal judge while holding the office of chief judge.

The chief judge shall exercise the functions of chief judge at the court to which he is assigned in his deed of appointment as a municipal judge, if so agreed by the Government and the municipality responsible for the administration of that court. Failing agreement, the chief judge shall exercise the functions of chief judge at the place determined by the Government.

If the municipal court to which the chief judge is assigned is abolished, the chief judge shall continue to exercise the functions of chief judge at the place determined by the Government. For that purpose, the chief judge shall retain the status of municipal judge.

“36.4. If the chief judge is absent or unable to act, the chief judge may be replaced by another municipal judge appointed by the Government to exercise the functions of chief judge until the chief judge resumes the functions of chief judge or is replaced.

If, however, the chief judge is absent or unable to act for fewer than 45 days, the chief judge shall designate from among the municipal judges a judge to exercise the functions of chief judge until the chief judge resumes the functions of chief judge.

“36.5. The functions of the chief judge shall be, in particular,

(1) to establish, concurrently with the municipal judges, general policies applicable to them and to ensure that the policies are adhered to ;

(2) to see that such uniform rules of practice as are necessary for the exercise of the jurisdiction of the municipal courts are adopted and to ensure that the rules are applied ;

(3) to ensure that judicial ethics are observed ;

(4) to promote the professional development of municipal judges in collaboration with the Conseil de la magistrature established by the Courts of Justice Act ;

(5) to provide support to municipal judges in their efforts to improve the operation of the municipal courts.”

7. The said Act is amended by inserting, after section 37, the following:

“37.1. Notwithstanding section 37, the chief judge shall exercise no functions other than those of chief judge or of a municipal judge. However, the chief judge may carry out any mandate entrusted to the chief judge by order of the Government.

The second paragraph of section 129 of the Courts of Justice Act applies to the exercise of such functions.

The provisions of this section do not apply to the chief judge appointed or designated under section 36.4.”

8. The said Act is amended by inserting, after section 39, the following:

“39.1. Notwithstanding section 39, a judge of a municipal court that has been abolished who has not been appointed to another municipal court shall retain the status of municipal judge solely for the purpose of sitting as an acting judge pursuant to section 41 or 42 or as a deputy judge pursuant to section 46 on the court to which the judge was designated before the abolition. Failing such a designation, the chief judge, having regard to the requirements of the proper administration of justice and of the efficient management of the public funds allocated therefor, shall, by preference, designate the judge as an acting or deputy judge to a municipal court. The chief judge may not revoke the designation of a deputy judge until the judge is appointed to another municipal court.

“39.2. A judge of a municipal court that has been abolished and who has not been appointed to another court may, following the publication of a notice of vacancy on a municipal court and within the time provided therein, apply for the position. Where that is the case, the selection committee formed pursuant to section 34 is required, without further formality, to recognize the judge’s qualification for appointment as a municipal judge. The recognition of qualification shall be effective until the judge concerned is appointed to another municipal court.

“39.3. The Government shall give preference to an application submitted by a judge recognized to be qualified pursuant to section 39.2 for any office of municipal judge that the Government intends to fill pursuant to section 32 for which the judge shows an interest within the time provided in the notice of vacancy.”

9. Section 41 of the said Act is amended

(1) by replacing “Minister of Justice” in the first line of the first paragraph by “chief judge”;

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

(3) by replacing “The order” in the second paragraph by “Notice of the designation”.

10. Section 42 of the said Act is amended

(1) by inserting “and the chief judge” after “Justice” in the third line of the first paragraph;

(2) by striking out “, by order,” in the fourth line of the first paragraph;

(3) by replacing “The order” in the second paragraph by “Notice of the designation”.

11. The said Act is amended by inserting, after section 42, the following :

“**42.1.** The chief judge shall designate an acting judge pursuant to section 41 or 42 having regard to the requirements of the proper administration of justice and of the efficient management of the public funds allocated therefor.”

12. Sections 46 and 47 of the said Act are replaced by the following :

“**46.** The chief judge shall designate, from among the judges of the other municipal courts, a deputy judge for each municipal court. The deputy judge shall act if the judge assigned to the court recuses himself or is absent or unable to act. If the deputy judge recuses himself or is absent or unable to act, the chief judge shall designate another deputy judge.

In designating a deputy judge, the chief judge shall have regard to the requirements of the proper administration of justice and of the efficient management of the public funds allocated therefor.”

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

“**48.** A deputy judge has all the rights, powers and privileges of the judge replaced by the deputy judge and shall exercise the functions of that judge from the time of designation until the designation is revoked by the chief judge.

A copy of the designation and, where applicable, of its revocation must be filed at the office of the court and transmitted to the Minister.”

14. The said Act is amended by inserting, after section 49, the following :

“**49.1.** The Government shall fix, by order, the remuneration of the chief judge, which shall not be less than the salary and additional remuneration

of an associate chief judge of the Court of Québec. However, the remuneration paid to the chief judge shall be reduced by the amount of the remuneration he receives as a judge pursuant to section 49.

The Government shall also fix, by order, the additional remuneration to which a judge appointed under the first paragraph of section 36.4 is entitled to replace the chief judge when the chief judge is absent or unable to act.

“49.2. The Government shall determine, by order, the cases in which, the conditions upon which and the extent to which it shall reimburse the chief judge for expenses incurred in the exercise of the chief judge’s functions.

“49.3. The sums required for the carrying out of sections 49.1 and 49.2 are taken out of the consolidated revenue fund.”

15. Section 50 of the said Act, enacted by section 8 of chapter 84 of the statutes of 1997, is amended by inserting “, 49.1 or 49.2” after “49”.

16. Section 51 of the said Act is amended by inserting “, 49.1 or 49.2” after “49” in the first line.

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

“55. The court shall sit at its chief-place. In the case of a common municipal court, the court may also, in respect of matters relating to the territory of one or two or more municipalities situated in a territory other than that in which the chief-place is situated, sit in the territory of one of those municipalities. In such a case, the municipalities must determine, in the agreement concerning the court, the place where the court will sit for matters relating to their respective territories.”

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

“DIVISION I.1

“GENERAL POLICIES AND RULES OF PRACTICE

“56.1. The municipal judges may adopt general policies, which must be compatible with the provisions of this Act.

“56.2. A majority of the municipal judges may adopt uniform rules of practice applicable to all municipal courts in matters necessary for the exercise of their jurisdiction, either at a meeting called for that purpose by the chief judge or through any other means whereby the chief judge may consult them.

The rules of practice must be compatible with the provisions of this Act and the provisions of the Code of Civil Procedure (chapter C-25) and the Code of Penal Procedure (chapter C-25.1).

The rules of practice are subject to the approval of the Government. The provisions of the Regulations Act (chapter R-18.1), except Division V, apply to the rules.

The rules of practice must be posted in the office of each municipal court.”

19. Section 64 of the said Act is amended by inserting “the chief judge and” after “court to” in the first sentence.

20. Section 66 of the said Act is amended by replacing “unable to exercise their functions by reason of absence or illness” in the third and fourth lines of the first paragraph by “absent or unable to act”.

21. The said Act is amended by inserting, after section 86, the following :

“**86.1.** Where an agreement has been entered into between the Government and a municipality in accordance with the second paragraph of section 36.3, the administrative support expenses directly related to the functions of chief judge shall be borne by the municipality and shall, to the extent determined in the agreement, be reimbursed to the municipality by the Government. Failing an agreement or where the municipal court to which the chief judge is assigned as municipal judge is abolished, such expenses shall be borne by the Government.”

22. Section 89 of the said Act is amended by inserting “the chief judge and” after the word “notify” in the first line of the second paragraph.

23. Section 90 of the said Act is amended by inserting “and the chief judge” after “prosecutor” in the third line of the second paragraph.

24. Section 91 of the said Act is amended by inserting “the chief judge and” after “notify” in the second line.

25. Section 95 of the said Act is amended by inserting “and the chief judge” after “Justice” in the third line.

26. Section 96 of the said Act is amended by adding, at the end, the following : “The Minister of Justice shall give notice of the suspension to the chief judge.”

27. Section 99 of the said Act is amended by inserting “and to the chief judge” after “concerned” in the second line of the second paragraph.

28. Section 104 of the said Act is amended by adding, at the end of the first paragraph, the following : “The Minister of Justice shall give notice of the lifting of the suspension to the chief judge.”

29. Section 111 of the said Act is amended

(1) by replacing subparagraphs 2 and 3 of the first paragraph by the following :

“(2) that the conditions of withdrawal set forth in the agreement establishing the court are respected;

“(3) that, following the abolition of the court, the provisions of the agreement that relate to the apportionment of the assets and liabilities resulting from the application of the agreement will be complied with;”;

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

“The by-law comes into force on the fifteenth day following the date of publication of the order of approval in the *Gazette officielle du Québec* or on any later date indicated in the order.”

30. Section 112 of the said Act is amended by inserting “and to the chief judge” after “concerned” in the second line of the second paragraph.

31. Section 114 of the said Act is amended by adding, at the end, the following : “The Minister of Justice shall give notice of the abolition to the chief judge.”

32. Section 115 of the said Act is amended

(1) by replacing “The conditions of revocation provided in the agreement to establish the court shall apply” in the first and second lines by “The apportionment of assets and liabilities resulting from the application of the agreement where the court is abolished and provided for in the agreement establishing the court shall apply”;

(2) by replacing “and the conditions” in the second line by “. The conditions”.

33. Section 117.2 of the said Act is amended by inserting, after the second paragraph, the following :

“Where, following the abolition of its municipal court or the withdrawal of its territory from the jurisdiction of a municipal court, a municipality becomes a party to an agreement relating to an existing municipal court, the provisions of the second paragraph, adapted as required, apply.”

34. Section 117.3 of the said Act is amended by replacing subparagraph 3 of the first paragraph by the following :

“(3) from the date on which the order establishing a municipal court or the order pertaining to a municipality becoming a party to an agreement relating to an existing municipal court becomes effective, by the collector designated for that court.”

35. Section 117.4 of the said Act is amended by replacing paragraph 3 by the following :

“(3) from the date on which the order establishing a municipal court or the order pertaining to a municipality becoming a party to an agreement relating to an existing municipal court becomes effective, before that court.”

36. The Courts of Justice Act (R.S.Q., chapter T-16) is amended by inserting, after section 88, the following :

“88.1. A municipal judge to whom the Act respecting municipal courts (chapter C-72.01) applies who has held office as chief judge of the municipal courts for seven years may, following the publication of a notice of vacancy on the Court of Québec or on the municipal court of Laval, Montréal or Québec, apply for the position. Where that is the case, the judge is deemed to be qualified for appointment as a judge of any such court. The qualification shall be effective until the judge concerned is appointed to any such court.

The Government shall consider any application submitted by that judge for any vacant position on any court, provided that, following the publication of a notice of vacancy, the judge shows an interest for the position within the time provided in the notice.”

37. Section 246.31 of the said Act, enacted by section 5 of chapter 84 of the statutes of 1997, is amended

(1) by inserting “the chief judge of the municipal courts,” after “Québec,” in the second line of the second paragraph ;

(2) by replacing “by” in subparagraph 2 of the third paragraph by “, by mutual agreement, by the chief judge of the municipal courts and” ;

(3) by inserting “the chief judge of the municipal courts,” after “Québec,” in the third line of subparagraph 4 of the third paragraph ;

(4) by inserting “, the chief judge of the municipal courts” after “Québec” in the sixth line of subparagraph 4 of the third paragraph.

38. Section 246.36 of the said Act, enacted by section 5 of chapter 84 of the statutes of 1997, is amended by inserting “the chief judge of the municipal courts,” after “Québec,” in the third line of the third paragraph.

39. Section 246.41 of the said Act, enacted by section 5 of chapter 84 of the statutes of 1997, is amended by inserting “the chief judge of the municipal courts or” after “from” in the third line of the first paragraph.

40. Section 248 of the said Act is amended

(1) by replacing “14” in the first line by “15” ;

(2) by inserting, after paragraph *d.1*, the following :

“(d.2) the chief judge of the municipal courts;”.

41. Section 249 of the said Act is amended by replacing “*d to h*” in the second line of the first paragraph by “*d, d.1 and e to h*”.

42. Section 262 of the said Act is amended by adding, at the end of the second paragraph, the following : “The code may also indicate the functions or activities that the chief judge of the municipal courts may exercise without remuneration notwithstanding section 37.1 of the Act respecting municipal courts.”

TRANSITIONAL AND FINAL PROVISIONS

43. Every condition of revocation contained in an agreement entered into before 17 June 1998 under paragraph 7 of section 12 of the Act respecting municipal courts is deemed not written.

44. The designation of acting judges or deputy judges pursuant to any of sections 41, 42, 46 and 47 of the Act respecting municipal courts, as they read before the coming into force of this section, is deemed to have been made in accordance with the new legislation.

45. The provisions of this Act come into force on the date or dates to be fixed by order of the Government, except the provisions of sections 1 to 3, 17, 20, 29, 32 to 35 and 43 which come into force on 17 June 1998.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 427
(1998, chapter 31)

An Act to amend various legislative provisions respecting municipal bodies

Introduced 12 May 1998
Passage in principle 29 May 1998
Passage 17 June 1998
Assented to 17 June 1998

Québec Official Publisher
1998

EXPLANATORY NOTES

The main object of this bill is to confer new powers on municipalities and urban communities.

To that end, the bill introduces precise rules into the Act respecting land use planning and development that concern the granting of exemptions from the prohibition on construction in flood zones, and provides that no minor exemption may be granted in a zone in which occupation of the land is subject to specific constraints for reasons of public safety. The bill also allows a local municipality to authorize the inclusion of an additional dwelling in a principal dwelling where the additional dwelling is intended for occupation by persons who are or were related or allied to the owner or occupier of the principal dwelling.

The bill amends the new rule concerning decision-making within the council of a regional county municipality by specifying that the demographic weight of affirmative votes is established on the basis of the total population of the local municipalities whose representatives voted. The bill also provides that at a regular sitting of the council of a regional county municipality, a decision may not be made in respect of a subject mentioned on the agenda unless all of the members of the council entitled to vote on the subject proposed to be added are present.

The bill provides that a municipality may acquire immovable property in order to transfer it gratuitously to certain persons, in particular to school boards. It also authorizes a local municipality to require that the owner of an immovable install a device to reduce the risk or consequences of back-flow from a sewer, and allows local municipalities to grant a subsidy to the owners of immovables to enable them to comply with the requirement.

The bill gives local municipalities the power to carry out pesticide application works and to establish and operate a convention centre.

The bill authorizes local municipalities to make agreements with any other municipality in relation to all or part of any field within their jurisdiction. The bill also empowers a regional county municipality or urban community to declare it has jurisdiction in all or part of any field within the jurisdiction of those local municipalities

whose territories are within its territory, except for the imposition of taxes. It also enables every municipality to which a jurisdiction has been delegated to subdelegate the jurisdiction to certain persons or bodies if the municipality has been authorized to do so by the party having delegated the jurisdiction, and subject to the conditions determined by that party.

The bill authorizes local municipalities to acquire, develop, maintain or manage railway sidings. As well, local municipalities whose territory is not part of the territory of a regional county municipality or of an urban community may establish a fund to finance development operations for land in the public domain or private land within their territory. The bill also gives regional county municipalities the power to establish partnerships with Hydro-Québec.

The bill establishes that the electronic tendering system to be used for the publication of a call for public tenders relating to a supply or services contract of \$100,000 or more is the system approved by the Government. It authorizes the Minister of Municipal Affairs to exercise the Minister's dispensing power as regards the awarding of contracts in respect of all municipalities or any category of municipalities for a contract or any class of contracts.

The bill further simplifies the contents of the list of contracts to be tabled by the mayor of a municipality at the time of the mayor's annual report on the financial situation of the municipality.

The bill also introduces new rules in the chapter relating to the financing of authorized political parties and independent candidates and the control of election expenses, in particular by making the rules provided for in Divisions II to IX of that chapter applicable to municipalities having a population of 10,000 or over. It also modifies the fines imposed for violations of the provisions of that chapter.

As concerns municipal taxation, the bill provides that any railway situated in a yard or building and belonging to VIA Rail Canada Inc. is not to be entered on the real estate assessment roll. It establishes the rule according to which a trailer that has become an immovable, situated on a camping ground belonging to a third person, is a unit of assessment which is entered on the roll in the name of the trailer's owner. As well, the owner of land on which property is situated that must be entered on the roll in the name of its owner must furnish any information the assessor requires that relates to the owner of the property.

The bill introduces provisions to grant legal recognition to the Table Québec-Municipalités.

The bill requires each municipal housing bureau to provide for the presence on its board of directors of at least two lessees elected from among all the lessees in the bureau at a meeting of lessees held for that purpose.

Lastly, the bill empowers the council of a municipality to pay to its members, in exceptional circumstances, compensation for loss of income sustained in the performance of their duties.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);
- Act respecting municipal courts (R.S.Q., chapter C-72.01);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22.1);
- Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8);

- Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);
- Act respecting transportation by taxi (R.S.Q., chapter T-11.1);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Charter of the city of Montréal (1959-60, chapter 102);
- Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);
- Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32);
- Act respecting mixed enterprise companies in the municipal sector (1997, chapter 41).

Bill 427

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL BODIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 6 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 1 of chapter 93 of the statutes of 1997, is again amended by inserting, after subparagraph 1 of the third paragraph, the following :

“(1.1) provide, in respect of an immovable it describes that is situated in a flood zone, for an exemption from a prohibition or rule imposed pursuant to subparagraphs 1 and 3 of the second paragraph of section 5, for any land use, structure, works or cadastral operation it specifies ;”.

2. Section 67 of the said Act is amended by striking out the third paragraph.

3. Section 110.4 of the said Act, amended by section 13 of chapter 93 of the statutes of 1997, is again amended by inserting “or revising” after “amending” in the fourth line of the fourth paragraph.

4. Section 113 of the said Act, amended by section 67 of chapter 26 of the statutes of 1996 and by section 23 of chapter 93 of the statutes of 1997, is again amended

(1) by inserting, after subparagraph 3 of the second paragraph, the following :

“(3.1) for every zone in which the only partially or totally residential buildings permitted are those comprising a specific number of dwellings, hereinafter referred to as “principal” dwellings, to provide that in such a building, one additional dwelling per principal dwelling may be built to be occupied by persons belonging to a class established under this subparagraph ; to provide that only such persons, their spouse or *de facto* spouse and their dependants, other than the owner or occupant of the principal dwelling, may occupy the additional dwelling ; to establish classes of buildings from among the buildings to which this subparagraph applies and classes of persons from among the persons who are or were related by blood or allied, including through a *de facto* spouse, to the owner or occupier of the principal dwelling ; to provide that the right to build an additional dwelling applies to one or more classes of buildings ; to prescribe the conditions to which the building or

occupation of an additional dwelling are subject, which conditions may vary from one class of building to another;”;

(2) by adding, at the end of subparagraph 16 of the second paragraph, “to provide, in respect of an immovable that is described in the zoning by-law and that is situated in a flood zone to which a prohibition or rule made under this subparagraph applies, for an exemption from the prohibition or rule for any land use, structure or works specified in the by-law;”.

5. Section 115 of the said Act is amended by adding, at the end of subparagraph 4 of the second paragraph, “to provide, in respect of an immovable that is described in the subdivision by-law and that is situated in a flood zone to which a prohibition or rule made under this subparagraph applies, for an exemption from the prohibition or rule for any cadastral operation specified in the by-law;”.

6. Section 145.2 of the said Act is amended by adding, at the end, the following :

“No minor exemption may be granted for a zone in which land use is subject to particular constraints for reasons of public safety.”

7. Section 201 of the said Act, replaced by section 41 of chapter 93 of the statutes of 1997, is amended

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

“**201.** For a decision to be made by the council, a majority of the votes cast must be cast in the affirmative, and the total of the populations awarded to the representatives who cast the affirmative votes must be equal to more than half of the total of the populations awarded to the representatives who voted.”;

(2) by replacing “first two paragraphs” in the first line of the third paragraph by “first paragraph”.

CITIES AND TOWNS ACT

8. Section 29 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 20 of chapter 58 of the statutes of 1997, is again amended

(1) by inserting “gratuitous or” after “by” in the second line of the first paragraph;

(2) by striking out the second paragraph.

9. Section 29.4 of the said Act is amended

(1) by adding “, in addition to the persons mentioned in section 29” at the end of the third paragraph;

(2) by striking out “a school board,” in the third and fourth lines of the third paragraph.

10. The said Act is amended by inserting, after section 29.12.1, the following :

“29.12.2. Every municipality to which a jurisdiction has been delegated may, if so authorized by the party having delegated its jurisdiction and subject to the conditions determined by that party, subdelegate all or part of the jurisdiction to a legal person established in the public interest, to a body referred to in this subdivision or to the General Purchasing Director.”

11. Section 29.14.1 of the said Act, enacted by section 47 of chapter 93 of the statutes of 1997, is amended by replacing “into a fund established by the regional county municipality whose territory contains that of the municipality under article 688.7 of the Municipal Code of Québec (chapter C-27.1)” in the second, third and fourth lines of the second paragraph by “either into a fund established by the municipality under section 466.1.1 or into a fund established under article 688.7 of the Municipal Code of Québec (chapter C-27.1) by the regional county municipality whose territory contains that of the municipality”.

12. Section 29.18 of the said Act is amended by replacing “into a fund established by a regional county municipality under article 688.7 of the Municipal Code of Québec (chapter C-27.1) in the territory in which the municipality is situated” in the fifth, sixth and seventh lines of the first paragraph by “either into a fund established by the municipality under section 466.1.1 or into a fund established under article 688.7 of the Municipal Code of Québec (chapter C-27.1) by the regional county municipality whose territory contains that of the municipality”.

13. Section 412 of the said Act, amended by section 21 of chapter 58 of the statutes of 1997, is again amended by inserting “, notwithstanding the Municipal Aid Prohibition Act (chapter I-15)” at the end of the fourth line of subparagraph *d* of paragraph 23.1.

14. Section 413 of the said Act, amended by section 50 of chapter 93 of the statutes of 1997, is again amended by inserting, after paragraph 25, the following :

“(25.1) (a) To require the owner of an immovable to instal therein and keep in good working order an apparatus or device intended to reduce the risk of any back-flow from a sewer or the consequences of such back-flow, and to provide, in the case of an immovable already erected, a time period to enable the owner to meet that requirement ;

(b) To require a level of quality for any apparatus or device it requires to be installed, and to prescribe standards for the installation or maintenance of the apparatus or device, particularly by reference to standards prescribed or approval given by a third person ;

(c) To grant a subsidy to the owner, on the conditions prescribed by by-law and notwithstanding the Municipal Aid Prohibition Act (chapter I-15), to enable the owner to meet the requirement set out in subparagraph *a*;

(d) To divide the territory of the municipality into sectors, to establish classes of immovables, apparatus or devices, to establish any combination consisting of a sector and class, to provide that the by-law shall apply only in one or more such sectors, to one or more such classes or to one or more such combinations, and to prescribe different rules according to the sectors, classes or combinations;”.

15. The said Act is amended by inserting, after section 463, the following :

“§19.1. — *Pesticide application*

“**463.1.** Subject to the Pesticides Act (chapter P-9.3) and the Environment Quality Act (chapter Q-2), the municipality may, with the consent of the owner of an immovable, carry out pesticide application works on the immovable.”

16. The said Act is amended by inserting, after section 466.1, the following :

“**466.1.1.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), every municipality whose territory is not contained in the territory of a regional county municipality or in the territory of an urban community may, by by-law, establish a fund for the purpose of providing financial support for development operations on land in the public domain or private land situated in its territory.

“**466.1.2.** A fund established under section 466.1.1 must be administered by the municipality. The municipality may, by by-law, delegate all or part of the administration of the fund to any person it designates.

“**466.1.3.** In addition to the sums provided for in section 29.18, the fund shall receive, in particular, the sums paid into it pursuant to a forest management contract entered into in accordance with Division II of Chapter IV of the Forest Act (chapter F-4.1).”

17. Section 466.2 of the said Act, enacted by section 4 of chapter 53 of the statutes of 1997 and amended by sections 48 and 49 of chapter 91 of the statutes of 1997, is again amended by striking out the second paragraph.

18. Section 466.3 of the said Act, enacted by section 4 of chapter 53 of the statutes of 1997 and amended by section 50 of chapter 91 of the statutes of 1997 and by section 56 of chapter 93 of the statutes of 1997, is again amended by inserting, after the third paragraph, the following :

“Where several local development centres carry on their activities in the territory of the municipality, the by-law provided for in the first paragraph shall prescribe rules for the apportionment of the sum among those centres.”

19. Section 468 of the said Act is amended

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

“**468.** Every municipality governed by this Act, as well as Ville de Montréal and Ville de Québec, may make an agreement with any other municipality, regardless of the law governing it, relating to all or part of any field within its jurisdiction.”;

(2) by striking out the second paragraph.

20. Section 468.7 of the said Act is amended by replacing “levying” in the first line of paragraph 2 by “imposing”.

21. Section 468.47 of the said Act is amended by replacing “if the property, service or works contemplated in the agreement benefit only” in paragraph 2 by “where the object of the agreement concerns only”.

22. The said Act is amended by inserting, after section 471.0.4, the following :

“§25.0.2. — *Convention centres*

“**471.0.5.** The council may, by by-law, provide that the municipality establish a convention centre or that it contribute, notwithstanding the Municipal Aid Prohibition Act (chapter I-15), to the establishment or operation of a convention centre.

Where the territory of the municipality is contained in the territory of a regional county municipality or an urban community, the council must consult that municipality or community before adopting the by-law.

“**471.0.6.** The municipality may take up the operation of the convention centre it establishes or entrust a third person with such operation.

“§25.0.3. — *Railway sidings*

“**471.0.7.** A municipality may acquire, develop, maintain or manage any railway siding to promote the economic development of the municipality.”

23. Section 474.1 of the said Act, amended by section 60 of chapter 93 of the statutes of 1997, is again amended

(1) by replacing “\$5,000” in the third line of the third paragraph by “\$10,000”;

(2) by replacing “\$10,000” in the seventh line of the third paragraph by “\$20,000”;

(3) by replacing “\$1,000” in the second line of the fourth paragraph by “\$2,000”;

(4) by striking out “the date it was entered into,” in the first line of the fifth paragraph.

24. Section 573 of the said Act, amended by section 7 of chapter 53 of the statutes of 1997 and by section 66 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the third paragraph of subsection 1, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

25. Section 573.3.1 of the said Act, amended by section 10 of chapter 53 of the statutes of 1997, is again amended by adding, at the end of the first paragraph, the following: “The Minister may, on his own initiative, exercise that power in respect of all municipalities or any category of municipalities for a contract or any class thereof.”

MUNICIPAL CODE OF QUÉBEC

26. Article 7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 22 of chapter 58 of the statutes of 1997, is again amended

(1) by inserting “gratuitous or” after “by” in the second line of the first paragraph;

(2) by striking out the second paragraph.

27. Article 10.9 of the said Code is amended by replacing “, each representative has one vote and all decisions are made by a majority of the votes cast” in the fourth, fifth and sixth lines of subparagraph 1 of the second paragraph by “and each representative has one vote”.

28. Article 14.2 of the said Code is amended

(1) by adding “, in addition to the persons mentioned in article 7”, at the end of the third paragraph;

(2) by striking out “a school board,” in the third and fourth lines of the third paragraph.

29. Article 14.12.1 of the said Code, enacted by section 69 of chapter 93 of the statutes of 1997, is amended by replacing “into a fund established under article 688.7 by the regional county municipality whose territory contains that of the municipality” in the second, third and fourth lines of the second

paragraph by “either into a fund established by the municipality under article 627.1.1 or 688.7 or into a fund established under article 688.7 by the regional county municipality whose territory contains that of the municipality.”

30. Article 14.16 of the said Code is amended by replacing “into a fund established by a regional county municipality under article 688.7 in the territory in which the municipality is situated” in the fifth, sixth and seventh lines of the first paragraph by “either into a fund established by the municipality under article 627.1.1 or 688.7 or into a fund established under article 688.7 by the regional county municipality whose territory contains that of the municipality”.

31. The said Code is amended by inserting, after article 14.17, the following :

“**14.18.** Every municipality to which a jurisdiction has been delegated may, if so authorized by the party having delegated its jurisdiction and subject to the conditions determined by that party, subdelegate all or part of the jurisdiction to a legal person established in the public interest, to a body referred to in articles 6.1 to 14.17 or to the General Purchasing Director.”

32. Article 142 of the said Code is amended

(1) by striking out “a majority of the members of” in the first line of subarticle 4;

(2) by adding, at the end of subarticle 4, the following: “In the case of a local municipality, the decision must be made by a majority of the members of the council.”

33. The said Code is amended by inserting, after article 148, the following :

“**148.1.** At a regular sitting of the council of a regional county municipality, decisions may be made only in respect of subjects or matters mentioned on the agenda, except if all the members of the council entitled to vote on the subject or matter that is proposed to be added are present.”

34. Article 160 of the said Code is amended

(1) by replacing “any by-law or” in the second line by “a”;

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

“However, a local municipality may, by by-law, specify the cases in which a disputed question must be decided by a majority greater than the majority required under the first paragraph.”

35. Article 180 of the said Code is amended by replacing “The” in the first line of the second paragraph by “In the case of a local municipality, the”.

36. Article 212.1 of the said Code is amended

(1) by replacing “by by-law adopted by an absolute majority of its members” in the first line of the first paragraph by “by by-law”;

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

“In the case of a local municipality, the by-law must be adopted by an absolute majority.”

37. Article 491 of the said Code is amended by replacing paragraph 2 by the following :

“(2) to regulate the manner in which debates of the council are to be carried out and the manner in which order and decorum are to be preserved during the sittings of the council or of any committee;”.

38. The said Code is amended by inserting, after article 524.5, the following :

“SECTION VII.3

“CONVENTION CENTRES

“**524.6.** Every local municipality may, by by-law, provide that the local municipality establish a convention centre or that it contribute, notwithstanding the Municipal Aid Prohibition Act (chapter I-15), to the establishment or operation of a convention centre.

Where the territory of the local municipality is contained in the territory of a regional county municipality or an urban community, the local municipality must consult the regional county municipality or the urban community before adopting the by-law.

“**524.7.** The local municipality may take up the operation of the convention centre it establishes or entrust a third person with such operation.”

39. The said Code is amended by inserting, after article 550, the following :

“**550.1.** Subject to the Pesticides Act (chapter P-9.3) and the Environment Quality Act (chapter Q-2), every local municipality may, with the consent of the owner of an immovable, carry out pesticide application works on the immovable.”

40. Article 555 of the said Code is amended by inserting “, notwithstanding the Municipal Aid Prohibition Act (chapter I-15)” after “determine” in the fourth line of subparagraph *d* of paragraph 5.

41. Article 563 of the said Code, amended by section 77 of chapter 93 of the statutes of 1997, is again amended by adding, after paragraph 2, the following:

“(3) (a) to require the owner of an immovable to instal therein and keep in good working order an apparatus or device intended to reduce the risk of any back-flow from a sewer or the consequences of such back-flow, and to provide, in the case of an immovable already erected, a time period to enable the owner to meet that requirement;

(b) to require a level of quality for any apparatus or device it requires to be installed, and to prescribe standards for the installation or maintenance of the apparatus or device, particularly by reference to standards prescribed or approval given by a third person;

(c) to grant a subsidy to the owner, on the conditions prescribed by by-law and notwithstanding the Municipal Aid Prohibition Act (chapter I-15), to enable the owner to meet the requirement set out in subparagraph a;

(d) to divide the territory of the municipality into sectors, to establish classes of immovables, to establish any combination consisting of a sector and class, to provide that the by-law shall apply only in one or more such sectors, to one or more such classes or to one or more such combinations, and to prescribe different rules according to the sectors, classes or combinations.”

42. Article 569 of the said Code is amended

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

“**569.** Every local municipality may make an agreement with any other municipality, regardless of the law governing it, relating to all or part of any field within its jurisdiction.”;

(2) by striking out the second paragraph.

43. Article 576 of the said Code is amended by replacing “levying” in the first line of paragraph 2 by “imposing”.

44. Article 578 of the said Code is amended by replacing “levying” in the fourth line of the second paragraph by “imposing”.

45. Article 616 of the said Code is amended by replacing “if the property, service or works contemplated in the agreement benefit only” in paragraph 2 by “where the object of the agreement concerns only”.

46. The said Code is amended by inserting, after article 625.1, the following:

“SECTION XXVI.2**“RAILWAY SIDINGS**

“625.2. A local municipality may acquire, develop, maintain or manage any railway siding to promote the economic development of the local municipality.”

47. The said Code is amended by inserting, after article 627.1, the following :

“627.1.1. Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), every local municipality whose territory is not contained in the territory of a regional county municipality or in the territory of an urban community may, by by-law, establish a fund for the purpose of providing financial support for development operations on land in the public domain or private land situated in its territory.

“627.1.2. A fund established under article 627.1.1 must be administered by the local municipality. The municipality may, by by-law, delegate all or part of the administration of the fund to any person it designates.

“627.1.3. In addition to the sums provided for in article 14.16, the fund shall receive, in particular, the sums paid into it pursuant to a forest management contract entered into in accordance with Division II of Chapter IV of the Forest Act (chapter F-4.1).”

48. Article 627.2 of the said Code, enacted by section 15 of chapter 53 of the statutes of 1997 and amended by sections 48 and 49 of chapter 91 of the statutes of 1997, is again amended by striking out the second paragraph.

49. Article 627.3 of the said Code, enacted by section 15 of chapter 53 of the statutes of 1997 and amended by section 50 of chapter 91 of the statutes of 1997 and by section 81 of chapter 93 of the statutes of 1997, is again amended by adding, after the third paragraph, the following :

“Where several local development centres carry on their activities in the territory of the municipality, the by-law provided for in the first paragraph shall prescribe rules for the apportionment of the sum among those centres.”

50. Article 678 of the said Code is amended by inserting “, articles 557.1 and 557.2” after “544” in the third line.

51. Article 678.0.1 of the said Code, amended by section 85 of chapter 93 of the statutes of 1997, is again amended

(1) by replacing “the providing, in whole or in part, of a municipal service” in the first paragraph by “all or part of a field within their jurisdiction”;

(2) by striking out the second paragraph.

52. Article 678.0.3 of the said Code is amended

(1) by replacing “levying” in the fourth line of the first paragraph by “imposing”;

(2) by replacing “service provided” in the second line of the third paragraph by “jurisdiction exercised”.

53. Article 678.0.4 of the said Code is amended by replacing “corporation” in the sixth line by “municipality or, as the case may be, applicable to the municipality or to persons in whose respect it exercises jurisdiction,”.

54. Article 935 of the said Code, amended by section 18 of chapter 53 of the statutes of 1997 and by section 90 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the third paragraph of subarticle 1 of the first paragraph, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

55. Article 938.1 of the said Code, amended by section 21 of chapter 53 of the statutes of 1997, is again amended by adding, at the end of the first paragraph, the following: “The Minister may, on his own initiative, exercise that power in respect of all municipalities or any category of municipalities for a contract or any class thereof.”

56. Article 955 of the said Code, amended by section 91 of chapter 93 of the statutes of 1997, is again amended

(1) by replacing “\$5,000” in the third line of the third paragraph by “\$10,000”;

(2) by replacing “\$10,000” in the seventh line of the third paragraph by “\$20,000”;

(3) by replacing “\$1,000” in the second line of the fourth paragraph by “\$2,000”;

(4) by striking out “the date it was entered into,” in the first line of the fifth paragraph.

ACT RESPECTING THE COMMUNAUTÉ URBAINE
DE L’OUTAOUAIS

57. Section 83 of the Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1), amended by section 24 of chapter 53 of the statutes of 1997 and by section 97 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

58. Section 84 of the said Act is amended by replacing “following matters” in the second line by “following fields”.

59. The said Act is amended by inserting, after section 84.1, the following :

“**84.1.1.** The Community may, by by-law, order that it has competence in all or part of a field that is not mentioned in section 84 and that is within the competence of the municipalities whose territories are included in the Community’s territory, other than the imposition of taxes.

The secretary of the Community shall send a certified true copy of the by-law to each municipality for approval within ten days of its adoption.

The council of each municipality shall decide on the approval of the by-law not later than 30 days after receiving the copy, failing which the approval is deemed to have been given.

The by-law must be approved by the Minister, who shall fix the date on which it comes into force. The Minister may approve the by-law only if it has been approved, in accordance with this section, by at least two-thirds of the municipalities, including Ville de Gatineau and Ville de Hull.”

60. Section 84.5.1 of the said Act, enacted by section 26 of chapter 53 of the statutes of 1997 and amended by sections 48 and 49 of chapter 91 of the statutes of 1997, is again amended by striking out the second paragraph.

61. Section 84.5.2 of the said Act, enacted by section 26 of chapter 53 of the statutes of 1997 and amended by section 50 of chapter 91 of the statutes of 1997 and by section 98 of chapter 93 of the statutes of 1997, is again amended by adding, after the second paragraph, the following :

“Where several local development centres carry on their activities in the territory of the Community, the by-law provided for in the first paragraph shall prescribe rules for the apportionment of the total of the sums among those centres.”

62. Section 85 of the said Act is amended

(1) by replacing “matters enumerated in section 84, until the Community exercises its competence respecting such matters” in the second, third and fourth lines of the first paragraph by “fields listed in section 84 and in all or part of a field declared to be within the competence of the Community under section 84.1.1, until the Community exercises its competence respecting such fields” ;

(2) by replacing “matter contemplated in section 84” in the third line of the second paragraph by “field referred to in the first paragraph”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

63. Section 120.0.3 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), amended by section 29 of chapter 53 of the statutes of 1997 and by section 101 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

64. Section 121 of the said Act is amended by replacing “following matters” in the second line by “following fields”.

65. Section 121.1 of the said Act is amended by replacing “following matters” in the second line by “following fields”.

66. The said Act is amended by inserting, after section 121.1, the following:

“121.1.1. The Community may, by by-law, order that it has competence in all or part of a field that is not mentioned in section 121 and that is within the competence of the municipalities whose territories are included in the Community’s territory, other than the imposition of taxes.

The secretary of the Community shall send a certified true copy of the by-law to each municipality for approval within ten days of its adoption.

The council of each municipality shall decide on the approval of the by-law not later than 30 days after receiving the copy, failing which the approval is deemed to have been given.

The by-law must be approved by the Minister, who shall fix the date on which it comes into force. The Minister may approve the by-law only if it has been approved, in accordance with this section, by at least two-thirds of the municipalities, including Ville de Montréal.”

67. Section 121.5 of the said Act, enacted by section 31 of chapter 53 of the statutes of 1997 and amended by sections 48 and 49 of chapter 91 of the statutes of 1997, is again amended by striking out the second paragraph.

68. Section 121.6 of the said Act, enacted by section 31 of chapter 53 of the statutes of 1997 and amended by section 50 of chapter 91 of the statutes of 1997 and by section 102 of chapter 93 of the statutes of 1997, is again amended by adding, after the second paragraph, the following:

“Where several local development centres carry on their activities in the territory of the Community, the by-law provided for in the first paragraph shall prescribe rules for the apportionment of the sums among those centres.”

69. Section 122 of the said Act is amended

(1) by replacing “matters enumerated in section 121, until the Community exercises its competence respecting such matters” in the second, third and fourth lines of the first paragraph by “fields listed in section 121 and in all or part of a field declared to be within the competence of the Community under section 121.1.1, until the Community exercises its competence respecting such fields”;

(2) by replacing “matter contemplated in section 121” in the third line of the second paragraph by “field referred to in the first paragraph”;

(3) by replacing “matters enumerated in section 121 which the Community deems” in the second and third lines of the third paragraph by “fields listed in section 121 and all or part of a field declared to be within the competence of the Community under section 121.1.1 which the Community considers”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

70. Section 92.0.2 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), amended by section 33 of chapter 53 of the statutes of 1997 and by section 108 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

71. Section 93 of the said Act is amended by replacing “following matters” in the second line by “following fields”.

72. Section 94 of the said Act is repealed.

73. Section 95 of the said Act is replaced by the following:

“95. The Community may, by by-law, order that it has competence in all or part of a field that is not mentioned in section 93 and that is within the competence of the municipalities whose territories are included in the Community’s territory, other than the imposition of taxes.

The secretary of the Community shall send a certified true copy of the by-law to each municipality for approval within ten days of its adoption.

The council of each municipality shall decide on the approval of the by-law not later than 30 days after receiving the copy, failing which the approval is deemed to have been given.

The by-law must be approved by the Minister, who shall fix the date on which it comes into force. The Minister may approve the by-law only if it has been approved, in accordance with this section, by at least two-thirds of the municipalities, including Ville de Québec.”

74. Section 96 of the said Act is amended

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

“**96.** Subject to the provisions of this Act, the municipalities whose territories are included in the territory of the Community shall retain their competence in the fields listed in section 93 and in all or part of a field declared to be within the competence of the Community under section 95, until the Community exercises its competence in relation to such fields and to the extent that the Community has refrained from doing so.”;

(2) by replacing “matter mentioned” in the third line of the second paragraph by “field referred to”.

75. Section 96.0.1.1 of the said Act, enacted by section 35 of chapter 53 of the statutes of 1997 and amended by sections 48 and 49 of chapter 91 of the statutes of 1997, is again amended by striking out the second paragraph.

76. Section 96.0.1.2 of the said Act, enacted by section 35 of chapter 53 of the statutes of 1997 and amended by section 50 of chapter 91 of the statutes of 1997 and by section 109 of chapter 93 of the statutes of 1997, is again amended by adding, after the second paragraph, the following:

“Where several local development centres carry on their activities in the territory of the Community, the by-law provided for in the first paragraph shall prescribe rules for the apportionment of the sums among those centres.”

77. Section 141 of the said Act is replaced by the following:

“**141.** The provisions of this subdivision which relate to the fields of parks, centres and other recreational facilities or to that of bicycle paths and lanes apply from the coming into force of a by-law passed under section 95 whereby the Community orders that it has competence in that field.”

78. Section 145 of the said Act is amended by replacing “under subparagraph *c* of the first paragraph of section 95” in the second line by “, under section 95, whereby the Community orders that it has competence over the construction of low-rental housing”.

79. Schedule A to the said Act is amended by replacing “municipality of” in the first line by “Ville de”.

80. Schedule B to the said Act is amended by replacing “municipality of” in the first line by “Ville de”.

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

81. Section 40 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70), amended by section 36 of chapter 53 of the statutes of 1997 and by section 111 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

ACT RESPECTING MUNICIPAL COURTS

82. Section 19 of the Act respecting municipal courts (R.S.Q., chapter C-72.01) is replaced by the following:

“**19.** Every by-law adopted under this chapter shall be submitted to the Government for approval.

A by-law adopted by the council of a local municipality must receive the affirmative vote of the majority of the members of the council.”

83. Section 108 of the said Act is replaced by the following:

“**108.** A by-law passed under this division shall be submitted to the Government for approval.

A by-law passed by the council of a local municipality must receive the affirmative vote of the majority of the members of the council.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

84. Section 364 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by striking out “yet” in the second line of the definition of “electoral district”.

85. Section 365 of the said Act is amended

(1) by replacing “20 000” in the second line of the first paragraph by “10,000”;

(2) by replacing “20 000” in the second line of the second paragraph by “10,000”.

86. Section 366 of the said Act is amended

(1) by replacing “20 000” in the third line of the first paragraph by “10,000”;

(2) by replacing “20 000” in the second line of the second paragraph by “10,000”.

87. The said Act is amended by inserting, after section 447, the following :

“**447.1.** The total of the following amounts shall not, for a given elector, exceed \$10,000 :

(1) the outstanding principal of any loan granted by the elector to one or more authorized parties or independent candidates ; and

(2) any sum for which the elector remains surety in connection with loans contracted by one or more authorized parties or independent candidates.”

88. The said Act is amended by inserting, after section 513, the following :

“CHAPTER XIV

“DISCLOSURE OF CERTAIN ELECTION CONTRIBUTIONS

“**513.1.** Every person who is a candidate at an election for the office of member of the council of a municipality to which Divisions II to IX of Chapter XIII do not apply shall, within 60 days after the polling day fixed for that election, transmit to the treasurer a list of the persons who made certain election contributions to that person.

The list shall indicate the full name and address of each person who made a contribution of more than \$100 to promote the election of the candidate, or of several sums amounting to more than \$100, and indicate the amount so contributed by each person.

“**513.2.** The treasurer shall table before the council the list transmitted pursuant to section 513.1.

“**513.3.** For the purposes of this chapter, “treasurer” has the meaning given by section 364.”

89. Section 514 of the said Act is amended by replacing subparagraph *b* of paragraph 1 by the following :

“(b) in the case of an annexation, the date on which the municipality whose territory is affected approves or disapproves the by-law of the annexing municipality or, if the former municipality does not vote on the by-law within the time prescribed, the date on which that time expires;”.

90. The said Act is amended by inserting, after section 595, the following :

“595.1. Every candidate or leader of a party is guilty of an offence who allows an election expense to be incurred or paid otherwise than as allowed under Division V of Chapter XIII of Title I.”

91. Section 618 of the said Act is amended

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

“(2.1) contracts a loan with an elector or makes a contract of suretyship with the elector knowing that by so doing, the maximum amount specified in section 447.1 in respect of the elector will be exceeded;”;

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

“Every elector is guilty of an offence who grants a loan or makes a contract of suretyship knowing that by so doing, the maximum amount specified in section 447.1 will be exceeded.”

92. The said Act is amended by inserting, after section 628, the following :

“628.1. Every person who does not transmit the list required to be transmitted under section 513.1 within the time fixed therein is guilty of an offence.”

93. Section 639 of the said Act is amended by striking out “, 600 to 606” in the first line.

94. The said Act is amended by inserting, after section 640, the following :

“640.1. Every person who is guilty of an offence described in any of sections 600 to 606 is liable,

(1) for a first offence, to a fine of not less than \$500 nor more than \$2,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$1,500 nor more than \$6,000 ;

(2) for any subsequent conviction, to a fine of not less than \$1,000 nor more than \$4,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3,000 nor more than \$12,000.”

95. Section 641 of the said Act is amended by replacing “\$100” in the second line by “\$500”.

96. Section 642 of the said Act is amended by striking out “less than \$10 nor” in the second line.

ACT RESPECTING MUNICIPAL TAXATION

97. Section 18 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

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

“Every owner of a parcel of land or his mandatary must, in the same manner, where there is property on the parcel of land that must be entered on the roll in the name of its owner under Chapter V, produce or make available to the assessor or his representative any information respecting the owner of the property that he requires for the performance of his duties.”;

(2) by replacing “the first paragraph” in the second line of the second paragraph by “the first and second paragraphs”.

98. Section 40 of the said Act, replaced by section 115 of chapter 93 of the statutes of 1997, is amended by striking out the second paragraph.

99. Section 65 of the said Act is amended by inserting “VIA Rail Canada Inc.,” after “is” in the second line of subparagraph 6 of the first paragraph.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES

100. The Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22.1) is amended by inserting, after section 21, the following :

“DIVISION IV.1**“TABLE QUÉBEC-MUNICIPALITÉS**

“21.1. The Table Québec-Municipalités shall advise the Minister on any question submitted to it by the Minister.

“21.2. The Minister shall determine the composition of the Table Québec-Municipalités.”

ACT RESPECTING THE SOCIÉTÉ D’HABITATION DU QUÉBEC

101. The Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8) is amended by inserting, after section 57, the following :

“57.1. The board of directors of a municipal housing bureau shall consist of a fixed number of directors, varying between five and nine, designated in accordance with the provisions of the letters patent of the bureau applicable in that respect. Such letters patent shall provide that at least two of the directors are to be elected from among all the lessees of the bureau during a meeting of lessees held for that purpose.”

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

102. The Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is amended by inserting, after section 30.0.3, the following :

“CHAPTER III.1

“COMPENSATION FOR LOSS OF INCOME

“**30.0.4.** The council of the municipality may, by by-law, provide for the exceptional cases in which and the terms and conditions according to which its members are to be paid compensation for any loss of income sustained by such members in the performance of their duties.

The payment of compensation shall be decided by the council on a case-by-case basis.

Sections 7 to 10, adapted as required, apply to the by-law referred to in the first paragraph. In the case of a local municipality, the by-law must be approved by the qualified voters.

The council of the municipality may, in particular, provide that a state of emergency decreed by the Government under section 16 of the Act respecting the protection of persons and property in the event of disaster (chapter P-38.1) and the establishment by the Government of a program of financial assistance under section 38 of that Act are exceptional cases.

“**30.0.5.** Any compensation paid by a municipality to a person under section 30.0.4 in the period throughout which the person is a member of the council of the municipality, or the payment of which is the subject of an application, deliberation or vote during that period is a condition of employment related to the office of council member for the purposes of sections 304, 305, 361 and 362 of the Act respecting elections and referendums in municipalities (chapter E-2.2).”

ACT RESPECTING TRANSPORTATION BY TAXI

103. Section 66 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended by striking out the second paragraph.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

104. Section 204 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), amended by section 157 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the third paragraph of subsection 1, the following : “In the case of a supply or

services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

105. Section 358 of the said Act, amended by section 166 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the third paragraph of subsection 1, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

CHARTER OF THE CITY OF MONTRÉAL

106. Article 107 of the Charter of the city of Montréal (1959-60, chapter 102), replaced by section 15 of chapter 77 of the statutes of 1977 and amended by section 7 of chapter 40 of the statutes of 1980, by section 849 of chapter 57 of the statutes of 1987, by section 9 of chapter 87 of the statutes of 1988, by section 68 of chapter 27 of the statutes of 1992, by section 5 of chapter 82 of the statutes of 1993, by section 3 of chapter 53 of the statutes of 1994, by section 82 of chapter 34 of the statutes of 1995, by section 174 of chapter 27 of the statutes of 1996, by section 52 of chapter 53 of the statutes of 1997 and by section 172 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the first paragraph of subarticle 3.1, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

107. Section 70 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42), amended by section 80 of chapter 34 of the statutes of 1995, by section 84 of chapter 71 of the statutes of 1995, by section 42 of chapter 53 of the statutes of 1997 and by section 173 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA RIVE SUD DE MONTRÉAL

108. Section 91 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32), amended by section 81 of chapter 34 of the statutes of 1995, by section 85 of chapter 71 of the statutes of 1995, by section 47 of chapter 53 of the statutes of 1997 and by section 174 of chapter 93 of the statutes of 1997, is again amended by adding, at the end of the second paragraph, the following: “In the case of a supply or services contract, the electronic tendering system to be used for the publication of the call for public tenders shall be the system approved by the Government.”

ACT RESPECTING MIXED ENTERPRISE COMPANIES IN THE MUNICIPAL SECTOR

109. Section 10 of the Act respecting mixed enterprise companies in the municipal sector (1997, chapter 41) is amended by striking out “as regards the provision of the municipal service concerned” in the second and third lines of the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

110. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), a local municipality may grant a subsidy to the owner of an immovable who, after 1 January 1997, installed on that immovable any apparatus or device intended to reduce the risk of any back-flow from a sewer or the consequences of such back-flow.

111. Where, pursuant to the protection policy for lakeshores, riverbanks, littoral zones and flood plains and the Canada-Québec agreement respecting flood risk mapping applied to floodplain preservation and sustainable development of water resources, an exemption from a prohibition or a rule contained in the policy or agreement was granted before 17 June 1998 in respect of an immovable for a land use, construction, works or cadastral operation, the effects that have and will be given to the exemption are valid notwithstanding the fact that the exemption was not permitted by the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

The same rule applies to an exemption from a similar prohibition or rule granted, before that date, pursuant to a power provided for in a development plan or in a by-law or resolution that is consistent with that power.

112. No gratuitous transfer of immovable property effected by a municipality before 17 June 1998 in favour of a person referred to in section 29 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) may be invalidated on the ground that the municipality did not have the power to effect the transfer.

113. The electronic tendering system commonly known as the “Merx System” is deemed to have been approved by the Government for the purposes of the provisions enacted by sections 24, 54, 57, 63, 70, 81 and 104 to 108, until the Government replaces it by another system it approves or has approved for such purposes.

114. Every by-law concerning the majority required to decide a question, adopted by a local municipality pursuant to paragraph 2 of article 491 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), as it read before being replaced by section 37 of this Act and in force on 16 June 1998, retains its effects as if adopted pursuant to the second paragraph of article 160 of the said Code, enacted by section 34 of this Act.

115. In cases where, before 17 June 1998, the council of a municipality whose territory is affected by an annexation has disapproved the annexation by-law or has failed to approve or disapprove the by-law within the prescribed time, and where no person has been appointed by the Minister of Municipal Affairs to perform the duties of the clerk or secretary-treasurer during the referendum on the by-law, the reference date provided for in section 514 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is deemed to be 17 June 1998.

However, any act that has been or will be performed on the basis of the reference date provided for in section 514 of the said Act, as amended by section 89 of this Act, in a referendum process begun before 17 June 1998, is valid.

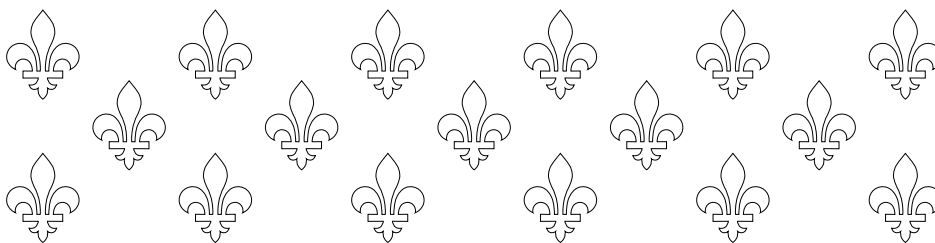
116. Every municipal housing bureau that, on 17 June 1998, has a board of directors the composition of which is not in conformity with section 57.1 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8), as enacted by section 101 of this Act, must, before 1 January 1999, amend its letters patent and add directors to the board or replace directors in office so as to establish a board of directors the composition of which is in conformity with that section.

117. Sections 13 and 40 have effect from 18 December 1982.

118. Sections 84 to 86, 88 and 92 have effect from 1 September 1998.

119. Section 98 has effect for the purposes of each municipal fiscal year from the 1999 fiscal year.

120. This Act comes into force on 17 June 1998, except sections 24, 54, 57, 63, 70, 81, 104 to 108 and 113, which come into force on 1 July 1998.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 432
(1998, chapter 32)

An Act to amend article 21 of the Civil Code and other legislative provisions

Introduced 13 May 1998
Passage in principle 27 May 1998
Passage 12 June 1998
Assented to 17 June 1998

**Québec Official Publisher
1998**

EXPLANATORY NOTES

This bill amends article 21 of the Civil Code to authorize more persons to give consent, on behalf of a person who has become suddenly incapable of giving consent, to an experiment which does not permit the designation of a legal representative given the short time within which the experiment must be undertaken.

As well, the bill transfers the authority to approve experimentation on minors or persons of full age who are incapable of giving consent which is presently held by the courts or the Minister of Health and Social Services to ethics committees designated or formed by the Minister.

LEGISLATION AMENDED BY THIS BILL :

- Civil Code of Québec ;
- Code of Civil Procedure (R.S.Q., chapter C-25).

Bill 432

AN ACT TO AMEND ARTICLE 21 OF THE CIVIL CODE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Article 21 of the Civil Code of Québec (1991, chapter 64) is replaced by the following :

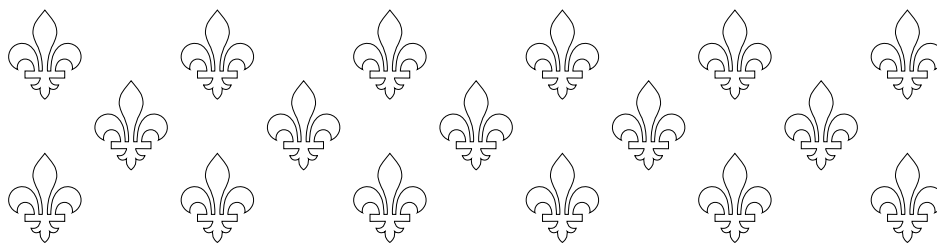
“21. A minor or a person of full age who is incapable of giving consent may not be submitted to an experiment if the experiment involves serious risk to his health or, where he understands the nature and consequences of the experiment, if he objects.

Moreover, a minor or a person of full age who is incapable of giving consent may be submitted to an experiment only if, where the person is the only subject of the experiment, it has the potential to produce benefit to the person’s health or only if, in the case of an experiment on a group, it has the potential to produce results capable of conferring benefit to other persons in the same age category or having the same disease or handicap. Such an experiment must be part of a research project approved and monitored by an ethics committee. The competent ethics committees are formed by the Minister of Health and Social Services or designated by that Minister among existing research ethics committees ; the composition and operating conditions of the committees are determined by the Minister and published in the *Gazette officielle du Québec*.

Consent to experimentation may be given, in the case of a minor, by the person having parental authority or the tutor and, in the case of a person of full age incapable of giving consent, by the mandatory, tutor or curator. Where a person of full age suddenly becomes incapable of consent and the experiment, insofar as it must be undertaken promptly after the appearance of the condition giving rise to it, does not permit, for lack of time, the designation of a legal representative, consent may be given by the person authorized to consent to any care the person requires ; it is incumbent upon the competent ethics committee to determine, when examining the research project, whether the experiment meets that condition.

Care considered by the ethics committee to be innovative care required by the state of health of the person concerned does not constitute an experiment.”

- 2.** Article 23 of the said Code is amended by replacing “with respect to care, the alienation of a part of the body, or an experiment” in the first paragraph by “with respect to care or the alienation of a body part”.
- 3.** Article 776 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing “with respect to care, the alienation of a part of the body or an experiment” in the first paragraph by “with respect to care or the alienation of a body part”.
- 4.** Article 777 of the said Code is amended by replacing “treatment, specimen taking, removal of tissue or experiment” in the first paragraph by “treatment, specimen taking or removal of tissue”.
- 5.** This Act comes into force on 17 June 1998.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 444
(1998, chapter 33)

Tobacco Act

Introduced 14 May 1998
Passage in principle 3 June 1998
Passage 17 June 1998
Assented to 17 June 1998

Québec Official Publisher
1998

EXPLANATORY NOTES

This bill proposes a body of rules to regulate the use, sale, advertising and promotion of tobacco and tobacco products.

First, the bill prohibits smoking in certain enclosed spaces, such as premises used by health institutions, educational institutions and childcare services, in means of public transportation and in workplaces. In certain cases, however, it will be possible to provide ventilated smoking rooms and areas where smoking is permitted. The operators of restaurants of 35 seats or more where smoking is permitted will be required to set aside enclosed, ventilated smoking areas. The operator of a place where minors are not admitted pursuant to the Act respecting offences relating to alcoholic beverages will be able to permit smoking throughout the establishment, except if the operator holds a permit for the operation of a restaurant establishment under the Tourist Establishments Act.

The bill also restricts access to tobacco by young persons by prohibiting all sales of tobacco to minors, by requiring that all sales of tobacco by a business be dealt with by an employee and in the physical presence of both the vendor and the purchaser, by prohibiting the installation of tobacco vending machines except in places where minors are not admitted and, if the vending machine is equipped with remote electronic control, in restaurants operated under a restaurant sales permit or a restaurant service permit within the meaning of the Act respecting liquor permits, and by prohibiting the sale of cigarettes in packages containing less than 20 cigarettes.

In addition, the bill regulates all advertising and promotion involving tobacco products. It includes measures to prohibit certain types of tobacco advertising, such as advertising directed at minors and advertising that, directly or indirectly, associates the use of tobacco with a particular lifestyle. Under the bill, all direct and indirect sponsorship associated with the promotion of tobacco will be prohibited, as will the association of the logo, name or trademark of a tobacco product manufacturer with a sports, cultural or social facility, a facility operated by a health or social services institution or a research centre attached to a health or social services institution, or a sports, cultural or social event.

The bill will enable the Government to determine standards relating to the construction, ventilation and layout of smoking rooms and areas where smoking is permitted, the display of tobacco products in retail outlets, the packaging of tobacco products, the inclusion of warnings from the Minister concerning the harmful effects of tobacco on health, and the composition of tobacco products.

To facilitate the application of the law, the bill provides for the appointment of inspectors by either the Minister of Health and Social Services or a local municipality.

The bill also contains penal provisions, and provides that the operator of a business who is convicted of selling tobacco to a minor will be prohibited from selling tobacco.

The bill provides a transitional period for sponsorship contracts already in effect on the date of introduction of the bill, and specifies that the Government may grant subsidies to persons or bodies having proved to the Minister that they have renounced all sponsorship from the tobacco industry. The bill also specifies the times within which the operators of certain places will be required to comply with the requirements of the measures it introduces.

Lastly, the bill includes consequential amendments.

LEGISLATION REPLACED BY THIS BILL :

- Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01).

LEGISLATION AMENDED BY THIS BILL :

- Tobacco Tax Act (R.S.Q., chapter I-2);
- Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting the Québec sales tax (R.S.Q., chapter T-0.1).

Bill 444

TOBACCO ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

SCOPE

1. This Act applies to harvested tobacco in any processed or unprocessed form, however presented. The term “tobacco” includes any product containing tobacco.

This Act is binding on the State.

CHAPTER II

RESTRICTION ON THE USE OF TOBACCO IN CERTAIN PLACES

2. Subject to sections 3 to 12, smoking is prohibited in the following enclosed spaces:

(1) facilities maintained by a health and social services institution governed by the Act respecting health services and social services (R.S.Q., chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5), and premises where services are provided by an intermediate resource referred to in the Act respecting health services and social services, except if the premises are situated in a dwelling ;

(2) premises used by a school providing instruction at the elementary or secondary level governed by the Education Act (R.S.Q., chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14), and premises used by a private educational institution referred to in the Act respecting private education (R.S.Q., chapter E-9.1) ;

(3) premises used by a general and vocational college or a university ;

(4) facilities operated by a childcare centre or other childcare service within the meaning of the Act respecting childcare centres and childcare services (S.Q. 1997, chapter 58), for the time during which childcare is provided if the facility is situated in a dwelling ;

(5) enclosed spaces where activities of a sports or recreational, judicial, cultural or artistic nature are presented, or where conferences, conventions or other similar events are held;

(6) enclosed spaces where community or recreational activities intended for minors are held;

(7) the common areas of residential buildings comprising more than 12 dwellings, except those that are temporarily placed at the disposal of lessees or owners for their personal use;

(8) tourist establishments governed by the Tourist Establishments Act (R.S.Q., chapter E-15.1), except a room used by a natural person to hold a private reception for personal purposes;

(9) workplaces, except workplaces situated in a dwelling;

(10) means of public transportation, and taxis and vehicles used exclusively for work-related purposes except where all the occupants agree otherwise, as well as bus shelters;

(11) premises used for detention within the meaning of the Act respecting correctional services (R.S.Q., chapter S-4.01);

(12) all other enclosed spaces to which the public has admittance.

3. Closed smoking rooms may be set aside by the operator of a place or business in any of the places referred to in section 2, except those referred to in paragraphs 2, 4 and 6.

A smoking room may be used only for smoking and must be equipped with a negative pressure ventilation system which allows smoke to be evacuated directly to the outside of the building.

For the purposes of this Act, the term “operator of a place or business” includes a mandatary of the operator who manages the place or business.

4. An area where smoking is permitted may be set aside by the operator of a place or business in the following places:

(1) the common areas of shopping centres;

(2) games halls such as bowling alleys, pool halls and other amusement halls;

(3) marine passenger terminals, bus stations and railway passenger stations;

(4) waiting, rest and service areas in establishments where sports or recreational, cultural or artistic activities are presented or where conferences, conventions or other similar events are held;

(5) commercial establishments where food is consumed on the premises.

5. The operator of a place or business may identify rooms or areas where smoking is permitted

(1) for persons receiving services from an intermediate resource or for persons lodged by an institution and receiving services from a general and specialized hospital centre in a psychiatric unit or department or services from a residential and long-term care centre, from a rehabilitation centre or from a psychiatric hospital centre ;

(2) for any person except an employee in a tourist establishment.

6. The floor space of the areas, the number of the rooms or, in a tourist establishment, the number of the rooms or seats where smoking is permitted pursuant to sections 4 and 5 may not exceed 40% of the total floor space or the total number of rooms or seats available for all customers.

Furthermore, the operator of a place or business must, when setting aside such areas or rooms, maximize the protection provided to non-smokers, having regard to the total floor space, use and ventilation of the place.

7. The operator of a place or business of 35 seats or more who holds a permit for the operation of a restaurant establishment under the Tourist Establishments Act must, when setting aside areas where smoking is permitted, separate them from the areas where smoking is prohibited by means of partition walls that extend from floor to ceiling, and equip the smoking areas with a negative pressure ventilation system which allows smoke to be evacuated directly to the outside of the building. However, the opening that allows movement between the area where smoking is permitted and the area where smoking is prohibited need not be equipped with a door.

8. The operator of a State-owned casino or a bingo hall and the operator of a place or business to which minors are not admitted pursuant to the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) may permit smoking throughout the establishment or bingo hall, except if the operator holds a permit for the operation of a restaurant establishment, in which case the provisions of section 7 apply to the part of the establishment or hall in which restaurant services are offered.

9. The warden of a house of detention may permit smoking in all the rooms used for detention within the meaning of the Act respecting correctional services except cafeterias, classrooms and meeting rooms, gymnasiums, rooms used for worship and libraries. Furthermore, the warden may permit smoking in rooms situated in a court house and used for detention.

The warden of a house of detention is an operator within the meaning of the third paragraph of section 3.

10. The operator of a place or business to which this chapter applies must post notices visible to the persons using the place or business, indicating the areas where smoking is prohibited.

No person may remove or deface such a notice.

11. The operator of a place or business to which this chapter applies shall not tolerate smoking in an area where smoking is prohibited.

12. The Government may make regulations determining the cases, conditions and circumstances in which and places where smoking is permitted even if prohibited under section 2.

The Government may also determine standards concerning

(1) the construction or the layout of smoking rooms and areas where smoking is permitted;

(2) the ventilation systems of smoking rooms and areas where smoking is permitted;

(3) the notices referred to in section 10.

CHAPTER III

SALE OF TOBACCO

13. The operator of a business shall not sell or supply tobacco to a minor.

Any person wishing to purchase tobacco may be required to provide proof of age.

The Government may make regulations determining the documents that may be used as identification.

14. In proceedings for a contravention of section 13, no penalty may be imposed on the operator of a business who shows that a reasonable effort was made to verify the age of the person and that there were reasonable grounds to believe that the person was of full age.

15. The operator of a business must ensure that all tobacco is kept in such a way as to prevent customers from gaining access to the tobacco without the help of the business's personnel.

The operator must also post a notice in public view prohibiting the sale of tobacco to minors, and a warning attributed to the Minister concerning the harmful effects of tobacco on health as soon as the warning is provided by the Minister.

The Government may make regulations determining the standards governing the display of the notice.

No person may remove or deface such a notice.

The first paragraph does not apply to the operator of a duty free shop licensed as such under the Customs Act (Revised Statutes of Canada, 1985, chapter 1, 2nd Supplement).

16. The operator of a place or business may not cause an automatic vending machine designed for the sale of tobacco to be installed or left or kept in a place except a place or business where minors are not admitted pursuant to the Act respecting offences relating to alcoholic beverages or, where the machine is equipped with remote electronic control, in a place or business for which the operator holds a restaurant sales permit or a restaurant service permit within the meaning of the Act respecting liquor permits (R.S.Q., chapter P-9.1).

The operator must post on the vending machine a warning attributed to the Minister concerning the harmful effects of tobacco on health as soon as the warning is provided by the Minister.

In addition, the automatic vending machine must be installed in such a way that the operator of the place or business is able to monitor the use of the machine directly to ensure that no minor has access to it.

17. The sale of tobacco is prohibited

(1) on the grounds of or within a facility maintained by a health and social services institution;

(2) on the grounds of or within the premises of a school providing instruction at the elementary or secondary level;

(3) on the grounds of or within the facilities of a childcare centre or other childcare service.

18. It is prohibited to sell tobacco in a business if

(1) a pharmacy is located within the business;

(2) the customers of a pharmacy can pass into the business directly or by the use of a corridor or area used exclusively to connect the pharmacy with the business.

19. The operator of a business may not sell cigarettes except in a package that contains at least 20 cigarettes.

The Government may make regulations specifying any other tobacco product that may not be sold in a package containing less than the prescribed quantities or portions.

20. Subject to section 16, no sale of tobacco may be made except in the physical presence of the vendor and the purchaser.

This section does not apply to sales of tobacco between a manufacturer or distributor of tobacco products and a retailer.

CHAPTER IV

PROMOTION, ADVERTISING AND PACKAGING

21. The operator of a business and a manufacturer or a distributor of tobacco products may not

(1) supply or distribute tobacco free of charge or furnish tobacco for promotional purposes of any kind to consumers;

(2) reduce the retail price of tobacco on the basis of quantity, otherwise than as part of regular marketing operations, or offer or grant a rebate on the market price of tobacco to consumers;

(3) offer consumers a gift or rebate or a right to participate in a lottery, contest or game or any other form of benefit, as consideration for a purchase of tobacco or on presentation of proof of purchase of tobacco.

22. Any direct or indirect sponsorship that is associated in any manner whatsoever with the promotion of tobacco, a tobacco product, a brand of tobacco product or a manufacturer of tobacco products, is prohibited.

The first paragraph shall not prevent the tobacco industry from making gifts insofar as the gifts are made without any promotional association. The communication of information by the donor or donee concerning the nature of the gift and the name of the donor, otherwise than through an advertising or commercial message, shall not constitute a promotional association within the meaning of this paragraph.

The Government may, by regulation, prescribe the cases and circumstances in which a mode of communication shall constitute a promotional association within the meaning of the second paragraph.

23. No name, logo, brand element, design or slogan, except a colour, that is associated with tobacco, a tobacco product, a brand of tobacco product or a manufacturer of tobacco products, may be associated with a sports, cultural or social facility, a health and social services institution or a research centre attached to a health and social services institution.

Furthermore, no name, logo, brand element, design or slogan, except a colour, that is associated with tobacco, a tobacco product, a brand of tobacco product or a manufacturer of tobacco products, may be associated with a sports, cultural or social event, except in connection with a sponsorship referred to in section 22.

24. All direct or indirect advertising for the promotion of tobacco, a tobacco product, a brand of tobacco product or a manufacturer of tobacco products is prohibited where the advertising

- (1) is directed at minors ;
- (2) is false or misleading, or is likely to create an erroneous impression about the characteristics, health effects or health hazards of tobacco ;
- (3) directly or indirectly associates the use of tobacco with a particular lifestyle ;
- (4) contains testimonials or endorsements ;
- (5) uses a slogan ;
- (6) contains a text that refers to real or fictional persons, characters or animals ;
- (7) contains anything apart from text, with the exception of an illustration of the package or packaging of a tobacco product occupying not more than 10% of the surface area of the advertising material ;
- (8) is disseminated otherwise than in printed newspapers and magazines that have an adult readership of not less than 85% ;
- (9) is disseminated otherwise than by means of displays visible only from the inside of a tobacco retail outlet ;
- (10) contains no warning attributed to the Minister concerning the harmful effects of tobacco on health.

However, advertising that is intended to provide consumers with factual information about a tobacco product, including information about the price or the intrinsic characteristics of a tobacco product and about brands of tobacco products is permitted to the extent that it does not constitute advertising or a form of advertising prohibited under the first paragraph.

All advertising must be forwarded to the Minister upon being disseminated.

25. The Government may make regulations

- (1) determining standards relating to advertising and promotion ;

(2) prescribing standards relating to the display of tobacco in tobacco retail outlets and to the display of specialized publications about tobacco or about products associated with the use of tobacco, whatever the medium of the publication;

(3) determining standards relating to the appearance and placement of tobacco vending machines;

(4) determining standards relating to the displays permitted in tobacco retail outlets under subparagraph 9 of the first paragraph of section 24.

26. The provisions of section 24 and of the regulations made under section 25 do not apply to advertising carried by publications imported into Québec. In no case, however, may a person doing business in Québec disseminate advertising that is prohibited under the first paragraph of section 24 or by a regulation under section 25 in such a publication.

The provisions of the said section and regulations do not apply to advertising that is directed at the tobacco industry and does not reach consumers either directly or indirectly.

27. The affixing, on an object that is not a tobacco product, of a name, logo, brand element, design or slogan that is directly associated with tobacco, a tobacco product, a brand of tobacco product or a manufacturer of tobacco products, except colour, is considered to be advertising and is prohibited.

28. The Government may make regulations determining standards relating to tobacco containers, packaging and display. The standards may be prohibitive, and may vary according to the various tobacco products concerned.

The Government may also make regulations requiring a tobacco product manufacturer to print on packaging the information determined by the Government, and messages attributed to the Minister, as specified in the regulations, about the harmful effects of tobacco on health.

The use of a concept referred to in subparagraphs 1 to 6 of the first paragraph of section 24 on tobacco packaging and containers is prohibited.

In determining such standards, the Government shall harmonize the standards with those adopted under the Tobacco Act (Statutes of Canada, 1997, chapter 13) with regard to similar matters.

CHAPTER V

TOBACCO COMPOSITION

29. The Government may make regulations determining standards relating to the composition and characteristics of tobacco products manufactured in Québec for sale in Québec.

The standards may require, prohibit or restrict the use of certain substances or certain processes and vary according to the tobacco product concerned. In determining such standards, the Government shall harmonize the standards with those adopted under the Tobacco Act (Statutes of Canada, 1997, chapter 13) with regard to similar matters.

No distributor of tobacco products may sell a tobacco product in Québec that is not consistent with the standards prescribed by a regulation made under the first paragraph.

CHAPTER VI

REPORTS

30. The Government may make regulations determining standards relating to the reports that the Minister may require tobacco product manufacturers and distributors to file containing the information that the Minister considers necessary to protect public health and ensure compliance with this Act, and in particular

- (1) the volume of sales;
- (2) the range of tobacco and tobacco products marketed;
- (3) the sums invested in promotion and advertising;
- (4) any other information relating to the composition of the tobacco products marketed, in particular the ingredients and properties of such tobacco products.

The regulations shall prescribe the content, form and frequency of the reports, and the intervals at which and manner in which they must be filed, and may exempt certain categories of tobacco products, or certain persons whose tobacco sales are below the percentage of total tobacco sales determined by the Government, from such obligations.

31. Besides the reports required by section 30, the Minister may, at any time, require tobacco product manufacturers and distributors to file a report if a new form of tobacco, a new brand or new tobacco product, or a new distribution method for tobacco products is introduced on the market or if required, in the opinion of the Minister, for reasons of public health.

CHAPTER VII

INSPECTION AND SEIZURE

32. For the purposes of this Act, the Minister may appoint any person or designate any class of persons to perform the duties of inspector or analyst.

Except in respect of workplaces and public bodies, a local municipality may also appoint, for the purposes of Chapter II and Chapter III, any person or designate any class of persons to perform the duties of inspector or analyst. In such a case, the municipality must inform the Minister of the appointment or designation.

An inspector or analyst entering a place to inspect it under this chapter must, on request, provide the operator of the place with proof of identity and produce a certificate of appointment signed by the Minister, by a person designated by the Minister or by the clerk or the secretary-treasurer of the local municipality concerned.

The responsibilities of an inspector shall be specified in the act of appointment.

33. Every person authorized to act as an inspector or analyst under section 32 may, at any reasonable time, to ascertain compliance with this Act and the regulations under it, enter and inspect a place

- (1) referred to in section 2;
- (2) where tobacco is manufactured, tested, stored, packaged, labelled or sold;
- (3) where layouts, equipment or notices referred to in sections 3 to 8 or section 10 or in a regulation made under section 12 are to be found;
- (4) where any thing used in the manufacture, storage, packaging, labelling, promotion, sale or testing of tobacco is to be found;
- (5) where information relating to the manufacture, storage, packaging, labelling, promotion, sale or testing of tobacco is to be found.

34. During an inspection, a person acting pursuant to section 33 may

- (1) verify whether any person is smoking in a place where smoking is prohibited under section 2;
- (2) verify the layout of the place inspected to ascertain whether the places where smoking is permitted under sections 3 to 8 meet the requirements of sections 3 to 8 or of the regulations made under section 12, and for that purpose take air or other samples;
- (3) examine any tobacco found in the place inspected and any thing used in the manufacture, storage, packaging, labelling, promotion, sale or testing of tobacco;
- (4) open or cause to be opened, for examination, any container or package found in the place inspected that the person believes, on reasonable grounds, to contain tobacco;

(5) collect or cause to be collected, free of charge, samples of tobacco or other substances ;

(6) conduct any test or analysis or take any measurements ;

(7) require, for inspection, copying or the taking of extracts, the production of any book, account, register, record or document, where the person believes on reasonable grounds that it contains information relating to the application of this Act or the regulations ;

(8) verify whether the notices referred to in sections 10 and 15 meet the requirements of those sections or of the regulations made under subparagraph 3 of the second paragraph of section 12 ;

(9) verify whether the display of tobacco products and specialized publications on tobacco and consumer products associated with tobacco, whatever the medium, meets the requirements of section 15 and the regulations made under section 25 ;

(10) verify whether the placement of tobacco vending machines meets the requirements of section 16 and the regulations made under section 25 ;

(11) conduct tests to ascertain compliance with sections 13 and 16 to 20.

35. An inspector may submit any thing or sample referred to in section 34 to an analyst for analysis and examination; the analyst may issue a report setting out the results of the analysis and examination.

36. The operator of a place being inspected is required to assist the inspector or analyst in the performance of their respective duties.

37. No person may hinder in any way the performance of the duties of an inspector or analyst, mislead them by concealment or false statements, or refuse to provide them with any information or document to which they are entitled under this Act, or destroy any such information or document.

38. An inspector may, in the course of an inspection, seize forthwith any thing believed by the inspector on reasonable grounds to have been used or to have given rise to an offence under this Act or the regulations.

The rules established in Division IV of Chapter III of the Code of Penal Procedure, adapted as required, apply to the things seized.

CHAPTER VIII

PROCEEDINGS

39. Penal proceedings for an offence under this Act that was committed in its territory may be instituted by a local municipality before a municipal court.

40. The fine and costs imposed by the municipal court for an offence under this Act shall belong to the local municipality and shall be paid into its general fund, except the part of the costs remitted by the collector to any other prosecuting party that has incurred expenses in relation to the proceeding, and the costs remitted to the defendant pursuant to article 223 of the Code of Penal Procedure.

CHAPTER IX

PENAL PROVISIONS

41. The Government shall determine the provisions of a regulation made under this Act the violation of which constitutes an offence.

42. A person who smokes in a place where smoking is prohibited under Chapter II is liable to a fine of \$50 to \$300 and, for a subsequent offence, to a fine of \$100 to \$600.

43. The operator of a place or business referred to in Chapter II is liable to a fine of \$400 to \$4,000 and, for a subsequent offence, to a fine of \$1,000 to \$10,000, where that operator

(1) contravenes the installation, construction or layout standards prescribed in sections 3 to 8, or the provisions of a regulation made under subparagraph 1 or 2 of the second paragraph of section 12 the violation of which constitutes an offence;

(2) neglects to post the notice required under section 10, or contravenes the provisions of a regulation made under subparagraph 3 of the second paragraph of section 12 the violation of which constitutes an offence;

(3) contravenes the provisions of section 11.

44. The operator of a business who sells or supplies tobacco to a minor in contravention of section 13 or who contravenes the retail outlet display standards prescribed by the first paragraph of section 15 is liable to a fine of \$300 to \$2,000 and, for a subsequent offence, to a fine of \$600 to \$6,000.

An operator who neglects to post the notice or warning referred to in the second paragraph of section 15 or contravenes the provisions of a regulation made under the third paragraph of that section the violation of which constitutes an offence, is liable to a fine of \$200 to \$2,000 and, for a subsequent offence, to a fine of \$400 to \$4,000.

45. A person who removes or defaces a notice in contravention of the second paragraph of section 10 or the fourth paragraph of section 15 is liable to a fine of \$100 to \$1,000 and, for a subsequent offence, to a fine of \$200 to \$3,000.

46. The operator of a place or business who contravenes the provisions of section 16, the first paragraph of section 19 or the regulatory standards made pursuant to the second paragraph of the said section is liable to a fine of \$300 to \$2,000 and, for a subsequent offence, to a fine of \$600 to \$6,000.

47. A person who contravenes the provisions of section 17 is liable to a fine of \$300 to \$2,000 and, for a subsequent offence, to a fine of \$600 to \$6,000.

48. A person who contravenes the provisions of section 18 is liable to a fine of \$2,000 to \$25,000 and, for a subsequent offence, to a fine of \$4,000 to \$50,000.

49. A person who contravenes the provisions of section 20 is liable to a fine of \$1,000 to \$20,000 and, for a subsequent offence, to a fine of \$2,000 to \$50,000.

50. The operator of a business who contravenes the provisions of section 21 is liable to a fine of \$500 to \$3,000 and, for a subsequent offence, to a fine of \$1,000 to \$8,000.

A manufacturer or distributor of tobacco products who contravenes the provisions of section 21 is liable to a fine of \$2,000 to \$300,000 and, for a subsequent offence, to a fine of \$5,000 to \$600,000.

51. A person who contravenes the provisions of section 22, 23 or 26, the provisions of the first and third paragraphs of section 24, the provisions of the last paragraph of section 28 or the provisions of a regulation made under section 22, 25 or 28 the violation of which constitutes an offence is liable to a fine of \$2,000 to \$300,000 and, for a subsequent offence, to a fine of \$5,000 to \$600,000.

52. A person who contravenes the provisions of section 27 is liable to a fine of \$1,000 to \$200,000 and, for a subsequent offence, to a fine of \$2,000 to \$400,000.

53. A manufacturer of tobacco products who contravenes the provisions of a regulation made under the first paragraph of section 29 is liable to a fine of \$1,000 to \$300,000 and, for a subsequent offence, to a fine of \$5,000 to \$600,000.

A distributor of tobacco products who contravenes the provisions of the last paragraph of section 29 is liable to a fine of \$1,000 to \$5,000 and, for a subsequent offence, to a fine of \$2,000 to \$10,000.

54. A manufacturer or distributor of tobacco products who refuses or neglects to file with the Minister a report that the Minister may require under section 30 or 31, who knowingly provides the Minister with false or misleading information or who contravenes the provisions of a regulation made under

section 30 the violation of which constitutes an offence is liable to a fine of \$1,000 to \$5,000 and, for a subsequent offence, to a fine of \$2,000 to \$15,000.

55. A person who contravenes section 36 or 37 is liable to a fine of \$300 to \$2,000 and, for a subsequent offence, to a fine of \$600 to \$6,000.

56. Where a person is found guilty of an offence under this Act, the judge may impose an additional fine in addition to any other penalty, following an application by the prosecuting party appended to the statement of offence, equal to the amount of monetary benefit gained by the person as a result of the offence, even if the maximum fine is imposed under another provision.

57. Where the commission of an offence under sections 43 to 48 and 50 to 55 continues for more than one day, each day during which the offence continues shall constitute a separate offence.

CHAPTER X

ADMINISTRATIVE PROVISIONS

58. The Minister must keep a register, called the register of fines, containing information concerning each guilty plea entered by the operator of a business and each conviction entered against such an operator in connection with an offence under the provisions of sections 13 and 15.

59. Where, in connection with a single retail outlet, the operator of a business has been found guilty of the same offence under the provisions of section 13, the operator shall be prohibited from selling tobacco at that retail outlet

- (1) for one month, in the case of a second offence ;
- (2) for six months, in the case of a third offence ;
- (3) for one year, in the case of a fourth or subsequent offence.

Where, in connection with a single retail outlet, the operator of a business has been found guilty of three contraventions of the provisions of section 15, the operator shall be prohibited from selling tobacco at that retail outlet for one month.

60. The Minister shall inform the Minister of Revenue of any prohibition from selling tobacco imposed on the operator of a business pursuant to section 59.

The Minister of Revenue shall then suspend, for the retail outlet concerned, the registration certificate provided for in the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) for the duration of the prohibition from selling tobacco.

61. A prohibition from selling tobacco at a retail outlet, imposed pursuant to section 59, shall take effect on the lapse of 15 days from the time when a notice of suspension is served by the Minister of Revenue under section 17.9.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

An operator of a business who is prohibited from selling tobacco pursuant to section 59 must remove all tobacco on display in the business and all tobacco advertising for the duration of the prohibition.

CHAPTER XI

AMENDING, TRANSITIONAL AND FINAL PROVISIONS

62. Section 3 of the Tobacco Tax Act (R.S.Q., chapter I-2), replaced by section 3 of chapter 47 of the statutes of 1995, is amended by replacing the first paragraph by the following :

“3. No person may engage in the retail sale of tobacco in an establishment in Québec unless a registration certificate has been issued to that person under Title I of the Act respecting the Québec sales tax (chapter T-0.1) and is in force at that time for that establishment with regard to retail sales of tobacco.”

63. The said Act is amended by inserting, after section 5.0.1 enacted by section 4 of chapter 47 of the statutes of 1995, the following :

“5.0.2. Where a registration certificate has been suspended pursuant to section 17.9.1 of the Act respecting the Ministère du Revenu (chapter M-31) with regard to retail sales of tobacco in a particular establishment, the certificate holder must post the notice of suspension served on the holder by the Minister in the establishment for the entire duration of the suspension.”

64. Section 7 of the said Act, replaced by section 5 of chapter 47 of the statutes of 1995, is amended by adding the following :

“Furthermore, where the registration certificate of a vendor has been suspended pursuant to section 17.9.1 of the Act respecting the Ministère du Revenu (chapter M-31) in respect of a particular establishment, no person may sell to that vendor tobacco intended for retail sale in that establishment, or deliver or cause tobacco to be delivered to that establishment.”

65. The Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by inserting, after section 17.9, the following :

“17.9.1. On receiving notice from the Minister of Health and Social Services pursuant to section 60 of the Tobacco Act (1998, chapter 33), the Minister shall suspend, with regard to retail sales of tobacco in an establishment within the meaning of the Tobacco Tax Act, the registration certificate issued to a person under the Act respecting the Québec sales tax.

The suspension shall take effect on the lapse of fifteen days from the date of service of the notice of suspension. Service of the notice may be effected by a peace officer, by a bailiff, or by registered mail.”

66. The Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) is amended by inserting, after section 415, the following :

“**415.0.1.** A registration certificate issued pursuant to this Title to a person who engages in the retail sale of tobacco is deemed to have been issued in respect of each establishment within the meaning of the Tobacco Tax Act (chapter I-2) in which that person engages in that activity.”

67. Section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) is amended by adding, after paragraph *l*, the following :

“(m) take the necessary steps to reduce tobacco dependence in the population.”

68. Notwithstanding paragraph 9 of section 2 and section 3, smoking is permitted in all workplaces in a non-ventilated smoking room until (*insert here the date occurring 18 months after the date of coming into force of paragraph 9 of section 2*). However, in a workplace with fewer than 50 employees, that date is deferred for a further 30 months.

69. Section 7 applies from (*insert here the date occurring 120 months after the date of coming into force of section 7*). However, section 7 applies from (*insert here the date occurring 24 months after the date of coming into force of section 7*) in the case of a new building or major renovations.

70. Section 9 applies from (*insert here the date occurring 12 months after the date of coming into force of section 9*).

71. Section 18 applies from 1 October 2000.

72. Sponsorship agreements entered into before 14 May 1998, or the signing of which constitutes the renewal of an agreement, that relate to the financing of an activity referred to in section 22 that is scheduled to take place on or before 1 October 2000 may be executed. However, the maximum amount that may be paid pursuant to each contract may not exceed the amount provided for in the contract on 11 June 1998.

In addition, under such contracts, material related to any promotion referred to in section 22 may be used on the site of the activity until 1 October 2003.

However, outside the site of the activity, such promotion may not occupy more than 10% of the surface area of any promotional material related to the activity until 1 October 2003.

The promotional material referred to in the third paragraph may appear only

- (1) in publications sent by mail and addressed to a named adult ;
- (2) in publications that have an adult readership of not less than 85% ;

(3) on posters placed in a place or business where minors are not admitted pursuant to the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1).

73. Section 23 applies to a contract in effect on 14 May 1998, from 1 October 2003.

74. The Government may, on such conditions as it may fix but only until 1 October 2003, grant a subsidy to persons and bodies who, on or before 1 October 2000, prove to the Minister that they have renounced all sponsorship under contracts referred to in the first paragraph of section 72.

The Government may, in particular, make the granting of subsidies dependent on the applicants agreeing to broadcast messages attributed to the Minister, as part of their activities, bearing on health or on the harmful effects of tobacco on health.

75. The last paragraph of section 28 does not apply to trademarks appearing on tobacco products on sale in Québec on 14 May 1998.

76. The Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01) is repealed.

Proceedings instituted on or before (*insert here the date occurring one day before the date of coming into force of this section*) shall be continued in accordance with the provisions of the Act respecting the protection of non-smokers in certain public places as it read on that date.

In addition, any offence committed before (*insert here the date occurring one day before the date of coming into force of this section*) but in respect of which no proceedings have been instituted on that date shall be prosecuted in accordance with the provisions of the Act respecting the protection of non-smokers in certain public places, as it read on that date.

77. The Minister must, not later than 1 October 2005, make a report to the Government on the implementation of this Act.

The report shall be laid by the Minister before the National Assembly within 15 days or, if the Assembly is not sitting, within 15 days of resumption. The competent committee of the National Assembly shall examine the report.

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

79. The provisions of this Act come into force on 17 December 1999 or on any earlier date or dates fixed by the Government, except the provisions of sections 1, 16 to 19, 21 to 31, 46 to 48, 50 to 54, 72 to 75, 77 and 78 which come into force on 1 October 1998.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 453
(1998, chapter 34)

An Act respecting the appointment of a chief electoral officer

Introduced 18 June 1998
Passage in principle 18 June 1998
Passage 18 June 1998
Assented to 19 June 1998

**Québec Official Publisher
1998**

EXPLANATORY NOTE

The purpose of this bill is to allow the appointment of a chief electoral officer even though that person is not an elector within the meaning of the Election Act.

Bill 453

AN ACT RESPECTING THE APPOINTMENT OF A CHIEF ELECTORAL OFFICER

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Notwithstanding section 478 of the Election Act (R.S.Q., chapter E-3.3), the National Assembly may, not later than 23 June 1998, appoint a person who is not an elector within the meaning of that Act.

The person so appointed must, however, become a qualified elector within nine months of taking up office, failing which the term of office of the person shall terminate, notwithstanding section 479 of the said Act, one year after that date.

2. This Act comes into force on 19 June 1998.

Regulations and other acts

Gouvernement du Québec

O.C. 912-98, 8 July 1998

An Act respecting income security
(R.S.Q., c. S-3.1.1)

Income security — Amendments

Regulation to amend the Regulation respecting income security

WHEREAS in accordance with section 91 of the Act respecting income security (R.S.Q., c. S-3.1.1), the Government made the Regulation respecting income security by Order in Council 922-89 dated 14 June 1989;

WHEREAS it is expedient to amend the Regulation;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), two drafts of the Regulation to amend the Regulation respecting income security were published in Part 2 of the *Gazette officielle du Québec*, one on 11 March 1998 and the other on 13 May 1998, with a notice that they could be made by the Government upon the expiry of 45 days following their publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make only one regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Employment and Solidarity and Minister of Employment and Solidarity:

THAT the Regulation to amend the Regulation respecting income security, attached hereto, be made.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting income security^(*)

An Act respecting income security
(R.S.Q., c. S-3.1.1, s. 25, 2nd par., s. 91, 1st par.,
subpars. 5, 8, 18, 40 and 2nd par.; 1997, c. 57, s. 58)

1. Sections 7.1 and 13.2 of the Regulation respecting income security are deleted.

2. Section 24 is amended by

(1) substituting “15” for “12” in subparagraph 1.1 of the first paragraph;

(2) by inserting the following after subparagraph 3 of the first paragraph:

“(4) for the entire duration of his participation in a measure or an employment assistance program where he ceases to be eligible for a last resort assistance program because of the amounts paid by Emploi-Québec, if he continues to participate in such a measure or program;

(5) for not more than 48 consecutive months in the case of an independent adult or a member of a family comprising only one adult, who ceases to be eligible for the financial support program because of his return to work, if his gross monthly income does not exceed \$1 500 and as long as it concerns an independent adult or a member of a family comprising only one adult; this subparagraph ceases to apply if, after the first month of return to work and for more than 3 consecutive months, the gross monthly income of the adult exceeds \$1 500.”

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

“If, at the end of the period referred to in one of the subparagraphs of the first paragraph, a beneficiary referred to in subparagraphs 1 to 4 becomes eligible again for a last resort assistance program, the number of months of eligibility he would have accumulated if he had remained eligible for a last resort assistance program shall be maintained at the time of his new application for eligibility, even if his eligibility was interrupted.”

* The Regulation respecting income security, made by Order in Council 922-89 dated 14 June 1989 (1989, *G.O.* 2, 2443), was last amended by the Regulations made by Orders in Council 619-98 dated 6 May 1998 (1998, *G.O.* 2, 1819) and 821-98 dated 17 June 1998 (1998, *G.O.* 2, 2497). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

3. The following is inserted after section 41.1:

“**41.2.** The amount of the special benefits referred to in sections 23, 37, 39 to 41.1 shall be reduced by any amount granted by Emploi-Québec to cover the same need.”.

4. The following is substituted for paragraphs 13 and 14 of section 52:

“(13) amounts paid by the Minister, including those paid by Emploi-Québec, as additional fees related to the beneficiary’s participation in a measure or an employment assistance program;”.

5. The following is inserted after section 132.13:

“**132.14.** The excluded work income referred to in sections 7, 8, 8.1, 9, 13, 14, 14.1 and 15 comprises the amounts paid by Emploi-Québec if the person was receiving, before 1 August 1998, financial assistance as an employment assistance allowance for his participation in a measure or an employment assistance program. That exclusion shall apply for as long as that person continues, without interruption, to participate in that measure or program.

132.15. Paragraphs 13 and 14 of section 52, as they read before 1 August 1998, shall continue to apply with respect to a person having started, before 1 August 1998, his participation in the external manpower services program or in the young volunteers program as long as he continues, without interruption, to participate therein.”.

6. This Regulation comes into force on 1 August 1998.

2378

Gouvernement du Québec

O.C. 932-98, 8 July 1998

Consumer Protection Act
(R.S.Q., c. P-40.1)

Regulation
— **Amendments**

Regulation to amend the Regulation respecting the application of the Consumer Protection Act

WHEREAS under paragraphs *a* and *r* of section 350 of the Consumer Protection Act (R.S.Q., c. P-40.1), the Government may make regulations respecting the matters set forth therein;

WHEREAS the Government made the Regulation respecting the application of the Consumer Protection Act (R.R.Q., 1981, c. P-40.1, r.1);

WHEREAS it is expedient to amend the Regulation in order to make the adjustments required following the adoption of the Act to amend the Consumer Protection Act with respect to itinerant merchants (1998, c. 6);

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 20 May 1998 with a notice that it could be made by the Government upon the expiry of 25 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Relations with the Citizens and Immigration:

THAT the Regulation to amend the Regulation respecting the application of the Consumer Protection Act, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Consumer Protection Act^{*}

Consumer Protection Act
(R.S.Q., c. P-40.1, s. 350, pars. *a* and *r*; 1998, c. 6)

1. Section 8 of the Regulation respecting the application of the Consumer Protection Act is amended by adding the following paragraph at the end:

“(*m*) a contract under which the total amount of the consumer’s obligation does not exceed \$25.”.

2. The following is inserted after section 28:

“**28.1** The Statement of consumer cancellation rights provided for in Schedule 1 to the Act must show:

* The Regulation respecting the application of the Consumer Protection Act (R.R.Q., 1981, c. P-40.1, r.1) was last amended by Order in Council 504-98 dated 8 April 1998 (*G.O.* 2, 1613). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

(a) the heading, in bold type of at least 12 points;

(b) the statement of the 10-day cancellation rights contained in the first paragraph of the Statement, in typeface of at least 12 points;

(c) the remainder of the text of the Statement, in typeface of at least 10 points.”.

3. Section 30 is revoked.

4. The following is substituted for section 38:

“**38.** A contract involving credit entered into by an itinerant merchant and subject to sections 58 to 65 of the Act, with the exception of a contract of lease of services involving sequential performance, must contain, in addition to the clauses prescribed in Schedules 5 or 7 of the Act, the following compulsory clause, as the case may be:

“Clause required under the Consumer Protection Act.

(Contract involving credit entered into by an itinerant merchant)

The consumer may reimburse the credit contract before maturity without charge or penalty; he may also require a statement of account under the conditions provided by the Act.

It is in the consumer’s interest to refer to sections 58 to 65, 73, 74, 76, 91, 93 and 116 of the Consumer Protection Act (R.S.Q., c. P-40.1) and, if necessary, contact the Office de la protection du consommateur.”.

5. The following is substituted for section 45.3:

“**45.3** A contract of lease with guaranteed residual value entered into by an itinerant merchant and subject to sections 58 to 65 of the Act must contain, in addition to the clauses prescribed in Schedule 7.3 of the Act and the clauses prescribed in sections 45.1 and 45.2, the following compulsory clause:

“Clause required under the Consumer Protection Act.

(Contract of lease with guaranteed residual value entered into by an itinerant merchant)

The merchant must obtain permission of the court before recovering possession of leased goods where the consumer in default has paid at least one-half or more of his maximum obligation.

The consumer may purchase leased goods at all times under the conditions fixed by the Act; to that end, he may require a statement of account.

The consumer’s residual value exigible is limited by the Act.

The merchant may not, in some cases, sell leased goods at a price lower than the residual value without first offering it to the consumer at that price.

It is in the consumer’s interest to refer to sections 58 to 65, 150.21 and 150.27 to 150.32 of the Consumer Protection Act (R.S.Q., c. P-40.1) and, if necessary, contact the Office de la protection du consommateur.”.

6. This Regulation comes into force on 1 August 1998.

2379

M.O., 1998

Minister’s Order to designate breast cancer detection centres

The Minister of Health and Social Services,

CONSIDERING that it is expedient to designate breast cancer detection centres under subparagraph *b.3* of the first paragraph of section 69 of Health Insurance Act (R.S.Q., c. A-29);

ORDERS:

THAT the following breast cancer detection centres be designated for Montréal-Centre region:

Centre de radiologie Hochelaga
8695, Hochelaga, bureau 101
Montréal (Québec)
H1L 6J5

Radiologie Laënnec
1100, rue Beaumont, bureau 104
Mont-Royal (Québec)
H3P 3H5

Québec, 26 June 1998

JEAN ROCHON,
*Minister of Health
and Social Services*

2382

M.O., 1998**Minister's Order to designate breast cancer detection centres**

The Minister of Health and Social Services,

CONSIDERING that it is expedient to designate breast cancer detection centres under subparagraph *b.3* of the first paragraph of section 69 of Health Insurance Act (R.S.Q., c. A-29);

ORDERS:

1. THAT the following breast cancer detection centre be designated for the Montérégie region:

Clinique de radiologie CLM
2984, boulevard Taschereau, bureau 101
Greenfield Park (Québec)
J4V 2G9

2. That the following breast cancer detection centres be designated for the Saguenay–Lac-Saint-Jean region:

Clinique de radiologie du Saguenay
874, boulevard Université, suite 106
Chicoutimi (Québec)
G7H 6B9

Hôtel-Dieu de Roberval
450, rue Brassard
Roberval (Québec)
G8H 1B9

Québec, 23 June 1998

JEAN ROCHON,
*Minister of Health
and Social Services*

2383

M.O., 1998**Order of the Minister responsible for the Act respecting immigration to Québec dated 26 June 1998**

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2)

Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals

The Minister of Relations with the Citizens and Immigration,

CONSIDERING that, under section 3.4 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Minister may, by regulation, establish the weighting of selection criteria for foreign nationals and the passing score and, where expedient, the cutoff score determined in relation to a selection criterion, applicable to the preliminary stage of selection and to the selection, which weighting and scores may vary according to the family situation of the foreign national, according to the classes of foreign nationals or within the same class of foreign nationals;

CONSIDERING that, under that section, the Minister may determine that the regulation applies to applications that are being processed, or to applications filed after a particular date that are being processed, or to those that have not yet reached a particular stage on the date of coming into force of the regulation;

CONSIDERING that, under that section, a regulation made by the Minister is not subject to the requirement to publish contained in section 8 of the Regulations Act (R.S.Q., c. R-18.1) and, notwithstanding section 17 of that Act, may come into force on the date of its publication in the *Gazette officielle du Québec*, or on any later date fixed in the regulation;

CONSIDERING the Regulation respecting the weighting applicable to the selection of foreign nationals made by Order dated 9 September 1996 (1996, *G.O.* 2, 4029);

CONSIDERING that it is expedient to further amend the Regulation;

ORDERS:

THAT the Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals, attached to this Order, be made.

ANDRÉ BOISCLAIR,
*Minister of Relations with
the Citizens and Immigration*

Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals^(*)

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2)

1. The Regulation respecting the weighting applicable to the selection of foreign nationals is amended, in Schedule I to section 1 entitled WORKER AND ASSISTED RELATIVE, by substituting, in the column of points allocated,

(1) the number “4” for the number “0” in criterion 2.C.3.7;

(2) the number “3” for the number “0” in criterion 2.C.3.8;

(3) the number “2” for the number “0” in criterion 2.C.3.9; and

(4) the number “1” for the number “0” in criterion 2.C.3.10.

2. Section 2 is amended, in the column of points allocated, by substituting

(1) the number “4” for the number “0” in criterion 2.C.3.7;

(2) the number “3” for the number “0” in criterion 2.C.3.8;

(3) the number “2” for the number “0” in criterion 2.C.3.9; and

(4) the number “1” for the number “0” in criterion 2.C.3.10.

3. This Regulation applies to applications that are being processed at the time of its coming into force.

4. This Regulation comes into force on 20 July 1998.

2381

^{*} The Regulation respecting the weighting applicable to the selection of foreign nationals, made by Order dated 9 September 1996 (1996, *G.O.* 2, 4029) was last amended by Order dated 4 July 1997 (1997, *G.O.* 2, 3979). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

Draft Regulations

Draft Regulation

Financial Administration Act
(R.S.Q., c. A-6)

Savings products — Amendments

Notice is hereby given, in accordance with sections 10 to 13 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting savings products, which appears below, may be made by the Government upon the expiry of 25 days following this publication.

This draft Regulation proposes to clarify the terms and conditions applicable to securities at maturity, where Placements Québec has received no instructions from the owner regarding the securities. The Regulation also proposes to introduce a provision whereby funds may be frozen in favour of a third party, upon written request from the participant.

To date, the study of the matter has shown no effect on individuals or businesses.

In accordance with section 13 of the Regulations Act, the Government is of the opinion that the urgency due to the following circumstances warrants a shorter publication period:

— given the considerable number of securities that will mature in the fall of 1998, it is imperative, in the interest of the participants, to clarify the terms and conditions applicable to the automatic reinvestment of the securities.

Further information may be obtained by contacting Ms. Lise Roberge of the Direction de l'organisation financière, Ministère des Finances, 12, rue Saint-Louis, 3^e étage, Québec (Québec) G1R 5L3, Tel.: (418) 691-2231, Fax: (418) 528-1463.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 25-day period, to the Minister of Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec) G1R 5L3.

BERNARD LANDRY,
Minister of Finance

Regulation to amend the Regulation respecting savings products*

Financial Administration Act
(R.S.Q., c. A-6, ss. 69.0.4 and 69.0.5)

1. The Regulation respecting savings products is amended by inserting the following after section 26:

“**26.1.** Placements Québec may delay the reimbursement or the transfer of a security held for fewer than ten days, until the amount payable has been cleared by a bank and credited to the Government.”.

2. Section 33 is amended:

(1) by inserting the following words at the beginning of the first paragraph: “Subject to the automatic reinvestment provided for in sections 65.1 to 65.4 and”;

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

“For the purposes of this Regulation, “maturity value” means the amount payable for a security on its maturity date, less the simple interest payable on the security, if applicable.”.

3. Section 46 is revoked.

4. The following is substituted for section 47:

“**47.** Any application for transfer shall be made by filling out the form prescribed in Schedule I, and shall describe the securities in the participant’s portfolio that are listed in the application.”.

5. The following is inserted after the title of Division V of Chapter I:

“§1. *Reinvestment upon application*”.

6. The following is inserted after section 65:

“§2. *Automatic reinvestment*”

65.1. If Placements Québec has not received any instructions from the participant or the person authorized

* The Regulation respecting savings products was made by Order in Council 1038-96 dated 21 August 1996 (1996, G.O. 2, 3930) and has not been amended since.

to act in his name with respect to the securities that have matured, the term of which is more than one day, the maturity value of those securities shall automatically be reinvested on the maturity date in Québec term bonds with a one-year term bearing interest at a fixed rate and compounded annually or, if such bonds are not available on that date, in Québec transitory investment units.

However, the maturity value of 1996 units of the Investment Saving Plan, Québec savings bonds issued as of 1996, or Québec savings bonds issued before 1996 that have been registered in a book based system with Placements Québec, shall automatically be reinvested in Québec savings bonds on the maturity date, or if such bonds are not available, in Québec transitory investment units. In the latter case, the value of the units shall subsequently be reinvested in Québec savings bonds, if such bonds are issued in the year following the date of reinvestment in the units.

65.2. Placements Québec shall send the participant or the person authorized to act in his name a statement of transactions confirming the reinvestment.

65.3. The participant is deemed to have agreed to the reinvestment if, within 45 days following the date of the statement, Placements Québec has not received from the participant or the person authorized to act in his name a notice giving instructions either to reimburse the maturity value of the original securities or to invest it in other savings products available at such maturity date.

65.4. Where reimbursement instructions are received, Placements Québec shall reimburse the principal of the securities acquired by automatic reinvestment and the interest yielded by those securities up to the date of the reimbursement.

Where instructions to invest in savings products other than those acquired by automatic reinvestment are received, the investment shall have effect and be subject to the conditions in force on the maturity date of the original securities.”

7. The following is inserted after section 75:

“**75.1.** Placements Québec may, upon the written request of a participant, agree that the value of the securities designated by the participant be frozen in favour of a third party for the amount of the principal only or for the principal and interest.

No transaction may be carried out with respect to the securities while the funds are frozen, except for their reinvestment at maturity, unless there is a written authorization from the third party in favour of which the funds were frozen.

The funds shall be frozen by means of an entry in the participant’s account to the effect that the designated securities have been frozen, giving the name and address of the third party in whose favour they were frozen and, if applicable, the expiry date of the freeze. That entry in the account may be erased by means of a written agreement from the third party; however, the entry bearing an expiry date for the freezing of funds shall be cancelled by operation of law at 00:00 a.m. on the day following its expiry date.”

8. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Notice

An Act respecting industrial accidents
and occupational diseases
(R.S.Q., c. A-3.001)

Experience ratios for 1999

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that upon the expiry of 45 days following the publication of this notice the Regulation respecting the experience ratios for 1999 will be adopted by the Commission de la santé et de la sécurité du travail, with or without amendments.

The Regulation determines the experience ratios for each unit of activity for 1994, 1995, 1996 and 1997, which will be used to fix the assessment of employers subject to a personalized rate for 1999 under the Regulation respecting personalized rates.*

The purpose of the Regulation respecting personalized rates is to adjust the assessment of employers in relation to their own experience in the field of occupational injuries, so as to encourage prevention.

Any interested person having comments to make on matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Roland Longchamps, Vice-Chairman, Finance, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2.

TREFFLÉ LACOMBE,
*Chairman of the board and
chief executive officer
of the Commission de la santé
et de la sécurité du travail*

Regulation respecting the experience ratios for 1999

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001, s. 454, 1st par., subpar. 8; 1996, c. 70)

1. The first- and second-level experience ratios for each unit of classification for 1994, 1995, 1996 and 1997 applicable for the purposes of fixing personalized rates for the assessment year 1999 are those appearing in Schedule 1.

2. This Regulation comes into force as of 1 January 1999.

* The Regulation is published in draft regulation form in the *Gazette officielle du Québec*, June 23, 1998, number 26, page 2301.

Unit	Description	First-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
10010	Operating a dairy cattle herd; raising cattle, buffalo, horses, wild boar; horse boarding service	0.5438	0.7964	0.5617		1.5261	
10020	Raising hog, sheep, goat, grain-fed and milk-fed heavy calves	0.5857	0.6253	0.5676		1.3129	
10030	Raising, catching and caging poultry; raising fur-bearing animals; raising earthworms; raising rabbits; pisciculture; apiculture	0.6490	0.5800	0.4182		1.1466	
10040	Field-crop farming; fruit or vegetable farming; ornamental plant cultivation; mushroom production; Christmas tree farming; maple syrup production; tobacco production	0.5605	0.5617	0.4817		1.2174	
11010	Inshore or offshore fishing; underwater diving services	0.1298	0.2651	0.4126		0.9484	
13010	Surface iron ore mining with or without concentration; pelletization of iron ore	0.2077	0.2206	0.1334		0.3418	
13020	Metal mining, except iron mines; treatment, concentrating or smelting metal ores, except iron ore	0.6898	0.5690	0.3264		1.6615	
13030	Asbestos mining	0.3429	0.3338	0.1666		0.7548	
13040	Peat extraction or manufacturing peat-based products; mining or crushing quartz or other industrial siliciferous ores; underground mining of non-metal ores, not specified in other units	0.5894	0.4411	0.3332		0.7608	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
13050	Operating a cut-stone quarry; operating a crushed stone quarry with blasting and drilling; mine prospecting with blasting or with crawler tractors	0.4643	0.8212	0.4835		1.2235	
13060	Operating a crushed stone quarry without blasting or drilling; rock or gravel crushing with movable crushers; operating a gravel pit with or without crushing; operating a sandpit	0.6653	0.5306	0.4418		1.6813	
13070	Drilling ore for the removal of cores for mine prospecting; drilling oil or natural gas wells; other technical work incidental to drilling oil or natural gas wells	0.5941	0.7475	0.3209		1.9207	
13090	Mine prospecting not specified in other units; line cutting; geophysical surveys; geological work	0.3322	0.4926	0.2276		0.9152	
13100	Contract operation of a mine; digging ramps and crossing banks; other contract work relating to operation of mines	0.6231	0.5294	0.4486		2.1619	
14010	Forestry operations	1.0811	0.9897	0.7489		2.9314	
14020	Forestry development	1.1944	1.0377	0.8441		2.1650	
14030	Tree work	1.8403	1.7262	1.2781		3.9838	
20010	Slaughtering livestock; preparing, processing, drysalting or canning meat; manufacturing mineral or animal oil or shortening	1.2544	1.2716	0.9937		1.3324	
20020	Slaughtering poultry or rabbits; dressing, processing or canning poultry or rabbits	0.9032	0.9568	0.7052		1.1745	
20030	Preparing or processing fish, including canning	0.4921	0.5394	0.3879		1.5903	
20040	Processing, canning or freezing fruits or vegetables; preparing natural casings for delicatessen	0.6964	0.6379	0.4568		1.1601	
20050	Operating a dairy work; water bottling, with or without distribution; manufacturing and delivering blocks of natural or artificial ice	0.3716	0.3820	0.3041		0.5092	
20060	Flour mill	0.5981	0.6646	0.5165		1.4032	
20070	Processing meat unfit for human consumption or abattoir waste	0.3700	0.3797	0.3600		0.3584	
20080	Grain milling	0.3588	0.4025	0.3240		0.6513	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
20090	Manufacturing bakery, pastry or biscuit products, with or without distribution	0.5891	0.5541	0.5048		1.0087	
20100	Processing cane or beet sugar; manufacturing confectionery	0.4993	0.3972	0.2974		0.4768	
20110	Roasting and blending coffee; packing tea; roasting almonds	0.2521	0.2693	0.2091		0.4615	
20120	Manufacturing potato chips	0.4880	0.4304	0.3242		0.6474	
20130	Manufacturing margarine, vegetable oil or shortening; manufacturing convenience foods; manufacturing yeast or condiments; grinding and preparing spices; manufacturing or processing food products, not specified in other units	0.6482	0.5732	0.4338		0.9602	
20140	Manufacturing soft drinks, with or without distribution	0.5160	0.4589	0.3769		0.6693	
20150	Distillery; manufacturing wine or cider	0.3113	0.2044	0.1711		0.4565	
20160	Brewing beer, with or without distribution; manufacturing malt	0.4882	0.4252	0.3071		0.5698	
20170	Manufacturing tobacco products	0.1263	0.1453	0.0838		0.1426	
21010	Manufacturing tires or rubber treads for tires	0.2288	0.2403	0.2469		0.3376	
21020	Manufacturing adhesive tape or damper mats and rug underlays; manufacturing clothing or industrial parts or cellular products made of rubber	0.6187	0.7432	0.6051		0.8833	
21030	Manufacturing foamed or expanded plastic products; wholesaling foam rubber	0.5856	0.3821	0.3709		0.7246	
21040	Manufacturing plastic pipes or pipe fittings	0.6260	0.4964	0.4382		1.0931	
21050	Manufacturing plastic film and sheeting; manufacturing plastic bags	0.5920	0.5287	0.4765		0.8232	
21060	Manufacturing stratified or reinforced plastic products, except boats; manufacturing plastic products, not specified in other units	0.5866	0.5330	0.4462		0.8975	
22010	Leather tanning; custom-dressing furs; wholesaling raw hides or skins	0.6175	0.5101	0.8640		1.0427	
22020	Manufacturing footwear; shoe repairing; manufacturing footwear parts except rubber parts	0.4952	0.4543	0.3336		0.9003	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
22040	Manufacturing handbags or purses; manufacturing leather or imitation-leather goods, not specified in other units; manufacturing luggage, other than in wood and in metal	0.2752	0.1909	0.2728		0.5442	
22050	Manufacturing fibres or yarn from artificial or synthetic material; texturizing yarn	0.3904	0.3414	0.2117		0.7221	
22060	Manufacturing thread or yarn, without weaving	0.4293	0.4525	0.3344		0.7682	
22070	Weaving textiles other than carpets; recycling textile waste; preparing cotton-wool or flock	0.4985	0.4601	0.3099		0.6719	
22080	Manufacturing knitted fabrics	0.4626	0.4164	0.3514		0.7976	
22090	Manufacturing carpets	0.5038	0.4542	0.3758		0.7204	
22100	Manufacturing textile products, not specified in other units; manufacturing zippers or umbrellas	0.4321	0.3915	0.3319		0.7957	
22110	Finishing textiles; steam shrinking of fabrics	0.4690	0.4206	0.2723		0.7913	
22120	Manufacturing first-aid products	0.3670	0.3049	0.1602		0.4673	
22140	Manufacturing clothing or clothing accessories, not specified in other units	0.2921	0.2542	0.2022		0.6390	
22150	Knitting clothing or accessories, including assembling	0.3142	0.2899	0.1754		0.5958	
22160	Manufacturing ladies undergarments and swimsuits	0.1908	0.1903	0.1157		0.4351	
23050	Manufacturing in a shop custom woodwork to be attached to a structure; mass production of wooden cabinets	0.5602	0.6112	0.5414		1.0278	
23060	Manufacturing wooden doors or windows	0.5055	0.4884	0.4099		0.7658	
23070	Manufacturing wooden roof trusses or laminated wood framework	0.6704	0.8880	0.9111		1.2584	
23090	Manufacturing wooden or metal coffins or frames; manufacturing pipe organs, pianos or other musical instruments	0.6171	0.5839	0.5270		0.9011	
23120	Manufacturing miscellaneous wooden goods, not specified in other units	1.1135	0.9758	0.7688		1.7882	
24010	Manufacturing metal furniture or fixtures	0.7416	0.7458	0.6056		0.9811	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
24020	Manufacturing custom wooden furniture in a workshop; manufacturing wooden furniture for electronic equipment or wooden cases for musical instruments	0.6749	0.6828	0.6584		1.5622	
24030	Mass assembling of wooden furniture or furniture frames, with or without upholstering; upholstering custom furniture in a workshop; repairing wooden or upholstered furniture; manufacturing upholstered mattresses or bed springs	0.4626	0.4657	0.3059		0.8779	
24040	Mass production of wooden furniture or furniture frames, with or without upholstering	0.6961	0.7367	0.5601		1.0395	
25410	Manufacturing prefabricated wooden houses, house panels or mobile homes	0.6823	0.8544	0.6884		1.5665	
26010	Printing; silkscreen printing	0.2677	0.2622	0.2004		0.4494	
26020	Operating a bindery	0.6902	0.5017	0.3971		1.3350	
26030	Metal typesetting (typography-linotyping); stereotyping; lithography; manufacturing plates for printing; developing and printing films	0.1242	0.0856	0.0944		0.2387	
26040	Printing and publishing a daily; printing and publishing	0.1033	0.0827	0.0719		0.1642	
27020	Manufacturing steel castings (steel foundry); lead or lead alloys rolling, casting or extruding	1.0927	0.9716	0.8615		1.6711	
27030	Manufacturing steel; processing steel by rolling and forging	0.4503	0.4711	0.4269		0.6968	
27040	Manufacturing titanium slag and pig iron; manufacturing metal powder, steel pipe or tubing; manufacturing ferro-alloys	0.4075	0.3737	0.2921		0.4980	
27050	Manufacturing iron castings (cast-iron foundry)	0.8176	0.7993	0.5238		0.9151	
27060	Primary manufacturing of aluminum	0.1731	0.1664	0.1193		0.2379	
27070	Electrolytic refining of copper or zinc and processing of their by-products	0.1675	0.1429	0.0933		0.1979	
27080	Aluminum and aluminum alloys rolling	0.1948	0.1795	0.1455		0.3718	
27090	Extruding aluminum, copper or their alloys	0.4856	0.4401	0.2543		0.5019	
27110	Non-ferrous metal pressurized casting; non-ferrous metal casting; manufacturing aluminium or light alloy automobile parts	0.4852	0.5948	0.5189		0.7620	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
28010	Casting or overhauling high pressure boilers, tanks or heat exchangers	0.5952	0.5571	0.4176		0.9790	
28020	Manufacturing metal structural components	0.8982	0.9450	0.7461		1.3559	
28030	Manufacturing metal windows or doors; repairing industrial doors; manufacturing other ornamental and architectural metal products	0.4736	0.4582	0.4446		0.9028	
28040	Manufacturing ornamental metal products; operating a welding shop; manufacturing motor vehicle springs, mufflers or exhaust pipes	0.9456	0.9270	0.7045		1.6372	
28050	Electrolytic or chemical plating; heat treating of metals	0.6304	0.7029	0.6017		1.0132	
28060	Workshop painting, dyeing or coating metal products	0.8827	0.8307	0.6267		1.3559	
28070	Manufacturing or repairing metal containers or their lids	0.5608	0.3203	0.2613		0.6961	
28080	Manufacturing other products by metal stamping or matrixing	0.5947	0.5595	0.4682		0.9092	
28090	Manufacturing metal wire or cable, metal rods, welding electrodes or other metal wire products; applying metal powder to metal parts	0.5117	0.4861	0.3535		0.7494	
28100	Manufacturing industrial fasteners or metal springs	0.5709	0.4641	0.3156		0.8508	
28110	Manufacturing basic hardware articles or small hand or garden tools; manufacturing industrial dies, moulds, cutting tools and punches	0.4275	0.4282	0.3313		0.6785	
28120	Manufacturing heating equipment	0.3276	0.3578	0.3034		0.4541	
28130	Machine shop piece work; rebuilding mechanical motors	0.5298	0.5316	0.3947		0.8125	
28140	Manufacturing or assembling metal products, not specified in other units	0.7004	0.6009	0.5176		0.8495	
29010	Manufacturing agricultural equipment or implements	0.7311	0.7231	0.5584		1.0216	
29020	Manufacturing commercial refrigeration equipment or air conditioning equipment	0.5330	0.3170	0.4816		0.8161	
29030	Manufacturing conveyors	0.5641	0.5155	0.5790		0.7974	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
29040	Manufacturing and installing or repairing hydraulic or pneumatic pressure cylinders	0.4749	0.4918	0.3060		0.7753	
29050	Manufacturing or repairing heavy machinery; manufacturing industrial equipment; constructing or repairing locomotives or freight cars	0.5496	0.4912	0.4044		0.6944	
29070	Manufacturing sewing machines or small electrical appliances; manufacturing machinery and equipment, not specified in other units	0.2911	0.3406	0.2635		0.4943	
29080	Manufacturing major electrical appliances; repairing electrical household appliances	0.2585	0.2030	0.1354		0.3140	
29090	Manufacturing lighting fixtures	0.4461	0.4315	0.2236		1.0057	
29110	Manufacturing electronic household equipment; assembling lighting fixtures	0.3438	0.6375	0.2583		1.0234	
29120	Manufacturing electronic parts or components; manufacturing electronic equipment, not specified in other units	0.0805	0.0696	0.0510		0.1038	
29130	Manufacturing lightning rods, high voltage line circuit breakers or distribution transformers	0.2370	0.2967	0.2794		0.5273	
29140	Manufacturing high power transformers; manufacturing or assembling batteries	0.4500	0.3863	0.2837		0.8494	
29150	Manufacturing control panels or electrical or pneumatic measuring instruments	0.2584	0.2142	0.1522		0.3406	
29160	Manufacturing or assembling electric motors or generators; repairing or rewinding electric motors	0.5050	0.3924	0.3098		0.5803	
29170	Manufacturing electrical wire or cable; manufacturing electric light bulbs	0.1767	0.1826	0.1601		0.2591	
29180	Manufacturing electrical distribution parts or graphite electrodes	0.3565	0.3175	0.2810		0.6023	
30010	Repairing, reworking, finishing or reconditioning aircraft; machining or assembling aircraft parts manufacturing	0.2250	0.1826	0.1579		0.2355	
30020	Constructing aircraft	0.1724	0.1842	0.1219		0.1673	
30030	Manufacturing aircraft parts by microfusion with casting	0.3965	0.2515	0.3318		0.8334	
30040	Constructing trucks	0.3730	0.3947	0.2506		0.4770	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
30050	Constructing automobiles	0.5446	0.3292	0.2428	0.7070		
30060	Constructing buses or long-distance coaches	0.7908	0.8011	0.6039	1.2816		
30070	Manufacturing or assembling truck boxes, with or without installation	0.8657	0.8484	0.6968	1.0112		
30080	Manufacturing, with or without repairing, motor vehicle trailers; manufacturing house trailers or tent trailers; manufacturing and renting movable shelters; finishing van interiors	0.8967	0.9647	0.4980	1.1737		
30110	Manufacturing or repairing motor vehicle or machine radiators	0.4188	0.5155	0.3987	0.8037		
30130	Constructing or repairing railway passenger cars	0.4234	0.4261	0.1147	0.4524		
30160	Constructing or modernizing ships over 250 tonnes	1.1989	1.0560	0.6974	1.4573		
30170	Constructing or modernizing ships between 5 and 250 tonnes; minor repairs to ships over 5 tonnes	0.9311	0.8725	0.6344	1.9688		
30180	Manufacturing or repairing craft of 5 tonnes or less	0.9207	1.1660	0.6554	1.4702		
30190	Manufacturing snowmobiles, motorcycles, snowplows or all-terrain vehicles	0.2907	0.2724	0.2838	0.2862		
31010	Manufacturing clay products	0.5658	0.5403	0.2857	0.5858		
31020	Manufacturing cement or lime; manufacturing silicon carbide or gypsum panels	0.1985	0.1501	0.1291	0.2813		
31030	Manufacturing funeral monuments or other stone products	0.7292	0.6879	0.4912	1.5554		
31040	Manufacturing asbestos-cement products; manufacturing friction parts; manufacturing asbestos wire, cloth, ceiling components or gaskets	0.6190	0.5289	0.5236	0.8744		
31050	Manufacturing pipes, concrete masonry components and other concrete products similar to masonry components	0.5995	0.5591	0.5588	0.9024		
31060	Manufacture or installation of pre-cast concrete architectural elements or structures	1.1494	1.0828	0.8440	3.0288		
31070	Manufacturing ready-mix concrete; manufacturing asphalt	0.4789	0.3953	0.3622	0.8979		
31080	Manufacturing glass or glass products	0.6416	0.5451	0.5123	0.8148		

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
31090	Manufacturing refractory products; manufacturing or processing charcoal	0.5403	0.3628	0.2185		0.5931	
31100	Manufacturing insulating material, not specified in other units	0.4396	0.4450	0.3167		0.7548	
31110	Refining crude petroleum; manufacturing petroleum and coal products, not specified in other units	0.0892	0.0847	0.0953		0.1111	
32010	Manufacturing industrial inorganic chemical products, not specified in other units	0.1598	0.1660	0.1318		0.2057	
32020	Manufacturing industrial organic chemical products or other chemical products, not specified in other units	0.1950	0.2084	0.1955		0.4856	
32030	Manufacturing plastics or synthetic resins	0.2490	0.3155	0.3262		0.5894	
32040	Manufacturing pharmaceutical products or drugs	0.1036	0.0865	0.0900		0.1424	
32050	Manufacturing paint, varnish, printing ink, adhesives or coatings	0.2719	0.2296	0.2253		0.5331	
32060	Manufacturing soap or cleaning products	0.3059	0.3152	0.1838		0.5064	
32070	Manufacturing toiletries	0.2546	0.2267	0.1854		0.3743	
32080	Manufacturing ammunition	0.1540	0.1298	0.1052		0.1352	
32090	Manufacturing explosives	0.2779	0.2541	0.2331		0.5979	
33010	Assembling watches or clocks; operating an optical laboratory; manufacturing gold, silver or plated jewellery or ware; manufacturing orthopedic devices; assembling cartridges or cassettes	0.1539	0.1107	0.0755		0.2508	
33020	Manufacturing wooden or metal sporting goods or gymnasium equipment; assembling plastic or metal toys; manufacturing and repairing bicycles	0.7969	0.5921	0.3775		1.2930	
33030	Manufacturing, installing or repairing commercial signs	0.5872	0.5834	0.5138		1.1010	
33040	Assembling trophies or miscellaneous wooden, plastic, fiberglass or concrete products; manufacturing rubber pads, plaster goods, wax products, trophy parts or foundry models; stamping balloons; handicrafts	0.3934	0.4185	0.2763		0.8116	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
33050	Manufacturing buttons, snap fasteners, needles, emblems, medals, pencils or pens	0.2620	0.2722	0.1770		0.3246	
33060	Manufacturing vinyl tiles and vinyl linoleum; manufacturing heat-insulating products for piping	0.1913	0.2853	0.2198		0.2439	
34010	Sawmill	0.8974	0.8823	0.6635		1.4686	
34030	Manufacturing wooden pallets or containers used to handle or transport merchandise; manufacturing wooden fences	1.5545	1.4957	0.8790		2.4370	
34050	Drying wood; treating wood	0.7341	0.6528	0.5997		0.9607	
34060	Manufacturing solid wood panels; lathe work	2.2946	1.2348	0.6924		1.8299	
34200	Manufacturing of paper pulp; manufacturing of paper and paperboard; manufacturing of wood fibre boards	0.2308	0.2244	0.1701		0.3725	
34210	Transformation of paper and paperboard; treatment of paper and paperboard; manufacture of particle board; coating of boards	0.4631	0.4254	0.3682		0.6370	
34220	Manufacturing of office supplies made of paper or paperboard	0.3569	0.3104	0.3220		0.7409	
34410	Bulk trucking activities	0.4564	0.4405	0.3840		1.2778	
34420	Trucking activities other than bulk trucking	0.5755	0.5615	0.4495		1.2126	
50010	Air transport; services incidental to air transport	0.1900	0.1911	0.1418		0.4160	
50020	Transporting marine freight; towing or docking boats; railway transport	0.3439	0.3196	0.2570		0.6323	
50030	Loading or unloading boats	0.7244	0.5459	0.5881		0.9561	
51010	Transporting passengers by intercity bus; school bus service or special transportation by bus; transportation by tour bus or chartered bus, including vehicle repair or maintenance	0.2307	0.2443	0.2056		0.5774	
51020	Transporting passengers by intercity bus; school bus service or special transportation by bus; transportation by tour bus or chartered bus, not including vehicle repair and maintenance	0.2577	0.2044	0.2064		0.6390	
51030	Mass transit in urban areas, with or without vehicle repair; transporting passengers by taxi	0.2875	0.2935	0.2676		0.4069	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
52010	General local or long-distance transport; transporting or wholesaling fats or meats unfit for human consumption; transporting pelts	0.5755	0.5615	0.4495		1.2126	
52020	Railway service; transporting motor vehicles; transporting by towing; transporting by float; non-standard transport	0.6806	0.5093	0.5110		1.3972	
52030	Furniture moving; transporting electronic equipment	1.1751	1.5124	1.3168		2.6015	
52040	Transporting freight in tank-trucks, not specified in other units; transporting explosives, corrosive, toxic or inflammable products; transporting petroleum products	0.3698	0.3375	0.2806		0.7572	
52050	Bulk trucking; snow removal	0.4564	0.4405	0.3840		1.2778	
53010	Storage service	0.4880	0.4314	0.3942		0.8611	
53020	Wrapping or packing service with or without marketing	0.5360	0.6118	0.5239		1.3034	
60010	Operating a radio station; operating telephone lines or telephone exchanges; intercommunication services; recovering or repairing telephones; splicing telephone cables	0.0443	0.0381	0.0377		0.0852	
60020	Operating a television station; producing or distributing motion pictures or other audio and video material; operating a motion picture or a drive-in theater; operating an orchestra, a disco-mobile, a singing group, a theater company or a theatrical agency; leasing or renting halls; installing equipment for social dances	0.0930	0.0812	0.0624		0.1854	
60030	Cable television service; installing radio or television antennas; radio, television or cable connection work	0.2411	0.1824	0.1577		0.3102	
60040	Courier service; home small parcel delivery service	0.6687	0.7475	0.6599		0.9798	
60050	Operating a recreational centre; operating a professional sports club; operating a curling club; operating a bowling alley or a billiard parlour; operating a roller skating rink; operating a race track; operating a racket sports centre	0.1880	0.1818	0.1450		0.3535	
60060	Operating a golf course	0.2469	0.2160	0.2240		0.4505	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
60070	Operating a ski centre; operating a snowmobile club	0.4329	0.4825	0.4536		1.1308	
60080	Operating an amusement park or rides, an amateur sports club, a pleasure-boating club, a shooting club, or amusement and recreational services, not specified in other units; operating a Turkish bath, a massage parlour, a bodybuilding studio, a tanning salon, a shoeshine service or a checkroom service; organizing a public festival	0.2451	0.2016	0.1602		0.2965	
61010	Generating and distributing electric power	0.0672	0.0608	0.0551		0.0904	
61020	Operating a water distribution centre, a steam distribution centre or a natural gas distribution centre; operating and maintaining a gas or an oil pipeline	0.1365	0.1529	0.1491		0.2806	
61030	Maintaining a garbage dump; disposal of industrial waste; cleaning tanks, sewers, cesspools, septic tanks or industrial facilities; renting or leasing, with maintenance, portable chemical toilets	0.4939	0.5126	0.4418		0.9275	
61040	Garbage collection	0.9494	0.9659	0.8728		1.6970	
62010	Transporting milk and cream; wholesaling dairy products; wholesale or retail distribution of dairy products	0.3876	0.3646	0.2975		0.7268	
62020	Wholesaling fruit, vegetables or fish	0.5091	0.4386	0.3875		0.9019	
62030	Wholesaling meat and meat products	0.6035	0.5131	0.4040		0.9413	
62040	Wholesaling meat, including cutting up and carving	0.9276	1.1503	0.9029		1.8978	
62050	Wholesaling bakery or pastry products or distributing those products, wholesale or retail; retailing imported specialties, dietetic or natural food, delicatessen, pastries or seafood products	0.3876	0.2476	0.2406		0.8169	
62060	Wholesaling food, not specified in other units	0.5576	0.5509	0.4086		0.8199	
62070	Wholesaling carbonated beverages or water; distributing carbonated beverages or water, wholesale or retail; wholesaling beer	0.4937	0.6517	0.4696		0.8805	
62090	Wholesaling toiletries or drug sundries	0.1410	0.1073	0.1104		0.2207	
62110	Operating a grocery store	0.2590	0.2973	0.2352		0.4117	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
62120	Operating a convenience store with or without gasoline sales	0.1916	0.1880	0.1560		0.5923	
62130	Operating a grocery-butcher shop	0.4644	0.4219	0.3207		0.7106	
62140	Operating a butcher shop	0.5714	0.6024	0.3954		1.1818	
62150	Making and retailing bakery or pastry products	0.2813	0.3379	0.3422		0.6565	
62160	Fruit and vegetables retail business	0.3842	0.3732	0.2860		0.6624	
62170	Alcoholic beverages retail business	0.2207	0.2832	0.2225		0.3401	
62180	Operating a drugstore; operating a tobacco store; herbalist's shop; chocolate, delicacies or cookies shop, beauty products or cosmetics shop, or selling lottery tickets; operating a bus terminal or a contract post office	0.0978	0.0850	0.0719		0.1908	
63010	Wholesaling household, commercial or service industry furniture, or electrical household appliances; wholesaling floor coverings; leasing, wholesaling or retailing office equipment or furniture; leasing electrical household appliances or electronic household equipment	0.1598	0.1426	0.1191		0.3071	
63020	Wholesaling household dishware, pottery, glassware or similar household goods; wholesaling electronic household appliances	0.1885	0.1197	0.1103		0.4359	
63030	Wholesaling metals or alloys, including handling	0.5534	0.4466	0.3837		0.8047	
63040	Wholesaling hardware, plumbing or heating equipment and supplies, not specified in other units; wholesaling and installing safes, with or without repair; wholesaling sanitation equipment	0.1395	0.1347	0.1210		0.2632	
63050	Wholesaling or retailing lumber or building supplies; wholesaling or retailing firewood, coal or charcoal	0.4453	0.4517	0.3954		0.9049	
63060	Wholesaling doors, windows, exterior siding or garage equipment	0.3635	0.5081	0.2622		1.1475	
63070	Wholesaling or repairing farm or garden implements or equipment	0.3875	0.3778	0.2900		0.6488	
63080	Wholesaling, renting or leasing heavy machinery, with or without repair; renting or leasing handling equipment, trailers or containers	0.4239	0.3627	0.3196		0.6709	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
63090	Wholesaling industrial handling equipment, with or without repair; wholesaling or repairing welding equipment	0.3343	0.3235	0.2547		0.6537	
63100	Wholesaling, renting or leasing manufacturing machinery; wholesaling, renting or leasing commercial or industrial ovens or kilns	0.1466	0.1552	0.1104		0.2764	
63110	Wholesaling, renting, leasing, installing or repairing stage or discotheque lighting equipment; wholesaling, renting, leasing, installing or repairing swimming-pool accessories; wholesaling, renting, leasing of electric or diesel engines, electric generation equipment, pumping facilities or equipment for water treatment	0.2543	0.1936	0.1522		0.3838	
63120	Wholesaling, renting or leasing analytic and laboratory apparatus or medical or scientific equipment, with or without repair or installation; wholesaling of electronic parts or electrical supplies; wholesaling, renting or leasing measuring, calibrating or control instruments or communication equipment other than for automobiles	0.0638	0.0457	0.0424		0.1205	
63130	Wholesaling industrial or commercial scales; wholesaling or retailing kitchen cabinets; retailing doors or windows	0.1691	0.1661	0.1990		0.3369	
64020	Vulcanizing; wholesaling and retailing tires or tubes, with or without repair or installation	0.4211	0.5011	0.4003		1.0299	
64030	Wholesaling transportation equipment or equipment parts; wholesaling or retailing new, reconditioned or used automobile parts or accessories	0.2064	0.1894	0.1379		0.3113	
64040	Wholesaling or retailing automobiles, trucks or busses with or without repair; renting or leasing automobiles with or without repair; retailing and installing automobile windows or radios; upholstering and repairing of motor vehicle seats	0.2480	0.2472	0.1977		0.4383	
64050	Retailing, renting or leasing mobile homes, snowmobiles, motorcycles, travel trailers, tent trailers, including repair or service; retailing boats, outboard motors or boating accessories; renting or leasing, including service, small craft or recreational vehicles, not specified in other units; wholesaling snowmobiles, motorcycles, boats, outboard motors, boating accessories, ship's supplies, trailers or containers; wholesaling, without repair, semitrailers, travel trailers or tent trailers	0.3477	0.2633	0.2012		0.7665	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
64060	Operating a service station with or without self-service; operating an automatic car wash; washing and cleaning motor vehicles and trucks	0.2984	0.3481	0.2645		0.7686	
64070	Retailing gasoline, with or without service	0.2232	0.2171	0.1468		0.6057	
64090	Repairing motor vehicles, motor vehicle parts or industrial machinery parts, not specified in other units; motor vehicle towing service	0.5081	0.5023	0.4012		1.0309	
64100	Repairing motor vehicle bodies	0.4794	0.4150	0.3473		1.1105	
64110	Retailing and installing motor vehicle mufflers; repairing and installing motor vehicle suspension parts	0.8134	0.6883	0.5889		1.5016	
64120	Reclaiming and wholesaling used automobile parts and accessories	0.4120	0.4927	0.3445		0.7693	
65010	Retailing furniture, with or without household furnishings; retailing household electrical appliances, with or without electronic appliances or household electrical furnishings; retailing antique objects or furniture	0.3577	0.3191	0.2388		0.7748	
65020	Retailing or repairing sound or video equipment, electronic appliances, electrical furnishings, small (portable) electrical household appliances or electrical personal care appliances; retailing sewing machines	0.1089	0.0699	0.0543		0.2172	
65030	Retailing floor coverings	0.1863	0.1060	0.1872		0.3854	
65041	Retailing household furnishings or interior decoration accessories, not specified in other units; wholesaling piece goods, notions and other dry goods, draperies, household linen or other textile household furnishings	0.1681	0.1583	0.1374		0.4444	
65044	Retailing lighting fixtures	0.1681	0.1583	0.1374		0.4444	
66020	Wholesaling and distributing petroleum products, with or without maintenance or installation of related facilities	0.2163	0.2256	0.1942		0.4534	
66030	Wrecking automobiles; wholesaling metal waste	0.7760	0.8331	0.4967		1.9738	
66040	Selling non-metallic waste	1.0753	1.1297	0.8062		2.3458	
66050	Wholesaling or distributing newspapers, magazines, books or handbills; wholesaling paper or paper products	0.1875	0.1653	0.1735		0.3981	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
66060	Wholesaling animal feeds, fertilizers, grain or cereals; wholesaling tobacco products; grain elevator service	0.3341	0.2905	0.2899		0.6300	
66070	Wholesaling games, toys, sporting goods and equipment; retailing, renting or leasing sporting goods and equipment, with or without service	0.1185	0.1120	0.0838		0.2894	
66080	Wholesaling chemical products or cleaning products; wholesaling or maintaining chemical fire extinguishers	0.1179	0.1133	0.1143		0.2058	
66100	Wholesaling leather or imitation-leather products not specified in other units; wholesaling footwear or garment products; retailing footwear, garments, underwear, knitting products, fabrics, yarn, sewing products, handbags, luggage or other leather or imitation-leather products; manufacturing or storing fur garments or articles; linen rental service without washing equipment; costume or ceremonial apparel rental service	0.1241	0.1263	0.1109		0.3454	
66110	Operating a department store; operating a general merchandise store; operating a general store; operating a direct consumer distributing warehouse; display services; interior decoration design service; retailing home and automobile supplies	0.2995	0.3200	0.2215		0.4608	
66120	Retailing small goods, not specified in other units; retailing paint or wallpaper; retailing or repairing musical instruments or accessories or photography equipment; retailing domestic animals; photography; wholesaling jewellery items or photography equipment and supplies	0.0812	0.0993	0.0751		0.2288	
66130	Retailing hardware products or garden supplies; retailing lawn mowers, snow blowers, chain saws or similar equipment, with repair; wholesaling or retailing trees, shrubs, plants, flowers, supplies for lawn or garden or other nursery products	0.2257	0.2200	0.1973		0.5169	
66150	Retailing lumber and building supplies with hardware	0.3173	0.3059	0.2656		0.5508	
66160	Monuments and tombstones dealer; undertaking services, with or without ambulance services; operating a cemetery	0.1845	0.1931	0.1809		0.4365	
66170	Wholesaling or retailing, installing or cleaning swimming pools; constructing and installing in-ground pools	0.3294	0.2805	0.2959		0.6763	
69960	Repairing, installing or maintaining production machinery	0.4386	0.4796	0.4648		1.1389	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
70010	Insurance brokerage; operating a collection agency or a credit bureau; currency or securities brokerage, consulting or negotiation services; commodities exchanges or securities exchanges; financial institutions and financial intermediaries not specified in other units	0.0255	0.0253	0.0192		0.0617	
70020	Operating an insurance business; insurance services of the provincial administration	0.0258	0.0206	0.0201		0.0589	
70030	Operating residential or other buildings, including parking lots or parking garages; municipal housing bureau; disinfection, fumigation or extermination work	0.2196	0.2141	0.1785		0.5028	
70040	Insurance adjustment or evaluation services; operating a real estate agency; information, poll or research services; bailiff services; reprography services, typing services or other clerical work services supplied to firms or individuals	0.0515	0.0615	0.0355		0.1386	
71010	Operating a forwarding agency; freight inspection service; sales agent services; broker services not specified in other units	0.0478	0.0448	0.0395		0.1159	
71020	Operating a manpower agency; leasing the services of professional or technical personnel or other scientific or technical professionals such as draftsmen, biologists, biochemists, botanists, chemists, engineers, graphic designers and laboratory technicians, with the exception of aeronautics production or maintenance technicians; auctioneering or organizing auctions or merchandise liquidation services	0.0953	0.0611	0.0556		0.1969	
71030	Leasing truckers services, driver-delivery persons, assistant delivery persons or movers	0.7112	0.8339	0.7064		1.3520	
71040	Operating a marine agency or a marine piloting firm; International Air Transport Association or Airline Communications and Information Services; operating a news agency or an advertising agency; rental of advertising space on billboards, display boards and commercial signs; drafting or practising architecture; urban planning services or business or management consulting services; law practice (advocate's or notary's office); accounting services (accountant's office); actuarial practice; operating a travel agency or wholesale tour business; wholesaling, renting or repairing computer systems; computer services, excluding the leasing of the services of data processing personnel; trustee in bankruptcy; taxation services or income tax return preparation services; graphic design services	0.0185	0.0157	0.0130		0.0480	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
71050	Consulting engineer's office; energy consulting services; operating a pure or applied research laboratory; operating a laboratory for analysis and testing; agricultural research services; geotechnical studies prior to construction work; land surveyor services; interpretation of aerial photographs; archaeological research; forestry technician services	0.0427	0.0428	0.0390		0.0876	
71060	Operating a security or an investigation agency	0.2193	0.1930	0.1717		0.3798	
71070	Managing subsidiaries or branches outside Québec (head office); writing or publishing a weekly, not including printing; electronic typesetting	0.0221	0.0194	0.0152		0.0441	
71080	Leasing the services of handling maneuvers, wrappers, merchandise reception or expedition employees, warehouse employees, solderers or automobile mechanics or industrial machinery employees, technical installation or machinery maintenance personnel	1.1477	1.4198	1.3430		1.7886	
71090	Leasing the services of manufacturing industries' workers or commerce or catering or maintenance chores personnel with the exception of those mentioned in another unit	0.6577	0.8137	0.2465		1.0250	
72010	Sûreté du Québec services; detention services	0.2936	0.3368	0.3139		0.6194	
72020	Provincial administrative services not specified in other units; administration of a regional county municipality; administration of an urban community, without police services	0.0282	0.0249	0.0242		0.0439	
72030	Job creation programs	0.1216	0.1268	0.0930		0.2601	
72040	Provincial agriculture, fisheries, feeding, natural resources services; services relating to construction workers	0.0742	0.0741	0.0483		0.1035	
72060	Provincial recreation and sports program management services	0.1327	0.1012	0.1206		0.1494	
72070	Transportation program management services	0.1465	0.1489	0.0917		0.2300	
72080	Managing, with service, a municipality or a municipal or an intermunicipal commission, a band council, an urban community including police services	0.2703	0.2861	0.2243		0.3895	

Unit	Description	First-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
73010	Teaching services (except universities or general and vocational colleges, and except all level student trainees); operating a private museum; operating a historic site; library services	0.0681	0.0666	0.0553		0.1177	
73020	Teaching services (student trainees)	s/o	s/o	s/o		s/o	
73030	Operating a general hospital	0.1567	0.1485	0.1180		0.1577	
73040	Operating a psychiatric hospital	0.1998	0.1720	0.1728		0.2052	
73050	Operating a home-care and extended care centre; nursing services; leasing the services of nurses or auxiliary of nurses care and therapeutics	0.4957	0.4657	0.3802		0.6633	
73060	Operating a drop-in centre; operating a rehabilitation centre for alcoholics or drug addicts; operating a social or community service agency; operating a health or social services promotion body	0.1694	0.1624	0.1266		0.4655	
73070	Operating a rehabilitation centre for the physically handicapped or the socially maladjusted	0.2244	0.1979	0.1822		0.3418	
73080	Operating a rehabilitation centre for the mentally handicapped	0.3263	0.2860	0.2077		0.5381	
73100	Operating a local community service centre	0.1366	0.1325	0.1125		0.2730	
73110	Child day-care centre	0.2943	0.2875	0.2622		0.5742	
73120	Operating a sheltered workshop; operating a work rehabilitation centre	0.5203	0.4968	0.4841		0.9237	
73130	Practising medicine and other specialties in the health-care field, not specified in other units; health or social services not specified in other units; hearing aid specialist's services; prescription optician's services; manufacturing dentures and braces (dental laboratories); retailing orthopedic aids, wigs or hair pieces	0.0442	0.0480	0.0400		0.1557	
73140	Ambulance service	1.0958	0.8537	0.6238		1.3137	
73150	University or vocational teaching services (except student trainees)	0.0339	0.0349	0.0272		0.0565	
74010	Operating a hotel, a motel, a hotel-motel, a youth hostel, a student residence or a rooming house	0.3810	0.3609	0.3100		0.7199	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
74020	Operating a hunting or fishing outfitting operation; operating or managing a hunting or fishing area; operating a camping ground, a trailer park, a vacation camp or a recreation area	0.4087	0.2985	0.2969		0.8049	
74030	Operating a brasserie or a restaurant serving meals, without delivery	0.3038	0.2983	0.2189		0.5657	
74040	Operating a brasserie or a restaurant serving meals, with delivery	0.3558	0.3390	0.2548		0.6260	
74050	Operating a cafeteria	0.4419	0.3600	0.3577		0.7080	
74060	Take-out food services	0.3635	0.3438	0.2659		0.5139	
74070	Operating a mobile canteen; catering services	0.5449	0.3627	0.2906		0.4462	
74080	Operating a tavern, a bar, a discotheque or a night club	0.1476	0.1718	0.1425		0.4205	
75010	Operating a barber shop or a hairdressing salon; operating a beauty salon	0.1308	0.1138	0.1126		0.4902	
75020	Domestic-use laundry or dry-cleaning service; clothing maintenance, pressing or repair service	0.1702	0.2986	0.2081		0.8727	
75030	Operating an industrial laundry with or without linen rental service; linen supply service, including washing	0.5594	0.6455	0.5085		1.2587	
75040	Commercial, industrial or residential building maintenance; carpet, rug, upholstery or fabric furniture cleaning service; lawn or shrub maintenance service; green areas fertilization services; window washing services	0.4392	0.5062	0.4126		0.8859	
76010	Veterinary services; artificial insemination services; egg candling or grading service; poultry sexing or debeaking; operating a hatchery; raising animals in laboratories	0.2269	0.2085	0.1424		0.4113	
76020	Wholesaling or operating vending machines; renting, leasing or operating coin-operated amusement machines, with or without service	0.2240	0.2396	0.1900		0.2557	
76030	Transporting animals; operating animal-drawn vehicles; wholesaling or auctioneering animals; operating a racing or horse-rental stable; operating a horseback-riding centre; operating a zoo; society for the protection of animals; raising or training pets; animal lodging and care services not specified in other units	0.6173	0.4827	0.4918		1.3237	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
76040	Religious community	0.3666	0.3313	0.2631		0.6087	
76050	Managing, with service, a parish fabric, a church or a diocese; religious association or organization	0.1261	0.1405	0.1004		0.2639	
76060	Joint sector-based occupational health and safety association; association or organism, not specified in other units	0.0393	0.0405	0.0317		0.1094	
76070	Renting or leasing bleachers or podiums for special events, portable equipment or tools for industry, construction, hobbies or household activities, including service; rental or leasing of scaffolds	0.4990	0.4061	0.3738		0.8071	
76080	Oil burner and furnace maintenance service; chimney sweeping	0.4947	0.3852	0.4022		1.0288	
80020	Exceptional unit Work done both inside and outside offices	0.0541	0.0526	0.0502		0.1075	
80030	Excavation work; assembly of fences; installation of guardrails	0.4324	0.5154	0.3797		1.1249	
80040	Blasting; drilling; soil mechanics; pile-driving and special foundations	0.8273	1.0098	0.7731		3.2362	
80050	Paving work on public roads	0.4667	0.5027	0.3928		1.1445	
80060	Construction of energy transmission or distribution lines; construction of energy transforming stations	0.3435	0.4396	0.3343		1.2590	
80070	Rental of cranes with operators	0.3910	0.4381	0.6694		1.5740	
80080	Erecting metal frame structures and tanks	1.5383	1.3352	0.7476		4.8053	
80100	Cement work, concrete work	0.6481	0.6742	0.6832		1.7160	
80110	Carpentry work; joinery work; indoor renovation work	0.5977	0.6261	0.5062		1.8149	
80120	Work related to indoor systems: painting work; installation of flexible coverings, installation of marble, granite, ceramics and terrazzo; plastering and jointing work; insulation work	0.5305	0.5459	0.4099		1.9052	
80130	Roofing work; exterior cladding work on buildings; installation of gutters	0.8232	0.7435	0.7059		2.8641	
80140	Masonry work	0.6895	1.0052	0.6261		3.3633	
80150	Glass work; glazing work	0.7949	0.6940	0.5233		2.5316	

Unit	Description	Firts-level experience ratios			Second-level experience ratios		
		1995	1996	1997	1994	1995	1996
80160	Millwright works; boilermaking work; plumbing and pipefitting work; pipe insulation work	0.4386	0.4796	0.4648	1.1389		
80170	Electrical work	0.3506	0.3804	0.3250	0.9227		
80180	Sheet metal work	0.6820	0.6577	0.4609	1.6750		
80190	Installation of electronic equipment, alarm or control systems	0.1606	0.1813	0.1287	0.3740		
80200	Refrigeration work, air conditioning work	0.5735	0.6246	0.4924	1.3981		
80210	Work related to mechanized transit systems	0.3478	0.2176	0.2411	0.8866		
80220	Renovation, stripping or demolition work	1.5925	1.2839	0.7153	2.7788		
80230	Landscaping work	0.8467	0.8487	0.7451	1.7369		
80240	Cleaning using sandblasting, steam jet or pressurized water	1.9406	1.5244	0.5965	3.9269		
80250	Ornamental building metal work	1.1394	1.5377	0.9147	3.5269		
80260	Installation of scaffolds	0.5305	0.5459	0.4099	1.9052		
80270	Paving work other than on public roads	0.4504	0.6884	0.5479	1.6814		
90010	Exceptional unit Work done exclusively in offices	0.0185	0.0157	0.0130	0.0480		
90020	Salespersons or sales representatives	0.0478	0.0448	0.0395	0.1159		
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Notice

An Act respecting industrial accidents and occupational diseases
(R.S.Q, c. A-3.001)

Insurance premiums for 1999

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that upon the expiry of 45 days following the publication of this notice, the Regulation respecting the insurance premiums for 1999 will be adopted by the Commission de la santé et de la sécurité du travail, with or without amendments.

That Regulation determines the insurance premiums to be used in calculating the retrospective adjustment of the annual assessment for 1999 that will be paid by the employers subject to that adjustment for that year under

the Regulation respecting retrospective adjustment of the assessment.*

Any interested person having comments to make on matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Roland Longchamps, Vice-Chairman, Finance, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2.

TREFFLÉ LACOMBE,
*Chairman of the board and
chief executive officer
of the Commission de la santé
et de la sécurité du travail*

* The Regulation is published in draft regulation form in the *Gazette officielle du Québec*, Number 26, June 23, 1998, page 2309.

Regulation respecting the insurance premiums for 1999

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001, s. 454, 1st par., subpar. 10)

1. The insurance premiums necessary for the final retrospective adjustment of the annual assessment for the assessment year 1999 shall be calculated in accordance with the table in Schedule I.

2. The premiums shall be determined by applying the percentage calculated to the part of the assessment calculated in terms of the risk, taking into account the limit applicable to the employer with respect to the assumption of the cost of benefits.

3. The percentages appearing in the table are applicable to the precise amounts of assessment distributed in terms of the risk corresponding to those percentages. Where the amount of assessment falls between two levels of assessment in the table, the percentage shall be calculated by linear interpolation, and the result shall be rounded to the nearest hundredth of a per cent.

4. This Regulation comes into force as of 1 January 1999.

SCHEDULE I

TABLE OF PREMIUMS
(in percentage)

Part of the assessment in terms of the risk	Limit of the assumption (in multiple of the maximum annual insurable amount)									
	1½	2	2½	3	4	5	6	7	8	9
\$10,000 or less	70.6	70.6	70.6	70.6	70.6	70.6	70.6	70.6	70.6	70.6
\$13,750	66.3	66.3	66.3	66.3	66.3	66.3	66.3	66.3	66.3	66.3
\$18,800	62.1	62.1	62.1	62.1	62.1	62.1	62.1	62.1	62.1	62.1
\$25,650	57.9	57.9	57.9	57.9	57.9	57.9	57.9	57.9	57.9	57.9
\$34,850	53.8	53.8	53.8	53.8	53.8	53.8	53.8	53.8	53.8	53.8
\$47,350	49.7	49.7	49.7	49.7	49.7	49.7	49.7	49.7	49.7	49.7
\$64,150	45.7	45.7	45.7	45.7	45.7	45.7	45.7	45.7	45.7	45.7
\$86,850	44.0	41.8	41.8	41.8	41.8	41.8	41.8	41.8	41.8	41.8
\$117,500	43.2	40.7	38.9	37.7	37.7	37.7	37.7	37.7	37.7	37.7
\$159,650	42.6	39.9	36.2	34.4	33.5	33.1	33.0	33.0	33.0	33.0
\$218,600	42.3	39.2	35.2	32.0	29.1	27.7	27.0	27.0	27.0	27.0
\$303,000	41.5	38.1	33.6	29.8	25.5	22.7	21.0	20.9	20.9	20.9
\$427,000	40.9	37.5	32.3	27.9	22.7	18.8	15.9	15.5	15.3	15.2
\$615,500	40.0	36.3	30.9	26.2	20.5	16.2	13.0	12.1	11.7	11.5
\$913,300	39.4	35.5	29.8	24.9	18.7	14.1	10.6	9.6	8.9	8.5
\$1,404,700	38.9	34.8	29.0	23.9	17.4	12.5	8.9	7.6	6.8	6.3

Part of the assessment in terms of the risk	Limit of the assumption (in multiple of the maximum annual insurable amount)									
	1½	2	2½	3	4	5	6	7	8	9
\$2,254,800	38.5	34.3	28.3	23.1	16.4	11.3	7.6	6.1	5.2	4.6
\$3,802,100	38.3	33.9	27.9	22.6	15.7	10.4	6.6	5.1	4.1	3.5
\$6,896,500	38.1	33.7	27.5	22.2	15.2	9.8	6.0	4.4	3.3	2.6
\$13,085,500	38.0	33.5	27.3	21.9	14.8	9.4	5.5	3.9	2.8	2.1
\$25,463,000 or more	37.9	33.4	27.2	21.7	14.6	9.2	5.2	3.6	2.5	1.8

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Notice

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001)

Re-determination of employer classifications and assessments and of the imputation of the cost of benefits

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 re-determination of employer classifications and assessments and of the imputation of the cost of benefits, the text of which appears below, shall be adopted by the Commission de la santé et de la sécurité du travail, with or without amendment, upon the expiry of forty-five (45) days after publication of this notice.

The draft Regulation provides for the circumstances in which, time within which and conditions subject to which the Commission may re-determine an employer's classification and the imputation of the cost of benefits to the employer, as well as the employer's assessment and the interest chargeable to the employer.

To date, study of the matter has revealed the following impact on the employers concerned:

— clarification of the rules applicable to the re-determination of employer assessments and the elements used to fix the assessment will allow employers to close their books in respect thereof after a period usually not exceeding five years, thereby resulting in improved financial planning on the part of employers with respect to assessments to be paid to the Commission.

Any interested person having comments to make on this draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Roland

Longchamps, Vice-Chairman for Finance, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2.

TREFFLÉ LACOMBE,
*Chairman of the Board of Directors
 and Chief Executive Officer of the
 Commission de la santé et de la
 sécurité du travail*

Regulation respecting the re-determination of employer classifications and assessments and of the imputation of the cost of benefits

An Act respecting industrial accidents and occupational diseases
 (R.S.Q., c. A-3.001, s. 454, par. 1, subpar. 12.3)

CHAPTER I PRELIMINARY PROVISION

1. The purpose of this Regulation is to provide for the circumstances in which, time within which and conditions subject to which the Commission de la santé et de la sécurité du travail may re-determine the classification, the imputation of the cost of benefits, and the assessment, penalty and interest payable by an employer, at a higher or lower level, as well as the standards applicable to the re-determination.

CHAPTER II RE-DETERMINATION OF THE CLASSIFICATION AND OF THE IMPUTATION OF THE COST OF BENEFITS

2. The Commission may, on its own initiative and in order to rectify an error, re-determine the classification of an employer assigned pursuant to Division III of Chapter IX of the Act, or the imputation of the cost of benefits effected pursuant to Division VI of said Chapter, within six months of its decision, if such decision was not the subject of a decision rendered pursuant to section 358.3 of the Act. However, any such re-determination must be made:

1) in respect of an employer classification, no later than December 31 of the fifth year following the assessment year to which it relates;

2) in respect of the imputation of the cost of benefits, no later than December 31 of the fifth year following the year during which the accident occurred or the disease was reported.

3. The Commission may also, on its own initiative or upon application by the employer, re-determine the classification of an employer or the imputation of the cost of benefits if the Commission's decision was rendered before an essential fact became known.

An application submitted by an employer under the first paragraph must reach the Commission within six months of the employer becoming aware of the essential fact, but before the expiry of the time limits prescribed in subparagraphs 1 and 2 of section 2.

4. A re-determination of the classification or imputation of the cost of benefits carried out on the initiative of the Commission pursuant to the first paragraph of section 3 must be made within six months of the Commission becoming aware of the essential fact but before the expiry of the time limits prescribed in subparagraphs 1 and 2 of section 2.

5. The Commission shall re-determine the classification of an employer made in accordance with section 6 of the Regulation respecting the classification of employers, the statement of wages and the rates of assessment, which Regulation was adopted by the Commission pursuant to resolution A-37-97 of October 16, 1997 (1997 *G.O.* 2, 6847)*, if, within six months of the classification, the employer forwards to the Commission information allowing the Commission to reclassify the employer if the decision was not the subject of a decision rendered pursuant to section 358.3 of the Act.

Where the Commission reclassifies an employer pursuant to the first paragraph, the employer remains liable for payment of the penalty and applicable interest resulting from its delay.

CHAPTER III RE-DETERMINATION OF AN EMPLOYER'S ASSESSMENT

DIVISION I RE-DETERMINATION OF THE ASSESSMENT IN THE EVENT OF THE RECLASSIFICATION OF AN EMPLOYER

6. The Commission shall re-determine an employer's assessment where it has been reclassified for an assessment year pursuant to Chapter II.

* The text of this Regulation was the subject of an erratum published in the *Gazette officielle du Québec* of December 3, 1997, No. 50, at pages 7441 to 7471 and in the *Gazette officielle du Québec* of February 25, 1998, No. 9, at pages 1425 to 1430.

The Commission shall also re-determine an employer's assessment where the employer's classification for an assessment year was modified by a final decision rendered pursuant to section 358.3 of the Act or by the Commission des lésions professionnelles.

DIVISION II

RE-DETERMINATION OF THE ASSESSMENT IN THE EVENT OF A MODIFICATION TO THE IMPUTATION OF THE COST OF BENEFITS PAYABLE AS THE RESULT OF AN INDUSTRIAL ACCIDENT OR AN OCCUPATIONAL DISEASE

7. The Commission shall re-determine an employer's assessment where the imputation of the cost of benefits payable as the result of an industrial accident or an occupational disease taken into account for the purpose of fixing its assessment in accordance with the regulations enacted under subparagraphs 7, 9 or 12.1 of the first paragraph of section 454 of the Act in respect of an assessment year, is re-determined in accordance with Chapter II.

The Commission shall also re-determine an employer's assessment where said imputation is modified by a decision rendered pursuant to sections 326, 329 or by a final decision rendered pursuant to section 358.3 of the Act or by the Commission des lésions professionnelles.

DIVISION III

RE-DETERMINATION OF THE ASSESSMENT PURSUANT TO A FURTHER DECISION REGARDING THE COST OF BENEFITS PAYABLE AS THE RESULT OF AN INDUSTRIAL ACCIDENT OR OCCUPATIONAL DISEASE

8. The Commission may re-determine an employer's assessment pursuant to a decision of the Commission or of the Commission des lésions professionnelles, which decision recognizes the existence of an industrial accident or occupational disease, the cost of the benefits of which would have been used to fix the assessment in accordance with the regulations enacted under subparagraphs 7, 9 or 12.1 of the first paragraph of section 454 of the Act, if that decision is rendered no later than December 31 of the fifth year following the year during which the accident occurred or the occupational disease was reported.

The Commission may also re-determine an employer's assessment pursuant to a decision of the Commission or of the Commission des lésions professionnelles that modifies the cost of benefits payable as the result of an industrial accident or occupational disease which cost, in accordance with the regulations enacted under subparagraphs 7, 9 or 12.1 of the first paragraph of sec-

tion 454 of the Act, is used to fix the employer's assessment, if the decision is rendered no later than December 31 of the fifth year following the year during which the accident occurred or the occupational disease was reported.

9. The Commission may, upon application of the employer and notwithstanding section 8, re-determine its assessment after the expiry of the time limit prescribed in that section where a decision of the Commission or of the Commission des lésions professionnelles that modifies the cost of benefits payable as the result of an industrial accident or occupational disease, which cost, in accordance with the regulations enacted under subparagraphs 7, 9 or 12.1 of the first paragraph of section 454 of the Act, is used to fix its assessment, is rendered after the expiry of said time limit and pursuant to an application for review submitted under section 358 of the Act or an application for reconsideration of a decision submitted under the second paragraph of section 365 before the expiry of said time limit.

Where the Commission receives an application submitted under the first paragraph, it shall re-determine each assessment of the employer that is affected by the decision referred to in that paragraph. The Commission shall also take into account any modification to the cost of benefits payable as the result of an industrial accident or occupational disease covered by the decision and used to determine its assessment, which modification occurred before the date of the decision.

The application referred to in the first paragraph must reach the Commission within six months of the decision.

DIVISION IV

OTHER INSTANCES OF RE-DETERMINATION OF THE ASSESSMENT

10. The Commission may, on its own initiative and in order to rectify an error related to the elements used to fix the assessment of an employer other than those elements referred to in Divisions I to III, re-determine the assessment within six months of the notice of assessment, but no later than December 31 of the fifth year following the assessment year, if said notice was not the subject of a decision rendered pursuant to section 358.3 of the Act.

11. The Commission may, on its own initiative, re-determine the assessment of an employer if its decision was rendered before an essential fact related to the elements used to determine the assessment became known, other than those elements referred to in Divisions I to III, within six months of the Commission becoming aware

of the essential fact, but no later than December 31 of the fifth year following the assessment year.

The Commission may also, upon application of an employer, re-determine its assessment if its decision was rendered before an essential fact related to the elements used to determine the assessment became known and if the application reaches the Commission within six months of the employer becoming aware of the essential fact, but no later than December 31 of the fifth year following the assessment year.

12. Notwithstanding section 11, the Commission may not re-determine an employer's assessment in order to take into account a modification to the gross wages earned by the employer's workers, which wages are used to determine the assessment, in accordance with the regulations enacted under subparagraphs 7, 9 or 12.1 of the first paragraph of section 454 of the Act, where said modification occurred after December 31 of the fifth year following the assessment year during which the wages were earned.

DIVISION V **BANKRUPTCY, WINDING-UP DISCONTINUANCE** **OF EMPLOYER'S OPERATIONS**

13. Notwithstanding the provisions of Divisions I to IV and except where an employer, in submitting a statement or providing information required under the Act, has negligently misrepresented the facts or committed a deliberate omission or fraud, the Commission may not re-determine an employer's assessment in the following circumstances:

- 1) where the employer has discontinued its operations;
- 2) after the dissolution or voluntary or forced winding up of the employer;
- 3) after discharge by the trustee in bankruptcy, in the event of the bankruptcy of the employer.

CHAPTER IV **RE-DETERMINATION OF PENALTIES** **AND INTEREST**

14. The Commission shall re-determine the applicable interest and penalty where it re-determines an employer's assessment pursuant to this Regulation.

CHAPTER V **FRAUD**

15. The time limits prescribed in sections 2, 3, 4, 8 and 10, in the first paragraph of section 11 and in section 12 do not apply where an employer, in submitting a statement or providing information required under the Act, has negligently misrepresented the facts or committed a deliberate omission or fraud.

CHAPTER VI **FINAL PROVISION**

16. This Regulation comes into force on January 1, 1999.

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

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