

Gazette officielle du Québec

Part 2 Laws and Regulations

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PROVINCE OF QUÉBEC

2nd SESSION

35th LEGISLATURE

QUÉBEC, 20 JUNE 1998

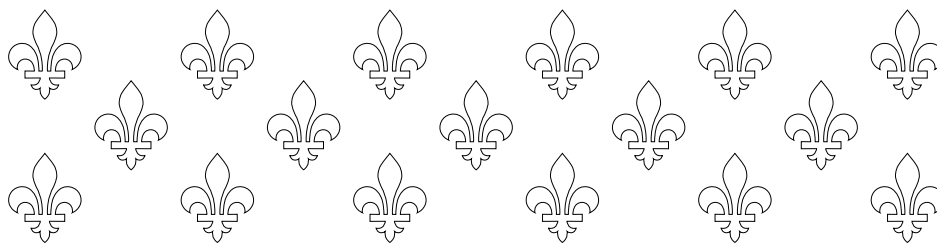
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 20 June 1998

This day, at twelve o'clock noon, His Excellency the Lieutenant-Governor was pleased to sanction the following bills :

115	An Act to amend the Roads Act and other legislative provisions	440	An Act to amend the Act respecting municipal taxation
186	An Act respecting income support, employment assistance and social solidarity	441	An Act respecting the Institut de la statistique du Québec
188	An Act respecting the distribution of financial products and services	442	An Act respecting the combination of certain state enterprises
403	An Act to establish the Grande bibliothèque du Québec	445	An Act to amend various legislative provisions relating to building and the construction industry
404	An Act to amend the Act respecting health services and social services and amending various legislative provisions	447	An Act respecting certain facilities of Ville de Montréal
430	An Act respecting owners and operators of heavy vehicles	448	An Act to amend the Act respecting the marketing of agricultural, food and fish products as regards the marketing of wild fur
438	An Act respecting Héma-Québec and the haemovigilance committee	394	An Act respecting the pension plan of certain employees of the Commission des écoles catholiques de Québec
439	An Act respecting the Institut national de santé publique du Québec		

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| 395 | An Act to amend the Act respecting the pension plan of the non-teaching staff of the Commission des écoles catholiques de Montréal | 272 | An Act respecting Municipalité de Saint-Jean-des-Piles |
| 206 | An Act respecting Municipalité de Chertsey and Municipalité de Saint-Calixte | 275 | An Act respecting certain immovables of the cadastre of the parish of Saint-Louis-de-Terrebonne (<i>modified title</i>) |
| 221 | An Act respecting TD Trust and Central Guaranty Trust Company | 276 | An Act to authorize Loeb Inc. to continue under Part IA of the Companies Act of Québec |
| 234 | An Act respecting Ville de Granby | 277 | An Act respecting Municipalité régionale de comté de Bellechasse and Municipalité régionale de comté des Etchemins |
| 247 | An Act respecting The Bank of Nova Scotia Trust Company, Montreal Trust Company of Canada and Montreal Trust Company | 278 | An Act respecting university education programs provided by the Prêtres de Saint-Sulpice de Montréal (<i>modified title</i>) |
| 262 | An Act respecting Ville de Montréal-Est | 279 | An Act respecting Ville de Val-d'Or |
| 265 | An Act respecting Ville de Laterrière | | |
| 266 | An Act respecting Ville de Verdun | | |
| 267 | An Act respecting Ville de Saint-Laurent | | |
| 268 | An Act respecting Pavillon du Parc Inc. | | |
| 270 | An Act respecting The Bank of Nova Scotia Trust Company and National Trust Company | | |
- To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 115
(1998, chapter 35)

An Act to amend the Roads Act and other legislative provisions

Introduced 7 May 1997
Passage in principle 9 June 1998
Passage 19 June 1998
Assented to 20 June 1998

Québec Official Publisher
1998

EXPLANATORY NOTES

This Act makes various amendments to the Roads Act. It modifies the rules applicable in the event of damage caused by road work, a situation henceforth to be governed by the ordinary law of civil liability. In addition, it hands over to the State the ownership of lookouts, rest areas, service areas, control stations and parking zones under the management of the Minister of Transport.

The Act puts an end to transport department management of complex structure bridges, maintaining only the possibility for municipalities to obtain technical and administrative support from the department. Also abolished are the special rules applicable to scrapyards and motor vehicle graveyards situated alongside roads under the management of the Minister of Transport.

A new provision allows for municipal contributions toward the cost of work carried out on roads under the management of the Minister of Transport. It is provided, as well, that the consent of the Minister of Transport will be required before a servitude prohibiting access to a road, acquired by the Minister, may be lifted or modified.

Finally, the Act contains measures concerning the disposition of former colonization roads and amendments designed to harmonize the language of the Roads Act with that of the Civil Code of Québec.

LEGISLATION AMENDED BY THIS BILL :

- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Roads Act (R.S.Q., chapter V-9).

Bill 115

AN ACT TO AMEND THE ROADS ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 5 of the Roads Act (R.S.Q., chapter V-9) is amended by replacing the word “The” in the first line by the words “Except for section 6, the”.

2. Section 12 of the said Act is amended by striking out the word “public” in the second line of the first paragraph.

3. The said Act is amended by inserting, after section 22, the following section :

“22.1. A servitude prohibiting access to a road, acquired by the Minister, even in respect of a road referred to in the second paragraph of section 2, may not be lifted, reduced or rendered inoperative except with the Minister’s consent and on the conditions determined by the Minister.”

4. Section 27 of the said Act, amended by section 822 of chapter 43 of the statutes of 1997, is again amended by striking out the second paragraph.

5. Section 28 of the said Act is amended

(1) in the French text by replacing the words “des dommages causés” in the second line of the first paragraph by the words “du préjudice causé” ;

(2) by striking out the second paragraph.

6. Section 29 of the said Act is amended in the French text by replacing the words “des dommages” in the first line by the words “du préjudice”.

7. Section 30 of the said Act is amended in the French text by replacing the words “des dommages causés” in the first line by the words “du préjudice causé”.

8. Section 31 of the said Act is amended in the French text by replacing the words “des dommages causés” in the first line by the words “du préjudice causé”.

9. Section 32 of the said Act is amended by adding the following paragraph :

“The Minister may also enter into an agreement with a local municipality providing for the carrying out, by the Minister or the municipality, at the expense of the municipality, of building, rebuilding or maintenance work on a road under the management of the Minister.”

10. Section 33 of the said Act is repealed.

11. Section 34 of the said Act is amended by replacing the words “sections 32 and 33” in the first and second lines by the words “section 32”.

12. Chapter VI of the said Act is repealed.

13. Section 43 of the said Act is amended by striking out paragraphs 3 and 4.

14. Section 44 of the said Act is repealed.

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

“**44.1.** Every person who contravenes section 38 by encroaching upon the right of way of a road is liable to a fine of \$300 to \$600.”

16. Section 45 of the said Act is repealed.

17. Section 47 of the said Act is amended

(1) by replacing the words “immovable property” in the second line of the first paragraph by the word “immovables”;

(2) by replacing the words “immovable property” in the first line of the second paragraph by the word “immovable”.

18. Section 49 of the said Act is repealed.

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

“**50.** The Minister of Transport may, at the request of a municipality, provide technical and administrative support to the municipality for the purpose of facilitating its management of bridges.”

20. Section 52 of the said Act is amended by inserting the words “until they are closed by order of the Minister” after the word “them” in the fourth line of the third paragraph.

21. Section 56 of the said Act is amended by striking out the words “order of” in the fourth and fifth lines of the second paragraph.

22. Section 604.3 of the Cities and Towns Acts (R.S.Q., chapter C-19) is amended

(1) by replacing the words “des dommages causés” in the second line of the first paragraph of the French text by the words “du préjudice causé”;

(2) by striking out the second paragraph.

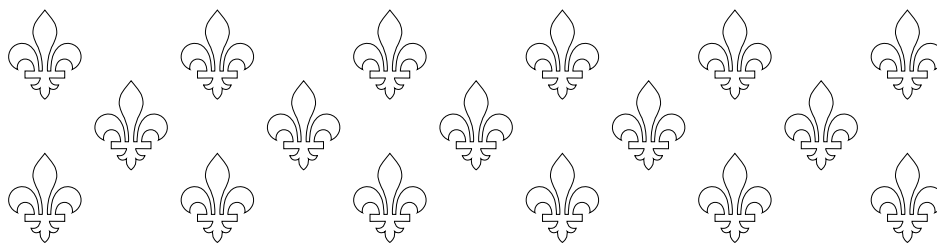
23. Article 725.3 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended

(1) by replacing the words “des dommages causés” in the second line of the first paragraph of the French text by the words “du préjudice causé”;

(2) by striking out the second paragraph.

24. The immovables referred to in section 5 of the Roads Act which are under the management of the Minister on 20 June 1998 become, without indemnity, the property of the State.

25. This Act comes into force on 20 June 1998, except the provisions of sections 12 to 14 and section 16 which come into force on the date or dates to be fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 186
(1998, chapter 36)

**An Act respecting income support,
employment assistance and social
solidarity**

**Introduced 18 December 1997
Passage in principle 9 April 1998
Passage 19 June 1998
Assented to 20 June 1998**

**Québec Official Publisher
1998**

EXPLANATORY NOTES

This Act provides for measures, programs and services in the areas of manpower and employment to foster the economic and social autonomy of individuals and to assist individuals in their efforts to enter, re-enter or remain on the labour market.

To those ends, the Minister of Employment and Solidarity may grant financial assistance and offer information, vocational guidance and placement services. The Minister may also propose that a person engage in certain activities as part of an “Individualized Integration, Training and Employment Plan”.

Three financial assistance programs are established. The Employment-Assistance Program is designed to grant last resort financial assistance to persons who are capable of work, encourage them to undertake or pursue a job entry or re-entry process and support them during that process. A further purpose of the program is to grant last resort financial assistance to persons with a limited capacity for employment. The Social Welfare Program is designed to grant last resort financial assistance to persons who, owing to age or a limited capacity for employment and because they so choose, do not undertake a job entry or re-entry process. The Parental Wage Assistance Program is designed to provide a financial supplement to low-income families in which at least one parent is employed.

In order to receive a benefit under a last resort financial assistance program, an individual other than an individual whose capacity for employment is limited must make appropriate efforts to find suitable employment and follow any direction from the Minister in that regard. A person may not, without serious cause, refuse or leave an employment.

An information and complaint bureau is set up within the employment and solidarity department for the primary purpose of informing persons concerned of their rights and obligations and enhancing the quality of the services provided under the Act. In addition, a review service established within the department will, on application, review the decisions made by the Minister.

Finally, the bill contains various provisions regarding such matters as the recovery of sums owed to the Minister, inspections and investigations.

LEGISLATION REPLACED BY THIS BILL :

- Act respecting income security (R.S.Q., chapter S-3.1.1).

LEGISLATION AMENDED BY THIS BILL :

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Legal Aid Act (R.S.Q., chapter A-14);
- Automobile Insurance Act (R.S.Q., chapter A-25);
- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting prescription drug insurance (R.S.Q., chapter A-29.01);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- Pay Equity Act (R.S.Q., chapter E-12.001);
- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act to facilitate the payment of support (R.S.Q., chapter P-2.2);
- Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5);
- Act respecting the Régie du logement (R.S.Q., chapter R-8.1);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);

- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);
- Act respecting assistance and compensation for victims of crime (1993, chapter 54);
- Act respecting administrative justice (1996, chapter 54);
- Act respecting family benefits (1997, chapter 57);
- Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, chapter 63).

Bill 186

AN ACT RESPECTING INCOME SUPPORT, EMPLOYMENT ASSISTANCE AND SOCIAL SOLIDARITY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

TITLE I

EMPLOYMENT-ASSISTANCE MEASURES, PROGRAMS AND SERVICES

1. This Title provides for measures, programs and services in the areas of manpower and employment to foster the economic and social autonomy of individuals and to assist individuals in their efforts to enter, re-enter or remain on the labour market.

These employment-assistance measures, programs and services focus on the components of an active labour market policy : job preparation, entry and retention as well as job stabilization and job creation.

2. To that end, the Minister of Employment and Solidarity shall offer reception, assessment and referral services. The Minister may also

(1) offer coaching services ;

(2) collect labour market information, primarily for the purpose of providing information on employment opportunities to help workers find employment and help employers find suitable workers ;

(3) offer placement services and, to that end, at the request of a worker seeking employment or of an employer, compile information concerning workers, employers and available employment, and, in accordance with the request and to the extent the Minister considers necessary, make the information available to the persons concerned ;

(4) provide funding for courses, training programs or professional services ;

(5) issue job vouchers, apprenticeship vouchers and other vouchers to be exchanged for services.

3. Employment-assistance measures, programs and services may be established in particular to

- (1) support organizations that provide employment-assistance services ;
- (2) assist employers, employee or employer associations, community organizations and regional or local communities in developing and implementing strategies for dealing with labour force adjustments and meeting manpower requirements ;
- (3) facilitate improved labour market efficiency and minimize the impact of labour market restructuring ;
- (4) promote the development of new labour market policy instruments and management tools ;
- (5) support research and innovation in order to identify better ways of helping persons obtain or keep employment.

4. Within the scope of employment-assistance measures, programs and services, the Minister may offer persons financial assistance in particular to

- (1) help them obtain skills for employment, ranging from basic to specific skills ;
- (2) encourage them to accept employment through incentives such as earning supplements ;
- (3) assist them in their efforts to enter, re-enter or remain on the labour market ;
- (4) provide them with employment opportunities through which they can gain work experience to improve their employment prospects ;
- (5) encourage employers to hire them.

Financial assistance may be granted, for instance, in the form of an employment-assistance allowance, the reimbursement of expenses or wage subsidies.

5. After assessing a person's circumstances, the Minister may offer personalized information, vocational counselling and placement services to help the person obtain employment.

The Minister may also propose that the person engage in certain activities as part of an "Individualized Integration, Training and Employment Plan". These may include job preparation activities, such as basic or specific training, job entry or retention activities or job creation activities.

In such a case, the Minister may grant the person financial assistance, subject to the conditions determined by the Minister. If the person is a recipient under the Employment-Assistance Program, the amount granted as

an employment-assistance allowance may not be less than the amount prescribed by regulation.

6. For the purposes of section 5, the Minister may, at the request of a recipient under the Employment-Assistance Program, recognize activities engaged in by the recipient as a volunteer with a non-profit organization.

7. Financial assistance granted under section 4 or 5 to a natural person, other than an employer, is unassignable and unseizable, except for non-payment of support.

8. The Minister may, in respect of certain activities engaged in by a person as part of an Individualized Plan, enter into an agreement in writing with the person and, where applicable, with the person for whom the work is performed. The agreement may include conditions of employment. The agreement may also, for the purposes determined by the Minister, require the person for whom the work is performed to consult, prior to the beginning of the work, with the association of employees legally recognized to represent the members of the bargaining unit concerned.

Except in the cases and to the extent determined by regulation, the provisions of the Labour Code (R.S.Q., chapter C-27), the Act respecting collective agreement decrees (R.S.Q., chapter D-2), the Public Service Act (R.S.Q., chapter F-3.1.1) and the Act respecting labour standards (R.S.Q., chapter N-1.1) apply to an activity engaged in as part of an employment-assistance measure or program.

9. To avail themselves of an employment-assistance measure, program or service, persons must apply to the Minister and provide the Minister with any document or information required by the Minister.

They must also inform the Minister of any change in their circumstances that may affect their eligibility or continued eligibility in respect of the measure, program or service, or the amount of the financial assistance granted.

10. The Minister shall lend assistance to persons who so request so as to facilitate their understanding of and access to employment-assistance measures, programs and services.

11. At least 10 days before reducing or ceasing to pay an amount granted under this Title on the ground that a person did not declare his or her real circumstances, the Minister shall give the person a written notice, with reasons.

The person may present observations before the effective date of the Minister's decision and, if need be, produce documents to complete the file.

12. The powers of the Minister under this Title shall be exercised in agreement with the provisions of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, chapter 63), particularly as concerns the functions and

powers of the Commission des partenaires du marché du travail and of the regional councils of labour market partners.

As provided in that Act, the provincial, regional and local implementation and management of the manpower and employment measures and programs under the responsibility of the Minister and the provision of public employment services are entrusted to Emploi-Québec.

TITLE II

FINANCIAL ASSISTANCE PROGRAMS

CHAPTER I

EMPLOYMENT-ASSISTANCE PROGRAM

DIVISION I

ESTABLISHMENT

13. An Employment-Assistance Program is hereby established. The purpose of the program is to grant last resort financial assistance to persons who are capable of work, encourage them to undertake or pursue a job entry or re-entry process and support them during that process.

A further purpose of the program is to grant last resort financial assistance to persons with a limited capacity for employment.

DIVISION II

ELIGIBILITY

14. Independent adults or families that establish that, according to the rules provided in Division IV of this chapter, their resources fall short of the amount that is necessary to provide for their needs, according to the basic benefit applicable to them combined with the amount of any applicable adult or dependent children allowances or adjustments and of any applicable special benefits, are eligible under the program.

15. The following persons are not eligible under the program:

(1) adults not resident in Québec, except in the cases and subject to the conditions determined by regulation;

(2) adults not legally authorized to remain in Canada, other than Geneva Convention refugees recognized in Canada by the competent Canadian authorities, except in the cases and subject to the conditions determined by regulation and in respect of such benefits and allowances as may be determined by regulation;

(3) adults attending, within the meaning of the regulations and otherwise than as part of an Individualized Integration, Training and Employment Plan proposed by the Minister under section 5, an educational institution in a vocational program at the secondary level, or an educational institution at the college or university level and, except in the cases and subject to the conditions determined by regulation, families that include such an adult;

(4) adults who are members of a religious community which has the means to provide for its members;

(5) independent adults who are minors but not fully emancipated;

(6) adults incarcerated in a penitentiary or detained in a house of detention or any other prison, or required to reside in a half-way house, except in the cases determined by regulation.

In addition, adults or families that possess, at the time of the application, liquid assets in excess of the maximum amount determined by regulation are not eligible under the program. Such adults or families are ineligible from the date of application to the last day of the month.

16. The Minister may grant a benefit to an independent adult or a family that is not eligible under the program for any reason other than the reason set out in subparagraph 3 of the first paragraph of section 15, or not entitled to that benefit although eligible under the program, if in the Minister's opinion, the adult or the members of the family would, without that benefit, be in circumstances that could endanger their health or safety or lead to complete destitution.

17. The Minister may, in the cases and subject to the conditions determined by regulation, grant a benefit to an independent adult or a family that is no longer eligible under the program.

18. The Minister shall include a statement of the benefits granted under section 16 and the reasons for which they were granted in the annual report the Minister is required to produce under section 15 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail.

Notwithstanding subparagraph 4 of the first paragraph of section 57 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), the names and addresses of recipients of such a benefit are not public information.

DIVISION III

DEFINITIONS

19. The word "spouses" means

- (1) persons who are married to each other and who cohabit ;
- (2) persons who cohabit and who are the mother and father of a child ;
- (3) persons of full age who live together as husband and wife and who, at any one time, cohabited for a period of not less than one year.

Such persons remain spouses or, for the purposes of subparagraph 3 of the first paragraph, are presumed to have continued to cohabit despite the temporary absence of one of them.

20. Except in the cases and subject to the conditions determined by regulation, the following persons are considered to be dependants of their father or their mother or of another adult designated by regulation if they are dependent on one of such persons for their subsistence :

- (1) minor children who are neither fully emancipated nor the father or mother of a child who is their dependant ; and
- (2) children of full age who attend an educational institution and who are neither the spouse of another person nor married nor the father or mother of a child who is their dependant.

However, except in the cases and subject to the conditions determined by regulation, children of full age who do not attend an educational institution and who are neither the spouse of another person nor married nor the father or mother of a child who is their dependant are presumed to be dependent children so long as they have not applied for a benefit as an independent adult. The obligations set out in Division V of this chapter apply to such dependent children, with the necessary modifications.

21. An adult is a person other than a dependent child.

22. A family is composed of

- (1) an adult and the adult's dependent children ;
- (2) spouses and their dependent children or the dependent children of either spouse ; or
- (3) spouses, if they have no dependent children.

Notwithstanding the first paragraph, a person shall remain, cease to be or become a member of a family in the circumstances determined by regulation, and an adult who, pursuant to subparagraph 1, 2, 4 or 6 of the first paragraph of section 15, is not eligible under the program shall not be considered a member of a family.

DIVISION IV**ESTABLISHMENT AND PAYMENT OF BENEFIT**

23. The benefit payable to an independent adult or a family eligible under the program is established on the basis of the basic benefit applicable to that adult or family, according to the amount, in the cases and under the conditions determined by regulation.

24. A temporarily limited capacity for employment allowance, in the amount prescribed by regulation, shall be added to the basic benefit where the independent adult or an adult member of a family

(1) produces a medical report establishing that, due to the adult's physical or mental condition, the adult will be unable, for a period of at least one month, to engage in any activity that may be proposed under the second paragraph of section 5 ;

(2) is at least 20 weeks pregnant or has given birth less than five weeks previously, and applies for the allowance; the application must be filed together with a medical report; the medical report may be replaced by a written report attesting the pregnancy signed by a midwife taking part in a pilot project governed by the Act respecting the practice of midwifery within the framework of pilot projects (R.S.Q., chapter P-16.1), indicating the adult's name and date of birth, the number of weeks of pregnancy and the expected date of delivery, or the actual date of delivery ;

(3) provides childcare to a dependent child of the adult in the cases and subject to the conditions determined by regulation or to such a child who does not attend school by reason of a physical or mental handicap ;

(4) is 55 years of age or over and applies for the allowance ;

(5) shares a dwelling unit with a person whose autonomy is significantly reduced by reason of a physical or mental condition which requires constant care on the part of the adult ;

(6) is responsible for a family-type resource recognized under the Act respecting health services and social services (R.S.Q., chapter S-4.2) ;

(7) is responsible for a foster home under a service contract with the Minister of Public Security and must act as such with respect to a person required to live there.

A temporarily limited capacity for employment allowance shall also be added to the basic benefit in the case of an independent adult placed in a foster home or a victim of violence who takes refuge in a shelter, in the latter case for a maximum of three consecutive months from the date of admission. The same applies subject to the conditions determined by regulation in the other cases determined by regulation.

25. A severely limited capacity for employment allowance, in the amount prescribed by regulation, shall be added to the basic benefit where the independent adult or an adult member of the family produces a medical report establishing that the adult's physical or mental condition is significantly and in all likelihood permanently or indefinitely deficient or impaired and that, for that reason and in view of the adult's socio-professional profile, the adult has a severely limited capacity for employment.

26. A person may not receive a temporarily limited capacity for employment allowance concurrently with a severely limited capacity for employment allowance or concurrently with financial assistance granted under Title I in the form of an employment-assistance allowance.

However, a mixed allowance, in the amount prescribed by regulation, shall be added to the basic benefit of a family where two members of the family meet the conditions set out in section 24 or 25.

27. The benefit granted to an independent adult or to a family is established, for each month, on the basis of the circumstances of the adult or family on the last day of the preceding month. The benefit shall be equal to the deficit in resources in relation to needs calculated by

(1) determining the amount of the applicable basic benefit and adding to it the amount of any applicable adult or dependent children allowances or adjustments and of any applicable special benefits;

(2) subtracting from the amount of the dependent children adjustments determined by regulation, the family allowances received by the family for that month under the Act respecting family benefits (1997, chapter 57) as well as the amount received for that month as a national child benefit supplement, determined under C of the formula appearing in subsection 1 of section 122.61 of the Income Tax Act (R.S.C. 1985, 5th Supplement, chapter 1);

(3) subtracting from the amount obtained under subparagraphs 1 and 2 the following amounts, except insofar as they are excluded by regulation:

(a) the amount determined in respect of lodging according to the method and to the extent prescribed by regulation;

(b) the income from work and from property earned, in the preceding month, by the independent adult or by members of the family, and any earnings or other benefits of any kind received by them, except those subtracted pursuant to subparagraph 2;

(c) the benefits not yet received in respect of the period prescribed by regulation, to which the independent adult or adult members of the family are entitled because of an interruption of work, under the Employment Insurance Act (Statutes of Canada, 1996, chapter 23);

(d) where the independent adult or adult members of the family lost an employment because of a work stoppage attributable to a labour dispute and, for that reason, could not or did not qualify for unemployment benefits, any work income that could otherwise have been earned by them in the preceding month, until such time as they could qualify for benefits under the Employment Insurance Act;

(e) the liquid assets, within the meaning of the regulations, of the independent adult or members of the family as they stand on the last day of the preceding month;

(f) the amount obtained by applying the percentage prescribed by regulation to the value, determined according to the method prescribed by regulation, of the property owned by the independent adult or members of the family on the last day of the preceding month, excluding any property which cannot be alienated due to a legal impediment beyond their control;

(g) where, in the cases and subject to the conditions determined by regulation, the independent adult or family shares a dwelling unit with another person, the amount determined according to the method prescribed by regulation;

(h) the amount determined as parental contribution, according to the method prescribed by regulation, for the three years following the first of the following dates:

- i. the date on which the adult who is deemed to receive parental contribution received a first benefit under a last resort financial assistance program;
- ii. the date on which the adult would have been declared eligible but for the net incomes of his or her father and mother taken into account in determining the contribution.

Subparagraphs *g* and *h* of subparagraph 3 of the first paragraph do not apply to an independent adult who or to a family one of the adult members of which meets the conditions set out in section 25.

The calculation method provided for in subparagraph *h* of subparagraph 3 of the first paragraph shall be established by considering the net incomes of the father and mother of the adult and by taking into account the provisions concerning the calculation method of the parental contribution established under the regulatory provisions adopted pursuant to the Act respecting financial assistance for students (R.S.Q., chapter A-13.3).

28. An adult is deemed to receive parental contribution except if

(1) the adult has provided for his or her own needs and resided elsewhere than at the place of residence of his or her father or mother for at least two years, excluding any period during which the adult attended an educational institution on a full-time basis;

(2) the adult has, for at least two years, held remunerated full-time employment or received, for such employment, benefits under the Employment Insurance Act;

(3) the adult is or was married;

(4) the adult has been living with another person as husband or wife and has, at one time, cohabited with that person for a period of not less than one year;

(5) the adult has or has had a dependent child;

(6) the adult holds a bachelor's degree from a university;

(7) the adult is at least 20 weeks' pregnant, and the adult's condition has been attested by a medical report; the medical report may be replaced by a written report attesting the pregnancy, signed by a midwife taking part in a pilot project governed by the Act respecting the practice of midwifery within the framework of pilot projects and indicating the name and date of birth of the adult, the number of weeks of pregnancy and the expected date of delivery;

(8) the adult has not been a full-time student for at least seven years since ceasing to be subject to compulsory school attendance.

However, an adult who establishes that his or her father and mother are untraceable, that they have refused to contribute to providing for his or her needs or that they have committed acts of violence against him or her is not deemed to be receiving parental contribution.

29. A benefit shall be granted from the month following the month of the application. However, a benefit may be granted for the month in which the application is made and shall, in that case, be established according to the method prescribed by regulation, which may take into account such factors as the liquid assets of the adult or family as they stand on the date of the application.

30. A benefit shall be paid on a monthly basis subject to the conditions determined by regulation.

The benefit shall be paid to the spouses jointly or, at their request, to one of them.

31. A benefit paid under this chapter is unassignable and unseizable.

32. If the recipient of a benefit is the lessee of a dwelling and is in default with respect to payment of the agreed rent, the Minister shall, on receipt of an order of the Régie du logement and in accordance with the Act respecting the Régie du logement (R.S.Q., chapter R-8.1), pay part of the benefit directly to the lessor, subject to the conditions and according to the amount relating to

lodging determined by regulation. Such payment is deemed made to the recipient, except where it should not have been made to the lessor.

33. Where an independent adult or the adult members of a family, due to particular circumstances or in view of their past conduct in the administration of property, are unable to administer the benefit granted to them, the Minister may, subject to the conditions determined by regulation, pay the benefit to a person or organization designated by the Minister.

The person or organization shall administer the benefit according to the standards prescribed by regulation and report to the Minister on the form supplied by the Minister.

DIVISION V

RECIPROCAL RIGHTS AND OBLIGATIONS

34. A person wishing to take advantage of the program must apply to the Minister and provide the Minister with any document or information necessary to ascertain the person's eligibility or the eligibility of the person's family under the program, and to determine the amount of the benefit.

35. A person required to produce a medical report must produce the medical report on the form supplied by the Minister.

Moreover, where the Minister considers it appropriate, a person must undergo another medical examination, carried out by the physician designated by the Minister, to verify whether the person's capacity for employment is severely limited or whether the person is unable, owing to the person's physical or mental condition, to engage in an activity, as provided in subparagraph 1 of the first paragraph of section 24. An unfavourable decision of the Minister must be accompanied by the report of the physician so designated by the Minister.

36. The Minister shall lend assistance to any person who so requests so as to facilitate the person's understanding of and access to the program. The Minister must, among other things, assist a person in making an application for a benefit.

37. The Minister shall examine applications and make a decision promptly.

38. The Minister shall inform a person to whom a benefit is granted under this Act, as comprehensively as possible and according to the circumstances declared by the person, concerning

(1) rights and obligations under this Act;

(2) the measures, programs and services available under this Act as well as the family allowances granted by the Régie des rentes du Québec, the national

child benefit supplement granted by the Government of Canada, the unified housing allowance program administered by the Société d'habitation du Québec and the special health insurance services offered by the Régie de l'assurance-maladie du Québec to persons eligible under a last resort financial assistance program, and the manner of gaining access thereto.

39. A recipient must

(1) advise the Minister promptly of any change in the recipient's circumstances or the circumstances of the recipient's family which may affect the benefit granted;

(2) at intervals prescribed by regulation, file a statement with the Minister on the form supplied by the Minister.

Notwithstanding the first paragraph, a recipient is not required, unless the Minister so requests, to declare the amount of the family allowance granted by the Régie des rentes du Québec under the Act respecting family benefits or the amount granted by the Government of Canada as a national child benefit supplement.

40. At least 10 days before reducing or ceasing to pay an amount granted under this chapter on the ground that a person did not declare his or her real circumstances, the Minister shall give the person a written notice, with reasons.

The person may present observations before the effective date of the Minister's decision and, if need be, produce documents to complete the file.

41. An independent adult or the members of a family must exercise their rights or avail themselves of other statutory benefits where the exercise of such rights or the receipt of such benefits would affect their eligibility or reduce the amount of the benefit granted to them under the program.

In the case of an adult who is not deemed to receive parental contribution under the second paragraph of section 28, the Minister is subrogated by operation of law in the rights of the adult to have support payments fixed or varied, unless the adult has elected to exercise his or her remedy for support. The Minister may also exercise the rights of any other creditor of support to have support payments fixed or varied if the Minister is of the opinion that the creditor's circumstances place the exercise of such rights in jeopardy.

42. The fact that an adult or a member of the adult's family engages in activities as a volunteer with a non-profit organization does not constitute failure to fulfil the obligations imposed by the first paragraph of section 41.

43. Where the recipient of a benefit, or a member of the recipient's family, is the creditor of support, the recipient must inform the Minister, in the manner prescribed by regulation, of any judicial proceeding in respect of the obligation of support at least five days before the date of presentation of the application relating to such proceeding.

The recipient must, however, inform the Minister of the content of an agreement in respect of the obligation of support at least ten days before its presentation to the court.

An agreement between the parties concerning the fixing or variation of support payments has no effect against the Minister.

In any proceeding for the fixation or variation of support payments, the court may, of its own motion, implead the Minister, or the Minister may *ex officio* and without notice intervene at any time and take part in the proof and hearing.

44. An independent adult or members of a family must not, in the two years preceding an application for or the payment of a benefit, have waived their rights, disposed of property or of liquid assets without just cause or squandered them so as to become or render their family eligible under the program or so as to be granted a benefit of a greater amount than that which would otherwise have been granted.

45. An adult must make such efforts as are appropriate in the adult's circumstances to find suitable employment and follow any direction from the Minister in that regard.

46. The obligations imposed by section 45 do not apply to an adult

(1) whose capacity for employment is limited within the meaning of section 24 or 25 ;

(2) who avails himself or herself of an employment-assistance measure or engages in another activity agreed with the Minister, particularly as part of an Individualized Plan ; or

(3) who attends a course or training program recognized by the Minister.

47. For the purposes of section 45, the Minister may require the adult to attend an interview to enable the Minister to provide information and instruction to help the adult find suitable employment. The instruction may include requesting the adult to

(1) register for employment at an employment agency recognized by the Minister and to report to the agency at reasonable intervals ;

(2) actively seek employment, through a formal job search activity, for instance.

48. Employment is not suitable employment if

(1) it arises in consequence of a stoppage of work attributable to a labour dispute ;

(2) it does not meet the minimum working conditions set out in the Act respecting labour standards ;

(3) the practices of the employer are contrary to public policy ;

(4) the working conditions are difficult and unreasonable and constitute a danger to health or safety ;

(5) it involves considerably more demanding duties or a considerably greater number of working hours than might be expected in that type of employment ;

(6) the working conditions are likely to undermine the adult's integrity ; or

(7) it is employment determined by regulation, in the cases and subject to the conditions determined by regulation.

49. An adult must not, without serious cause, refuse or leave a suitable employment or lose suitable employment through the adult's own fault, permanently or temporarily, so as to become or render the adult's family eligible under the program or so as to be granted a benefit of a greater amount than that which would otherwise have been granted.

50. Serious cause for refusing or leaving an employment or taking leave from an employment also exists if the adult has no reasonable alternative to refusing, leaving or taking leave, having regard to all the circumstances, including any of the following :

(1) obligation to accompany a spouse or dependent child to another residence ;

(2) working conditions that constitute a danger to health or safety ;

(3) obligation to care for a child or a member of the immediate family ;

(4) excessive overtime work or refusal to pay for overtime work ;

(5) reasonable assurance of obtaining another employment in the immediate future ;

(6) earnings insufficient in relation to the expenses entailed, particularly childcare and transportation expenses ;

(7) inaccessibility of the workplace, particularly because of the distance or the lack of appropriate transportation ;

(8) any other circumstance prescribed by regulation.

51. Serious cause for leaving an employment or taking leave from an employment also exists if the adult has no reasonable alternative to leaving or taking leave, having regard to the following circumstances:

- (1) sexual or other harassment;
- (2) discrimination prohibited under the Charter of human rights and freedoms (R.S.Q., chapter C-12);
- (3) significant modification of terms and conditions respecting wages or salary;
- (4) antagonism with a supervisor, if the adult is not primarily responsible for the antagonism;
- (5) discrimination with regard to employment because of membership in an association, organization or union of workers;
- (6) undue pressure by the employer on the adult to leave the employment.

52. Dismissal due to marked carelessness in regard to the employment or misconduct constitutes a loss of employment through the employee's own fault.

53. An adult may not, without serious cause, refuse to resume an employment which the adult may resume pursuant to the working conditions that apply to the adult.

However, the independent adult or the adult's family remains eligible for the benefit to which they would have been entitled if the adult had not left the employment.

54. Where there is a failure to fulfil any of the obligations imposed by sections 34, 35, 39, 41, 43, 44 and 53, the Minister may refuse to grant an application or reduce or cease to pay a benefit, according to the conditions determined by regulation.

In the other cases determined by regulation, the Minister shall impose the measure prescribed by regulation.

55. Where, without serious cause, there is failure to fulfil any of the obligations imposed by sections 45, 47 and 49, the Minister may reduce a benefit by the amounts and according to the conditions determined by regulation.

56. An independent adult under 25 years of age or an adult under that age who is a member of a family without dependent children, must, if the adult's capacity for employment is not limited within the meaning of section 24 or 25, attend an interview at the Minister's request to enable the Minister to evaluate

the adult's circumstances and determine certain activities to be engaged in as part of an Individualized Integration, Training and Employment Plan.

The adult must complete all activities under the Individualized Plan within the allotted time.

57. Where there is failure, without good cause, to fulfil an obligation imposed by section 56, the Minister may reduce the benefit granted to an independent adult or to a family, by the amount and according to the conditions determined by regulation.

An adult has good cause to refuse to engage in or to withdraw from certain Plan activities if the activities are not appropriate to the adult's circumstances.

58. Decisions made by the Minister pursuant to section 54, 55 or 57 must be issued in writing, include reasons and be communicated to the person concerned.

CHAPTER II

SOCIAL WELFARE PROGRAM

DIVISION I

ESTABLISHMENT

59. A Social Welfare Program is hereby established. The purpose of the program is to grant last resort financial assistance to persons who, owing to age or a permanently or indefinitely limited capacity for employment and because they so choose, do not undertake a job entry or re-entry process.

DIVISION II

ELIGIBILITY

60. Independent adults or families that meet the conditions set out in section 61 or 62 and establish that, according to the rules provided in Division IV of Chapter I, their resources fall short of the amount that is necessary to provide for their needs, according to the basic benefit applicable to them combined with the amount of any applicable adult or dependent children allowances or adjustments and of any applicable special benefits, are eligible under the program.

61. A senior's allowance, in the amount prescribed by regulation, shall be added to the basic benefit where the independent adult or an adult member of the family is 55 years of age or over.

62. A permanently or indefinitely limited capacity for employment allowance, in the amount prescribed by regulation, shall be added to the basic benefit where the independent adult or an adult member of the family produces a medical report establishing that owing to a severely limited capacity for employment within the meaning of section 25, the person is unable to provide for himself or herself or for his or her family.

63. An adult eligible under the program may elect to receive the benefit under the Employment-Assistance Program or under the Social Welfare Program.

A family shall receive the benefit under the Social Welfare Program if an adult member of the family has so elected.

64. An adult may not receive concurrently a senior's allowance and a permanently or indefinitely limited capacity for employment allowance. Nor may an adult who has elected to receive a benefit under the Social Welfare Program receive concurrently that benefit and financial assistance granted under Title I in the form of an employment-assistance allowance.

However, a mixed allowance, in the amount prescribed by regulation, shall be added to the basic benefit of a family where the two adult members of a family meet the conditions set out in section 24, 25, 61 or 62.

65. The provisions of this Act relating to the Employment-Assistance Program, adapted as required, apply to the Social Welfare Program.

For the purposes of the Social Welfare Program, a senior's allowance is deemed to be a temporarily limited capacity for employment allowance and a permanently or indefinitely limited capacity for employment allowance is deemed to be a severely limited capacity for employment allowance.

66. The Minister may, by way of an agreement, delegate the administration of the Social Welfare Program to a body of the Government of Québec, subject to the conditions stipulated in the agreement.

CHAPTER III

PARENTAL WAGE ASSISTANCE PROGRAM

DIVISION I

ESTABLISHMENT

67. A Parental Wage Assistance Program is hereby established. The purpose of the program is to provide a financial supplement to low-income families with at least one dependent child and at least one employed adult.

DIVISION II

ELIGIBILITY

68. An adult who has at least one month of eligibility in a year and applies for a benefit under the program not later than 10 January of the following year is eligible under the program for the year.

A month of eligibility is a month during which the adult meets the following conditions:

(1) be resident in Québec, except in the cases and subject to the conditions determined by regulation;

(2) be legally authorized to remain in Canada or a Geneva Convention refugee recognized in Canada by the competent Canadian authorities;

(3) not own property, valued according to the method prescribed by regulation, and liquid assets, within the meaning of the regulations, the value of which, combined with the value of the property and liquid assets of the adult's spouse and dependent children, exceeds the amount prescribed by regulation;

(4) perform remunerated work or receive benefits under section 22 or 23 of the Employment Insurance Act or a maternity or parental leave allowance paid by the Minister; such benefits or allowances constitute work income for the purposes of this chapter;

(5) earn, together with the earnings of the adult's spouse, wages, salary or other remuneration, including gratuities, from an office or employment, an amount referred to in subparagraph 4 or income from a business calculated in accordance with the regulation, the total amount of which, excluding any amount that may be deducted in computing taxable income pursuant to paragraph *e* of section 725 of the Taxation Act (R.S.Q., chapter I-3), is greater than the amount determined by regulation.

In addition, the adult must, in the first month of eligibility in the year, be a member of a family that includes at least one dependent child.

In any subsequent month of that year, the adult is deemed to meet the condition set out in subparagraph 4 of the second paragraph if the condition is met by the person's spouse.

DIVISION III

DEFINITIONS

69. Persons who are spouses within the meaning of section 19 at any time during a year are considered spouses for the year. Where an adult has more than one spouse in a year,

- (1) the adult is deemed to have only one spouse in the year;
- (2) the person who is the adult's spouse on the last day of the year or, if the adult has no spouse on the last day of the year, the last person to have been the adult's spouse in the year is deemed to be the adult's spouse for the year; and
- (3) the adult is deemed not to be the spouse of any person other than the person referred to in subparagraph 2 in the year.

An adult is a person other than a dependent child.

70. The spouse of an adult who has been declared eligible under the program is, if the spouse also becomes eligible under the program in the same year, deemed to be eligible from the same date as the adult.

71. A family is composed of

- (1) an adult and the adult's dependent children; or
- (2) spouses and their dependent children or the dependent children of either spouse.

Notwithstanding the first paragraph, a person shall remain, cease to be or become a member of a family in the circumstances determined by regulation.

72. Except in the cases and subject to the conditions determined by regulation, the following persons are considered to be dependants of their father or their mother or of another adult designated by regulation if they are dependent upon one of such persons for their subsistence:

- (1) minor children who are neither fully emancipated nor the father or mother of a child who is their dependant; and
- (2) children of full age who attend an educational institution and who are neither the spouse of another person nor married nor the father or mother of a child who is their dependant.

A dependent child of the adult in the adult's first month of eligibility in a year or in any subsequent month of that year is deemed to be a dependent child of the adult for the year, except in the cases and subject to the conditions determined by regulation.

DIVISION IV

ESTABLISHMENT AND PAYMENT OF BENEFIT

73. The benefit granted to an adult for a year shall, subject to the provisions of this division, be equal to the amount obtained by applying the percentage prescribed by regulation to the net work income of the family where the

income is less than or equal to the amount applicable to the adult according to the scale of needs prescribed by regulation, or equal to the amount prescribed by the scale where the net work income of the family exceeds such amount.

74. Where an adult eligible under the program or the adult's spouse incurs, for the year, child care expenses that qualify for the child care expense credit provided for in sections 1029.8.67 to 1029.8.81 of the Taxation Act, and where the adult or spouse is, in respect of the expenses, deemed to have paid an amount for that year under section 1029.8.79 of that Act as partial payment of tax payable under Parts I and I.2 of that Act, the amount of the benefit determined pursuant to section 73 is, for the purposes of the second paragraph of section 82, increased by the amount so deemed to have been paid.

In such a case, where sections 75 and 76 refer to the amount of the benefit, the amount is, for the purposes of the second paragraph of section 82, the amount increased pursuant to the first paragraph.

75. The amount of the benefit determined pursuant to section 73 shall be reduced by the sum of the following amounts :

(1) the amount obtained by applying the percentage prescribed by regulation to that part of the total income of the adult's family which exceeds the amount applicable to the adult according to the scale of needs prescribed by regulation ;

(2) the amount obtained by applying the percentage prescribed by regulation to that part of the aggregate of the amounts received in the year by the adult and the adult's spouse as work income replacement which exceeds the aggregate of

(a) the aggregate of the excluded amounts prescribed by regulation in respect of the adult and, where applicable, in respect of the adult's spouse ;

(b) the benefits received by the family in the year under a last resort financial assistance program, up to the amount prescribed by regulation for the purposes of subparagraph 3 of the third paragraph of section 79 ;

(c) the amount by which the amount applicable to the adult according to the scale of needs prescribed by regulation exceeds the net work income of the adult's family.

The following amounts are considered to have been received as work income replacement :

(1) benefits granted under a last resort financial assistance program that are considered for the purposes of the computation provided for in subparagraph *c* of the first paragraph of section 776.29 of the Taxation Act ;

(2) compensation received under the Automobile Insurance Act (R.S.Q., chapter A-25) that is considered for the purposes of the computation provided

for in subparagraph *c* of the first paragraph of section 776.29 of the Taxation Act;

(3) indemnities received under the Workmen's Compensation Act (R.S.Q., chapter A-3) or the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) that are considered for the purposes of the computation provided for in subparagraph *c* of the first paragraph of section 776.29 of the Taxation Act;

(4) benefits received under the Employment Insurance Act other than benefits received under section 22 or 23 of that Act.

For the purposes of the second paragraph of section 82, the amount of the benefits referred to in subparagraph 1 of the second paragraph is the amount prescribed by regulation, and paragraph *b* of subparagraph 2 of the first paragraph does not apply.

76. The amount of the benefit determined pursuant to sections 73 and 75 shall be multiplied by the quotient obtained by dividing the number of months of eligibility of the adult in the year by the number of months worked by the adult in the same year.

A month worked is a month during which an adult meets the condition for eligibility set out in subparagraph 4 of the second paragraph of section 68.

77. Where an adult eligible under the program or the adult's spouse is required to pay a contribution fixed under the Act respecting childcare centres and childcare services to which section 74 does not apply, the amount of the benefit determined pursuant to sections 73, 75 and 76 shall be increased according to the methods and conditions prescribed by regulation.

78. The benefit calculated pursuant to sections 73 to 77 is nil if the result obtained is negative.

79. A person's work income for a year is equal to the aggregate of the person's income from a business, after deducting business losses, and the income from an office or employment, computed respectively in accordance with subparagraphs 2 and 1 of subparagraph *i* of subparagraph *c* of the first paragraph of section 776.29 of the Taxation Act, exclusive of such income that may be deducted in computing taxable income under paragraph *e* of section 725 of the said Act. Work income also includes any other amount referred to in subparagraph 4 of the second paragraph of section 68.

The net work income of an adult's family for a year is equal to the amount by which the aggregate of the work income of the adult and the adult's spouse exceeds the amount determined according to the scale of excluded work income prescribed by regulation.

The total income of an adult's family for a year is equal to the amount by which the aggregate of the total income of the adult and of the adult's spouse and dependent children, computed in accordance with subparagraph *c* of the first paragraph of section 776.29 of the Taxation Act, exceeds the aggregate of the following amounts:

- (1) the total income of the dependent children, exclusive of income referred to in subparagraph 2, up to an amount prescribed by regulation;
- (2) the income of the adult's family that may be deducted in computing taxable income under paragraph *e* of section 725 of the Taxation Act;
- (3) the benefits granted to the family in the year under a last resort financial assistance program, up to an amount prescribed by regulation; and
- (4) the amount determined according to the scale of excluded work income prescribed by regulation.

For the purposes of the calculation of the total income of a family under the third paragraph, the amount of the benefits granted under a last resort financial assistance program is, for the purposes of the second paragraph of section 82, the amount prescribed by regulation.

80. If the spouse of an adult for a year was not the adult's spouse throughout the year, only that part of the following amounts, in respect of the spouse, that can reasonably be attributed to the period of the year during which the adult had a spouse shall be taken into account in the calculation of the adult's benefit for the year:

- (1) work income;
- (2) total income;
- (3) amounts received as work income replacement;
- (4) excluded amounts determined under paragraph *a* of subparagraph 2 of the first paragraph of section 75.

81. Where a benefit is granted for a year to each spouse, such benefit shall be equal to one-half of the amount obtained pursuant to sections 73 and 75 to 77.

If the spouse of an adult for a year is no longer the adult's spouse on 31 December of that year, the calculation provided for in the first paragraph shall, for the purposes of section 77, apply only with respect to the period of the year during which the adult had a spouse.

82. The benefit shall be paid yearly by the Minister of Revenue and shall be sent together with a notice stating the amount to which the adult is entitled.

However, the Minister of Employment and Solidarity may, under the conditions determined by regulation, make advance monthly payments if the benefit estimated on the basis of information supplied by the adult pursuant to the first paragraph of section 86 and section 88 exceeds the minimum amount prescribed by regulation. The payments, other than the portion attributable to the increase determined under section 74, constitute advances on the yearly benefit provided for in the first paragraph.

83. Where advance payments are granted to each spouse, they shall be paid to them jointly or, at their request, to one of them. Each spouse is deemed to have received one-half of the advance payments.

84. A benefit paid under this chapter is unassignable and unseizable, except for non-payment of support.

DIVISION V

RECIPROCAL RIGHTS AND OBLIGATIONS

85. The Minister shall lend assistance to any person who so requests so as to facilitate the person's understanding of and access to the program. The Minister must, among other things, assist a person in making an application for a benefit.

86. An application for a benefit must be filed together with any document or information required for the determination of advance payments.

The Minister must examine the application and determine the amount of the advance payments promptly.

87. The Minister shall inform a person to whom a benefit is granted under this chapter, as comprehensively as possible and according to the circumstances declared by the person, concerning

(1) rights and obligations under this Act;

(2) the measures, programs and services available under this Act as well as the family allowances granted by the Régie des rentes du Québec, the national child benefit supplement granted by the Government of Canada and the unified housing allowance program administered by the Société d'habitation du Québec, and the manner of gaining access thereto.

88. A recipient must

(1) advise the Minister promptly of any change in the recipient's circumstances or in the circumstances of the recipient's family which may affect the benefit or advance payments;

(2) at intervals prescribed by regulation, file a statement with the Minister on the form supplied by the Minister.

Notwithstanding the first paragraph, a recipient is not required, unless the Minister so requests, to declare the amount of the family allowance granted by the Régie des rentes du Québec under the Act respecting family benefits or the amount granted by the Government of Canada as a national child benefit supplement.

89. At least 10 days before reducing or ceasing to pay an amount granted under this chapter on the ground that a person did not declare his or her real circumstances, the Minister shall give the person a written notice, with reasons.

The person may present observations before the effective date of the Minister's decision and, if need be, produce documents to complete the file.

90. An adult declared eligible under the program for a year must, not later than 30 April of the following year, file with the Minister of Revenue a reconciliation statement, in the form and with the attestations and information determined by the Minister of Revenue, together with a fiscal return within the meaning of section 1000 of the Taxation Act.

91. Each year, not later than the last day of February, the Minister shall transmit to and in the form determined by the Minister of Revenue, the following information for the preceding year in respect of every adult declared eligible under the program for that year :

(1) the name, address, social insurance number and date of birth of the adult and, except for the address, of the adult's spouse and dependent children ;

(2) the amount determined according to the scale referred to in section 73 which is applicable to the adult ;

(3) the quotient obtained by dividing the number of months of eligibility by the number of months worked by the adult in the year ;

(4) the total advance payments received by the adult or the adult's spouse, distinguishing the portion attributable to the benefit from the portion attributable to the increase under section 74 ;

(5) the aggregate of the excluded amounts determined by regulation in respect of the adult and, where applicable, of the adult's spouse, for the purposes of paragraph *a* of subparagraph 2 of the first paragraph of section 75 ;

(6) the amount of the increase in the benefit determined under section 77 ;

(7) whether a benefit has been granted to the adult's spouse ;

(8) for the purposes of section 80, any part of the year during which the adult no longer had a spouse ;

(9) the amount determined according to the scale of excluded work income ;

(10) the amount of the benefits granted under a last resort financial assistance program to be subtracted from the total income of the adult's family under subparagraph 3 of the third paragraph of section 79 and also to be considered for the purposes of subparagraph *b* of subparagraph 2 of the first paragraph of section 75 ;

(11) the amount of increase in the benefit determined by the Minister under section 96.

The Minister shall also inform the Minister of Revenue of any changes in such information.

The Minister shall transmit a copy of the information to the adult.

92. The Minister of Revenue shall promptly examine the information transmitted by the Minister of Employment and Solidarity, as well as the statement and return, and shall determine, in accordance with Division IV of this chapter, the amount of the adult's benefit and send a notice to the adult concerned.

The Minister of Revenue is bound by the information transmitted by the Minister.

93. Where an adult has not filed, for a year, a reconciliation statement or a fiscal return pursuant to section 90, the Minister of Revenue may determine the amount of the benefit to be nil and send a notice to the adult.

94. Where there is failure to fulfil an obligation under the first paragraph of section 86 or section 88 or 90, the Minister may refuse to grant an application or suspend, reduce or terminate payments. Such a decision must be made in writing, give reasons and be communicated to the adult.

95. Where the amount of a benefit determined in respect of an adult for a year exceeds the total advance payments received in respect of the benefit, the Minister of Revenue must pay the difference to the adult and send the payment together with a notice stating the amount involved, and section 1052 of the Taxation Act, adapted as required, shall apply.

Where the total advance payments exceed the amount of the benefit, the adult must, subject to the third paragraph, repay the difference to the Minister of Revenue within 45 days after the date of mailing of the Minister's notice, even where an application for review has been filed or a proceeding has been brought before the Administrative Tribunal of Québec under Chapter IV of Title III.

Chapter III of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), adapted as required, applies to such a payment and repayment which, for that purpose, are deemed to be, respectively, a refund due to the adult

under a fiscal law and, from the date of mailing of the notice referred to in the second paragraph, a debt exigible from the adult under a fiscal law.

96. Where the advance payments of the benefit exceed the amount of the benefit determined pursuant to section 92 and the Minister establishes that part of the advance payments constitutes an overpayment resulting from an administrative error that the adult could not reasonably have noticed, the benefit is increased by the amount of overpayment so established.

The first paragraph also applies, in the cases and subject to the conditions determined by regulation, where a change in circumstances occurs which affects the benefit. In that case, any overpayment prior to the date of the change is considered to be an administrative error that the adult could not reasonably have noticed.

An increase under this section may not operate to increase the benefit beyond the amount of the advance payments.

97. The Minister of Revenue may redetermine the amount of an adult's benefit

(1) within three years after the date of mailing of the notice provided for in section 92 or 93;

(2) at any time, if the adult who filed the statement or return misrepresented the facts or committed a fraudulent act within the meaning of subparagraph *i* of subparagraph *b* of the second paragraph of section 1010 of the Taxation Act;

(3) where a reassessment made following an opposition served or an appeal filed by the adult or the adult's spouse or dependent child in respect of an assessment established under the Taxation Act also affects the total income of, or the amounts received as work income replacement by, one of such persons;

(4) where a reassessment under the Taxation Act results in an increase in the amount of the benefit.

TITLE III

ADMINISTRATIVE PROVISIONS

CHAPTER I

AGREEMENTS

98. Subject to the second paragraph, the Minister may enter into an agreement with a department or body of the Government or of another government, a person or an enterprise whose name appears on the list drawn

up by the Government and published in the *Gazette officielle du Québec*, in order to collect or communicate nominative information that is necessary for the application of this Act and the regulations, in particular in order to

(1) verify the eligibility of a person or a person's family for an amount granted under this Act and establish that amount;

(2) identify, by cross-matching or other means, circumstances not declared by a person which may affect the amount that is or was granted to the person under this Act;

(3) verify the solvency of a person who is required to repay an amount pursuant to Chapter II of this Title or identify the person's place of residence;

(4) verify the occurrence of an event or the existence of a right referred to in section 102, as well as the date and particulars of the realization of the right.

The Minister may also enter into such an agreement with the Department of Human Resources Development of Canada as well as with the following departments and bodies of the Government: the Ministère de l'Éducation, the Ministère de la Justice, the Ministère des Relations avec les Citoyens et de l'Immigration, the Ministère du Revenu, the Ministère de la Sécurité publique, the Commission de la santé et de la sécurité du travail, the Régie de l'assurance-maladie du Québec, the Régie des rentes du Québec and the Société de l'assurance automobile du Québec.

The Minister may, in order to identify a person for the purposes of an agreement made under this section, communicate that person's name, date of birth, sex, address, health insurance number, social insurance number and file number. Any department, body, person or enterprise that receives such information must, unless legally entitled thereto, destroy it once the purpose for which it was communicated has been fulfilled.

Such information shall be exchanged in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information.

99. Any nominative information, within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information, obtained in the administration of this Act is confidential. Public servants of the Ministère de l'Emploi et de la Solidarité are prohibited from using any such information for purposes other than the administration of this Act.

Public servants of the department are prohibited also from communicating or allowing the communication of information obtained in the administration of this Act to any person not legally entitled thereto under the Act respecting Access to documents held by public bodies and the Protection of personal

information or from allowing such a person to examine a document containing such information or have access thereto.

CHAPTER II

RECOVERY

100. A person must repay to the Minister any amount granted under Title I or under a last resort financial assistance program which should not have been granted to the person or the person's family, except an amount prescribed by regulation or an amount paid by reason of an administrative error that the person could not reasonably have noticed.

A person to whom section 28 applies is not required to repay an amount granted following an erroneous declaration by the person's mother or father. The amount is recoverable by the Minister from the parent having made the declaration, in accordance with the provisions of this chapter.

101. A person must also repay to the Minister the following amounts granted under a last resort financial assistance program, except those prescribed by regulation :

(1) upon the cessation of a legal impediment to the alienation of a property and up to the amount of the net profit from the proceeds of the disposition, or in the other cases and according to the conditions determined by regulation, the amount that would not have been granted to the person or the person's family if the property had been considered in calculating the benefit ;

(2) upon the cessation of the ineligibility of a person, or a member of the person's family, declared ineligible for allowances or benefits under another Act in force in Québec or elsewhere due to a breach of provisions similar to those of section 45, 47, 49, 53 or 56, the amount granted under this Act during such ineligibility up to the amounts that would but for such a breach have been payable under that other Act ;

(3) upon the cessation of a reduction in the amount of allowances or benefits granted to the person or to the person's family under another Act in force in Québec or elsewhere to compensate an overpayment or as a penalty, the amount granted during such reduction up to the amount of the reduction.

102. A person must repay to the Minister an amount granted under a last resort financial assistance program following the occurrence of an event giving rise to the exercise of a right by the person or the person's dependent child by judicial proceedings or any other means, whether or not the right is a personal right, and whether or not the amount had been granted to the person or the person's family at the time of the event.

The amount of the repayment is due from the realization and up to the value of the right ; the amount is established by applying the rules for the calculation of resources set out in sections 27 and 29.

Where a person did not declare the prospective realization of a right to the Minister and the amount received following the realization of the right should, according to the law, have been paid to the Minister, the amount can be seized by the Minister notwithstanding any provision of law to the contrary. The same applies to property acquired with the amount received following the realization of the right.

103. An amount owed to the Minister under section 102 must be repaid in full upon the realization of the right.

The amount is exigible only from the creditor of the realized right or from the adult of whom the child who is the creditor of the realized right is a dependant.

104. In the case of a debt to which section 102 applies, except non-payment of support determined by judgment, the debtor of a person who or whose family has received or is receiving an amount under a last resort financial assistance program, and any person who is to become the debtor of such a person must, upon a written notice of the Minister, remit to the Minister the amount owed up to the amount recoverable under section 102.

The remittance of the amount to the Minister is deemed to be a payment validly made to the creditor; if the debtor fails to so remit the amount, the debtor is bound to pay an equivalent amount to the Minister.

The amount is recoverable by the Minister in accordance with the provisions of this chapter.

105. A person is not required to repay the amount equivalent to the income tax that the person must pay on the amount received following the realization of a right referred to in section 102, where the amount of the tax is determined at the time of the realization of the right. The Minister shall, where applicable, return any excess repayment to the person, on presentation of proof of payment of the tax.

This section applies where the tax payable on the amount received by the person operates to reduce the amount below the amount repayable to the Minister.

106. An amount granted is not repayable to the Minister under section 102, where the realized right

(1) arises from a succession;

(2) is compensation under section 73 of the Automobile Insurance Act;

(3) is compensation under section 83 of the Act respecting industrial accidents and occupational diseases;

(4) is compensation for non-pecuniary damage received following physical or mental impairment, other than compensation under the Acts referred to in subparagraph 2 or 3; or

(5) is an amount determined by regulation.

107. A person having subscribed an undertaking under the Act respecting immigration to Québec (R.S.Q., chapter I-0.2) promising to help a foreign national and the dependants, if any, who accompany the foreign national to settle in Québec, must repay the amount granted under a last resort financial assistance program to the foreign national and to those dependants during the period covered by the undertaking, where the undertaking so provides. The amount is determined according to the conditions and calculation rules determined by regulation and is recoverable by the Minister in accordance with the provisions of this chapter.

108. The recovery of an amount owed under this Act is prescribed five years after the date it becomes due. Where there has been misrepresentation, recovery is prescribed five years after the date on which the Minister became aware of the fact that the amount was due, but not more than 15 years after the date it became due.

109. There is misrepresentation where an amount is granted to a person following failure to file a statement or return, following the filing of a statement or return containing false information or following the transmission of a document in which information is omitted or which contains false information so as to render the person or the person's family eligible under a program or so as to receive or cause the person's family to receive a greater amount than would otherwise have been granted.

110. Spouses are solidarily liable for the repayment of an amount granted under a last resort financial assistance program and recoverable under the first paragraph of section 100 or section 101, whether the amount was granted to an independent adult or to a family which included two adults.

However, the spouse of a person to whom a benefit was granted is not liable for the repayment if the spouse proves not having received the notice provided for in section 112 or proves that the claim is based on an act or omission of the person which the spouse could not reasonably have been aware of.

Likewise, a spouse is not liable for the repayment if the spouse proves that the spouse's real circumstances could not be declared by reason of the violent behaviour of the other spouse toward the spouse or the spouse's dependent child.

In the cases described in the second or third paragraph, the other spouse is solely liable for the entire debt.

111. Where the debt owed to a person is for non-payment of support determined by judgment, the Minister is subrogated by operation of law in the rights of the creditor in respect of all support payments which are due at the time the person or the person's family becomes eligible for a benefit under a last resort financial assistance program and in respect of all payments which become due during the period for which the benefit is granted.

The Minister shall send a notice to the Minister of Revenue, together with the information required for the purposes of the Act to facilitate the payment of support.

The Minister shall remit to the creditor the amount by which the sums collected exceed the amount recoverable under section 102.

112. The Minister shall send a formal notice to the debtor of an amount recoverable under this Act, indicating the amount of the debt, the reasons for which the debt is due and the debtor's right to apply for a review. The notice must also contain information on the recovery procedure, in particular as to the issue and effects of the certificate.

A formal notice under this section interrupts prescription.

113. The debtor must repay any amount owed according to the conditions determined by regulation, unless otherwise agreed between the debtor and the Minister.

The debtor is required to pay interest in the cases determined and at the rate prescribed by regulation.

114. The debtor is required to pay a recovery charge in the cases and under the conditions determined and in the amount prescribed by regulation.

115. In exceptional circumstances, the Minister may, subject to the conditions determined by the Minister, suspend in whole or in part the recovery of an amount owed or grant a full or partial discharge to a debtor, even after the filing of the certificate referred to in section 118.

116. If a debt is not paid, the Minister may, at the expiry of the time for applying for a review of the decision requiring payment or for contesting the review decision before the Administrative Tribunal of Québec and, where applicable, at the expiry of 30 days after a decision of that Tribunal confirming all or part of the Minister's decision or on the date of the formal notice if, in the Minister's opinion, the debtor is attempting to elude payment, issue a certificate setting out the debtor's name and address and the amount of the debt.

117. After issuing the certificate, the Minister may withhold part of any amount granted under this Act to the debtor and, where applicable, to the debtor's family, up to the amount prescribed by regulation, and apply the

amount withheld to the repayment of the debt. A withholding to the same end may also be made, after the issue of the certificate, in respect of any refund owed to the debtor by the Minister of Revenue pursuant to section 31 of the Act respecting the Ministère du Revenu.

A withholding under the first paragraph interrupts prescription.

118. Upon the filing of the certificate at the office of the court of competent jurisdiction, together with a copy of the final decision establishing the debt, the decision becomes executory as if it were a final judgment of that court, not subject to appeal, and has all the effects of such a judgment.

CHAPTER III

INFORMATION AND COMPLAINTS

119. An information and complaint bureau is hereby established at the Ministère de l'Emploi et de la Solidarité under the name "Bureau des renseignements et plaintes".

120. The functions of the bureau include

(1) informing persons concerned of their rights and obligations under this Act;

(2) enhancing the quality of the services provided under this Act, both to persons eligible for employment-assistance measures, programs or services provided for in Title I and to recipients under a financial assistance program provided for in Title II;

(3) monitoring the level of satisfaction with the measures, programs or services provided for in this Act;

(4) making recommendations to the Minister to remedy or prevent the re-occurrence of prejudicial situations and prevent the occurrence of similar situations;

(5) giving due consideration to the opinions and observations expressed by persons having received services or availed themselves of measures, programs or services under this Act.

121. Persons may apply to the bureau for any information concerning matters within the scope of this Act or for assistance in safeguarding their rights.

122. The bureau must process requests speedily.

123. All complaints, except those that are clearly unfounded, must be examined and analyzed by the bureau.

A complaint that is not within the purview of the bureau is clearly unfounded.

124. The bureau must inform the complainant of the results of the examination and analysis of the complaint. Moreover, the bureau must inform the complainant of remedy procedures, where applicable.

The first paragraph shall not operate to allow the disclosure of confidential information.

125. A committee shall advise the Minister concerning general orientations for the services provided by the bureau and the processing of requests and complaints submitted to the bureau.

At the request of the Minister, the committee shall also give its opinion on any matter submitted to it by the Minister.

The committee shall be composed of members designated by the Minister from the organizations most representative of the unemployed and of the social and community sectors, after consulting with the latter, for the term and according to the conditions specified in the instrument of designation.

126. The members of the committee shall receive no remuneration, except in the cases, subject to the conditions and to the extent that may be determined by the Government. They are, however, entitled to reimbursement of expenses incurred in the exercise of their functions, subject to the conditions and to the extent determined by the Government.

127. The bureau shall prepare an annual activity report containing the information required by the Minister and indicating the number of complaints received, the follow-up given to the complaints and the level of satisfaction of persons having applied to the bureau as well as any recommendation concerning the services provided by the bureau.

The report shall be submitted to the committee and to the Minister. It shall be appended to the annual report produced by the Minister under section 15 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail.

CHAPTER IV

REMEDIES

128. Any person to whom a decision of the Minister under this Act applies may apply in writing for a review of the decision within 90 days of the date on which the person was advised of the decision.

However, decisions under Title I or section 16, the second paragraph of section 82 or section 115 are not subject to review.

129. Decisions shall be reviewed by a person designated by the Minister for the term specified in the instrument of designation. The reviewers shall form part of a review service and shall come under the same authority within the Ministère de l'Emploi et de la Solidarité.

130. Decisions concerning an application for a temporarily limited capacity for employment allowance for the reason set out in subparagraph 1 of the first paragraph of section 24 must be reviewed by a physician.

Decisions concerning an application for a severely limited capacity for employment allowance or a permanently or indefinitely limited capacity for employment allowance must be reviewed by two members of the review service, one being a physician and the other a professional working in the social sector.

131. The Minister shall lend assistance to any person who so requests in making an application for the review of a decision.

132. An application for review may not be refused on the ground that it was made after the deadline if the applicant establishes that it was impossible to act sooner.

If the application is refused on that ground, the decision may be contested before the Administrative Tribunal of Québec within 15 days after the date on which the applicant is advised of the decision. If the Tribunal quashes the decision, the file shall be returned to the person or persons who made the decision.

133. Any person having applied for the review of a decision must be given the opportunity to present observations and, if need be, to produce documents to complete the file.

134. An application for review does not suspend execution of the decision.

However, a benefit, other than a special benefit, granted under a last resort financial assistance program that is reduced by more than half by a decision subject to review under section 128 shall be reinstated until the date of the review decision if the decision is not made within 10 working days of

(1) the day the person is ready to present observations in support of the application or, if need be, to produce documents to complete the file, where the person has asked for time to do so; or

(2) in other cases, the day of receipt of the application for review or the day the decision takes effect if subsequent thereto.

135. An application for review must be processed promptly and the review decision must be made within 30 days of the receipt of the application or, in a case described in the second paragraph of section 132, within 30 days of the

decision of the Administrative Tribunal of Québec returning the file for review. Where a person has asked for time to present observations or to produce documents, the review decision must be made within 30 days of the presentation of observations or the production of the documents.

136. After the expiry of the 30-day period, interest accrual on an amount owed by a debtor which is the subject of a review shall be suspended until the date of the review decision.

137. The review decision must be in writing and drafted in clear and concise terms, contain reasons and be notified to the applicant and must state that the decision may be contested before the Administrative Tribunal of Québec.

138. The Minister shall prepare an annual compilation of review decisions and shall ensure public access thereto, omitting the information that would allow the persons concerned to be identified.

139. Any person who feels wronged by a review decision may contest the decision before the Administrative Tribunal of Québec within 60 days of notification of the decision.

140. If a review decision or a decision of the Administrative Tribunal of Québec recognizes that an adult or a family is entitled to an amount initially refused, or increases the amount initially granted, the Minister is required to pay interest at the rate prescribed by regulation, in the cases and according to the conditions determined by regulation.

141. When a decision relating to the Parental Wage Assistance Program is reviewed or when a proceeding is brought under section 139 against a review decision concerning such a decision, the amounts considered by the Minister of Revenue for the purpose of calculating the total income of an adult, or the adult's spouse or dependent child and for the purpose of calculating amounts received as work income replacement by the adult or the adult's spouse may not be contested.

142. In the case of a proceeding for the determination of a benefit under the Parental Wage Assistance Program, the Administrative Tribunal of Québec must suspend the hearing where, on the motion of the Minister of Revenue or of the person who brought the proceeding, it is established that the person or the person's spouse or dependent child has served an opposition or filed an appeal in respect of an assessment under the Taxation Act for the year to which the proceeding pertains and that such opposition or appeal may cause the amounts referred to in section 141 to vary.

A suspension under the first paragraph shall continue until a final decision upholding the assessment is made or, as the case may be, until the Minister of Revenue, following a final decision cancelling or varying the assessment, re-determines the benefit of the person who brought the proceeding referred to in the first paragraph.

CHAPTER V

INSPECTION AND INVESTIGATION

143. A person specially or generally authorized by the Minister to act as an inspector may, for the purposes of this Act, require, examine and make a copy of any information or document. Moreover, the inspector may require information or documents by fax or by electronic means where a person may be so contacted.

144. No proceedings may be brought against an inspector for acts performed in good faith in the exercise of his or her functions.

145. The Minister or any person designated as an investigator by the Minister may investigate any matter coming under the Minister's authority with respect to the administration of this Act.

146. For the purposes of an investigation, the Minister and an investigator have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

The investigator may send a subpoena by fax or by electronic means where the person to whom it is addressed may be so contacted.

147. On request, an inspector or an investigator shall identify himself or herself and produce a certificate of capacity signed by the Minister.

148. No person may hinder an inspector in the exercise of his or her functions, mislead or attempt to mislead an inspector by misrepresentation or deceptive statements, refuse to produce documents required by the inspector or omit or refuse, without good cause, to answer any question that may lawfully be asked.

TITLE IV

PENAL PROVISIONS

149. Every person is guilty of an offence and liable to a fine of not less than \$250 nor more than \$1,500 who knowingly makes an incomplete statement or a statement containing false or misleading information, transmits an incomplete document or a document containing such information or fails to make a statement so as to

(1) become or render the person's family eligible under a program or maintain such eligibility,

(2) receive, or cause the person's family to receive, a benefit which can no longer be granted or which is of a greater amount than the benefit which may be granted,

(3) receive any other amount under this Act, or

(4) cause any person to receive an amount under this Act.

150. Every person who contravenes section 99 is guilty of an offence and liable to a fine of not more than \$5,000.

151. Every person who contravenes a provision of section 148 is guilty of an offence and liable to a fine of not less than \$250 nor more than \$1,000.

152. Every person who assists a person in committing an offence under this Act or, by encouragement, advice or consent, or by an authorization or order, induces a person to commit an offence under this Act is guilty of an offence.

A person convicted under this section is liable to the same penalty as that prescribed for the offence whose commission the person assisted in or induced.

153. Penal proceedings for an offence under section 149 are prescribed one year after the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be brought where more than five years have elapsed since the commission of the offence.

TITLE V

REGULATIONS

154. For the purposes of Title I, the Government may make regulations

(1) prescribing, for the purposes of the third paragraph of section 5, the minimum amount that may be paid as an employment-assistance allowance;

(2) determining, for the purposes of the second paragraph of section 8, the cases in which and the extent to which the legislative provisions referred to therein do not apply to an activity engaged in as part of an employment-assistance measure or program.

155. For the purposes of the financial assistance programs, the Government may make regulations

(1) determining the cases in which and the conditions subject to which a child is not a person's dependent child or is a dependant of another adult than the child's father or mother and designating that adult;

(2) determining the cases in which and the conditions subject to which an adult not resident in Québec is eligible under a financial assistance program;

(3) determining the circumstances in which a person remains, ceases to be or becomes a member of a family;

- (4) determining what constitutes liquid assets and property;
- (5) determining the cases in which and the conditions subject to which an independent adult or a family shares a dwelling unit with another person and prescribing a method for determining the amount to be subtracted for the purpose of calculating the benefit;
- (6) prescribing intervals for the filing of a statement or return;
- (7) determining, for the purposes of section 140, the cases in which and the conditions subject to which the Minister is required to pay interest and prescribing the interest rate;
- (8) prescribing administrative standards.

156. For the purposes of the Employment-Assistance Program or the Social Welfare Program, the Government may make regulations

- (1) determining the cases in which and the conditions subject to which an adult not legally authorized to remain in Canada may be eligible under the program pursuant to subparagraph 2 of the first paragraph of section 15 and determining the cases in which and the conditions subject to which eligibility is restricted to certain benefits or allowances;
- (2) defining, for the purposes of subparagraph 3 of the first paragraph of section 15, what constitutes attending an educational institution in a vocational program at the secondary level, or an educational institution at the college or university level;
- (3) determining the cases in which and the conditions subject to which a family referred to in subparagraph 3 of the first paragraph of the first paragraph of section 15 is eligible under the program;
- (4) determining the cases in which an adult referred to in subparagraph 6 of the first paragraph of section 15 is eligible under the program;
- (5) determining the maximum amount referred to in the second paragraph of section 15 and the liquid assets that are excluded;
- (6) determining the cases in which and the conditions subject to which an independent adult or a family that is no longer eligible under the program may continue to receive benefits;
- (7) determining the cases in which and the conditions subject to which children of full age are not presumed to be dependent children for the purposes of the second paragraph of section 20;
- (8) determining basic benefit amounts and the cases in which and the conditions subject to which those amounts are to be granted;

(9) determining the other cases in which and the conditions subject to which a temporarily limited capacity for employment allowance is to be added to the basic benefit;

(10) determining the cases in which and the conditions subject to which providing childcare to a dependent child renders an independent adult or an adult member of a family eligible for a temporarily limited capacity for employment allowance;

(11) prescribing temporarily limited capacity for employment allowance, severely capacity for employment allowance and mixed allowance amounts;

(12) prescribing adult or dependent children adjustment amounts and determining the cases in which and the conditions subject to which those amounts are to be granted;

(13) prescribing special benefit amounts to provide for special needs and the cases in which and the conditions subject to which those amounts are to be granted;

(14) determining the dependent children adjustments from which amounts received as family allowances under the Act respecting family benefits or as a national child benefit supplement are to be subtracted and the cases in which and conditions subject to which such amounts are deemed to be received by a family, and determining the exclusion of those amounts from the application of certain provisions relating to income;

(15) excluding, for the purpose of calculating a benefit, any or all of the income, earnings, benefits, liquid assets or property of a person eligible under the program;

(16) prescribing an amount relating to lodging and determining the conditions subject to which a benefit is to be reduced in respect of lodging;

(17) prescribing a method for calculating income, earnings, the value of benefits, liquid assets and the value of property, determining the cases in which those amounts may be averaged and the time from which they are deemed received and prescribing standards for the allocation of arrears in support payments;

(18) determining the period for which employment-insurance benefits yet to be received are to be considered for the purpose of calculating a benefit;

(19) prescribing standards applicable to the income, earnings, benefits, liquid assets and property of a self-employed worker and the cases in which and the conditions subject to which the standards are to be applied;

(20) prescribing a method for determining the value of property and determining the percentage applicable to that value;

(21) prescribing a method for calculating parental contribution and specifying the net incomes of an adult's father and mother required to be considered for that purpose;

(22) prescribing a method for calculating a benefit for the month of application and determining the maximum amount of liquid assets at the time of the application;

(23) determining the conditions of payment of benefits;

(24) determining the conditions under which the Minister, upon an order of the Régie du logement, is to pay to the lessor of a recipient part of the benefit and prescribing the amount relating to lodging;

(25) determining, for the purposes of section 33, the conditions according to which a benefit is to be paid to a person other than the recipient or to an organization and prescribing standards to be complied with by that person or organization;

(26) prescribing, for the purposes of section 43, the manner of informing the Minister;

(27) determining, for the purposes of paragraph 7 of section 48, the cases in which and the conditions subject to which employment is not suitable employment;

(28) determining, for the purposes of paragraph 8 of section 50, any other circumstance;

(29) determining, for the purposes of section 54, the conditions of application and the amounts of the measures provided for in that section, the other cases in which such measures are to be imposed and the nature of the measures applicable in such cases;

(30) determining, for the purposes of section 55, the amounts and conditions applicable to the reduction of a benefit;

(31) prescribing, for the purposes of section 57, the amount by which and the conditions according to which a benefit is to be reduced.

157. For the purposes of the Social Welfare Program, the Government may make regulations determining the amounts of the senior's allowance, the permanently or indefinitely limited capacity for employment allowance and the mixed allowance.

158. For the purposes of the Parental Wage Assistance Program, the Government may make regulations

(1) prescribing a method for determining the value of the property of an adult, the adult's spouse and dependent children and prescribing, for the

purposes of eligibility under the program, the maximum amount of the value of such property combined with the value of their liquid assets;

(2) determining, for the purposes of subparagraph 5 of the second paragraph of section 68, a method for calculating income from a business;

(3) determining the minimum amount of income an adult or the adult's spouse must earn in a month for the month to be a month of eligibility;

(4) prescribing, for the purposes of section 73 and the first paragraph of section 75, a scale of needs establishing yearly amounts, which may vary according to whether or not the family shares a dwelling unit;

(5) prescribing percentages for the purposes of sections 73 and 75;

(6) determining, in respect of an adult or the adult's spouse, on the basis of the amounts received by each of them as work income replacement and described in the second paragraph of section 75, the amounts excluded for the purposes of subparagraph 2 of the first paragraph of that section;

(7) prescribing the amount of benefits under a last resort financial assistance program for the purposes of the third paragraph of section 75 and the fourth paragraph of section 79;

(8) prescribing, for the purposes of section 77, the calculation methods and the conditions according to which a benefit may be increased;

(9) prescribing the scale of excluded work income for the purposes of the second paragraph of section 79;

(10) prescribing the maximum amount of the income of a dependent child which may be subtracted from the total income of a family;

(11) prescribing, for the purposes of subparagraph 3 of the third paragraph of section 79, the maximum amount to be subtracted from the total income of an adult's family;

(12) prescribing, for the purposes of section 82, the minimum amount of an adult's estimated benefit for receipt of advance payments;

(13) determining, for the purposes of section 82, the conditions under which advance payments may be made;

(14) determining the cases in which and the conditions subject to which the second paragraph of section 96 applies.

Regulations respecting the application of the program made under section 155 and under the first paragraph of this section in the course of a year may prescribe that they have effect from the first day of the preceding year.

159. For the purposes of Chapter II of Title III, the Government may make regulations

(1) determining that all or part of a recoverable amount is not to be repaid by the debtor;

(2) determining, for the purposes of paragraph 1 of section 101, the other cases in which and the conditions according to which an amount granted is recoverable;

(3) determining, for the purposes of paragraph 5 of section 106, amounts not repayable to the Minister;

(4) determining the conditions and calculation rules according to which an amount recoverable under section 107 is to be determined;

(5) prescribing the conditions of repayment of an amount owed to the Minister;

(6) determining the cases in which the debtor is required to pay interest and prescribing the rate of interest;

(7) determining the cases in which and the conditions under which the debtor is liable for payment of a recovery charge and prescribing the amount of the charge;

(8) prescribing the amount up to which the Minister may withhold part of an amount for application to the repayment of a debt and determining cases in which and conditions under which the withholding is to be suspended.

160. The provisions of regulations under sections 154 to 159 may vary according to whether they apply to an independent adult or a family, according to the composition of the family, according to the circumstances of an independent adult or a member of a family, including, in the case of a child, the child's age, rank in the family, occupation, whether the child has a handicap within the meaning of the Act respecting family benefits, the child's place of residence and the custody arrangements in respect of the child, according to whether an independent adult or a member of a family is living or incarcerated in an institution or is residing in a subsidized dwelling, according to whether a debt is due following a false declaration by the debtor or according to whether the provisions apply to an independent adult who would be a member of a family if the adult's spouse or the dependent children of either had not ceased to be members of the family pursuant to a regulation under paragraph 3 of section 155.

161. The provisions of regulations made in consequence of a provision of a regulation under subparagraph 1 of the first paragraph of section 8 of the Act respecting family benefits may have effect from any date not more than six months prior to their coming into force.

TITLE VI**AMENDING PROVISIONS****ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES**

162. Section 11 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by replacing paragraph 4 by the following paragraph :

“(4) a person performing work as part of an Individualized Integration, Training and Employment Plan pursuant to section 5 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36).”

163. Section 144 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “the benefits paid to that person or his family under the Act respecting income security (chapter S-3.1.1) and which may be recovered under section 35 of the said Act.” in the second paragraph by the words “the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36).”

LEGAL AID ACT

164. Section 4.1 of the Legal Aid Act (R.S.Q., chapter A-14) is amended by replacing the words “benefits, other than special benefits, under Chapter II of the Act respecting income security (chapter S-3.1.1) or any member of a family receiving such benefits” in the second paragraph by the words “a benefit, other than a special benefit, under a last resort financial assistance program provided for by the Act respecting income support, employment assistance and social solidarity (1998, chapter 36) or any member of a family receiving such a benefit”.

165. Section 62 of the said Act is amended by replacing the words “benefits, other than special benefits, under Chapter II of the Act respecting income security (chapter S-3.1.1)” in the second paragraph by the words “a benefit, other than a special benefit, under a last resort financial assistance program provided for by the Act respecting income support, employment assistance and social solidarity”.

AUTOMOBILE INSURANCE ACT

166. Section 83.28 of the Automobile Insurance Act (R.S.Q., chapter A-25), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “the benefits which were paid to such person or to his family and of which reimbursement is exigible pursuant to section 35 of the Act respecting income security (chapter S-3.1.1)” in the third paragraph by the words “the amount repayable under section 102 of the Act respecting

income support, employment assistance and social solidarity (1998, chapter 36)".

167. Section 83.62 of the said Act is amended by replacing the words "Act respecting income security (chapter S-3.1.1)" in paragraph 4 by the words "Act respecting income support, employment assistance and social solidarity".

HEALTH INSURANCE ACT

168. Section 67 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "for benefits under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)" in the fourth paragraph by the words "under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)".

169. Section 70 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "receiving benefits under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)" by the words "eligible under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity".

170. Section 71 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "entitled to benefits under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)" in paragraph *b* by the words "eligible under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity".

171. Section 71.1 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words "receiving benefits under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)" by the words "eligible under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity".

172. Section 71.2 of the said Act is amended by replacing the words "Act respecting income security (chapter S-3.1.1)" by the words "Act respecting income support, employment assistance and social solidarity".

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

173. Section 15 of the Act respecting prescription drug insurance (R.S.Q., chapter A-29.01) is amended by replacing the words "receiving benefits under a last resort assistance program pursuant to the Act respecting income security (chapter S-3.1.1)" in paragraph 2 by the words "eligible under a last resort

financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (1998, chapter 36) or”.

174. Section 17 of the said Act is amended by replacing, in the definition of “person suffering from a functional impairment”, the words “last resort assistance program pursuant to the Act respecting income security (chapter S-3.1.1)” by the words “last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity”.

ACT RESPECTING THE BARREAU DU QUÉBEC

175. Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 32 of chapter 27 of the statutes of 1997, by section 86 of chapter 43 of the statutes of 1997 and by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “Act respecting income security (chapter S-3.1.1)” in subparagraph 5 of paragraph *a* of subsection 2 by the words “Act respecting income support, employment assistance and social solidarity (1998, chapter 36)”.

CODE OF CIVIL PROCEDURE

176. Article 827.5 of the Code of Civil Procedure (R.S.Q., chapter C-25), amended by section 17 of chapter 42 of the statutes of 1997, is again amended by inserting, after the first paragraph, the following :

“Moreover, no ruling may be made on an agreement relating to an obligation of support submitted by the parties unless the sworn statement referred to in the first paragraph has been filed by each of the parties at the office of the court.”

177. The said Code is amended by inserting, after article 827.6, the following article :

“**827.7.** Any party to an agreement relating to an obligation of support submitted in connection with an application governed by this Title must, where applicable, declare the fact that the party is a recipient under a last resort financial assistance program or received benefits under such a program during the period covered by the agreement.”

178. Article 989.2 of the said Code is amended by replacing the words “receives benefits under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)” in the second paragraph by the words “is receiving a benefit under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)”.

ACT RESPECTING COLLECTIVE AGREEMENT DECREES

179. Section 46 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “the benefits paid to the employee or his family under the Act respecting income security (chapter S-3.1.1) and which may be recovered under section 35 of the said Act” in the second paragraph by the words “the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36).”

PAY EQUITY ACT

180. Section 8 of the Pay Equity Act (R.S.Q., chapter E-12.001) is amended by replacing the words “while participating in a program to achieve entry on the labour market, is eligible for last resort assistance benefits under the Act respecting income security (chapter S-3.1.1)” in paragraph 5 by the words “engages in an activity referred to in section 5 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)”.

ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

181. Section 54 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is amended by replacing the words “, within the meaning of section 5 of the Act respecting income security (chapter S-3.1.1)” in the first paragraph by the words “within the meaning of section 22 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)”.

ACT RESPECTING THE MINISTÈRE DU REVENU

182. Section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), amended by section 43 of chapter 57 of the statutes of 1997, by section 119 of chapter 63 of the statutes of 1997 and by section 278 of chapter 16 of the statutes of 1998, is again amended by replacing subparagraph *j* of the second paragraph by the following subparagraph :

“(j) the Minister of Employment and Solidarity, solely to the extent that the information is required to ascertain the eligibility of a person or a person’s family under a program or measure established under the Act respecting income support, employment assistance and social solidarity (1998, chapter 36), to determine the amount of benefits or advance payments, to identify circumstances not declared by a recipient under a program established under that Act, or to ascertain the place of residence and solvency of a person required to repay an amount under Chapter II of Title III of that Act;”.

183. Section 94.0.1 of the said Act, amended by section 293 of chapter 16

of the statutes of 1998, is again amended by replacing the words “section 60 of the Act respecting income security (chapter S-3.1.1)” in the first paragraph by the words “section 95 of the Act respecting income support, employment assistance and social solidarity”.

ACT RESPECTING LABOUR STANDARDS

184. Section 121 of the Act respecting labour standards (R.S.Q., chapter N-1.1), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “the benefits paid to the employee or his family under the Act respecting income security (chapter S-3.1.1) and which may be recovered under section 35 of the said Act” in the second paragraph by the words “the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36).”

ACT TO FACILITATE THE PAYMENT OF SUPPORT

185. Section 76 of the Act to facilitate the payment of support (R.S.Q., chapter P-2.2), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “Act respecting income security (chapter S-3.1.1)” in the first paragraph by the words “Act respecting income support, employment assistance and social solidarity (1998, chapter 36)”.

ACT RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC

186. Section 37.7 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5) is amended

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

“(e) is eligible under a last resort financial assistance program provided for by the Act respecting income support, employment assistance and social solidarity (1998, chapter 36) or receives an allowance under the second paragraph of section 67 of the Social Aid Act (1969, chapter 63), and holds a valid claim booklet issued by the Minister of Employment and Solidarity pursuant to section 70 of the Health Insurance Act (chapter A-29);”;

(2) by replacing the words “Income Security” in paragraph *f* by the words “Employment and Solidarity”.

ACT RESPECTING THE RÉGIE DU LOGEMENT

187. The Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended by inserting, after section 31, the following sections :

“**31.1.** Where the board grants an application for the recovery of rent

and the defaulting lessee receives a benefit under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (1998, chapter 36), the board may order the Minister of Employment and Solidarity to pay to the lessor concerned the part of the benefit relating to lodging, in the amount and subject to the conditions prescribed by regulation under that Act, for any rent falling due during the month for which such benefit is granted. The order is contingent on a renunciation by the lessor of his right to apply for the resiliation of the lease.

The board shall fix the period during which the order is applicable, which shall not exceed two years. The order is executory for any period during which the lessee lives in a dwelling belonging to the lessor and so long as the lessor is entitled to collect the rent.

The board may also, where the lessee has been subject to such an order in the two years preceding the issue of the new order, provide that the new order is applicable, on the same conditions, to the lessor concerned and to any future lessor.

“31.2. For the purposes of section 31.1, the board may order the Minister of Employment and Solidarity to inform the board of the fact that a lessee is a recipient under a last resort financial assistance program and of the amount of the benefit granted for the month during which the order is issued. The board must keep the information received from the Minister confidential until the hearing.”

188. Section 78 of the said Act is amended

(1) by inserting, after the word “decide” in the first paragraph, the words “that a writing signed by an authorized person at the Ministère de l’Emploi et de la Solidarité bears witness to the fact that a person is a recipient under a last resort financial assistance program and to the amount of the benefit granted and that the writing is accepted in lieu of the testimony of a representative of that department. Similarly, a commissioner may decide”;

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

“However, a party may require the presence of the representative of the Ministère de l’Emploi et de la Solidarité or of the inspector at the hearing; however, if the board considers that the production of the writing or report would have sufficed, it may condemn that party to pay costs in the amount it fixes.”

ACT RESPECTING THE QUÉBEC PENSION PLAN

189. Section 145 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “the benefits paid to the person or his

family under the Act respecting income security (chapter S-3.1.1) and which may be recovered under section 35 of the said Act” in the second paragraph by the words “the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36).”

190. Section 229 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “the benefits paid by him under a last resort assistance program provided for in the Act respecting income security (chapter S-3.1.1)” in the first paragraph by the words “the benefit granted under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity”.

191. Section 231 of the said Act is amended by replacing the words “for benefits under a last resort assistance program under the Act respecting income security (chapter S-3.1.1)” by the words “under a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity”.

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER MANAGEMENT IN THE CONSTRUCTION INDUSTRY

192. Section 122 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “the benefits paid to the employee or his family under the Act respecting income security (chapter S-3.1.1) and which may be recovered under section 35 of the said Act” in the second paragraph of subsection 8 by the words “the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36).”

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

193. Section 174 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), amended by section 128 of chapter 63 of the statutes of 1997, is again amended by replacing the words “Act respecting income security (chapter S-3.1.1)” in the second paragraph by the words “Act respecting income support, employment assistance and social solidarity (1998, chapter 36)”.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

194. Section 149.33 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended by replacing the words “social aid beneficiary number or, from the date of coming into force of

Chapter II of the Act respecting income security (chapter S-3.1.1), his beneficiary number under the said chapter” in the first paragraph by the words “recipient number for the purposes of a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)”.

ACT RESPECTING ASSISTANCE AND COMPENSATION FOR VICTIMS OF CRIME

195. Section 146 of the Act respecting assistance and compensation for victims of crime (1993, chapter 54) is amended by replacing the words “any benefits that were paid directly to the claimant or to his family under the Act respecting income security (R.S.Q., chapter S-3.1.1) and which are subject to reimbursement under section 35 of that Act.” in the first paragraph by the words “the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36).”

ACT RESPECTING ADMINISTRATIVE JUSTICE

196. Section 18 of the Act respecting administrative justice (1996, chapter 54) is amended by inserting, after the word “security”, the words “or support”.

197. Section 20 of the said Act is amended by inserting, after the word “security”, the words “or support”.

198. Section 21 of the said Act, amended by section 10 of chapter 49 of the statutes of 1997 and by section 59 of chapter 57 of the statutes of 1997, is again amended by replacing subparagraph 2 of the second paragraph by the following subparagraph :

“(2) under section 139 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36), to contest a decision concerning the assessment of a temporarily limited capacity for employment for the reason set out in subparagraph 1 of the first paragraph of section 24 of that Act, the assessment of a severely limited capacity for employment referred to in section 25 of that Act or the assessment of a permanently or indefinitely limited capacity for employment referred to in section 62 of that Act.”

199. Section 1 of Schedule I to the said Act, amended by section 11 of chapter 49 of the statutes of 1997 and by section 60 of chapter 57 of the statutes of 1997, is again amended

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

(2) by replacing the words “ section 78 or 81 of the Act respecting income security (chapter S-3.1.1)” in paragraph 3 by the words “ section 132 or 139 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)”.

ACT RESPECTING FAMILY BENEFITS

200. Section 22 of the Act respecting family benefits (1997, chapter 57) is amended by replacing the second paragraph by the following paragraph :

“However, at the request of the Minister of Employment and Solidarity, the Board shall deduct from the family benefits payable under this Act the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36). The Board shall remit the amount so deducted to the Minister of Employment and Solidarity.”

201. In the transitional provisions introduced by Division II of Chapter VII of the said Act, the terms “Act respecting income security” and “last resort assistance program” shall respectively be replaced by the terms “Act respecting income support, employment assistance and social solidarity” and “last resort financial assistance program”, with the necessary modifications, unless the context indicates otherwise.

ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ AND ESTABLISHING THE COMMISSION DES PARTENAIRES DU MARCHÉ DU TRAVAIL

202. The Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, chapter 63) is amended by inserting, after section 14, the following section :

“**14.1.** Any amount paid in respect of an employment-assistance measure, program or service designated by ministerial order is deemed to be an amount paid under Title I of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36) and is recoverable pursuant to the provisions of Chapter II of Title III of that Act.”

203. Section 21 of the said Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph :

“(4) three members appointed after consultation with the most representative community organizations working in the areas of manpower and employment, including one person appointed to represent young people ;”.

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

“**53.1.** The Minister may delegate, in writing, specially or generally, to any member of the personnel of the department or to any office holder, the

power to designate a reviewer under section 129 of the Act respecting income support, employment assistance and social solidarity, the power to authorize a person to act as an inspector under section 143 of that Act and the power to designate an investigator under section 145 of that Act or under section 14 of this Act.”

205. Section 145 of the said Act is amended by replacing “1997-98” by “1998-99”.

TITLE VII

TRANSITIONAL AND FINAL PROVISIONS

206. This Act replaces the Act respecting income security (R.S.Q., chapter S-3.1.1).

207. Until the coming into force of section 206, the following provisions of the Act respecting income security are amended as follows:

(1) Section 8 of the said Act, amended by section 49 of chapter 57 of the statutes of 1997, is again amended by replacing subparagraph 1.1 of the first paragraph by the following subparagraph:

“(1.1) by subtracting from the amount of the additional amounts for dependent children determined by regulation, the family allowances received by the family for that month under the Act respecting family benefits and the amount received for that month as a national child benefit supplement, determined under C of the formula appearing in subsection 1 of section 122.61 of the Income Tax Act (R.S.C 1985, 5th Supplement, chapter 1);”;

(2) Section 13 of the said Act, amended by section 51 of chapter 57 of the statutes of 1997, is again amended by replacing subparagraph 1.1 of the first paragraph by the following subparagraph:

“(1.1) by subtracting from the amount of the additional amounts for dependent children determined by regulation, the family allowances received by the family for that month under the Act respecting family benefits (1997, chapter 57) and the amount received for that month as a national child benefit supplement, determined under C of the formula appearing in subsection 1 of section 122.61 of the Income Tax Act;”;

(3) Section 65 of the said Act, amended by section 57 of chapter 57 of the statutes of 1997, is again amended by inserting the words “or the amount paid to him as a national child benefit supplement” after the word “benefits” in the second line of the second paragraph;

(4) Section 65.1 of the said Act is amended by adding the following paragraph:

“Such information shall be exchanged in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information.”;

(5) Section 91 of the said Act, amended by section 58 of chapter 57 and by section 57 of chapter 58 of the statutes of 1997, is again amended

(1) by replacing subparagraph 7.1 of the first paragraph by the following subparagraph:

“(7.1) determine the additional amounts for dependent children from which are subtracted the amounts received as family allowances under the Act respecting family benefits and the amounts received as a national child benefit supplement, determine the cases in which and conditions on which such amounts are deemed to have been received by the family and prescribe their exclusion from the application of certain provisions relating to income;”;

(2) by adding, at the end of subparagraph 9 of the first paragraph, the words “and determine standards for the application of arrears in support payments”.

208. The Regulation respecting income security, made by Order in Council 922-89 dated 14 June 1989, is amended

(1) by inserting, after section 10.5, the following section:

“**10.5.1.** The scale of needs provided for in section 7 shall also be increased by the following amounts for a dependent minor child: \$50.41 for the first child, \$33.75 for the second child and \$27.50 for each subsequent child.”;

(2) by replacing section 10.6 by the following section:

“**10.6.** The scale of needs provided for in section 7 shall also be increased by the amount of \$8.58 for each dependent minor child of 12 years of age or older who is the first or second child in the family.

The increase does not apply if the dependent child has been placed in a reception centre or in a foster family.”;

(3) by replacing subparagraph 1 of the first paragraph of section 52 by the following subparagraph:

“(1) amounts granted as a child tax benefit under Part 9 of the Income Tax Act (R.S.C. 1985, 5th Supplement, chapter 1), other than amounts granted as a national child benefit supplement, determined under C in the formula appearing in subsection 1 of section 122.61 of the Income Tax Act;”;

(4) by adding, at the end of subparagraph 9 of the first paragraph of section 52, the words “or in respect of amounts received as a national child benefit supplement”;

(5) by replacing the second paragraph of section 52.1 by the following paragraph:

“In addition, the amounts received as a national child benefit supplement shall be subtracted from the additional amounts provided for in section 10.5.1 unless the dependent child has been placed in a foster family or a reception centre.”;

(6) by inserting, after section 52.1, the following section:

“52.2. For the purposes of section 52.1, a family is deemed to receive the yearly amount of the family allowance or of the national child benefit supplement, divided by 12. Where the allowance or supplement is paid to a person who is not a member of the family but used by that person for the needs of a dependent child, the allowance or supplement is deemed to be received by the family. Moreover, a family is deemed to receive, for the month of July each year, the maximum amount of the national child benefit supplement.”;

(7) by inserting, after section 59, the following section:

“59.1. Periodic payments received by an independent adult or a family for arrears in support shall be applied first and foremost to periods subsequent to 30 April 1998.”;

(8) by replacing section 106.1 by the following section:

“106.1. Where an application for a benefit has been refused or where a benefit granted to an independent adult or a family has been reduced or has ceased to be paid by reason of sums paid under another Act and the department or body having paid those sums reclaims them in whole or in part, the amount of the benefit granted or that could have been granted for the months for which the reclamation is made shall be recalculated accordingly if

(1) the sums reclaimed were paid by reason of an administrative error of the department or body; or

(2) the sums reclaimed were paid as a family allowance under the Act respecting family benefits, or as a national child benefit supplement; however, the recalculation shall be made only in respect of the six months preceding the date of the reclamation.

For the purposes of this section, new declarations concerning the months for which the reclamation is made, where required, may be submitted in the month following receipt of the reclamation.”;

(9) by inserting, after section 132.11, the following section:

“132.11.1. A family benefiting from a last resort assistance program in July 1998 and whose resources for that month are less than the required amount to meet its needs according to the calculation prescribed in section 8 or 13 of the Act, without taking into account the special benefit granted in the month of August 1998 under section 42 or the amount granted as a national child benefit supplement, may, as of 1 August 1998, continue to benefit from dental and pharmaceutical services granted under sections 9 and 21 of the Act and from the special benefits for optometric services prescribed in paragraph 1*b* of Schedule I, in accordance with the standards and practices of the Régie de l'assurance-maladie du Québec.

A family may continue to benefit from such services until 31 July 1999, as long as, on a continuous basis, its resources, without taking into account the amount granted as a national child benefit supplement, are less than the required amount to meet its needs according to the calculation prescribed in section 8 or 13 of the Act. The family must, however, during that period, submit the declaration prescribed in section 106.”

209. In any other Act and in any regulation, order in council, ministerial order, agreement, contract or other document, unless the context indicates otherwise and with the necessary modifications,

(1) a reference to a provision of the Act respecting income security is a reference to the corresponding provision of this Act;

(2) the term “Act respecting income security” is replaced by the term “Act respecting income support, employment assistance and social solidarity”;

(3) the term “last resort assistance program” is replaced by the term “last resort financial assistance program”.

210. Steps taken or activities engaged in on or after (*insert here the date of coming into force of section 5*) pursuant to a course of action proposed by the Minister under section 22 or 23 of the Act respecting income security before that date are deemed to be activities engaged in as part of an Individualized Integration, Training and Employment Plan.

211. Agreements entered into before (*insert here the date of coming into force of section 8*) under section 24 of the Act respecting income security are deemed to be agreements entered into under section 8 of this Act.

212. Instructions given to an adult by the Minister under section 28 of the Act respecting income security before (*insert here the date of coming into force of section 45*) are deemed to be directions given under section 45 of this Act.

213. For the purposes of section 63, the Minister shall, within one year after (*insert here the date of coming into force of section 63*), allow an adult referred to in that section to make the election referred to in that section, which election is effective from the first day of the second month following the date it is made.

214. The amendment made to section 65.1 of the Act respecting income security by paragraph 4 of section 207 is declaratory.

215. Until the amendment or replacement of sections 48.2 and 49 of the Act respecting income security or of sections 75 and 79 of this Act, the amounts determined under section 776.29 of the Taxation Act (R.S.Q., chapter I-3) shall be determined, for the purposes of those sections, according to the calculation rules prescribed by regulation. The last paragraph of section 91 of the Act respecting income security or the second paragraph of section 158 of this Act, as the case may be, applies to that regulation.

216. Amounts recoverable under the Act respecting income security are recoverable, without further formality, under this Act.

217. Any amount recoverable under the Social Aid Act (1969, chapter 63) is recoverable under this Act and sections 104 and 111 to 118 apply to that end.

218. Any amount recoverable under the Social Aid Act may be recovered under the Act respecting income security and, subject to any act having interrupted or suspended the prescription period, prescription in respect of such an amount takes effect on 1 January 1999 whether or not the amount is the subject of a claim made under the Social Aid Act or the Act respecting income security. The prescription period applicable to any time before 1 January 1994 is 30 years and the prescription period is reduced to five years starting from that date.

Until the coming into force of section 217, sections 39 to 45 of the Act respecting income security apply to the recovery of an amount recoverable under the Social Aid Act.

This section applies notwithstanding any other provision and has effect from 1 August 1992, except as regards a recoverable amount which is the subject of a claim and in respect of which prescription was invoked in a writing sent to the Minister before 12 March 1998 or in respect of which a judicial proceeding is pending and prescription was invoked as a ground in writing before the latter date. If such is the case, the Minister shall terminate collection procedures in respect of the amount and reimburse to the debtor any amount collected since prescription was invoked by the debtor. The refund is an excluded amount for the purposes of sections 52 and 68 of the Regulation respecting income security.

219. The third paragraph of section 110 applies to claims arising after (*insert here the date of coming into force of section 110*), even if the benefit was granted before that date.

220. Section 115 applies to any amount owed to the Minister, even if the claim was established before (*insert here the date of coming into force of section 115*).

221. Prescription may not be invoked against any recovery effected under section 44 of the Act respecting income security before (*insert here the date of coming into force of section 117*). Moreover, prescription is interrupted on the date of the last recovery so effected.

The first paragraph does not apply to cases pending on 18 December 1997 if prescription was invoked as a ground in writing before that date.

222. Section 202 applies to any amount owed to the Minister, even if the claim was established before (*insert here the date of coming into force of section 202*), except if the case is pending on that date. The new prescription period shall apply having regard to the time already elapsed.

223. A person designated by the Minister to hear an application for review under section 77 of the Act respecting income security is deemed to be a person designated under section 129 of this Act.

224. Until (*insert here the date occurring one year after the coming into force of this section*), the Government may make regulations containing transitional provisions to rectify any omission in connection with the implementation of this Act.

A regulation under this section is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1). However, if the regulation so provides, the regulation may apply from any date not prior to the coming into force of this section.

225. Persons referred to in the second paragraph of section 67 of the Social Aid Act (1969, chapter 63) shall continue to receive the allowances referred to in that paragraph.

226. The sums required to pay the portion of the advance payments provided for in the second paragraph of section 82 that is attributable to the amount of increase determined under section 74 are taken from the fiscal receipts received from individuals pursuant to the Taxation Act (R.S.Q., chapter I-3).

227. For the purposes of this Act and the Act respecting income security, the Minister may enter into an agreement with Revenue Canada for the collection of nominative information concerning families eligible for the national child benefit supplement.

Any such agreement must be submitted to the Commission d'accès à l'information for an opinion in accordance with the procedure set out in section 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1). After they are laid before the National Assembly, the agreement and the opinion shall be examined by the competent committee of the National Assembly.

Until 1 July 2000, this section applies notwithstanding section 64 of the Act respecting Access to documents held by public bodies and the Protection of personal information.

228. The Minister must report to the Government on the implementation of the provisions of this Act which pertain to the Individualized Plan not later than (*insert here the date occurring three years after the coming into force of section 5*), and on the implementation of the provisions of this Act which pertain to the payment of part of the benefit relating to lodging to the lessor not later than (*insert here the date occurring three years after the coming into force of sections 32, 187 and 188*).

The Minister must also, not later than (*insert here the date occurring three years after the coming into force of section 28*), report to the Government on the implementation of the provisions of this Act which pertain to parental contribution.

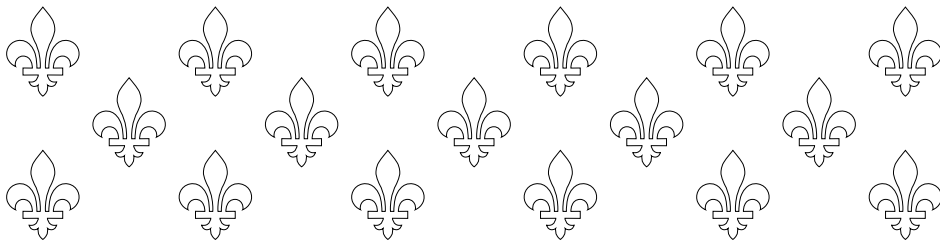
The reports shall be laid before the National Assembly by the Minister within the next 15 days or, if the Assembly is not sitting, within 15 days of resumption.

The reports shall be examined by the competent committee of the National Assembly within one year after they are laid before the Assembly.

229. The Minister of Employment and Solidarity is responsible for the administration of this Act.

230. The provisions of this Act come into force on the date or dates to be fixed by the Government, except sections 176, 177 and 205, paragraph 4 of section 207 and sections 214, 215, 218 and 227 which come into force on 20 June 1998, subparagraph 2 of paragraph 5 of section 207 and paragraph 7 of section 208 which come into force on 1 July 1998 but have effect from 1 June 1998, and the other provisions of sections 207 and 208 which come into force on 1 August 1998.

However, sections 56 and 57 may not come into force prior to 1 September 2000.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 206

(Private)

**An Act respecting Municipalité de
Chertsey and Municipalité de
Saint-Calixte**

Introduced 20 March 1997

Passage in principle 19 June 1998

Passage 19 June 1998

Assented to 20 June 1998

**Québec Official Publisher
1998**

Bill 206

(Private)

AN ACT RESPECTING MUNICIPALITÉ DE CHERTSEY AND MUNICIPALITÉ DE SAINT-CALIXTE

WHEREAS following the annexation of part of the territory of Municipalité de Saint-Calixte to that of Municipalité de Chertsey, it is expedient to provide for measures to ensure the apportionment of the assets and liabilities resulting from the dismemberment of the territory of Saint-Calixte and to determine for each municipality financial compensations consequential to the annexation;

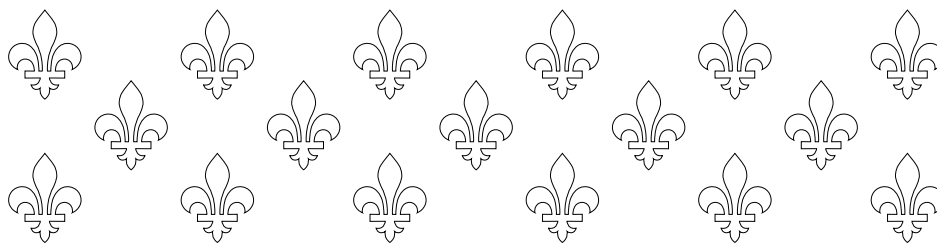
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

- 1.** Municipalité de Saint-Calixte and Municipalité de Chertsey shall negotiate an agreement on the apportionment of the assets and liabilities relating to the territory annexed by Municipalité de Chertsey under its by-law 033-93 passed on 7 June 1993.
- 2.** For that purpose, the Minister of Municipal Affairs shall send the municipalities a notice in writing setting out the name of the conciliator he appoints for the negotiation of the agreement and the time he grants for an agreement to be reached. The conciliator must be a member of the Commission municipale du Québec.
- 3.** Sections 156 to 160 and 214.3 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), adapted as required, apply to the agreement.
- 4.** The agreement shall take into account the sums already paid by the municipalities in relation to the apportionment of the assets and liabilities.
- 5.** Municipalité de Chertsey may impose by by-law a special tax on the immovables situated in the annexed territory or require a mode of tariffing to provide, if necessary, for payment of the amounts that may be payable under the provisions of the agreement and the expenditures required to establish it. The tax shall be imposed in accordance with article 979 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) and the mode of tariffing shall be required in accordance with Division III.1 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

For those purposes, Municipalité de Chertsey may also pass a loan by-law which requires only the approval of the Minister of Municipal Affairs.

- 6.** This Act does not affect cases pending on 17 June 1994.

- 7.** This Act comes into force on 20 June 1998.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 221

(Private)

An Act respecting TD Trust Company and Central Guaranty Trust Company

Introduced 18 December 1997

Passage in principle 19 June 1998

Passage 19 June 1998

Assented to 20 June 1998

**Québec Official Publisher
1998**

Bill 221

(Private)

AN ACT RESPECTING TD TRUST COMPANY AND CENTRAL GUARANTY TRUST COMPANY

WHEREAS Central Guaranty Trust Company is issued from the amalgamation on 31 December 1988, between Central Trust Company, Guaranty Trust Company of Canada, Nova Scotia Savings and Trust Company and Yorkshire Trust Company, and thereafter from the amalgamation on 31 December 1989, between the Central Guaranty Trust Company resulting from that first amalgamation and The Central and Guaranty Trust Corporation, and is governed by the Trust and Loan Companies Act (S.C., 1991, chapter 45);

Whereas under the Winding-up and Restructuring Act (R.S.C., 1985, chapter W-11), the Supreme Court of Ontario (General Division) issued on 31 December 1992, a winding-up order concerning Central Guaranty Trust Company;

Whereas TD Trust Company is a trust company organized under the Trust and Loan Companies Act on 22 June 1992, by the issuance of letters patent, and is governed by that Act;

Whereas on 31 December 1992, The Toronto-Dominion Bank and its subsidiaries acquired substantially all of the assets of Central Guaranty Trust Company;

Whereas during the course of the winding-up of Central Guaranty Trust Company, TD Trust Company, a wholly-owned subsidiary of The Toronto-Dominion Bank, acquired the trusteeship and agency business of Central Guaranty Trust Company pursuant to a commercial agreement providing in particular for the appointment of TD Trust Company as successor to Central Guaranty Trust Company regarding such trusteeship and agency business and, until that process is completed, is acting as agent of Central Guaranty Trust Company;

Whereas that commercial agreement provides that TD Trust Company is not liable for damages arising out of any act or omission on the part of Central Guaranty Trust Company that occurred before 1 January 1993 in respect of the trusteeship and agency business referred to in this Act;

Whereas that commercial agreement was approved by the court during the winding-up proceedings of Central Guaranty Trust Company;

Whereas until 31 December 1992, Central Guaranty Trust Company carried on business in Québec and many persons continue to have contractual relations with it;

Whereas since 1 January 1993, TD Trust Company has been acting as agent of Central Guaranty Trust Company relating to its trusteeship and agency business referred to in the commercial agreement between the two trust companies, including in Québec;

Whereas because of the number of trusts and instances of administration of the property of others involved, it would be impractical to apply to the court to have TD Trust Company appointed as successor to Central Guaranty Trust Company;

Whereas the legislatures of Ontario, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland, Manitoba, Saskatchewan, Alberta and British Columbia have all enacted a statute having the same effect as this Act;

Whereas the enactment by the Parliament of Québec of a statute relating to the transfer of the trusteeship and agency business of Central Guaranty Trust Company to TD Trust Company is in the interest of the persons having relations with the said two trust companies in relation to such trusteeship and agency business, and aims at clarifying their rights and obligations;

Whereas TD Trust Company and Central Guaranty Trust Company have consented to the enactment of this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Effective 1 January 1993, TD Trust Company is substituted *de pleno jure* for Central Guaranty Trust Company with respect to any situation wherein Central Guaranty Trust Company acts for or for the benefit of any person or for private or social utility purposes, as a trust company as defined in section 1 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01), notwithstanding by what document or instrument Central Guaranty Trust Company was appointed and whatever title was used to appoint it.

The fact that some of the movables or immovables referred to in this section are situate outside Québec does not prevent such substitution.

2. Subject to sections 5 and 9, where a notarial act or a private writing, a judgment or any other instrument imposes any obligations on Central Guaranty Trust Company in relation to any situation described in section 1, or confers any rights on the same, the name “TD Trust Company” is substituted for the name “Central Guaranty Trust Company”.

3. Effective 1 January 1993, TD Trust Company is substituted *de pleno jure* for Central Guaranty Trust Company in all rights related to property, corporeal or incorporeal, movable or immovable, vested in the company in

relation to any situation described in section 1, whether in the form in which it was originally acquired by Central Guaranty Trust Company or otherwise, and such substitution is effective without any need of registration or deposit of this Act or any other document indicating such substitution in any register whatsoever in Québec.

4. Subject to sections 5 and 9, no proceeding exercised by or against Central Guaranty Trust Company in relation to any situation described in section 1, before any court or administrative tribunal or any governmental agency in Québec, shall be suspended or terminated as a result of the coming into force of this Act. However, such proceedings may be continued in the name of TD Trust Company, which shall have the same rights and obligations as if they had been commenced in its name or against it, upon a simple written notice served to all interested parties and deposited in the record of such proceedings.

Subject to sections 5 and 9, any proceeding which may have been exercised by Central Guaranty Trust Company as a trust company or against it with respect to any situation described in section 1, may be exercised by TD Trust Company or against it, which shall have the same rights and obligations and shall be subject to the same liabilities in respect thereof as Central Guaranty Trust Company would have had or been subject to if this Act had not been enacted, and for purposes of examination for discovery or production of documents in relation to any such proceeding, Central Guaranty Trust Company and its officers or employees shall be subject to the same obligations as if this Act had not been enacted.

5. Nothing in this Act affects the rights of a person having any claim against Central Guaranty Trust Company in relation to any situation described in section 1 nor lessens, changes or affects the liability of the company towards such a person.

TD Trust Company is not liable for damages arising out of any act or omission on the part of Central Guaranty Trust Company that occurred before 1 January 1993, which may be qualified as non-performance or bad performance by Central Guaranty Trust Company in respect of its obligations in relation to any situation described in section 1.

6. Any person under an obligation to make payments to Central Guaranty Trust Company in relation to any situation described in section 1, may continue to make such payments to such company until TD Trust Company has given notice to such person in writing that the payments shall be made to TD Trust Company in the future and thereupon the person's obligation is owed to TD Trust Company.

7. For the cancellation, upon TD Trust Company's demand, of the registration of a right or a power of Central Guaranty Trust Company vested in TD Trust Company because of this Act, the document transmitted to the registry office for the registration division concerned or to the register of

personal and movable real rights shall mention that TD Trust Company acts in the rights of Central Guaranty Trust Company pursuant to the substitution operated by this Act and shall refer to this Act.

8. This Act does not change or otherwise affect the rights and obligations of TD Trust Company as successor trustee of Central Guaranty Trust Company.

9. This Act does not affect the replacement of Central Guaranty Trust Company by a trustee other than TD Trust Company made between 1 January 1993 and 20 June 1998 upon demand from the settlor, the beneficiary or another interested person.

Moreover, this Act shall not be interpreted as denying to a person who named Central Guaranty Trust Company as trustee or administrator of the property of others or who is beneficiary of such administration the right, if any, of such person to name such another person other than TD Trust Company.

10. This Act does not apply to the following commercial activities and property of Central Guaranty Trust Company :

(a) property, corporeal or incorporeal, movable or immovable, and each interest in such property, held by Central Guaranty Trust Company, exclusively and for its own use and benefit, and not for the use or benefit of any other person or for any other purpose ;

(b) the trusts relating to money received for guaranteed investment and any property, corporeal or incorporeal, movable or immovable, held in trust by Central Guaranty Trust Company with respect to such guaranteed investment except for trusts relating to money received by Central Guaranty Trust Company and any property, corporeal or incorporeal, movable or immovable, held in trust by Central Guaranty Trust Company, with respect to any registered home ownership savings plan, registered retirement savings plan, retirement income fund, deferred profit sharing plan or income averaging annuity contract, as those terms are defined in the Income Tax Act (R.S.C., 1985, 5th Supplement, chapter 1) or the Taxation Act (R.S.Q., chapter I-3), or other registered or unregistered deferred income or employee benefit plan ;

(c) property, corporeal or incorporeal, movable or immovable, held by Central Guaranty Trust Company or vested in it pursuant to or in respect of the following :

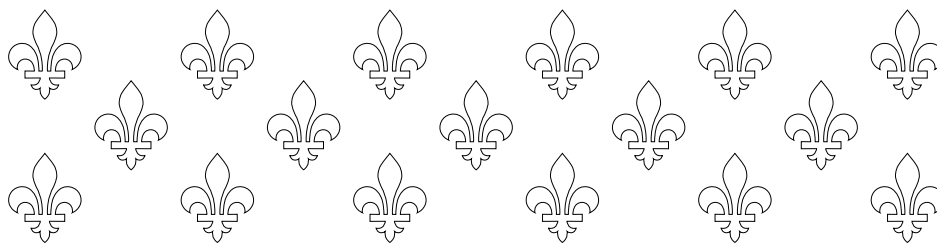
i. any trust deed or other instrument to which section 1 would otherwise apply, wherein Central Guaranty Trust Company is or may be a trustee and by virtue of which bonds, debentures or other evidences of indebtedness, warrants or rights have been or may be issued,

ii. any document or trust to which section 1 would otherwise apply, pursuant to which Central Guaranty Trust Company acts as trustee for unit holders in respect of any oil or gas royalty trust fund,

iii. any document or trust to which section 1 would otherwise apply, wherein Central Guaranty Trust Company acts as trustee, manager, advisor, registrar or transfer agent with respect to the Central Guaranty Trust Funds – Canadian Money Market Fund, Central Guaranty Trust Investors Fund (Income and Equity sections), Central Guaranty Property Fund and Central Guaranty Trust Real Estate Fund ;

(d) any agreement or other document of any kind whereby Central Guaranty Trust Company is named or may be named, registrar or transfer agent, except for mutual funds not described in subparagraph iii of paragraph *c* of this section.

11. This Act comes into force on 20 June 1998.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 234

(Private)

An Act respecting Ville de Granby

Introduced 2 June 1998

Passage in principle 19 June 1998

Passage 19 June 1998

Assented to 20 June 1998

**Québec Official Publisher
1998**

Bill 234

(Private)

AN ACT RESPECTING VILLE DE GRANBY

WHEREAS it is in the interest of Ville de Granby that its title to certain immovables situated in its territory and used as public roads be regularized;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Ville de Granby hereby becomes the owner of the immovables constituted of the lots, parts of lots and other immovables mentioned in the schedule that are used as public roads and situated in its territory, subject to the right of the owners of those immovables to claim compensation.

The right to claim compensation is prescribed in accordance with article 2925 of the Civil Code of Québec.

This section and the schedule shall be published at least twice in a newspaper circulated in the territory of the city, the first time within 15 days after 20 June 1998 and the second time not more than 15 days before or 15 days after 20 December 1998.

2. Publication of this Act shall be effected by entry in the land register of a notice referring to this Act and to the land surveyor's plan mentioned therein and designating the immovables referred to in this Act and, where applicable, in the plan.

The land surveyor's plan mentioned in this Act and a certified copy of this Act shall be entered in the register together with the notice.

3. The Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) does not apply to transfers under section 1.

4. This Act comes into force on 20 June 1998.

SCHEDULE

*(Section 1)***WHOLE LOTS**

The following whole lots :

Cadastre of Québec

1009335	1011074	1011911	1013999	1014035	1014071
1009383	1011076	1011957	1014000	1014036	1014072
1009413	1011094	1012263	1014001	1014038	1014073
1009506	1011137	1012279	1014004	1014039	1014075
1009524	1011178	1012333	1014005	1014040	1014076
1009595	1011180	1012343	1014006	1014041	1014078
1009596	1011181	1012395	1014007	1014042	1014080
1009627	1011205	1012407	1014008	1014043	1014081
1009699	1011241	1012434	1014009	1014044	1014084
1009700	1011278	1012435	1014010	1014045	1014085
1010399	1011309	1012626	1014014	1014046	1014086
1010622	1011359	1013975	1014015	1014047	1014087
1010623	1011379	1013976	1014017	1014049	1014088
1010743	1011380	1013977	1014018	1014050	1014089
1010775	1011416	1013978	1014021	1014051	1014090
1010987	1011418	1013979	1014022	1014052	1014091
1011030	1011419	1013980	1014025	1014053	1014092
1011051	1011420	1013982	1014026	1014055	1014093
1011059	1011459	1013987	1014027	1014058	1014094
1011060	1011467	1013988	1014028	1014060	1014095
1011069	1011492	1013992	1014029	1014061	1014097
1011070	1011539	1013993	1014030	1014064	1014099
1011073	1011819	1013996	1014031	1014066	1014100
	1011897	1013998	1014034	1014068	1014102
1014103	1014165	1014231	1063252	1143408	1143596
1014105	1014166	1014232	1063254	1143412	1143598
1014106	1014167	1014233	1063255	1143413	1143613
1014107	1014168	1014234	1063257	1143415	1143614
1014108	1014169	1014235	1063258	1143416	1143620
1014112	1014171	1014236	1063259	1143435	1143623
1014113	1014173	1014237	1063260	1143443	1143625
1014114	1014174	1014240	1063318	1143444	1143627
1014117	1014175	1014241	1063332	1143445	1143632
1014118	1014177	1014242	1063334	1143450	1143637
1014122	1014178	1014245	1063337	1143451	1143638
1014124	1014181	1014247	1063338		1143640
1014125	1014182	1014248	1063342		1143641
1014127	1014183	1014249	1073554		1143642
1014128	1014184	1014251	1100720		1143643

1014129	1014186	1014252	1100754	1143452	1143644
1014131	1014189	1014254	1119906	1143462	1143647
1014132	1014190	1014255	1119908	1143473	1143650
1014133	1014191	1014256	1119909	1143484	1143651
1014134	1014192	1014257	1119911	1143492	1143653
1014135	1014193	1014258	1119912	1143495	1143662
1014138	1014194	1014259	1119915	1143496	1143665
1014139	1014195	1014260	1141609	1143502	1143671
1014141	1014196	1014261	1141610	1143503	1143675
1014142	1014197	1014262	1141981	1143507	1143678
1014143	1014198	1014263	1141984	1143508	1143683
1014144	1014202	1014264	1141985	1143509	1143686
1014145	1014204	1014265	1141986	1143510	1143687
1014146	1014205	1014270	1141987	1143511	1143688
1014147	1014207	1014271	1141988	1143515	1143689
1014148	1014208	1014273	1141989	1143516	1143691
1014149	1014209	1014276	1141992	1143517	1143692
1014150	1014210	1014278	1141993	1143519	1143693
1014151	1014211	1014279	1141999	1143523	1143695
1014152	1014212	1014282	1143389	1143529	1143697
1014153	1014215	1014284	1143393	1143530	1143698
1014154	1014216	1014289	1143394	1143531	1143699
1014155	1014218	1014291	1143395	1143540	1143700
1014156	1014219	1014292	1143396	1143542	1143702
1014157	1014223	1014293	1143397	1143547	1143703
1014158	1014225	1014296	1143398	1143548	1143705
1014159	1014226	1014297	1143399	1143556	1143706
1014160	1014227	1014298	1143400	1143560	1143707
1014161	1014229	1063250	1143407	1143577	1143708
1014163	1014230	1063251		1143578	1143709
1143711	1143780	1143857	1143874	1143948	
1143725	1143794	1143858	1143875	1143949	
1143767	1143795	1143859	1143878	1143981	
1143769	1143844	1143860	1143911		
1143770	1143845	1143861	1143912		
1143771	1143846	1143862	1143913		
1143772	1143847	1143863	1143914		
1143773	1143848	1143864	1143915		
1143774	1143849	1143865	1143916		
1143775	1143850	1143866	1143917		
1143776	1143851	1143869	1143927		
1143777	1143852	1143870	1143939		
1143778	1143853	1143871	1143940		
1143779	1143856	1143873	1143941		

Cadastre of the township of Granby

245-7	628-514	628-1090	632-160	937	1011
431-3	628-734	628-1227	632-161	956	1012
544-254	628-755	628-1231	632-172	959	1034
544-260	628-762	628-1250	632-196	960	1045
547-429	628-794	628-1301	633-413	966	1060
547-486	628-813	628-1303	633-960	967	1114
549-128	628-840	628-1353	633-966	994	1115
551-132	628-844	629-449	633-986	995	1117
556-83	628-927	631-108	729-5	996	1141
556-84	628-960	632-152	936	1001	1713

1715

1717

1732

1737

1738

1739

1745

1757

1760

1761

Cadastre of Bromont

973, 1118 and 1123

Cadastre of the village of Granby

584

PARTS OF LOTS

The part or parts of the following lots indicated as public roads on plan No. 6250 of the minutes of Daniel Jodoin, land surveyor, and to which Ville de Granby has no title :

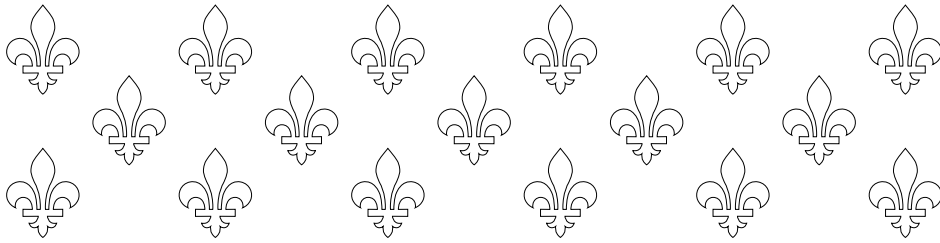
Cadastre of the township of Granby

232 part	242 part	321 part	332 part	425 part	437 part
233 part	244 part	324 part	333 part	429 part	439 part
234 part	245 part	326 part	334 part	430 part	440 part
235 part	246 part	326-10 part	420 part	431 part	441 part
236 part	246-7 part	326-19 part	421 part	433 part	442 part
237 part	247 part	329 part	422 part	434 part	
239 part	319 part	330 part	423 part	435 part	
241 part	320 part	331 part	424 part	436 part	

LAND NOT IMMATRICULATED

The public roads shown on the original plan of the cadastre of the township of Granby, and shown on plan No. 6250 of the minutes of Daniel Jodoin, land surveyor, as being the following streets or forming part thereof:

rue Bergeron Ouest
rue Denison Ouest
rue Guertin
rue Lemonde
rue Lorenzo
rue St-Charles Sud
rue Scott.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 247

(Private)

**An Act respecting The Bank of Nova
Scotia Trust Company, Montreal
Trust Company of Canada and
Montreal Trust Company**

Introduced 18 December 1997

Passage in principle 19 June 1998

Passage 19 June 1998

Assented to 20 June 1998

**Québec Official Publisher
1998**

Bill 247

(Private)

AN ACT RESPECTING THE BANK OF NOVA SCOTIA TRUST COMPANY, MONTREAL TRUST COMPANY OF CANADA AND MONTREAL TRUST COMPANY

WHEREAS Montreal Trust Company of Canada is issued from the amalgamation of Montreal Trust Company of Canada and Wellington Trust Company on 1 January 1992;

Whereas Montreal Trust Company is issued from the amalgamation of Montreal Trust Company, Credit Foncier and Credit Foncier Trust Company on 1 January 1987, under the Act to amalgamate Montreal Trust Company, Credit Foncier and Credit Foncier Trust Company (1986, chapter 135), and received its letters patent of continuance on 17 August 1994, under the Trust and Loan Companies Act (S.C., 1991, chapter 45);

Whereas The Bank of Nova Scotia Trust Company was organized by letters patent issued on 22 June 1992, under the Trust and Loan Companies Act;

Whereas on 11 April 1994, The Bank of Nova Scotia acquired all of the voting shares of Montreal Trustco Inc. and thereby acquired all of the shares of Montreal Trust Company of Canada and Montreal Trust Company, each a wholly-owned subsidiary of Montreal Trustco Inc.;

Whereas The Bank of Nova Scotia Trust Company, a wholly-owned subsidiary of The Bank of Nova Scotia, proposes to acquire part of the trusteeship and agency business of both Montreal Trust Company of Canada and Montreal Trust Company in which one of these two companies acts for or for the benefit of a natural person;

Whereas for that purpose, The Bank of Nova Scotia Trust Company must be appointed as successor trustee to Montreal Trust Company of Canada and Montreal Trust Company in relation to that trusteeship and agency business;

Whereas because of the number of trusts and instances of administration of the property of others involved, it would be impractical to apply to the court to have The Bank of Nova Scotia Trust Company appointed as successor to Montreal Trust Company of Canada and Montreal Trust Company;

Whereas the legislatures of the provinces of New Brunswick, Nova Scotia, Prince Edward Island, Ontario, Manitoba, Saskatchewan, Alberta and British

Columbia have all enacted a statute having the same effect as this Act and a bill having the same effect is currently under review before the legislature of the province of Newfoundland;

Whereas the enactment by the Parliament of Québec of a statute relating to the transfer of the trusteeship and agency business of Montreal Trust Company of Canada and Montreal Trust Company to The Bank of Nova Scotia Trust Company is in the interest of the persons having relations with the said three trust companies in relation to such trusteeship and agency business, and aims at clarifying their rights and obligations;

Whereas The Bank of Nova Scotia Trust Company, Montreal Trust Company of Canada and Montreal Trust Company have consented to and wish the enactment of this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. From the date set forth in a notice published in the *Gazette officielle du Québec* by The Bank of Nova Scotia Trust Company advising of the acquisition of the trusteeship and agency business of Montreal Trust Company of Canada and Montreal Trust Company referred to in this section by The Bank of Nova Scotia Trust Company, the latter is substituted *de pleno jure* for Montreal Trust Company of Canada and Montreal Trust Company with respect to any situation wherein Montreal Trust Company of Canada or Montreal Trust Company acts for or for the benefit of a natural person, as a trust company as defined in section 1 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01), notwithstanding by what document or instrument Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, was appointed and whatever title was used to appoint it.

The fact that some of the movables or immovables referred to in this section are situate outside Québec does not prevent such substitution.

2. Subject to section 8, where a notarial act or a private writing, a judgment or any other instrument imposes any obligations on Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, in relation to any situation described in section 1, or confers any rights on the same, the name “The Bank of Nova Scotia Trust Company” is substituted for the name “Montreal Trust Company of Canada” or “Montreal Trust Company”, as the case may be, from the date set forth in the notice published pursuant to section 1 or from the date on which such instrument comes into force if after the date set forth in such notice.

3. From the date set forth in the notice published pursuant to section 1, The Bank of Nova Scotia Trust Company is substituted *de pleno jure* for Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, in all rights related to property, corporeal or incorporeal, movable or immovable, vested in either of them in relation to any situation described in section 1, whether in the form in which it was originally acquired by Montreal Trust

Company of Canada or Montreal Trust Company, as the case may be, or otherwise, and such substitution is effective without any need of registration or deposit of this Act or any other document indicating such substitution in any register whatsoever in Québec.

4. Subject to section 8, no proceeding exercised by or against Montreal Trust Company of Canada or Montreal Trust Company in relation to any situation described in section 1, before any court or administrative tribunal or any governmental agency in Québec, shall be suspended or terminated as a result of the coming into force of this Act. However, such proceedings may be continued in the name of The Bank of Nova Scotia Trust Company, which shall have the same rights and obligations as if they had been commenced in its name or against it, upon a simple written notice served to all interested parties and deposited in the record of such proceedings.

Subject to section 8, any proceeding which may have been exercised by Montreal Trust Company of Canada or Montreal Trust Company or against either of them, in relation to any situation described in section 1, may be exercised by The Bank of Nova Scotia Trust Company or against it, which shall have the same rights and obligations and shall be subject to the same liabilities in respect thereof as Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, would have had or been subject to if this Act had not been enacted, and for purposes of examination for discovery or production of documents in relation to any such proceeding, Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, and its officers or employees shall be subject to the same obligations as if this Act had not been enacted.

With respect to such proceedings, Montreal Trust Company of Canada and Montreal Trust Company, as the case may be, as well as its officers and employees, are deemed to have been acting for The Bank of Nova Scotia Trust Company with respect to any situation described in section 1.

5. Nothing in this Act affects the rights of a person having any claim in relation to events that occurred before the date set forth in the notice published pursuant to section 1 which may be qualified as non-performance or bad performance by Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, in respect of its obligations in relation to any situation described in section 1, but all such rights as may be enforceable in Québec may be asserted against The Bank of Nova Scotia Trust Company, which shall be responsible for all debts, liabilities and obligations of Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, in respect thereof.

6. Any person under an obligation to make payments to Montreal Trust Company of Canada or Montreal Trust Company in relation to any situation described in section 1, may make such payments to such company until The Bank of Nova Scotia Trust Company has given notice to such person in

writing that the payments shall be made to The Bank of Nova Scotia Trust Company in the future and thereupon the person's obligation is owed to The Bank of Nova Scotia Trust Company.

7. For the cancellation, upon The Bank of Nova Scotia Trust Company's demand, of the registration of a right or a power of Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, vested in The Bank of Nova Scotia Trust Company because of this Act, the document transmitted to the registry office for the registration division concerned or to the register of personal and movable real rights shall mention that The Bank of Nova Scotia Trust Company acts in the rights of Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, pursuant to the substitution operated by this Act and shall refer to this Act.

8. This Act shall not be interpreted as denying to a person who named Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, as trustee or administrator of the property of others, or who is beneficiary of such administration, the right, if applicable, of such person to name such another person other than The Bank of Nova Scotia Trust Company.

9. This Act does not apply to the following property and trusts :

(a) property, corporeal or incorporeal, movable or immovable, and each interest in such property, held by Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, exclusively and for its own use and benefit, and not for the use or benefit of any other person or for any other purpose ;

(b) the trusts relating to money received for guaranteed investment and any property, corporeal or incorporeal, movable or immovable, held in trust by Montreal Trust Company of Canada or Montreal Trust Company with respect to such guaranteed investment, including, without limitation, trusts relating to any registered home ownership savings plan, registered retirement savings plan, retirement income fund, deferred profit sharing plan or income averaging annuity contract, as those terms are defined in the Income Tax Act (R.S.C., 1985, 5th Supplement, chapter 1) or the Taxation Act (R.S.Q., chapter I-3), or other registered or unregistered deferred income or employee benefit plan ;

(c) property, corporeal or incorporeal, movable or immovable, held by or vested in Montreal Trust Company of Canada or Montreal Trust Company or vested in one of these two companies pursuant to or in respect of the following :

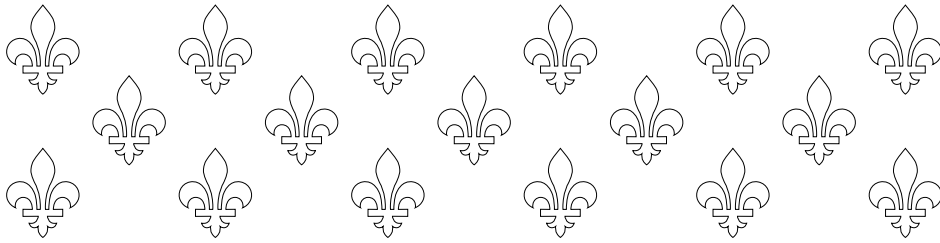
i. any trust deed or other instrument to which section 1 would otherwise apply, wherein Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, is or may be a trustee and by virtue of which bonds, debentures or other evidences of indebtedness, warrants or rights have been or may be issued,

ii. any document or trust to which section 1 would otherwise apply, pursuant to which Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, acts as trustee for unit holders in respect of any oil or gas royalty trust fund,

iii. any document or trust to which section 1 would otherwise apply, wherein Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, acts as manager, advisor, registrar or transfer agent, and

iv. any document or trust to which section 1 would otherwise apply pursuant to which Montreal Trust Company of Canada or Montreal Trust Company, as the case may be, acts as custodian or trustee for the benefit of one or more persons under a plan or other arrangement established by a corporation, partnership or other entity or person other than a natural person.

10. This Act comes into force on 20 June 1998.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 438
(1998, chapter 41)

An Act respecting Héma-Québec and the haemovigilance committee

Introduced 12 May 1998
Passage in principle 26 May 1998
Passage 19 June 1998
Assented to 20 June 1998

**Québec Official Publisher
1998**

EXPLANATORY NOTES

This bill entrusts Héma-Québec with the mission of providing a supply of blood and blood products and components to the population.

The bill specifies that Héma-Québec is not a mandatary of the Government and that no public servant may be a member of its governing board. However, it confers on the Minister of Health and Social Services certain powers of intervention if, for instance, the Minister finds that the quality or safety of the products distributed by Héma-Québec is not sufficient.

The bill provides that the operations of Héma-Québec are to be financed, in particular, by means of the amounts paid to it by the health and social services institutions in consideration for the supply of its products.

The bill also creates the haemovigilance committee, the chief function of which is to advise the Minister of Health and Social Services concerning current risks related to the use of blood and blood products and components. The haemovigilance committee will consist of persons appointed by the Minister.

Lastly, the bill provides steps to ensure that Héma-Québec will be able to begin its product collection, processing and distribution operations.

LEGISLATION AMENDED BY THIS BILL :

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

Bill 438

AN ACT RESPECTING HÉMA-QUÉBEC AND THE HAEMOVIGILANCE COMMITTEE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

HÉMA-QUÉBEC

DIVISION I

CONTINUATION AND NATURE

1. Héma-Québec, constituted on 26 March 1998 by letters patent issued under Part III of the Companies Act (R.S.Q., chapter C-38), is continued in accordance with the provisions of this Act.

2. Héma-Québec is a legal person not established for pecuniary gain.

Héma-Québec is not a mandatary of the State.

DIVISION II

MISSION

3. The mission of Héma-Québec is to provide the health and social services institutions in Québec and the population with a sufficient supply of blood, blood products and blood components.

In the pursuit of its mission Héma-Québec shall, in particular,

(1) develop and enforce strict quality and safety standards in order to earn the trust of the general public and of the recipients of the products it distributes ;

(2) recruit blood and plasma donors and work in partnership with those donors and volunteer blood donor clinic organizers ;

(3) assume responsibility for the collection of blood and plasma ;

(4) manage the records of blood and plasma donors in accordance with strict standards of accuracy, security and confidentiality ;

(5) process the products collected ;

(6) assume responsibility for the storage, distribution and management of provincial stocks ;

(7) supply, in particular to health and social services institutions, the blood, blood products and blood components required by those institutions ;

(8) at the request of a body managing joint supplies to institutions that has been designated by the Minister of Health and Social Services, obtain, store and supply to the institutions the fractionated products or substitute products required by those institutions ;

(9) engage in research and development for the purpose of developing new methods, new technologies and new products that meet the needs of Québec's health system ;

(10) maintain links to ensure collaboration and the exchange of information with counterpart organizations in Canada and elsewhere, in order to be informed of and share expertise ;

(11) work in close collaboration with the authorities of the Canadian supply service so as to enable each system to benefit from the services and products of the other if necessary ;

(12) exercise any other function related to the supply system that is entrusted to it by the Minister of Health and Social Services.

The Minister may also entrust similar duties or functions to Héma-Québec in connection with bone marrow or any other human tissue.

4. Héma-Québec may, in exercising its functions, enter into an agreement according to law with a government other than the Government of Québec, a department of such a government, an international organization, or an agency or body of such a government or organization.

Héma-Québec may also accept gifts, bequests, subsidies or other contributions, provided that any attached condition is compatible with the exercise of its functions.

5. Héma-Québec must enter into an agreement with the Canadian supply service to exchange information on blood or plasma donors with a view to reducing the risk of product contamination.

DIVISION III

ORGANIZATION

6. The head office of Héma-Québec shall be located at the place determined by the Government. Notice of the location and of any change in location of the head office shall be published in the *Gazette officielle du Québec*.

Héma-Québec may hold its meetings at any place in Québec.

7. The governing board of Héma-Québec shall be composed of the following persons who shall become members of the board as and when they are appointed by the Government :

(1) one person selected from among the persons proposed by associations representing recipients of blood components or blood products ;

(2) two persons selected from among the persons proposed by the association of Québec hospitals known as Association des hôpitaux du Québec ;

(3) one person selected from among the persons proposed by blood or plasma donors and volunteer blood donor clinic organizers ;

(4) two members selected from among the persons proposed by the Québec specialists' federation known as Fédération des médecins spécialistes du Québec ;

(5) two members from the university biotechnology sector, selected from among the persons proposed by university-level teaching institutions ;

(6) one member selected from among the persons proposed by the public health directors appointed under the Act respecting health services and social services (R.S.Q., chapter S-4.2) ;

(7) two members from the private enterprise sector selected from among the persons proposed by various socio-economic groups.

The director general, appointed by the members in office, is also a member of the governing board of Héma-Québec.

8. No public servant within the meaning of section 1 of the Public Service Act (R.S.Q., chapter F-3.1.1) may be a member of the board.

9. The director general is appointed for a term of not more than five years and the other members of the governing board are appointed for a term of not more than three years.

Upon the expiry of their term, the members of the board shall remain in office until reappointed or replaced.

10. The members of the governing board shall designate a chair and a vice-chair from among their number ; the vice-chair shall chair the board when the chair is absent or unable to act.

The director general shall act as the secretary of Héma-Québec.

11. The chair shall preside at meetings of the board, oversee its operation and assume the other functions conferred on the chair by Héma-Québec.

12. The quorum at meetings of the governing board is a majority of its members, including the chair or, as the case may be, the vice-chair.

In the case of a tie-vote, the chair has the casting vote.

13. A member of the governing board of the Canadian supply service, or a person delegated by such a member, may attend and is entitled to speak at the meetings of the governing board.

The same rule applies to a member of the haemovigilance committee established pursuant to this Act designated by the Minister.

14. The director general is responsible for the administration and direction of Héma-Québec within the scope of its by-laws and policies.

The function of director general must be exercised on a full-time basis.

15. The director general may not, on pain of forfeiture of office, have a direct or indirect interest in an enterprise causing the director general's personal interest to conflict with that of Héma-Québec. However, forfeiture of office is not incurred where the interest devolves to the director general by succession or gift, provided it is renounced or disposed of with dispatch.

Every other member of the governing board having such an interest must, on pain of forfeiture of office, disclose the interest in writing to the board and withdraw from meetings while any matter relating to the enterprise in which the interest is held is being discussed or voted upon.

16. The governing board shall fix the remuneration, employment benefits and other conditions of employment of the director general. The remuneration and employment benefits of the director general shall be submitted to the Government for approval.

The other members of the governing board shall receive no remuneration, except in such cases, on such conditions and to such extent as the Government may determine. They are entitled, however, to the reimbursement of the expenses they incur in the performance of their duties, on the conditions and to the extent determined by the Government.

17. The governing board may establish an executive committee composed of not fewer than five members of the board, including the chair and the director general, determine its functions and powers and fix the term of office of its members.

18. Héma-Québec may make by-laws concerning the exercise of its powers and its internal management.

The by-laws may, in particular, provide that absence from a specified number of meetings, in the cases and circumstances determined in the by-law, constitutes a vacancy.

19. The members of the personnel shall be appointed in accordance with the staffing plan and standards established by Héma-Québec by by-law. The by-law shall, in addition, determine the standards and scales governing the remuneration, employment benefits and conditions of employment of the personnel members.

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

20. Héma-Québec may establish advisory committees to facilitate the execution of its mission, and determine the terms of reference of each committee and its rules of operation.

The members of such a committee shall receive no remuneration, except in such cases, on such conditions and to such extent as the Government may determine. They are entitled, however, to the reimbursement of the expenses they incur in the performance of their duties, on the conditions and to the extent determined by the Government.

The committees may hold their meetings at any place in Québec.

DIVISION IV

FINANCIAL PROVISIONS AND REPORTS

21. The fiscal year of Héma-Québec ends on 31 March.

22. Not later than 30 June each year, Héma-Québec must file its financial statements with the Minister together with a report of its operations for the preceding fiscal year.

The financial statements and the report of operations must contain all the information prescribed by the Minister.

23. The Minister shall table the financial statements and the report of operations in the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

24. The books and accounts of Héma-Québec shall be audited each year by the Auditor General, and whenever so ordered by the Government.

The report of the Auditor General must be submitted with Héma-Québec's financial statements.

25. The operations of Héma-Québec shall be financed out of the gifts, subsidies and other contributions it receives, out of the revenues deriving, in particular, from the supply of its products to health and social services institutions and other bodies, and, where applicable, out of the proceeds of the sale of its assets.

26. The Government may, on the terms and conditions it determines, guarantee the payment of the capital of and interest on any loan made by Héma-Québec and the performance of any of the obligations of Héma-Québec.

27. The Government may, on the terms and conditions it determines, authorize the Minister of Finance to advance to Héma-Québec any amount considered necessary for the pursuit of its mission.

28. The sums paid under section 26 or 27 shall be taken out of the consolidated revenue fund.

29. Héma-Québec must prepare three-year budgetary forecasts and forward them to the Minister annually on the date and in the form determined by the Minister.

30. Héma-Québec may not construct, acquire or dispose of an immovable except with the authorization of the Minister.

The same rule applies to any purchase of equipment for an amount exceeding the amount fixed by the Government, where the equipment is not required to ensure product safety.

31. Héma-Québec must provide any information required by the Minister concerning its operations within the time and in the form specified by the Minister.

DIVISION V

POWERS OF THE MINISTER

32. The Minister may assume the provisional administration of Héma-Québec in the following cases :

(1) if a permit that is necessary to the operations of Héma-Québec has been or is likely to be suspended or revoked, or has not been or is unlikely to be renewed ;

(2) if the Minister considers that Héma-Québec is engaging in practices or is tolerating a situation that may compromise the safety, quality or quantity of the products it distributes ;

(3) if the Minister considers that one or more of the members of the governing board have committed a gross fault such as malfeasance, breach of trust or other misconduct, or if the board has been seriously remiss in the performance of the obligations imposed on it by law.

Where the Minister assumes the provisional administration of Héma-Québec, the powers of the members of the governing board are suspended, and the Minister shall exercise all the powers of the governing board.

33. After assuming the provisional administration of Héma-Québec, the Minister must file a preliminary report containing observations and recommendations with the Government as soon as possible.

Before filing the report, the Minister must give Héma-Québec an opportunity to present observations, and the Minister must append a summary of the observations to the report.

34. After receiving the Minister's preliminary report, the Government may request that the Minister continue the provisional administration of Héma-Québec for a period not exceeding three months, or that the Minister terminate the provisional administration within the time it indicates.

Where the Government requests that the Minister continue the provisional administration, it shall indicate whether all or any of the powers normally exercised by the governing board will be suspended and exercised by the Minister.

35. The Minister shall file a report with the Government as soon as the Minister finds that the situation referred to in section 32 has been corrected, or that it cannot be corrected before the end of the provisional administration.

After receiving a report from the Minister, the Government may take either of the steps provided for in section 34.

36. No person who assumes the provisional administration of Héma-Québec under the authority of the Minister may be prosecuted for anything done in good faith in exercising the person's functions.

37. On the advice of the haemovigilance committee, the Minister may require that Héma-Québec take certain specific steps to ensure the quality and safety of the products it distributes.

In the same manner, the Minister may, for the same reasons, require that Héma-Québec withdraw certain products and notify any persons to whom such products have been distributed as well as the Canadian supply service and any other counterpart organization with which Héma-Québec has business dealings, of the risk of contamination they present.

DIVISION VI

DETERMINATION OF THE CONDITIONS GOVERNING THE SUPPLY OF PRODUCTS

38. The Minister may designate a body to manage joint supplies to institutions and require Héma-Québec to reach an agreement with that body concerning the conditions governing the supply of its products to health and social services institutions in Québec.

The Minister may subject all or only certain of the products supplied by Héma-Québec to such a procedure.

The Minister may in addition require that the conditions governing the supply of a product be the same for all health and social services institutions, whatever the conditions governing, in particular, the delivery of the product or the quantity of product supplied.

39. If, one month before the date fixed for the forwarding of the budgetary forecasts of Héma-Québec to the Minister, Héma-Québec and the designated body have not reached agreement, they must appoint a mediator to assist them in settling their dispute.

If, on the date fixed for the forwarding of the budgetary forecasts, the parties have not agreed on a mediator, or if they have not settled their dispute three months after that date, the Minister may require the parties to submit their dispute to arbitration.

The arbitration proceedings shall commence on the date of the Minister's decision.

40. Each party must appoint an arbitrator within ten days after the Minister's decision, and such arbitrators must appoint a third arbitrator within ten days after their appointment. Failing the making of such appointments by the parties or the arbitrators within the time limits stipulated, the Minister may apply to a judge of the Court of Québec to make the appointments, and the judge's decision may not be appealed.

41. Articles 944.1 to 945.8 of the Code of Civil Procedure (R.S.Q., chapter C-25) apply to the arbitration, with the necessary modifications.

The arbitration award must be rendered within two months after the appointment of the third arbitrator.

42. All the conditions governing the supply of products, including the price of the products, must be fair and reasonable.

Where a dispute pertains to the price of a product, the arbitrators must have regard in particular to

(1) the expenditure which they consider necessary to pay the costs of production, in particular costs relating to the recruitment of donors, product collection, analysis, processing, storage and distribution and an allowance for the depreciation of the equipment and capital property used;

(2) the undepreciated research and development expenditures;

(3) the fact that the objects of Héma-Québec do not include the making of a profit and that it must finance its operations in accordance with section 25.

43. The arbitration award may not be appealed, and Héma-Québec cannot impose different conditions on the health and social services institutions for the acquisition of its products.

CHAPTER II

HAEMOVIGILANCE COMMITTEE

44. A haemovigilance committee is hereby established under the name “Comité d’hémovigilance”.

45. The function of the haemovigilance committee is to advise the Minister, as considered necessary by the Minister and not less than once yearly, on current risks relating to the use of blood, blood products and blood components and the use of substitute products.

The mandate of the haemovigilance committee shall include examining any matter submitted to it by the Minister in connection with the blood supply system and giving the Minister its opinion within the time indicated by the Minister.

The Minister may assign the haemovigilance committee similar functions with regard to bone marrow or any other human tissue.

46. The haemovigilance committee shall be composed of the following persons, appointed by the Minister :

(1) one person from the public health laboratory known as Laboratoire de santé publique du Québec ;

(2) two persons working in the public health departments of the regional boards established pursuant to section 371 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) ;

(3) one medical epidemiologist ;

(4) one ethicist ;

(5) four medical haematologists practising in a health and social services institution ;

(6) three users of the health and social services system having an interest in the blood supply system.

The Minister may also appoint two other members to the committee where the Minister considers that their expertise would advance the work of the committee.

47. One person designated by Héma-Québec and two persons designated by the Deputy Minister of Health and Social Services shall attend the meetings of the haemovigilance committee and shall be entitled to speak at the meetings.

48. The members of the haemovigilance committee shall be appointed for a term not exceeding two years.

At the end of their term, the members of the haemovigilance committee shall remain in office until reappointed or replaced.

49. The Minister shall designate a chair and a vice-chair of the haemovigilance committee from among the members; the vice-chair shall chair the haemovigilance committee when the chair is absent or unable to act.

One of the persons designated by the Deputy Minister of Health and Social Services to attend the meetings of the committee shall act as the secretary of the committee.

50. The quorum at meetings of the haemovigilance committee is a majority of its members, including the chair or, where applicable, the vice-chair.

In the case of a tie-vote, the chair has the casting vote.

51. The haemovigilance committee may make by-laws concerning its internal management.

52. The fees and allowances of the members of the haemovigilance committee shall be fixed by the Government, as shall the fees of the consultants and experts consulted by the haemovigilance committee.

53. The Ministère de la Santé et des Services Sociaux shall pay the fees and allowances referred to in section 52. It shall also, within the scope of its resources, pay for the administrative support needed by the haemovigilance committee to carry out its work.

54. The haemovigilance committee shall provide the Minister with any information required by the Minister concerning its operations, within the time and in the form indicated by the Minister.

CHAPTER III

MISCELLANEOUS AND FINAL PROVISIONS

55. Except after obtaining the authorization of the Minister of Health and Social Services, no health and social services institution may use any blood, blood products or blood components, including fractionated products, except those supplied by Héma-Québec. However, the Minister may, in respect of the products determined by the Minister, grant such an exclusivity to another supplier.

The same rule may apply to substitute products or to any other product supplied by Héma-Québec, where so decided by the Minister.

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

57. The members of the governing board of Héma-Québec in office on *(insert here the date of coming into force of section 1 of this Act)* shall remain in office until the date determined by the Government.

58. From now until the date of coming into force of the provisions of section 3, the Government, the Minister, Héma-Québec and the other bodies concerned shall take the steps provided for in this Act to ensure, from that date, the accomplishment of the mission of Héma-Québec.

59. If, at the beginning of Héma-Québec's product distribution operations, an effective invoicing of the products distributed to health and social services institutions proves impossible, the Minister may temporarily, with the authorization of the Conseil du trésor, pay the cost of the products to Héma-Québec directly on the terms and conditions determined by the latter.

If, at that time, the conditions governing the supply of products to which a decision of the Minister under section 38 applies have not been fixed in the manner set out in Division VI, those conditions shall be determined by an agreement entered into by Héma-Québec and the Minister; the agreement must be approved by the Conseil du trésor or, where no agreement is reached, by the Government. In both cases, the conditions governing the supply of products are valid for a period not exceeding two years.

60. The Minister may, with the authorization of the Government, expropriate any property of the Canadian Red Cross Society which the Minister considers necessary for the pursuit of the mission of Héma-Québec.

61. Expropriation proceedings commence by the deposit at the office of the Superior Court of the judicial district of Montréal, for the benefit of the Canadian Red Cross Society, of a provisional indemnity in an amount considered appropriate by the Minister for the movable property to be expropriated and, if immovables are to be expropriated, a provisional indemnity of not less than 70% of their total municipal assessment.

The Minister shall forward to the Canadian Red Cross Society a notice of expropriation containing a summary description of the expropriated property or of the non-expropriated property and mentioning the amounts of the deposits made. A copy of the notice shall be published in the *Gazette officielle du Québec*.

62. The State becomes the owner of the movable property upon receipt of the notice of expropriation by the Canadian Red Cross Society. It becomes the owner of an immovable upon the registration of a notice of transfer of

ownership in the land register of the registry office of the division in which the immovable is situated.

63. Héma-Québec shall take possession of the expropriated property upon receipt of the notice of expropriation by the Canadian Red Cross Society. In case of resistance to the taking of possession, section 56 of the Expropriation Act (R.S.Q., chapter E-24) applies.

64. The employees of the Canadian Red Cross Society working in Québec whose services relate exclusively to the operations of the blood, blood product and blood component supply system become employees of Héma-Québec upon receipt of the notice of expropriation by the Canadian Red Cross Society.

65. The Canadian Red Cross Society must furnish to Héma-Québec the registers, processes and other information necessary for the operation of the supply system by Héma-Québec, upon receipt of the notice of expropriation or, where the information is not immediately available, within 72 hours.

66. If, for reasons relating to the safety of products supplied in Canada, certain registers, processes or information must be used jointly by Héma-Québec and the Canadian supply service, Héma-Québec must give access thereto to the Canadian supply service with the least possible delay.

The terms and conditions governing the use of such property shall then be determined by agreement between Héma-Québec and the Canadian supply service.

67. The Canadian Red Cross Society must furnish to the Minister a copy of the titles relating to the expropriated property together with a copy of any lease granted on the property.

68. The Minister may transfer ownership of the expropriated property to Héma-Québec on the conditions determined by the Minister. The Minister may also lease the expropriated immovables to Héma-Québec or otherwise commit their use to Héma-Québec, or transfer ownership of the immovables to the Corporation d'hébergement du Québec for the purpose of leasing them to Héma-Québec or otherwise committing their use to Héma-Québec.

69. Where the expropriated property is encumbered with real rights registered in the land register or in the register of personal and movable real rights, such rights shall be discharged by registration of the notice of transfer of ownership in the land register and by registration in the register of personal and movable real rights of a notice to that effect.

The same applies in respect of actions in dissolution, in revendication and other real actions which shall be converted into personal claims against the expropriated party. The effects of any forfeiture of term clause, including a resolutive clause, are extinguished and discharged by such registration.

Before cancelling *ex officio* the rights discharged, the registrar is required to issue to the clerk of the Superior Court of the district of Montréal a certified statement of the rights registered in the land register in accordance with articles 703 to 707 of the Code of Civil Procedure (R.S.Q., chapter C-25) and a certified statement of the rights granted by the Canadian Red Cross Society and registered in the register of personal and movable real rights.

70. The clerk of the Superior Court of the judicial district of Montréal must call in the creditors of the Canadian Red Cross Society by public notice and request that they file their claims in the manner set out in article 578 of the Code of Civil Procedure.

The provisional indemnity shall be distributed to the creditors according to the rules provided for seizures in execution of movable or immovable property, including the formality of a collocation scheme but without a collocation of law costs.

When distribution has been completed, the clerk shall notify the Minister and the Canadian Red Cross Society, and the latter may withdraw the surplus, if any.

71. Failing agreement on the amount of the final indemnity within 60 days after receipt of the notice of expropriation by the Canadian Red Cross Society, the Canadian Red Cross Society or the Minister may require that the amount be determined by arbitration conducted in accordance with the rules of the Code of Civil Procedure, by notifying the other party to appoint its own arbitrator.

The indemnity shall be fixed by the arbitrators on the basis of the value of the property expropriated.

Notwithstanding articles 945.4, 946.2 and 947 of the Code of Civil Procedure, the Superior Court may, on the application of any interested person presented within 30 days after the arbitration award, review the decision of the arbitrators on the ground of a manifest error of law or fact and fix the amount of the final indemnity. The decision of the court may not be appealed.

72. The Minister shall deposit the supplementary amount of the indemnity at the office of the Superior Court of the judicial district of Montréal. The clerk shall continue the distribution in the manner set out in section 70.

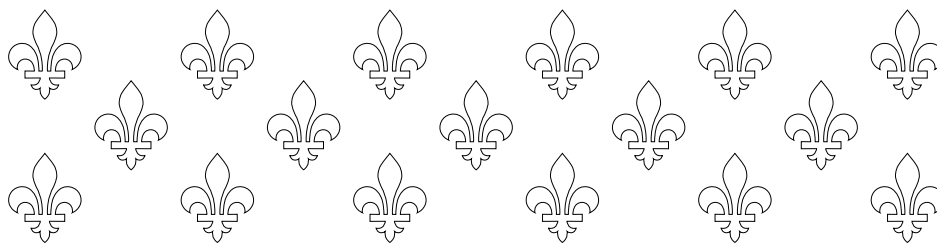
73. The indemnity is in lieu of any right or remedy of the Canadian Red Cross Society resulting from the expropriation.

74. The sums paid by the Minister under sections 61 and 72 shall be taken out of the consolidated revenue fund.

75. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter

R-8.2), amended by section 120 of chapter 63 of the statutes of 1997, is again amended by inserting the expression “Héma-Québec”, which is to be ordered alphabetically.

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 439
(1998, chapter 42)

An Act respecting Institut national de santé publique du Québec

Introduced 12 May 1998
Passage in principle 19 May 1998
Passage 19 June 1998
Assented to 20 June 1998

Québec Official Publisher
1998

EXPLANATORY NOTES

This bill establishes a public health institute for Québec, to be known as the “Institut national de santé publique du Québec”.

The mission of the institute will be to provide support to the Minister of Health and Social Services and the regional boards in connection with their responsibilities in the field of public health. The institute will also be responsible for administering the public laboratories that perform expert tasks for all the health and social services institutions in Québec.

The institute will be a legal person and a mandatary of the State, and will be administered by a board of governors of fifteen members drawn from various sectors with an interest in the field of public health.

The bill deals with the internal organization of the institute, and also provides that the Minister will be able to require the close and immediate collaboration of the institute in situations where public health is endangered by an event or a particular situation that creates an emergency.

The bill also contains transitional provisions, including provisions dealing with the transfer of the laboratory operations to be administered by the institute.

LEGISLATION AMENDED BY THIS BILL :

- Public Health Protection Act (R.S.Q., chapter P-35);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10).

Bill 439

AN ACT RESPECTING INSTITUT NATIONAL DE SANTÉ PUBLIQUE DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

ESTABLISHMENT AND NATURE

- 1.** A public health institute, to be known as “Institut national de santé public du Québec”, is hereby established.
- 2.** The institute is a legal person and a mandatary of the State.

The property of the institute forms part of the domain of the State, but the execution of its obligations may be levied against its property.

The institute binds only itself when acting in its own name.

CHAPTER II

MISSION AND FUNCTIONS

- 3.** The mission of the institute is to provide support to the Minister of Health and Social Services and to the regional boards established under the Act respecting health services and social services (R.S.Q., chapter S-4.2) in connection with their responsibilities in the field of public health.

More specifically, the mission of the institute shall involve

- (1) contributing to the development, consolidation, dissemination and application of knowledge in the field of public health ;
- (2) informing the Minister of the impact of public policies on the health and well-being of the population of Québec ;
- (3) informing the population of the state of public health and well-being, and of emerging problems, their causes, and the most effective means of preventing or resolving them ;
- (4) collaborating with universities in designing and updating undergraduate, graduate and postgraduate programs in the field of public health ;

(5) in collaboration with universities and the professional orders concerned, designing and implementing continuing education programs in the field of public health;

(6) in collaboration with the various research organizations and funding bodies, developing and promoting research in the field of public health;

(7) establishing channels of communication with various organizations, both within Canada and at the international level, to promote cooperation and the exchange of information;

(8) carrying out any other expert task in the field of public health that is entrusted to it by the Minister.

4. The functions of the institute shall also include

(1) administering the Québec public health laboratory known as “Laboratoire de santé publique du Québec”, whose main function is to provide specialized laboratory services in the field of microbiology;

(2) administering the Québec toxicology centre known as “Centre de toxicologie du Québec”, whose main function is to provide specialized laboratory services in the field of toxicology;

(3) administering the provincial laboratory screening service known as “Service provincial de dépistage par laboratoire”, whose main function is to provide audiological and radiological screening services;

(4) administering the poison centre known as “Centre antipoison”, whose main function is to provide expert assistance in the area of intoxication;

(5) administering any other laboratory performing a public health function for all of Québec that the Minister places under the institute’s management.

The Minister may require the institute to terminate the operations of any such organization, or to redefine its mission.

5. The Minister may issue directives to the institute concerning its objectives and policy.

Each directive must be submitted to the Government for approval and, once approved, must be complied with by the institute.

Each such directive must be laid before the National Assembly within 15 days of being approved. If the Assembly is not sitting, it must be tabled within 15 days of resumption.

6. The institute may enter into an agreement, in accordance with the law, with a government other than the Government of Québec, a department of

such a government, an international organization, or an agency of such a government or organization, in the pursuit of its mission or the exercise of its functions.

7. The institute may enter into a contract with a university in Québec to enable it to participate in university-level training and internship programs, but the contract must be approved by the Minister of Health and Social Services and the Minister of Education.

CHAPTER III ORGANIZATION

8. The head office of the institute shall be located within the territory of the Communauté urbaine de Québec, at the place determined by the Government. Notice of the location or of any change of location of the head office shall be published in the *Gazette officielle du Québec*.

The institute may hold its meetings at any place in Québec.

9. The board of governors of the institute shall be composed of the following persons, who shall become members of the board upon their appointment by the Government, after consultation by the Minister with the sectors concerned in the case of the persons referred to in subparagraphs 3 and 4 :

(1) one person appointed to act as the chief executive officer of the institute ;

(2) five persons from the health and social services system, including two public health directors appointed under the Act respecting health services and social services (R.S.Q., chapter S-4.2) ;

(3) four persons from the education sector ;

(4) four persons from various socio-economic sectors.

The Deputy Minister of Health and Social Services or the representative of the Deputy Minister shall also be a member of the board.

10. The chief executive officer of the institute shall be appointed for a term of not more than five years, and the other members of the board of governors appointed under the first paragraph of section 9 shall be appointed for a term of not more than four years.

On the expiry of their term, they shall remain in office until replaced or reappointed.

11. The chief executive officer shall preside at meetings of the board of governors and see to the proper functioning of the board.

The chief executive officer is also responsible for the administration and direction of the institute within the scope of its regulations, by-laws and policies.

12. The members of the board of governors shall designate a vice-chair from among their number, who shall chair the board when the chief executive officer is absent or unable to act.

13. The office of chief executive officer is a full-time position and the attention of the chief executive officer must, except with the authorization of the Government, be devoted exclusively to the affairs of the institute and the duties of chief executive officer.

If the chief executive officer is absent or unable to act, the Minister of Health and Social Services may appoint an acting chief executive officer.

14. The chief executive officer may not, on pain of forfeiture of office, have a direct or indirect interest in an enterprise that would conflict with the interest of the institute. However, forfeiture of office is not incurred where the interest devolves to the chief executive officer by succession or gift, provided it is renounced or disposed of with dispatch.

Any other member of the board having such an interest must, on pain of forfeiture of office, disclose the interest in writing to the board and withdraw from meetings while any matter relating to the enterprise in which the interest is held is being discussed or voted upon.

15. The Government shall fix the remuneration, employment benefits and other conditions of employment of the chief executive officer.

The other members of the board shall receive no remuneration, except in such cases, on such conditions and to such extent as the Government may determine. They are entitled, however, to the reimbursement of the expenses they incur in the exercise of their functions, on the conditions and to the extent determined by the Government.

16. The quorum at meetings of the board is a majority of its members, including the chief executive officer or, where applicable, the vice-chair of the board.

In the case of a tie-vote, the chief executive officer has the casting vote.

17. The board of governors may establish an executive committee composed of not fewer than five members of the board, including the chief executive officer, and a public health director, determine its functions and powers and fix the term of office of its members.

18. The institute may make by-laws concerning the exercise of its powers and its internal management.

The by-laws may, in particular, provide that absence from a specified number of meetings, in the cases and circumstances determined in the by-laws, constitutes a vacancy.

19. The members of the personnel of the institute shall be appointed in accordance with the staffing plan and the standards established by regulation by the institute. The pay scales and rates, the employment benefits and the other conditions of employment of the members of the personnel shall also be determined by regulation.

Regulations under this section must be approved by the Government.

CHAPTER IV

TASKS ASSIGNED BY THE MINISTER IN EMERGENCY SITUATIONS

20. Where public health is endangered by an event or a particular situation that creates an emergency, the Minister may order the institute to perform, as part of its mission, the tasks assigned by the Minister with priority over its other tasks.

In such a case, all regional boards and institutions to which the legislation respecting health services and social services applies must, unless otherwise provided, furnish all the information required by the institute. They must also, to the extent possible, provide the institute with all the assistance it needs to perform the tasks expressly assigned by the Minister.

CHAPTER V

MEDICAL STAFF

21. The institute must prepare and forward to the Minister a medical staffing plan setting out the medical staff needed for the pursuit of its mission. The plan must specify the number of general practitioners, medical specialists by specialty, and dentists in general practice or specialized practice who may practise their profession for the institute. The plan must also specify where such staff will practise.

In preparing the plan, the institute shall have regard to any growth or reduction objectives notified by the Minister.

22. The Minister shall approve the institute's medical staffing plan with or without amendment, having regard to regional medical staffing plans prepared under the Act respecting health services and social services (R.S.Q., chapter S-4.2).

23. The plan must be revised every three years, and shall continue to have effect until the Minister has ruled on its revision.

CHAPTER VI**FINANCIAL PROVISIONS AND REPORTS**

24. The fiscal year of the institute shall end on 31 March.

25. Not later than 31 August each year, the institute shall file its financial statements with the Minister together with a report of its operations for the preceding fiscal year.

The financial statements and the report must contain all the information required by the Minister.

26. The Minister shall lay the report and the financial statements before the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

The competent committee of the National Assembly shall examine the financial statements and the report.

27. The books and accounts of the institute shall be audited by the Auditor General each year and whenever so ordered by the Government.

The report of the Auditor General must be submitted with the institute's financial statements.

28. The institute shall, each year, submit its budgetary estimates for the ensuing fiscal year to the Minister for approval, on the date and in the form determined by the Minister.

29. The Government may, subject to the terms and conditions it determines,

(1) guarantee the payment of the capital of and interest on any loan contracted by the institute, and the performance of its obligations;

(2) authorize the Minister of Finance to advance to the institute any amount considered necessary for the performance of its obligations or the pursuit of its mission.

The sums paid under this section shall be taken out of the consolidated revenue fund.

30. The institute may not, without the authorization of the Minister,

(1) acquire, construct or dispose of immovable property;

(2) acquire material and equipment the cost of which exceeds the amount determined by the Minister;

(3) accept gifts, bequests, subsidies or other contributions to which charges or conditions are attached that occasion expenditures exceeding the amount determined by the Minister ;

(4) contract loans or make financial commitments in an amount exceeding the amount determined by the Minister or in the cases determined by the Minister ;

(5) grant loans or make gifts.

The Minister's powers of authorization under this section may be delegated to the Deputy Minister of Health and Social Services.

31. The institute must provide the Minister with all the information required by the latter concerning its operations, within the time and in the form specified by the Minister.

CHAPTER VII

MISCELLANEOUS AND FINAL PROVISIONS

32. In the pursuit of its mission to inform the population of the state of public health and well-being, the institute shall act in collaboration with the public health directors and, where possible, forward in advance to the Minister the information it intends to make public.

33. The institute must adopt a policy concerning intellectual property rights, including, in particular, the copyright and patent rights connected with any invention, discovery, process, apparatus, text, research or report produced by a person at the request of the institute.

The institute must also adopt a policy concerning the services it provides to regional boards and health and social services institutions.

The policies must be approved by the Minister, with or without amendment, before being implemented.

34. Sections 17 to 27 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), with the necessary modifications, apply to the records kept by the institute in relation to the tests, examinations and consultations provided by the laboratories and organizations referred to in section 4, to the extent that the records contain personal medical information.

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

35. Upon the coming into force of this section, the institute and each institution currently operating one of the laboratories or organizations listed in subparagraphs 1 to 4 of the first paragraph of section 4 shall take the necessary steps to transfer operations to the institute.

The same applies to any laboratory referred to in subparagraph 5 of the first paragraph of section 4 upon its being placed by the Minister under the management of the institute.

36. The terms and conditions of each transfer of operations shall be fixed by agreement between the parties, and must receive the prior approval of the Government.

Each agreement must, in particular, contain the necessary provisions

(1) to effect a transfer of the employees affected by the transfer of operations;

(2) to effect a transfer of the equipment and movable property needed by the institute to operate the laboratory or organization concerned;

(3) to effect a transfer of any subsidies, contributions or other monies relating to the transferred operations.

37. If the institute and an institution are unable to conclude an agreement under section 36 within six months, the terms and conditions of the transfer of operations may be fixed by an order of the Government.

If the order provides for a transfer of assets, the Government may order that the transfer be made gratuitously. The Government must, in particular, take into account public subscriptions for, and government subsidies paid in relation to, the acquisition and maintenance of those assets.

The parties must proceed with the transfer of assets within the time and in accordance with the terms and conditions determined by the Government.

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

39. The employees, including the senior management officers, of the Ministère de la Santé et des Services sociaux whose principal or secondary tasks are likely to come under the responsibility of the institute shall, subject to the provisions of a collective agreement that are applicable to them, become employees of the institute to the extent that an order in council providing for their transfer is made before (*insert here the date occurring one year after the date of coming into force of this section*).

Such employees shall occupy the positions and exercise the functions assigned to them by the institute, subject to the provisions of a collective agreement that are applicable to them.

40. Every employee transferred under section 39 who, on (*insert here the date of coming into force of this section*), was a public servant with permanent tenure within the meaning of the Public Service Act (R.S.Q., chapter F-3.1.1), and whose transfer or appointment to the institute occurred within 12 months after that date, may apply for a transfer to a position in the public service or enter a competition for promotion to such a position in accordance with the Public Service Act.

41. Section 35 of the Public Service Act (R.S.Q., chapter F-3.1.1) applies to an employee referred to in section 39 who enters a competition for promotion to a position in the public service.

42. Every employee referred to in section 39 who applies for a transfer or enters a competition for promotion may apply to the chairman of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take account of the classification that the employee had in the public service on the date on which the employee left the public service, as well as the years of experience and the formal training acquired in the course of employment with the institute.

If the employee is transferred following an application under the first paragraph, the deputy minister of the department or chief executive officer of the body shall assign to the employee a classification compatible with the assessment provided for in the first paragraph.

Where an employee of the institute is promoted pursuant to section 41, the employee's classification must take account of the criteria set out in the first paragraph.

43. Where some or all of the operations of the institute are discontinued or if there is a shortage of work, an employee of the institute referred to in section 39 is entitled to be placed on reserve in the public service with the classification the employee had on the date on which the employee left the public service.

In such a case, the chairman of the Conseil du trésor shall, where applicable, establish the employee's classification on the basis of the criteria set out in the first paragraph of section 42.

44. A person placed on reserve pursuant to section 43 shall remain in the employ of the institute until the chairman of the Conseil du trésor is able to assign the person a position.

45. Subject to any remedy available under a collective agreement, an employee referred to in section 39 who is dismissed may bring an appeal under section 33 of the Public Service Act (R.S.Q., chapter F-3.1.1).

46. Section 31 of the Public Health Protection Act (R.S.Q., chapter P-35), amended by section 2 of chapter 77 of the statutes of 1997, is again amended by inserting, at the beginning, “With the exception of the Institut national de santé publique du Québec,”.

47. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2), amended by section 120 of chapter 63 of the statutes of 1997, is again amended by inserting “The Institut national de santé publique du Québec” at the place determined by the alphabetical order of the French text.

48. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by orders in council 1493-96 dated 4 December 1996, 629-97 dated 13 May 1997, 788-97 dated 18 June 1997, 1105-97 dated 28 August 1997, 1652-97 dated 17 December 1997, and 296-98 and 297-98 dated 18 March 1998, and by sections 35 of chapter 26, 33 of chapter 27, 13 of chapter 36, 631 of chapter 43, 57 of chapter 50, 121 of chapter 63, 52 of chapter 79 and 37 of chapter 83 of the statutes of 1997, is again amended by inserting “the Institut national de santé publique du Québec” in paragraph 1 at the place determined by the alphabetical order of the French text.

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

Coming into force of Acts

Gouvernement du Québec

O.C. 942-98, 8 July 1998

An Act respecting Héma-Québec and the haemovigilance committee (1998, c. 41)

— **Coming into force**

COMING INTO FORCE of certain provisions of the Act respecting Héma-Québec and the haemovigilance committee

WHEREAS the Act respecting Héma-Québec and the haemovigilance committee (1998, c. 41) was assented to on 20 June 1998;

WHEREAS under section 76 of the Act, the provisions of the Act will come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix the date of coming into force of the provisions of the Act, except sections 3 and 55;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Health and Social Services:

THAT the provisions of the Act respecting Héma-Québec and the haemovigilance committee (1998, c. 41) come into force on 8 July 1998, except sections 3 and 55.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

2405

Regulations and other acts

Gouvernement du Québec

O.C. 910-98, 8 July 1998

General and Vocational Colleges Act
(R.S.Q., c. C-29)

Definition of resident in Québec

Regulation respecting the definition of resident in Québec

WHEREAS under section 24.4 of the General and Vocational Colleges Act (R.S.Q., c. C-29), as amended by section 19 of Chapter 87 of the Statutes of 1997, the Government may, by regulation, define the expression “resident in Québec” for the purposes of this Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 8 April 1998 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Education:

THAT the Regulation respecting the definition of resident in Québec, attached hereto, be made.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Regulation respecting the definition of resident in Québec

General and Vocational Colleges Act
(R.S.Q., c. C-29, s. 24.4; 1997, c. 87, s. 19)

1. For the purposes of the General and Vocational Colleges Act (R.S.Q., c. C-29), “resident in Québec” means a student who is a Canadian citizen or a permanent resident within the meaning of the Immigration Act (R.S.C., 1985, c. I-2) and who is in one of the following situations:

(1) he was born in Québec or was adopted by a person who was residing in Québec at the time of the adoption;

(2) one of his parents or his sponsor resides in Québec;

(3) his parents or sponsor are deceased and one of his parents or his sponsor was residing in Québec at the time of the death;

(4) he keeps his residence in Québec even though his parents or sponsor no longer reside in Québec;

(5) Québec is the last place where he has resided for 12 consecutive months without pursuing full-time studies during that period;

(6) he holds a selection certificate issued under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2) or has been residing in Québec for at least 3 months without having resided in another province for more than 3 months and his parents or sponsor do not have their residence elsewhere in Canada; or

(7) his spouse was or is residing in Québec according to the criteria listed in subparagraphs 1 to 6.

For the purposes of the first paragraph, the term “parents” means the student’s father and mother and the term “sponsor” means a Canadian citizen or a permanent resident, excluding the father, mother or spouse, who sponsors the application for landing of a permanent resident within the meaning of the Immigration Act.

2. This Regulation replaces the Regulation respecting tuition fees that a general and vocational college must charge students from outside Québec, made by Order in Council 1130-82 dated 12 May 1982.

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

2399

Gouvernement du Québec

O.C. 911-98, 8 July 1998

An Act respecting private education
(R.S.Q., c. E-9.1)

Definition of resident in Québec

Regulation respecting the definition of resident in Québec

WHEREAS under section 111 of the Act respecting private education (R.S.Q., c. E-9.1), as amended by section 32 of Chapter 87 of the Statutes of 1997, the Government may, by regulation, define for the purposes of the Act the expression “resident in Québec”;

WHEREAS under section 114 of the Act, draft regulations referred to in section 111 are subject to examination by the Commission consultative de l’enseignement privé;

WHEREAS the draft Regulation respecting the definition of resident in Québec was submitted for examination by the Commission which issued its advice on 30 April 1998;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 8 April 1998 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Education:

THAT the Regulation respecting the definition of resident in Québec, attached hereto, be made.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Regulation respecting the definition of resident in Québec

An Act respecting private education
(R.S.Q., c. E-9.1, s. 111; 1997, c. 87, s. 32)

1. For the purposes of the Act respecting private education (R.S.Q., c. E-9.1), “resident in Québec” means a student who is a Canadian citizen or a permanent resident within the meaning of the Immigration Act (R.S.C., 1985, c. I-2) and who is in one of the following situations:

(1) he was born in Québec or was adopted by a person who was residing in Québec at the time of the adoption;

(2) one of his parents or his sponsor resides in Québec;

(3) his parents or sponsor are deceased and one of his parents or his sponsor was residing in Québec at the time of the death;

(4) he keeps his residence in Québec even though his parents or sponsor no longer reside in Québec;

(5) Québec is the last place where he has resided for 12 consecutive months without pursuing full-time studies during that period;

(6) he holds a selection certificate issued under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2) or has been residing in Québec for at least 3 months without having resided in another province for more than 3 months and his parents or sponsor do not have their residence elsewhere in Canada; or

(7) his spouse was or is residing in Québec according to the criteria listed in subparagraphs 1 to 6.

For the purposes of the first paragraph, the term “parents” means the student’s father and mother and the term “sponsor” means a Canadian citizen or a permanent resident, excluding the father, mother or spouse, who sponsors the application for landing of a permanent resident within the meaning of the Immigration Act.

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

Gouvernement du Québec

O.C. 913-98, 8 July 1998

An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, c. 63)

Signing of certain documents of the Ministère de l'Emploi et de la Solidarité — Amendments

Signing of certain documents of the Ministère de l'Emploi et de la Solidarité

WHEREAS under the second paragraph of section 52 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, c. 63), no deed, document or writing may bind the Minister or be attributed to him unless it is signed by him, the Deputy Minister, a member of the personnel of the department or the holder of a position, and, in the latter two cases, only to the extent determined by the Government;

WHEREAS under the third paragraph of section 52 of the Act, a member of the personnel of an organization is, to the extent that he is assigned to the administration of a program that the Minister has delegated by agreement to that organization, considered to be a member of the personnel of the department for the purposes of the second paragraph;

WHEREAS the Government made the Terms and conditions for the signing of certain documents of the Ministère de l'Emploi et de la Solidarité by Order in Council 359-98 dated 25 March 1998;

WHEREAS it is expedient to amend the Terms and conditions;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Employment and Solidarity and Minister of Employment and Solidarity:

THAT the Terms and conditions to amend the Terms and conditions for the signing of certain documents of the Ministère de l'Emploi et de la Solidarité, attached to this Order in Council, be made;

THAT the Terms and conditions come into force on 8 July 1998.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

SCHEDULE

Terms and conditions to amend the Terms and conditions for the signing of certain documents of the Ministère de l'Emploi et de la Solidarité(*)

1. Section 2 of the Terms and conditions for the signing of certain documents of the Ministère de l'Emploi et de la Solidarité is amended

(1) by adding the following after subparagraph 4 of the second paragraph:

“(5) agreements pertaining to the granting of subsidies or other financial contributions within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of working standards or otherwise, have been approved by the Government or the Conseil du trésor.”;

(2) by deleting the third paragraph.

2. Section 3 is amended

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

“(3) agreements pertaining to the granting of subsidies or other financial contributions within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of working standards or otherwise, have been approved by the Government or the Conseil du trésor.”;

(2) by deleting the third paragraph.

3. Section 4 is amended by inserting the words “an assistant division director,” after the words “a division director,” in the part preceding paragraph 1.

4. Section 5 is amended

(1) by substituting the following for the part preceding paragraph 1:

“5. A service head and an assistant service head are authorized to sign, in respect of the administrative units assigned to their responsibility.”;

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

* The Terms and conditions for the signing of certain documents of the Ministère de l'Emploi et de la Solidarité were made by Order in Council 359-98 dated 25 March 1998 (1998, G.O. 2, 1470).

“Further to the powers referred to in the first paragraph, the head of the Service d'évaluation médicale et socioprofessionnelle is authorized to sign services contracts for less than \$100 000 for the hiring of physicians.”.

5. Section 6 is amended by substituting the words “of Emploi-Québec” for the words “for income security” in the third and fourth paragraphs.

6. Section 7 is amended by adding the following after subparagraph 2 of the second paragraph:

“(3) agreements pertaining to the granting of subsidies or other financial contributions within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of working standards or otherwise, have been approved by the Government or the Conseil du trésor, up to \$150 000.”.

7. Section 10 is amended by substituting the following for the part preceding paragraph 1:

“**10.** An acquisitions officer and a management officer for central or regional directions and local employment centres, as well as the management officer of the Direction générale des politiques are authorized to sign, in respect of the units to which they provide administrative support:”.

8. Sections 23 and 24 are revoked.

2402

O.C. 937-98, 8 July 1998

An Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2)

Signing of certain deeds, documents and writings — Amendments

Regulation to amend the Regulation respecting the signing of certain deeds, documents and writings of the Ministère des Ressources naturelles

WHEREAS under section 8 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2), the Government may determine, by regulation published in the *Gazette officielle du Québec*, the deeds, documents or writings that bind the department or may be attributed to the Minister, once they have been signed by members of the personnel of the department;

WHEREAS under the same section, the Government may, upon the conditions it fixes, allow the required signature to be affixed by means of an automatic device to such documents as it determines;

WHEREAS by Order in Council 1455-95 dated 8 November 1995, the Government made the Regulation respecting the signing of certain deeds, documents and writings of the Ministère des Ressources naturelles;

WHEREAS it is expedient to amend the Regulation following the new attributions conferred on the Minister of Natural Resources by the Act to abolish certain bodies (1997, c. 83), which repeals, in particular, the legislative provisions establishing the Bureau d'examineurs des mesureurs de bois provided for in the Cullers Act (R.S.Q., c. M-12.1);

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources:

THAT the Regulation to amend the Regulation respecting the signing of certain deeds, documents and writings of the Ministère des Ressources naturelles, 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 signing of certain deeds, documents and writings of the Ministère des Ressources naturelles(*)

An Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2, s. 8)

1. The Regulation respecting the signing of certain deeds, documents and writings of the Ministère des Ressources naturelles is amended by inserting the following after section 34:

“§12. *Cullers*

34.1 The associate deputy minister for regional services, the director of the Direction de l'assistance technique or the person in charge of the Division du mesurage et de la facturation des bois is authorized to sign

* The Regulation respecting the signing of certain deeds, documents and writings of the Ministère des Ressources naturelles was made by Order in Council 1455-95 dated 8 November 1995 (1995, G.O. 2, 3135) and has not been amended since it was made.

(1) cullers' licences issued under section 18 of the Cullers Act (R.S.Q., c. M-12.1);

(2) identity cards of cullers' licence holders, issued in accordance with any regulation made under section 30 of the Cullers Act;

(3) the suspension or revocation of a culler's licence provided for in section 19 of the Cullers Act;

(4) any deed, document or writing related to licences or identity cards referred to in paragraphs 1 and 2 as well as those related to the suspension or revocation of a licence, referred to in paragraph 3.

34.2 The signature of the Minister may be affixed by means of an automatic device on cullers' licences and identity cards of cullers' licence holders referred to in paragraphs 1 and 2 of section 34.1.”

2. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

2404

M.O., 1998

Order of the Minister of Transport dated 30 June 1998

Mining Act
(R.S.Q., c. M-13.1, s. 246)

Mining road exempted from the application of certain provisions of the Highway Safety Code respecting the traffic of oversized vehicles

THE MINISTER OF TRANSPORT,

CONSIDERING the second paragraph of section 246 of the Mining Act (R.S.Q., c. M-13.1);

CONSIDERING Order in Council 991-70 dated 11 March 1970, whereby the Government declared “mining road” a route of about 40 miles linking the site of the mining fields of the Hudson Strait Asbestos Ltd. to the seaport located in Baie-Déception;

CONSIDERING the need to exempt the mining road from the application of certain provisions of the Highway Safety Code (R.S.Q., c. C-24.2) respecting the traffic of oversized vehicles;

ORDERS:

THAT the mining road located at the southern limit of lot 10 of the Localité de Déception and ending in the Localité de Purtuniqu, the length of which is about 64 kilometres, be exempted from the application of the provisions of Division II of Chapter IV of Title VIII of the Highway Safety Code (R.S.Q., c. C-24.2) respecting the traffic of oversized vehicles as of the date of publication of this Order in the *Gazette officielle du Québec*.

JACQUES BRASSARD,
Minister of Transport

2408

Notice

Amendment to the Rules of practice of the Superior Court of the District of Québec in civil and family matters

Notice is hereby given that the Rules to amend the Rules of practice of the Superior Court of the District of Québec in civil and family matters, attached hereto, were made by the judges of the Superior Court appointed for the District of Québec, at their annual general meeting of 5 June 1998, in accordance with article 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Québec, 15 June 1998

RENÉ W. DIONNE,
Associate Chief Justice

Rules to amend the Rules of practice of the Superior Court of the District of Québec in civil and family matters

Code of Civil Procedure
(R.S.Q., c. C-25, s. 47)

1. The “Rules of practice of the Superior Court of the District of Québec in civil and family matters” adopted by the decision of the judges of the Superior Court of the District of Québec of 8 May 1987, and amended by their decisions of 21 October 1992, 7 August 1996, and of 30 May 1997, are further amended by substituting the following sections for sections 6, 7 and 8:

6. Before completing the notice of presentation of a motion or an inscription by default or *ex parte*, the party must obtain from the office of the court, a date of hearing in the practice division (813.8, 813.7, 193 C.p.c.).

7. The party who files a joint demand must require the office of the court to set a date of hearing (814.1 C.p.c.).

8. If the proof is made by means of affidavits, a judge may dispose of the joint demands and the cases by default and *ex parte* (38 C.p.c.) (25 Divorce Act).

2403

Draft Regulations

Draft Regulation

An Act respecting labour standards
(R.S.Q., c. N-1.1)

Registration system or the keeping of a register — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting a registration system or the keeping of a register, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to follow up on the amendments made to the Act to again amend the Taxation Act, the Act respecting the Québec sales tax and other legislative provisions (1997, c. 85) as regards the obligation for employees working in the hotel and restaurant industry to report to their employer, at the end of each pay period, the amount of the tips they have received during that period.

To that end, it proposes, in the same manner as what exists for the pay sheet referred to in section 46 of the Act respecting labour standards (R.S.Q., c. N-1.1) amended by section 364 of Chapter 85 of the Statutes of 1997, that the registration system or the register established by the employer be modified so as to indicate the amount of the tips attributed by the employer or declared by the employee. Moreover, it provides that the system or register also indicates, as also provided in the pay sheet, overtime hours compensated for a holiday.

Further information may be obtained by contacting Mr. Blaise Pouliot, Commission des normes du travail, 400, boulevard Jean-Lesage, 7^e étage, Québec (Québec) G1K 8W1; tel.: (418) 644-0817, extension 754.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Chairman of the Commission des normes du travail, 400, boulevard Jean-Lesage, Québec (Québec) G1K 8W1.

JEAN-MARC BOILY,
Chairman

Regulation to amend the Regulation respecting a registration system or the keeping of a register(*)

An Act respecting labour standards
(R.S.Q., c. N-1.1, s. 29, par. 3)

1. Section 1 of the Regulation respecting a registration system or the keeping of a register is amended

(1) by adding the words “paid or compensated for a holiday with the applicable premium” at the end of paragraph *c*;

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

“(p) the amount of the tips reported by the employee pursuant to section 1019.4 of the Taxation Act (R.S.Q., c. I-3) enacted by section 242 of Chapter 85 of the Statutes of 1997;

(q) the amount of the tips attributed to the employee by the employer under section 42.11 of the Taxation Act enacted by section 44 of Chapter 85 of the Statutes of 1997.”

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

2407

Draft Regulation

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Security guards — Amendments

Notice is hereby given that the Minister of Labour has received an application to amend the Decree respecting security guards (R.R.Q., 1981, c. D-2, r. 1) from the contracting parties covered by this Decree, pursuant to section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) and sections 10 and 11 of the

* The Regulation respecting a registration system or the keeping of a register (R.R.Q., 1981, c. N-1.1, r.6) has not been amended since it was revised.

Regulations Act (R.S.Q., c. R-18.1), the “Decree to amend the Decree respecting security guards”, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to actualize certain working conditions unchanged since 14 September 1995.

For that purpose, the draft regulation proposes to introduce definitions for regular duty and on-call employee, to amend the definition of part-time employee, to grant the employer the possibility of changing the workweek, to permit the scheduling of working hours on a basis other than a weekly basis under certain conditions, to harmonize the duration of the standard workweek, the duration of paid annual vacations and the indemnity paid when a holiday is not replaced with the Act respecting labour standards (R.S.Q., c. N-1.1), to increase minimum wage rates for classes A and B, to grant a wage to the employee when the employer schedules a training period, to grant an additional day without pay to the employee in order to perform a function associated with a death and to permit one day of absence, at the employee’s discretion, without the obligation to produce a medical certificate in order to be paid.

This draft regulation is currently the object of an economic impact study within the framework of amendments to be brought to the Act respecting collective agreement decrees.

The consultation period will serve to clarify the impact of the proposed amendments. According to a report filed by the Parity Committee on 11 February 1998, the Decree governs 136 employers and 9 191 employees.

Further information may be obtained by contacting Ms. Judith Gagnon, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1 (Telephone: (418) 646-2458; Fax: (418) 528-0559).

Any interested person having comments to make concerning this matter is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

RÉAL MIREAULT,
Deputy Minister of Labour

Decree to amend the Decree respecting security guards*

Act respecting collective agreement decrees
(R.S.Q., c. D-2)

1. Section 1.01 of the Decree respecting security guards is amended:

1. by inserting the following after paragraph 3:

“3.1 “regular duty”: assignment of a minimum of four (4) consecutive weeks comprising 3 or more shifts and a minimum of 21 working hours per week;”;

2. by substituting the expression “3 premium” for the expression “P-3A premium” in paragraph 6;

3. by deleting the second paragraph of paragraph 6;

4. by inserting the following after paragraph 12:

“12.1 “class A on-call employee”: employee who performs security work without the intermediary of a higher class and does not have a fixed work schedule;”;

5. by substituting the following for the second paragraph of paragraph 14:

“An employee who has acquired the status of a regular employee A-01 and who no longer wants to perform regular work or declares that he is no longer available to perform weekly work becomes a part-time employee A-02;”;

6. by substituting “90 calendar days” for “60 calendar days” in paragraph 16;

7. by substituting “from (*insert here the enforcement date of the Decree*)” for “from 15 September 1994” in paragraph 18;

8. by substituting the following for the last sentence in paragraph 18:

“That choice remains in force for the term provided for in section 9.01, but may be modified by the employer upon a written notice of 30 calendar days forwarded to the parity committee;”.

* The last amendment to the Decree respecting security guards (R.R.Q., 1981, c. D-2, r.1) was made by Order in Council 757-98 dated 3 June 1998 (1998, *G.O.* 2, 2216). For former amendments, see “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

2. The following sections are substituted for sections 3.01 and 3.02:

“3.01. For the purpose of calculating overtime hours, the standard workweek is 42 hours, 41 hours as of 1 October 1999 and 40 hours as of 1 October 2000.

For the sole purpose of computing the standard workweek, a shift belongs to the calendar day on which it starts or ends or from midnight to midnight according to the choice of the employer. The employer must inform the parity committee in writing of his choice at least 15 calendar days before implementing the shift; only one change shall be permitted during the term of the decree provided for in section 9.01.

3.02. An employer may, with the authorization of the parity committee, schedule employee working hours on a basis other than a weekly basis, if he meets the following conditions:

1. he has obtained the consent of the employee concerned;

2. he has confirmed that the average number of working hours is equivalent to that provided for in section 3.01;

3. he has forwarded a written request to that effect to the parity committee at least 15 days before implementing the schedule.”.

3. Section 3.05 is amended by deleting the second paragraph.

4. Section 4.01 is amended by striking the word “minimum”.

5. Section 4.02 is amended in the second paragraph by substituting the following for the words “banking days following receipt”: “working days following receipt or if the amount owed to him is not deposited in his account by 11:59 p.m. on the pay day, as the case may be”.

6. The following is substituted for section 4.07:

“4.07. For each hour worked, the employee receives at least the following wages and premiums:

	As of (insert here the enforcement date of the Decree)	As of 1999 06 30	As of 2000 06 30	As of 2001 06 30	As of 2002 06 30
Class A employee	\$10.85	\$11.05	\$11.25	\$11.50	\$11.75
Premiums					
P1*-P4*	\$0.25	\$0.25	\$0.25	\$0.25	\$0.25
P2*	\$0.35	\$0.35	\$0.35	\$0.35	\$0.35
P3*	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00
P5*	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50
P6*	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50
P7*	\$1.50	\$1.50	\$1.50	\$1.50	\$1.50

More than one premium may apply at the same time.

Class B employee: such employee receives \$0.25 per hour more than the hourly rate granted to the best paid employee under his supervision or direction. The hourly rate does not include premiums.

Security guards working in reception centres (Direction de la protection de la jeunesse) and guards who transport beneficiaries and to whom no uniform is supplied are entitled to an additional amount of \$0.10 per hour in addition to their P-3 premium.

When the employer grants a training period at the employee’s work place, the employee is paid as if he were at work.”.

7. The following is substituted for the third paragraph of section 5.01:

“The employer must advise the parity committee in writing of his decision within the 30 calendar days following (*insert here the enforcement date of this Decree*).”.

8. Section 5.02 is amended:

1. by inserting the following after “provided for in section 5.01”: “as mentioned in the following table. As of 1 January 1999, the calculation of gross wages earned during the qualifying year as defined in section 5.01 includes the indemnity for the paid annual vacation.”;

2. by substituting in paragraph 2 of the table under the heading "Vacation" the following for "2 continuous weeks": "2 continuous weeks. The employer must grant an additional week of vacation to the employee who request an extra week, without such week being consecutive to the first two weeks, except where the employer has given his consent. The extra week is granted without pay."

9. Section 5.08 is amended by substituting the following for the second sentence: "Where this is the case, the compensating indemnity for the third week cannot be considered as overtime."

10. Section 5.09 is amended in the first paragraph by substituting the following "to 3 times" for ", as the case may be, to 2 or 3 times".

11. Section 6.03 is amended by substituting the following for subparagraphs 1 and 2:

"1. and that this day or part of this day falls on a day on which the employee usually works, he receives a compensation equal to his hourly wage, excluding premiums, multiplied by the number of hours scheduled for that day;

2. and that this day or part of this day falls on a day on which the employee does not usually work, he receives no compensation."

12. Section 6.06 is amended:

1. by striking "regular A-01 employee;";

2. by substituting the following for subparagraph 2:

"2. should the employer fail to replace the general holiday with pay in accordance with subparagraph 1, the employee receives a compensation equal to his hourly wage, excluding premiums, multiplied by the number of hours scheduled for that day."

13. Section 7.01 is amended:

1. by inserting in paragraph 1, after the word "preceding", the words "or following";

2. by adding the following sentence at the end of that paragraph: "An additional day without pay may be granted to the employee to perform any function related to the death."

14. Section 7.02 is amended in the first paragraph by deleting the following: "From the first month following 15 September 1994,".

15. Section 7.03 is amended by adding the following sentence at the end: "The employee may be absent one sick day per year, at his discretion, without being obliged to produce a medical certificate in order to be paid."

16. Section 8.01 is amended:

1. by substituting the following "60 calendar days" for "30 calendar days" and "40 kilometres" for "30 kilometres" and "\$0.30 per kilometre" for "\$0.25 per kilometre";

2. by adding the following sentence at the end: "When the employer asks the employee to use his own vehicle to make rounds, carry out patrols or perform a motorized vehicle service, the employer pays him an indemnity of \$0.30 per kilometre for all kilometres covered, except when the employee uses his vehicle as a shelter."

17. Section 8.02 is amended in the first and second paragraphs by striking the following "regular A-01".

18. The following is substituted for section 9.01:

"**9.01.** The Decree remains in force until 30 June 2002. It is then automatically renewed from year to year thereafter, unless one of the contracting parties opposes renewal in a written notice sent to the Minister of Labour and to the other contracting parties during the month of March of year 2000 or the month of March of any subsequent year."

19. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

2409

Draft Regulation

Highway Safety Code
(R.S.Q., c. C-24.2)

Traffic control devices

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft Regulation to amend the Regulation respecting traffic control devices, the text of which appears below, may be made by the Minister of Transport upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to introduce sign P-200-2 to indicate to drivers of road trains that prescribed weight limitations exist on certain bridges or overpasses.

Further information may be obtained by contacting Mr. Michel Masse, Service des technologies d'exploitation, ministère des Transports, 700, boulevard René-Lévesque Est, 25^e étage, Québec (Québec) G1R 5H1; tel.: (418) 646-0528.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

JACQUES BRASSARD,
Minister of Transport

Regulation to amend the Regulation respecting traffic control devices(*)

Highway Safety Code
(R.S.Q., c. C-24.2, s. 289)

1. The Regulation respecting traffic control devices is amended by substituting the following for section 62:

“**62.** “Weight Restriction” signs (P-200-1) and (P-200-2) indicate to drivers of all categories of road vehicles whose gross loaded weight exceeds the maximum weight indicated on these signs that they cannot use certain bridges or overpasses.

Signs (P-200-1) and (P-200-2) have a white background and bear a border, an outline of trucks and a message, all in black, in conformity with Schedule P-2.

Tab sign (P-200-P-2) must be affixed under signs (P-200-1) and (P-200-2) that must be erected at an intersection that allows the driver to take another route. The arrow indicates the bridge or overpass route.

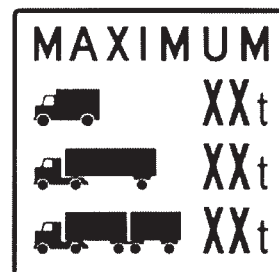
Signs (P-200-1) and (P-200-2) must be erected at the approach to bridges or overpasses and at the approach to the last intersection at which the road vehicle may take another route.

Tab sign (P-200-P-1) must be affixed under signs (P-200-1) and (P-200-2) erected at the approach of a bridge or overpass that cannot support more than one road vehicle to which signs (P-200-1) and (P-200-2) apply.”

* The Regulation respecting traffic control devices made by Order of the Minister of Transport dated 24 November 1989 (1989, G.O. 2, 4268) was last amended by Minister's Order dated 11 March 1998 (1998, G.O. 2, 1275). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

2. Schedule P2-5 of this Regulation is amended by adding the following after sign P-200-1:

“P-200-2



Weight Restriction.”

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

2410

Draft Regulation

An Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1)

Upper limit of kill for moose — 1998

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft Regulation respecting the 1998 upper limit of kill for moose, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to renew for one year the bag limit for hunting moose applicable to Natives and non-Natives in Area 17.

To that end, the Regulation proposes to limit the killing of moose in Area 17 to the same number as for 1997, that is, 140 moose.

To date, study of the matter has revealed no impact on businesses.

Further information may be obtained by contacting:

Mr. Serge Bergeron
Ministère de l'Environnement et de la Faune
Service de la réglementation
150, boulevard René-Lévesque Est, 4^e étage, boîte 91
Québec (Québec)
G1R 4Y1

Telephone: (418) 643-4880
Fax: (418) 528-0834
Internet: serge.bergeron@mef.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of the Environment and Wildlife, Édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30^e étage, Québec (Québec) G1R 5V7.

PAUL BÉGIN,
*Minister of the
Environment and Wildlife*

Regulation respecting the 1998 upper limit of kill for moose

An Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1, s. 78, 1st par., subpar. *f*, and 2nd and 3rd pars.)

1. The upper limit of kill for moose allocated to Natives and non-Natives in Area 17 determined by the Fishing, Hunting and Trapping Areas Regulation, made by Order in Council 27-90 dated 10 January 1990, is 140 moose for the period extending from 1 August 1998 to 31 July 1999.

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

Notices

M.O., 1998

Order of the Minister of Public Security dated 2 July 1998 concerning the assignment of jurisdiction over a segment of Autoroute 20 pursuant to section 634.1 of the Highway Safety Code

Highway Safety Code
(R.S.Q., c. C-24.2)

THE MINISTER OF PUBLIC SECURITY,

CONSIDERING section 634.1 of the Highway Safety Code (R.S.Q., c. C-24.2) which provides that the Sûreté du Québec has exclusive jurisdiction to enforce the rules of the Code on an autoroute, subject to the jurisdiction assigned to the highway controllers pursuant to section 519.67 and subject to the jurisdiction that the Minister of Public Security may assign to a police force serving a municipality traversed by an autoroute;

ORDERS THE FOLLOWING:

1. The jurisdiction over the segment of Autoroute 20 located between the municipalities of Île-Perrot and Vaudeuil-Dorion is assigned to Pincourt municipal police;

2. This Ministerial Order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Sainte-Foy, July 2, 1998

PIERRE BÉLANGER

2387

M.O., 1998

Order of the Minister of Public Security dated 2 July 1998 concerning the assignment of jurisdiction over a segment of Autoroute 30 pursuant to section 634.1 of the Highway Safety Code

Highway Safety Code
(R.S.Q., c. C-24.2)

THE MINISTER OF PUBLIC SECURITY,

CONSIDERING section 634.1 of the Highway Safety Code (R.S.Q., c. C-24.2) which provides that the Sûreté du Québec has exclusive jurisdiction to enforce the rules of the Code on an autoroute, subject to the jurisdiction assigned to the highway controllers pursuant to section 519.67 and subject to the jurisdiction that the Minister of Public Security may assign to a police force serving a municipality traversed by an autoroute;

ORDERS THE FOLLOWING:

1. The jurisdiction over the segment of Autoroute 30 located between the municipalities of Salaberry-de-Valleyfield and Saint-Timothée is assigned to Salaberry-de-Valleyfield municipal police;

2. This Ministerial Order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Sainte-Foy, July 2, 1998

PIERRE BÉLANGER

2390

M.O., 1998

Order of the Minister of Public Security dated 2 July 1998 concerning the assignment of jurisdiction over a segment of Autoroute 50 pursuant to section 634.1 of the Highway Safety Code

Highway Safety Code
(R.S.Q., c. C-24.2)

THE MINISTER OF PUBLIC SECURITY,

CONSIDERING section 634.1 of the Highway Safety Code (R.S.Q., c. C-24.2) which provides that the Sûreté du Québec has exclusive jurisdiction to enforce the rules of the Code on an autoroute, subject to the jurisdiction assigned to the highway controllers pursuant to section 519.67 and subject to the jurisdiction that the Minister of Public Security may assign to a police force serving a municipality traversed by an autoroute;

ORDERS THE FOLLOWING:

1. The jurisdiction over the segment of Autoroute 50 located between the intersection of Autoroute 15 and Curé-Labelle boulevard (road 117) is assigned to Mirabel municipal police;

2. This Ministerial Order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Sainte-Foy, July 2, 1998

PIERRE BÉLANGER

2388

Notice

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Chart of the wildlife habitats

Notice is hereby given, in accordance with section 128.3 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), that the chart of each of the wildlife habitats identified in Schedule 1, which is attached hereto, pertaining to each animal species mentioned therein, has been prepared or, as the case may be, replaced.

Any interested person may consult the chart of each wildlife habitat at the Ministère de l'Environnement et de la Faune, 675, boulevard René-Lévesque Est, rez-de-chaussée, édifice Marie-Guyart, Québec G1R 5V7 or at one of its regional offices concerned.

The charts come into force on the fifteenth day following the date of the publication of this notice in the *Gazette officielle du Québec*.

PAUL BÉGIN,
Minister of Environment and Wildlife

SCHEDULE 1

Habitat	Family or animal concerned	Habitat number	Québec administrative region(n° and name)	Regional county municipality	Municipality	Habitat chart number
White-tailed deer yard	White-tailed deer	06-04-9036-93	17-Centre-du-Québec	Drummond	Durham-Sud Ulverton	31H09-200-0201 31H09-200-0202
Muskrat habitat	Muskrat	11-04-0080-94	17-Centre-du-Québec	Drummond	Durham-Sud	31H09-200-0201
Muskrat habitat	Muskrat	11-04-0099-94	17-Centre-du-Québec	Drummond	Durham-Sud Ulverton	31H09-200-0202
Waterfowl gathering area	Geese, ducks	02-05-0001-94	05-Estrie	Le Haut-Saint-François	Saint-Gérard Weedon	21E11-200-0201 ¹
Waterfowl gathering area	Geese, ducks	02-05-0003-94	05-Estrie	Le Granit	Stratford	21E14-200-0102
Waterfowl gathering area	Geese, ducks	02-05-0004-93	05-Estrie	Memphrémagog	Stanstead	31H01-200-0102
Waterfowl gathering area	Geese, ducks	02-05-0015-94	05-Estrie	Le Haut-Saint-François	Saint-Gérard Weedon	21E11-200-0201 ¹
Waterfowl gathering area	Geese, ducks	02-05-0023-94	05-Estrie	Le Granit	Milan	21E11-200-0202
Waterfowl gathering area	Geese, ducks	02-05-0024-94	05-Estrie	Le Haut-Saint-François	Lingwick	21E11-200-0101 ²
Waterfowl gathering area	Geese, ducks	02-05-0029-94	05-Estrie	Arthabaska Asbestos	Saint-Rémi- de-Tingwick Trois-Lacs Wotton	21E13-200-0101
Waterfowl gathering area	Geese, ducks	02-05-0031-94	05-Estrie	Le Granit	Stratford	21E14-200-0101
Waterfowl gathering area	Geese, ducks	02-05-0034-93	05-Estrie	Memphrémagog Le Val-Saint-François Sherbrooke	Orford Saint-Denis- de-Brompton Saint-Élie-d'Orford	31H08-200-0102 ³ 31H08-200-0202
Waterfowl gathering area	Geese, ducks	02-05-0035-94	05-Estrie	Memphrémagog	Sainte-Catherine- de-Hatley	31H01-200-0202 31H08-200-0102 ³
White-tailed deer yard	White-tailed deer	06-05-9141-93	05-Estrie	Le Granit	Saint-Romain	21E11-200-0202
White-tailed deer yard	White-tailed deer	06-05-9146-93	05-Estrie	Le Haut-Saint-François	Hampden Scotstown	21E06-200-0201 21E06-200-0202 21E11-200-0101 ² 21E11-200-0102
White-tailed deer yard	White-tailed deer	06-05-9188-93	05-Estrie	Le Granit	Piopolis Saint-Augustin- de-Woburn	21E07-200-0201
White-tailed deer yard	White-tailed deer	06-05-9284-95	05-Estrie	Le Val-Saint-François	Lawrenceville Maricourt Sainte-Anne-de- la-Rochelle Valcourt Béthanie Sainte-Christine	31H08-200-0201 31H09-200-0101

1 The minuted map 9321 of Henri Morneau is replaced by minute 464 of Denis Fiset

2 The minuted map 9319 of Henri Morneau is replaced by minute 463 of Denis Fiset

3 The minuted map 8848 of Henri Morneau is replaced by minute 9331

Habitat	Family or animal concerned	Habitat number	Québec administrative region(n° and name)	Regional county municipality	Municipality	Habitat chart number
White-tailed deer yard	White-tailed deer	06-05-9289-95	05-Estrie	Memphrémagog Sherbrooke	Orford Saint-Élie-d'Orford	31H08-200-0102 ¹
White-tailed deer yard	White-tailed deer	06-05-9357-93	05-Estrie	Le Granit	Frontenac Saint-Augustin- de-Woburn	21E07-200-0201 21E07-200-0202 21E10-200-0101 21E10-200-0102
White-tailed deer yard	White-tailed deer	06-05-9359-93	05-Estrie	Le Granit	Saint-Romain	21E11-200-0202 21E14-200-0102
White-tailed deer yard	White-tailed deer	06-05-9360-95	05-Estrie	Asbestos Le Val-Saint-François	Saint-Georges- de-Windsor Saint-Claude Stoke Val-Joli	21E12-200-0101 21E12-200-0102 21E12-200-0201 21E12-200-0202
White-tailed deer yard	White-tailed deer	06-05-9368-95	05-Estrie	Le Val-Saint-François	Melbourne	31H09-200-0101 31H09-200-0102 31H09-200-0201 31H09-200-0202
White-tailed deer yard	White-tailed deer	06-05-9413-93	05-Estrie	Coaticook	Stanstead-Est	31H01-200-0102 31H01-200-0202
Muskrat habitat	Muskrat	11-05-0008-94	05-Estrie	Le Granit	Frontenac Saint-Augustin- de-Woburn	21E07-200-0201
Muskrat habitat	Muskrat	11-05-0014-94	05-Estrie	Le Haut-Saint-François	Hampden	21E06-200-0202 21E11-200-0102
Muskrat habitat	Muskrat	11-05-0016-94	05-Estrie	Le Granit	Milan	21E11-200-0102
Muskrat habitat	Muskrat	11-05-0024-94	05-Estrie	Le Haut-Saint-François	Lingwick	21E11-200-0101 ²
Muskrat habitat	Muskrat	11-05-0025-94	05-Estrie	Le Haut-Saint-François	Lingwick Scotstown	21E11-200-0101 ²
Muskrat habitat	Muskrat	11-05-0026-94	05-Estrie	Le Haut-Saint-François	Lingwick	21E11-200-0101 ²
Muskrat habitat	Muskrat	11-05-0039-94	05-Estrie	Asbestos Arthabaska	Saint-Joseph- de-Ham-Sud Saints-Martyrs- Canadiens	21E13-200-0102
Muskrat habitat	Muskrat	11-05-0109-94	05-Estrie	Le Haut-Saint-François	Lingwick	21E11-200-0101 ²
Muskrat habitat	Muskrat	11-05-0118-94	05-Estrie	Memphrémagog	Stanstead	31H01-200-0102
Muskrat habitat	Muskrat	11-05-0121-94	05-Estrie	Le Granit	Saint-Augustin- de-Woburn	21E07-200-0101

1 The minuted map 8848 of Henri Morneau is replaced by minute 9331

2 The minuted map 9319 of Henri Morneau is replaced by minute 463 of Denis Fiset

Habitat	Family or animal concerned	Habitat number	Québec administrative region(n° and name)	Regional county municipality	Municipality	Habitat chart number
Muskrat habitat	Muskrat	11-05-0122-94	05-Estrie	Le Granit	Milan Nantes Saint-Romain	21E11-200-0202
Muskrat habitat	Muskrat	11-05-0125-94	05-Estrie	Le Granit	Stratford	21E11-200-0201 ¹
Muskrat habitat	Muskrat	11-05-0133-94	05-Estrie	Le Granit	Stornoway	21E14-200-0102
Muskrat habitat	Muskrat	11-05-0139-94	05-Estrie	Le Granit	Saint-Romain Stornoway	21E11-200-0202
Muskrat habitat	Muskrat	11-05-0140-94	05-Estrie	Le Granit	Stratford	21E14-200-0102
Muskrat habitat	Muskrat	11-05-0141-94	05-Estrie	Le Granit	Stratford Stornoway	21E14-200-0102
Caribou calving area north of the 52 ^e parallel	Caribou	18-10-0007-93	10-Nord-du-Québec	Administration régionale Kativik	Non-organized territory	24 N.-E. ² 24 S.-E. ³
Caribou calving area north of the 52 ^e parallel	Caribou	18-10-0008-91	10-Nord-du-Québec	Administration régionale Kativik	Non-organized territory	34 N.-E. ⁴ 34 N.-O. 35 S.-E. ⁵ 35 S.-O. and 45 S.-E. (part)
Waterfowl gathering area	Geese, ducks	02-12-0002-94	12-Chaudière-Appalaches	L'Amiante	Sainte-Praxède	21E14-200-0101 21E14-200-0102
Waterfowl gathering area	Geese, ducks	02-12-0030-94	12-Chaudière-Appalaches	L'Amiante	Garthby	21E14-200-0101
Muskrat habitat	Muskrat	11-12-0049-94	12-Chaudière-Appalaches	L'Amiante	Garthby	21E14-200-0101
Muskrat habitat	Muskrat	11-12-0111-94	12-Chaudière-Appalaches	L'Amiante	Beulac Garthby	21E14-200-0101
Muskrat habitat	Muskrat	11-12-0131-94	12-Chaudière-Appalaches	L'Amiante Le Granit	Sainte-Praxède Stratford	21E14-200-0102
Muskrat habitat	Muskrat	11-12-0132-94	12-Chaudière-Appalaches	L'Amiante	Sainte-Praxède	21E14-200-0102
White-tailed deer yard	White-tailed deer	06-16-9280-95	16-Montérégie	Brome-Missisquoi La Haute-Yamaska Memphrémagog	Bolton-Ouest Lac-Brome Shefford Stukely-Sud	31H08-200-0101

1 The minuted map 9321 of Henri Morneau is replaced by minute 464 of Denis Fiset

2 The minuted map 9208 of Henri Morneau is replaced by minute 460 of Denis Fiset

3 The minuted map 9209 of Henri Morneau is replaced by minute 461 of Denis Fiset

4 The minuted map 704 of Jacques Pelchat is replaced by minute 9210 of Henri Morneau

5 The minuted map 732 of Jacques Pelchat is replaced by minute 9212 of Henri Morneau

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

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