

# Gazette officielle du Québec

## Part 2 Laws and Regulations

Volume 130  
5 August 1998  
No. 32

### Summary

Table of Contents  
Acts 1998  
Regulations and other acts  
Draft Regulations  
Index

Legal deposit — 1<sup>st</sup> Quarter 1968  
Bibliothèque nationale du Québec  
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## Table of Contents

Page

### Acts 1998

277	An Act respecting Municipalité régionale de comté de Bellechasse and Municipalité régionale de comté des Etchemins .....	3481
278	An Act respecting university education programs provided by the Prêtres de Saint-Sulpice de Montréal .....	3485
279	An Act respecting Ville de Val-d'Or .....	3489
394	An Act respecting the pension plan of certain employees of the Commission des écoles catholiques de Québec .....	3493
395	An Act to amend the Act respecting the pension plan of the non-teaching staff of the Commission des écoles catholiques de Montréal .....	3497
440	An Act to amend the Act respecting municipal taxation .....	3501
441	An Act respecting the Institut de la statistique du Québec .....	3517
442	An Act respecting the combination of certain state enterprises .....	3533
445	An Act to amend various legislative provisions relating to building and the construction industry .....	3543
447	An Act respecting certain facilities of Ville de Montréal .....	3581
448	An Act to amend the Act respecting the marketing of agricultural, food and fish products as regards the marketing of wild fur .....	3589

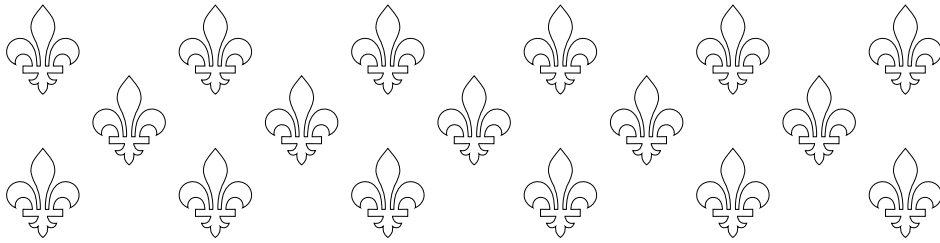
### Regulations and other acts

960-98	Composition, packing and labelling of dairy products (Amend.) .....	3593
962-98	College Education (Amend.) .....	3594
963-98	General and Vocational Colleges Act — Tuition fees and special fees (Amend.) .....	3595
974-98	Financial Administration Act — Signing — Certain financial transactions .....	3596
979-98	Suburban train system — Standards of conduct .....	3597
987-98	Ministère des Transports, An Act respecting the... — Provision of road service .....	3600
991-98	Implementation of provisions on industrial accidents and occupational diseases — Protocol amending the Agreement on Social Security — Gouvernement du Québec and Government of the Republic of Finland .....	3606
992-98	Amendment to the Agreement and an Amendment to the Administrative Arrangement on Social Security — Gouvernement du Québec and Government of the Republic of Finland ...	3611

### Draft Regulations

Health Insurance Act — Forms and statements of fees .....	3615
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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 277

(Private)

**An Act respecting Municipalité régionale  
de comté de Bellechasse and  
Municipalité régionale de comté  
des Etchemins**

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**Introduced 9 June 1998**

**Passage in principle 19 June 1998**

**Passage 19 June 1998**

**Assented to 20 June 1998**

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**Québec Official Publisher  
1998**



## **Bill 277**

(Private)

### **AN ACT RESPECTING MUNICIPALITÉ RÉGIONALE DE COMTÉ DE BELLECHASSE AND MUNICIPALITÉ RÉGIONALE DE COMTÉ DES ETCEMINS**

WHEREAS Municipalité régionale de comté de Bellechasse adopted By-law No. 87-98 on 20 May 1998 to create and determine the location of the Parc régional Massif du Sud;

Whereas Municipalité régionale de comté des Etchemins adopted By-law No. 046-98 on 13 May 1998 to create and determine the location of the Parc régional Massif du Sud;

Whereas those regional county municipalities wish to entrust, by agreement, the organization, management and operation of the Parc régional Massif du Sud to a non-profit organization constituted as a legal person;

Whereas it is necessary to grant certain powers to those regional county municipalities for that purpose;

#### **THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :**

1. Municipalité régionale de comté de Bellechasse and Municipalité régionale de comté des Etchemins may, by agreement, entrust the organization, management and operation of the Parc régional Massif du Sud to a non-profit organization constituted as a legal person, including the works and purchases required for those purposes.

The regional county municipalities may also, by agreement, entrust to that organization the exercise, on their behalf and according to the conditions determined for each municipality in the agreement, of the powers provided for in article 688.1 and the first paragraph of article 688.3 of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

2. Each regional county municipality may become surety for the organization referred to in section 1. It must, however, obtain the authorization of the Minister of Municipal Affairs to become surety for an obligation of \$50,000 or more.

The Minister may, before giving that authorization, order the regional county municipality to submit the resolution or by-law authorizing the suretyship for approval to the qualified voters of the local municipalities that have not exercised the right of withdrawal under the third paragraph of section 188 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) in relation to a by-law under article 688 of the Municipal Code of Québec.

The Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), adapted as required, applies to the approval referred to in the second paragraph.

Each regional county municipality may also grant subsidies to the organization referred to in section 1.

3. Articles 935 to 936.2, 938 and 938.1 of the Municipal Code of Québec, adapted as required, apply to the non-profit organization in the carrying out of the agreement referred to in section 1.

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





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 278

(Private)

**An Act respecting university education  
programs provided by the Prêtres de  
Saint-Sulpice de Montréal**

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**Introduced 10 June 1998**

**Passage in principle 19 June 1998**

**Passage 19 June 1998**

**Assented to 20 June 1998**

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**Québec Official Publisher  
1998**



## **Bill 278**

(Private)

### **AN ACT RESPECTING UNIVERSITY EDUCATION PROGRAMS PROVIDED BY THE PRÊTRES DE SAINT-SULPICE DE MONTRÉAL**

WHEREAS the Prêtres de Saint-Sulpice de Montréal have since 1840 been devoted to the work of the Grand Séminaire de Montréal which they founded, for the training of future priests ;

Whereas in 1977, the Prêtres de Saint-Sulpice de Montréal established a theological training centre with a view to pursuing the historic mission of the Grand Séminaire by providing higher education in the ecclesiastical sciences ;

Whereas on 4 July 1979, the Pontifical University of Latran recognized the theological training centre of the Grand Séminaire by awarding it an affiliation ;

Whereas on 16 December 1988, the Institut de formation théologique de Montréal was created by the Congregation for Catholic Education for the purpose of continuing the activities of the theological training centre of the Grand Séminaire ;

Whereas the Institut de formation théologique de Montréal, under the aegis of the Prêtres de Saint-Sulpice, offers programs of higher education, including certain university education programs, in the ecclesiastical sciences ;

Whereas those education programs lead to diplomas which are recognized by the Pontifical University of Latran and the Congregation for Catholic Education ;

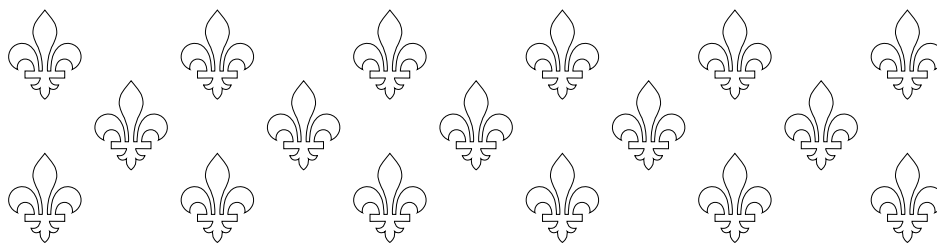
Whereas the Minister of Education has recognized those education programs, in particular within the scope of the loans and bursaries program ;

Whereas the institute fulfils a unique mission in the field of higher education in Québec ;

#### **THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :**

1. The Prêtres de Saint-Sulpice de Montréal are authorized to provide university education programs and to confer degrees, diplomas, certificates or other attestations of university studies in the ecclesiastical sciences.
2. This Act comes into force on 20 June 1998.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 279

(Private)

**An Act respecting Ville de Val-d'Or**

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**Introduced 10 June 1998**

**Passage in principle 19 June 1998**

**Passage 19 June 1998**

**Assented to 20 June 1998**

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**Québec Official Publisher  
1998**



## **Bill 279**

(Private)

### **AN ACT RESPECTING VILLE DE VAL-D'OR**

WHEREAS the town council of Ville de Val-d'Or, in accordance with the Act respecting the negotiation of agreements concerning the reduction of labour costs in the municipal sector (1998, chapter 2) and under a resolution passed on 19 March 1998, has reduced the labour costs provided for in its 1998 budget by 5.05% ;

Whereas as a consequence of that reduction, the town passed Resolution 98-104 amending the budget for the 1998 fiscal year and By-law 98-19 reducing the rate of property tax by \$0.04 per \$100 of property assessment ;

Whereas it is expedient to validate that by-law and that resolution and to give to the town and its officers the power to grant any tax remission resulting therefrom ;

#### **THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :**

1. By-law 98-19 of Ville de Val-d'Or, passed on 20 April 1998, is validated to the extent that it was not passed within the time and according to the formalities prescribed by the law. It will come into force in accordance with the law.
2. Resolution 98-104 has effect as if it had been passed within the time and according to the terms and conditions prescribed by the law for the adoption of the annual budget of a municipality notwithstanding paragraphs 4 and 5 of the resolution.
3. The town council and its officers or employees are authorized to remit taxes and any interest thereon pursuant to the new rates of taxes under By-law 98-19.

In the case of a ratepayer who, on 20 June 1998, has not paid the total amount of the taxes payable on that date for the 1998 fiscal year, the tax shall be remitted by way of set-off against the amount of taxes due and payable on 1 July 1998.

The council may extend by not more than 30 days that latter date.

4. The clerk shall enter a reference to this Act in the record of the by-laws of the town council of Ville de Val-d'Or at the end of By-law 98-01 as amended by By-law 98-19.

5. This Act does not affect a case pending on 4 May 1998.
6. This Act comes into force on 20 June 1998.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 394  
(1998, chapter 49)

**An Act respecting the pension plan of  
certain employees of the Commission  
des écoles catholiques de Québec**

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**Introduced 9 June 1998  
Passage in principle 16 June 1998  
Passage 19 June 1998  
Assented to 20 June 1998**

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**Québec Official Publisher  
1998**

## EXPLANATORY NOTES

*The object of this bill is to amend certain provisions of the pension plan of certain employees of the Commission des écoles catholiques de Québec without increasing member contributions, the costs resulting from the amendments being paid out of the actuarial surplus of the plan.*

*The bill first provides for a decrease in the actuarial reduction in respect of a member who receives an early retirement pension. In addition, the maximum age for the postponement of the payment of a pension is 69 years of age and the administration costs of the plan will be paid by the pension fund and not by the employer. The bill also provides, on the conditions determined therein, for the payment of a temporary additional pension and for the use, on certain conditions, of future actuarial surpluses in order to introduce temporary early retirement measures and ensure conformity of the provisions of the plan with the Supplemental Pension Plans Act and the Income Tax Act.*

## Bill 394

### AN ACT RESPECTING THE PENSION PLAN OF CERTAIN EMPLOYEES OF THE COMMISSION DES ÉCOLES CATHOLIQUES DE QUÉBEC

#### THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Notwithstanding section 125 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), the pension plan of certain employees of the Commission des écoles catholiques de Québec may be amended to the extent provided by this Act without increasing the member contributions, and the additional costs resulting therefrom shall be paid out of the actuarial surplus of the plan.

2. Section 7.01 of the plan is amended by replacing “0.33%” by “0.25%”. (Translation)

3. Section 8.01 of the plan is amended by replacing “seventy-one” by “sixty-nine”. (Translation)

4. Section 14.07 of the plan is replaced by the following:

#### “14.07 Administration costs

The administration costs of the plan shall be paid by the pension fund. The costs include, in particular, the fees of the actuary, the trustee and every other adviser or expert appointed by the pension committee.” (Translation)

5. Every member who, during the period extending from 1 July 1997 to 30 June 2002, retires before the normal retirement date is entitled, if the member has ten years of service or more and is receiving an early retirement pension, to a temporary additional pension which ceases to be payable to the member on the first day of the month following the month in which the member reaches 65 years of age.

The amount of the additional pension shall be equal to the maximum pension payable under the Old Age Security Act (Revised Statutes of Canada, 1985, chapter O-9) on the date of retirement. The amount shall, however, be reduced so that the total of that amount and the amount of the early retirement pension does not exceed 70% of the average final income.

The amount of the additional pension shall be indexed annually in the same manner as the early retirement pension.

6. The employer may, after determining a reserve sufficient to provide for the various risks covered by the plan, use any actuarial surplus determined in the report on the actuarial valuation required under the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) as follows :

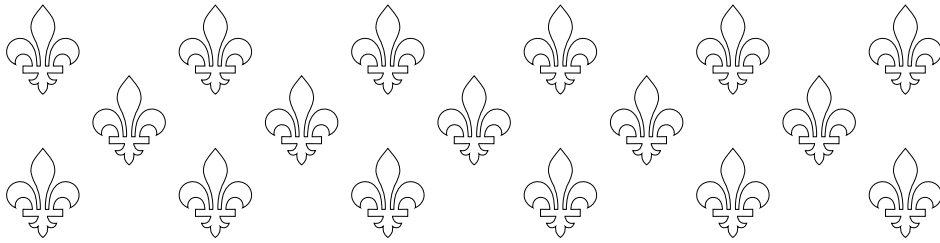
(1) to apply any early retirement measure for any period not exceeding three years ;

(2) to bring the provisions of the plan into conformity with the Supplemental Pension Plans Act and the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).

However, such measures must first be approved by the Government and an actuarial valuation of the plan must show the existence of a surplus sufficient to cover the total cost thereof.

7. Sections 2, 3 and 5 have effect from 1 July 1997.

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



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 395  
(1998, chapter 50)

**An Act to amend the Act respecting  
the pension plan of the non-teaching  
staff of the Commission des écoles  
catholiques de Montréal**

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**Introduced 9 June 1998  
Passage in principle 16 June 1998  
Passage 19 June 1998  
Assented to 20 June 1998**

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**Québec Official Publisher  
1998**

**EXPLANATORY NOTE**

*The object of this bill is to authorize the pension committee of the pension plan of the non-teaching staff of the Commission des écoles catholiques de Montréal to index the pensions of the classes of members it designates according to an indexing formula that does not exceed the rate of increase in the Pension Index established under the Act respecting the Québec Pension Plan, without being limited to 4% per year.*

## **Bill 395**

### **AN ACT TO AMEND THE ACT RESPECTING THE PENSION PLAN OF THE NON-TEACHING STAFF OF THE COMMISSION DES ÉCOLES CATHOLIQUES DE MONTRÉAL**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 7 of the Act respecting the pension plan of the non-teaching staff of the Commission des écoles catholiques de Montréal (1994, chapter 50) is amended by replacing subparagraph 1 of the first paragraph by the following :

“(1) to index the pension of the classes of active and non-active members designated by the committee, according to an indexing formula that does not exceed the rate of increase in the Pension Index established under the Act respecting the Québec Pension Plan;”.

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







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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 440  
(1998, chapter 43)

## **An Act to amend the Act respecting municipal taxation**

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**Introduced 14 May 1998**  
**Passage in principle 29 May 1998**  
**Passage 19 June 1998**  
**Assented to 20 June 1998**

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**Québec Official Publisher**  
**1998**

## EXPLANATORY NOTES

*This bill amends the Act respecting municipal taxation, in particular to facilitate communication between the owner of a single-use immovable of an industrial or institutional nature and the assessor of the municipal body responsible for assessment.*

*Under the bill, the assessor must give notice in writing to the owner of an immovable before a specific date that the Regulation respecting the method of assessment of single-use immovables of an industrial or institutional nature applies to the immovable. Failing such a notice, the bill specifies that the rules prescribed by the regulation are not mandatory.*

*The bill further provides that the assessor must, before a specific date, communicate certain information to owners. In the case of disagreement concerning any of the information, the owners must communicate their information to the assessor before a specific date.*

*The bill establishes the rules that apply in the case of agreement or disagreement between the owner of the immovable and the assessor concerning the information communicated. It also provides that the assessor must meet the owner of the immovable before the deposit of the real estate assessment roll if the owner so requests in writing before a specific date.*

*The bill provides that any person who establishes the value of a unit of assessment using the cost approach must use the most appropriate technique or techniques, having regard to the nature of the unit, and in particular, the techniques among those applicable under the Act and the Manuel d'évaluation foncière du Québec.*

*Under the bill, in the case of a place of business or a unit of assessment that includes the road bed of a railway situated in a yard which belongs to a railway enterprise and which, on 16 June 1994, was in a yard of VIA Rail Canada Inc. situated in the territory of Ville de Montréal, the bill provides that the amount of the tax or surtax to which the place of business or unit of assessment is subject is to be computed by applying 40% of the rate fixed in the by-law of the city.*

*The bill provides for measures enabling the municipalities to mitigate shifts in the fiscal burden resulting from the coming into force of a new real estate assessment roll.*

*Lastly, the bill enables the Communauté urbaine de Montréal to extend by one year the current rolls of Ville de Montréal or those of the 18 other municipalities under the jurisdiction of the Community whose current rolls are in their final year of application, or the current rolls of both Ville de Montréal and the 18 other municipalities.*



## Bill 440

### AN ACT TO AMEND THE ACT RESPECTING MUNICIPAL TAXATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The heading of Chapter III.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by inserting “AND OBLIGATIONS” after “POWERS”.

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

“18.1. Before 1 September of the second fiscal year that precedes the first of the fiscal years for which the real estate assessment roll is drawn up, the assessor must give notice by registered mail to the owner of any immovable to which a regulation under paragraph 10 of section 262 applies, stating

(1) that the immovable mentioned in the notice is an immovable to which the regulation applies ;

(2) the method of assessment prescribed by the regulation ;

(3) the tenor of sections 18.2 to 18.5.

Failing such notification, the method of assessment prescribed by the regulation is not mandatory.

“18.2. Before 1 January of the first fiscal year that precedes the first of the fiscal years for which the real estate assessment roll is drawn up, the assessor must communicate by registered mail to the owner to whom the notice under section 18.1 was given,

(1) the cost new of the structures that are part of the immovable, which the assessor determines in accordance with the regulation under paragraph 10 of section 262 ;

(2) the depreciation the assessor subtracts from that cost new.

The notice must break down the depreciation by specifying, where applicable, any amount resulting from physical deterioration, functional obsolescence or economic obsolescence. It must also state the quantification method used to determine each amount.

“18.3. In the case of disagreement concerning information communicated by the assessor pursuant to section 18.2, the owner must, before 1 June of the first fiscal year that precedes the first of the fiscal years for which the real estate assessment roll is drawn up, communicate by registered mail to the assessor the information that is required under section 18.2 and that the owner wishes to have acknowledged.

“18.4. Unless the owner has notified disagreement in accordance with section 18.3, only the information communicated by the assessor pursuant to section 18.2 shall be used for the purpose of determining the value of the structures that are part of an immovable in respect of which the method of assessment prescribed by a regulation under paragraph 10 of section 262 is mandatory.

Where the owner has notified disagreement in accordance with section 18.3, the following rules apply for the purpose of determining the value of the structures :

(1) the assessor cannot determine a cost new greater than the cost new that was communicated or subtract an amount less than the amount specified in the breakdown communicated under section 18.2 ;

(2) the owner cannot have acknowledged a cost new that is less than the cost new communicated or an amount greater than the amount specified in the breakdown.

The first and second paragraphs do not apply where, after the communication required under section 18.2 and referred to in the first paragraph, an event referred to in the second paragraph of section 46 occurs.

“18.5. Before the deposit of the real estate assessment roll, the assessor must meet the owner to whom notice was given pursuant to section 18.1, or the owner’s mandatory, where a request to that effect is made by the owner to the assessor by registered mail before 1 June of the first fiscal year that precedes the first of the fiscal years for which the roll is drawn up.”

3. Section 232 of the said Act is amended

(1) by inserting “either” after “was” in the third line of the third paragraph ;

(2) by inserting “or a yard of VIA Rail Canada Inc. situated in the territory of Ville de Montréal” after “(C.P. Rail)” in the fourth line of the third paragraph.

4. Section 233 of the said Act is amended by replacing “1.24 and 7.3” in the second line of subparagraph 1 of the second paragraph by “1.50 and 9.0”.

5. Section 237 of the said Act is replaced by the following :

“237. The local municipality may provide for the granting of a business tax credit, in accordance with the second and third paragraphs, to the occupants of certain places of business of lesser rental value. It must, in such a case, fix the coefficient referred to in the second paragraph, which shall not exceed 2, and the reference rate referred to in the third paragraph, which shall be lesser than the rate of the tax.

The amount of the credit in respect of a place of business is the product obtained by multiplying the difference established in accordance with the third paragraph by the coefficient.

That difference is established by subtracting, from the amount referred to in subparagraph 1, the amount referred to in subparagraph 2:

(1) the amount from which the amount referred to in subparagraph 2 is subtracted is the lesser of

(a) the quotient obtained by dividing, by the factor established for the roll pursuant to section 264, the product obtained by multiplying \$10,000 by the reference rate; and

(b) the product obtained by multiplying the value of the place of business, entered on the roll of rental values, by the difference obtained by subtracting, from the rate of the tax, two thirds of the reference rate;

(2) the amount subtracted from the amount referred to in subparagraph 1 is the product obtained by multiplying, by one third of the reference rate, the value of the place of business entered on the roll of rental values.”

6. Section 244.13 of the said Act is amended

(1) by inserting “either” after “was” in the second line of the third paragraph;

(2) by inserting “or a yard of VIA Rail Canada Inc. situated in the territory of Ville de Montréal” after “(C.P. Rail)” in the fourth line of the third paragraph.

7. Section 244.25 of the said Act is amended

(1) by inserting “either” after “was” in the second line of the third paragraph;

(2) by inserting “or a yard of VIA Rail Canada Inc. situated in the territory of Ville de Montréal” after “(C.P. Rail)” in the fourth line of the third paragraph.

8. Section 253.27 of the said Act is amended by replacing the second sentence of the second paragraph by the following: “The resolution shall specify whether it applies only to the real estate assessment roll, only to the roll of rental values, or to both; it shall apply to the taxes based on the taxable values entered on any roll to which it applies.”

9. The heading of Division IV.4 of Chapter XVIII of the said Act is amended by inserting “OR SURCHARGE” after “ABATEMENT”.

10. The said Act is amended by inserting, after the heading of Division IV.4 of Chapter XVIII, the following :

“§1. — *Abatement*”.

11. Section 253.36 of the said Act is amended

(1) by replacing “division” in the second line of the first paragraph by “subdivision”;

(2) by inserting “, except if the resolution applies only to the roll of rental values” after “applies” at the end of the second paragraph;

(3) by replacing “division” in the first line of the third paragraph by “subdivision”.

12. Section 253.37 of the said Act is amended by replacing the second paragraph by the following :

“An abatement may be granted for any tax that is

(1) the general real estate tax;

(2) any other real estate tax imposed, on the basis of taxable value, on every taxable unit of assessment on the roll;

(3) the surtax or the tax on non-residential immovables.”

13. Section 253.38 of the said Act is amended by adding, after the fourth paragraph, the following :

“For the purposes of this subdivision in respect of the surtax or the tax on non-residential immovables imposed on a unit of assessment to which any of sections 244.13, 244.25 and 244.27 applies, any reference to the rate of the tax is a reference to that part of the rate applicable to the unit under the section that applies to the unit.”

14. The said Act is amended by inserting, after section 253.50, the following :

“§2. — *Surcharge*

“253.51. Any local municipality may, by by-law, provide for a surcharge on the amount of a real estate tax payable for a fiscal year in respect of a unit of assessment in order to limit the percentage of the reduction, in relation to the amount of the tax payable in respect of the unit for the preceding fiscal year, resulting from the coming into force of the real estate assessment roll of the municipality.



The by-law passed under the first paragraph has effect for the purposes of a single fiscal year. The municipality shall not pass such a by-law for the purposes of the third fiscal year for which its roll applies; it may pass such a by-law for the purposes of the second fiscal year only if it passed such a by-law for the purposes of the first fiscal year. The municipality shall not pass such a by-law for the purposes of any fiscal year for which a resolution it passed under section 253.27 applies, except if the resolution applies only to the roll of rental values.

“253.52. The municipality must, in the by-law passed under section 253.51, specify any tax, from among those referred to in the second paragraph, for which a surcharge may be imposed and fix the percentage that the reduction in the amount of the tax must exceed for the surcharge to apply.

A surcharge may be imposed in respect of any tax that is

- (1) the general real estate tax;
- (2) any other real estate tax imposed, on the basis of taxable value, on every taxable unit of assessment on the roll;
- (3) the surtax or the tax on non-residential immovables.

The percentage fixed by the municipality shall not be less than 10%.

“253.53. The municipality must, in the by-law passed under section 253.51, prescribe

- (1) the rules permitting the establishment of the amount, before the surcharge, of the tax payable in respect of the unit for the fiscal year for the purposes of which the by-law has effect and the amount of the tax payable in respect of the unit for the preceding fiscal year;
- (2) the rules allowing only the reduction in the amount of the tax that is due to the reduction in the taxable value of the unit resulting from changes in the real estate market reflected on the coming into force of the roll to be taken into consideration;
- (3) the rules permitting the application of the surcharge in respect of a unit that results from the combination of whole units;
- (4) the rules applicable in the case of an alteration to the taxable value of the unit, by reference to the date on which it takes effect;
- (5) the manner in which the surcharge is to be applied.

The municipality may, in the by-law, prescribe other rules relevant for the application of the surcharge.”

15. The said Act is amended by inserting, after Division IV.4 of Chapter XVIII, the following:

**“DIVISION IV.5**

**“TRANSITIONAL DIVERSIFICATION OF THE RATES OF CERTAIN REAL ESTATE TAXES**

“253.54. Every local municipality may, instead of fixing a single rate for the purpose of computing the amount of a tax payable for a fiscal year, fix three rates in accordance with the rules set out in this division.

The municipality shall designate one or more taxes in respect of which it avails itself of the first paragraph from among the following taxes:

- (1) the general real estate tax;
- (2) any other real estate tax imposed, on the basis of taxable value, on every taxable unit of assessment on its real estate assessment roll;
- (3) the surtax or the tax on non-residential immovables.

The municipality may not avail itself of the first paragraph in respect of such a tax payable for the third fiscal year for which its roll applies, nor for any other fiscal year for the purposes of which a resolution or by-law passed by the municipality under any of sections 253.27, 253.36 and 253.51 has effect, except if the resolution applies only to the roll of rental values. The municipality may not avail itself of the first paragraph in respect of such a tax payable for the second fiscal year for which its roll applies if it did not avail itself of the first paragraph in respect of the same tax payable for the first fiscal year.

For the purposes of this division, “tax” means each tax, considered individually, in respect of which the municipality avails itself of the first paragraph.

“253.55. The municipality shall determine three levels, expressed as percentages, on the scale of possible variations in taxable value that may, because of section 253.56, affect the units of assessment subject to the tax.

The scale shall comprise, in order, reductions, from the highest to the lowest, variation nil, and increases, from the lowest to the highest.

The levels determined for the purpose of computing the tax payable for the first fiscal year of the roll also apply for the purpose of computing the amount of the tax payable for the second fiscal year, where applicable.

“253.56. The variation in the taxable value of a unit of assessment is established by comparing the value entered on the roll on the day of coming into force of the roll with the value that was entered on the preceding roll on the preceding day.

For the purposes of the first paragraph, the value subtracted or added pursuant to an alteration made to the roll, on or before its coming into force, under any of paragraphs 6 to 8, 12, 18 and 19 of section 174 shall not be taken into account, except if a corresponding alteration was made to the preceding roll.

Where a unit, on the roll coming into force, results from the combination of several whole units that appeared on the preceding roll on the preceding day, the sum of the taxable values of the units shall be considered to be the taxable value entered on the preceding roll of the unit resulting from the combination.

“253.57. The units of assessment subject to the tax shall, for the purposes of the establishment of the rates, be divided into three classes.

The median class is composed of the units affected by a variation in taxable value that falls within the median level determined under section 253.55, and of the units, not referred to in the third paragraph of section 253.56, that appear on the roll coming into force and that did not appear on the preceding roll on the preceding day.

The lower class is composed of the units affected by a variation in taxable value that falls within the level containing reductions greater or increases smaller than those in the median level.

The higher class is composed of the units affected by a variation in taxable value that falls within the level containing reductions smaller or increases greater than those in the median level.

For the purposes of the third and fourth paragraphs, variation nil shall be considered to be the smallest reduction or smallest increase.

“253.58. The composition of the classes shall not be changed by any alteration to the roll, even an alteration retroactive to the date of the coming into force of the roll and made after that date.

However,

(1) a unit that such an alteration causes to disappear otherwise than in the manner described in subparagraph 3 shall be excluded from the class to which it belonged ;

(2) a unit that such an alteration causes to appear otherwise than in the manner described in subparagraph 3 shall be included in the median class ;

(3) a unit that such an alteration causes to appear as a result of the combination of several whole units comprised in the same class shall be included in that class.

“253.59. The municipality shall fix, for the tax,

(1) a rate applicable to the median class;

(2) a rate, greater than the rate under subparagraph 1, applicable to the lower class;

(3) a rate, lower than the rate under subparagraph 1, applicable to the higher class.

In any legislative or regulatory provision, except in this division, any reference to the rate of the tax is a reference to the rate applicable to the class to which the unit of assessment in respect of which the provision applies belongs.

“253.60. Sections 253.54 to 253.59 apply in respect of any unit of assessment whose taxable value is established pursuant to any of sections 211, 231.1, 231.2 and 231.4 of this Act or section 33 of the Cultural Property Act (chapter B-4).

However, if the taxable value of such a unit increases or decreases, on the coming into force of the roll, because a provision referred to in the first paragraph ceases to apply thereto or begins to apply thereto, the variation in the total value of the unit shall be considered, regardless of whether the value is totally or partially taxable. That variation shall be considered to be the variation in the taxable value of the unit.

“253.61. Sections 253.54 to 253.59 apply, to the extent provided in the second paragraph and having regard to the adaptations provided for in the third paragraph, to every non-taxable unit of assessment in respect of which the real estate taxes are payable under the first paragraph of section 208 or in respect of which an amount must be paid under the second paragraph of section 210 or the first paragraph of section 254.

For sections 253.54 to 253.59 to apply to a unit in respect of which such an amount must be paid, the amount must be an amount paid in lieu of the tax and be computed in the same manner as if the unit were taxable, by multiplying the non-taxable value of the unit by the rate of the tax or, where applicable, by the part of the rate provided for in the second paragraph of section 244.13, the second paragraph of section 244.25 or the first paragraph of section 244.27. If only part of the amount meets those conditions, that part must be distinctly identifiable within the amount for sections 253.54 to 253.59 to apply to the unit.

The adaptations to which the first paragraph refers are the following :

(1) the non-taxable value of the unit shall be considered to be its taxable value ;

(2) the amount payable in lieu of the tax, or its distinctly identifiable part, shall be considered to be the tax.

“253.62. Sections 253.54 to 253.59 do not apply in respect of a unit of assessment whose value becomes non-taxable on the date of the coming into force of the roll, except in the case of a unit in respect of which those sections apply under section 253.61.

Sections 253.54 to 253.59 apply in respect of a unit whose value becomes taxable on the date of the coming into force of the roll. In such a case, the variation in the total value of the unit shall be considered, regardless of whether the value is taxable or not. The variation shall be considered to be the variation in the taxable value of the unit.”

16. The said Act is amended by inserting, after section 263, the following :

“263.0.1. Every person who establishes the value of a unit of assessment using the cost approach must use the most appropriate technique or techniques, having regard to the nature of the unit, in particular, the techniques among those applicable under this Act and the manual referred to in the regulation made under paragraph 1 of section 263, including any adjustments those techniques entail.”

17. Sections 18.1 to 18.5 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted by section 2 of this Act, apply to every real estate assessment roll that comes into force after 31 December 2000.

18. Sections 3, 6 and 7 have effect for the purposes of every fiscal year from the fiscal year 1998.

19. The Communauté urbaine de Montréal may order that the real estate assessment roll and the roll of rental values of Ville de Montréal, in force since 1 January 1995, remain in force until the end of 1999. It may make the same decision in respect of all of the municipalities mentioned in Schedule B to chapter 67 of the statutes of 1996.

If the Community avails itself of the first paragraph in respect of Ville de Montréal, the next real estate assessment roll of the city and, where applicable, its next roll of rental values shall be drawn up for the fiscal years 2000 and 2001 and shall apply thereto. The fiscal year 2001 shall, in respect of those biennial rolls, be considered to be the third fiscal year for which a roll applies.

If the Community avails itself of the first paragraph in respect of all of the municipalities mentioned in Schedule B to chapter 67 of the statutes of 1996, the next real estate assessment roll for each municipality and, where applicable,

its next roll of rental values, shall be drawn up for the fiscal year 2000 and shall apply thereto. The fiscal year 2000 shall, in respect of the annual rolls, be considered to be the third fiscal year for which a roll applies.

For the purpose of determining for which fiscal years the rolls subsequent to the biennial and annual rolls referred to in the second and third paragraphs must, in accordance with sections 14 and 14.1 of the Act respecting municipal taxation, be drawn up, the former are deemed to have been drawn up for the fiscal years 1999, 2000 and 2001, and the latter for the fiscal years 1998, 1999 and 2000.

The Community shall act through its executive committee.

20. If the Communauté urbaine de Montréal does not avail itself of the first paragraph of section 19 of this Act in respect of a municipality mentioned in Schedule B to chapter 67 of the statutes of 1996, such a municipality, where it avails itself of section 253.54 of the Act respecting municipal taxation, enacted by section 15 of this Act, in respect of a tax payable for the fiscal year 1999 may, notwithstanding that, pursuant to section 69 of that chapter, the fiscal year 2000 is considered to be the third fiscal year for which its real estate assessment roll applies, avail itself of the said section 253.54 in respect of the same tax payable for that fiscal year.

If the Community avails itself of the first paragraph of section 19 of this Act in respect of such a municipality, the municipality may, notwithstanding that, pursuant to the third paragraph of that section, the fiscal year 2000 is considered to be the third fiscal year for which its real estate assessment roll applies, avail itself of section 253.54 of the Act respecting municipal taxation, enacted by section 15 of this Act, in respect of a tax payable for that fiscal year.

In either of the aforementioned cases, if the municipality subsequently avails itself of the said section in respect of the same tax payable for the fiscal year 2001, or for the fiscal years 2001 and 2002, the municipality shall apply section 253.56 of the Act respecting municipal taxation, enacted by section 15 of this Act, and shall use, instead of the taxable value entered on the roll on 31 December 2000 of a unit of assessment belonging on that date to the lower or higher class, the value increased or reduced, as the case may be, by the application of a coefficient.

The coefficient is the quotient obtained by dividing, by the rate of the tax applicable for the fiscal year 2000 to the median class, its rate for that fiscal year applicable to the lower or higher class, as the case may be.

For the purposes of the third and fourth paragraphs, a total value or a non-taxable value that is considered to be a taxable value pursuant to sections 253.60 to 253.62 of the Act respecting municipal taxation, enacted by section 15 of this Act, applies.

If the Community avails itself of the first paragraph of section 19 of this Act in respect of Ville de Montréal, and if Ville de Montréal avails itself of

section 253.54 of the Act respecting municipal taxation, enacted by section 15 of this Act, in respect of a tax payable for the fiscal year 2000, Ville de Montréal may, notwithstanding that, pursuant to the second paragraph of the said section 19, the fiscal year 2001 is considered to be the third fiscal year for which its real estate assessment roll applies, avail itself of the said section 253.54 in respect of the same tax payable for that fiscal year. In that case, the third, fourth and fifth paragraphs of this section apply to Ville de Montréal as if the years “2000”, “2001” and “2002” were replaced by the years “2001”, “2002” and “2003”, respectively.

21. Every local municipality must, for the purpose of mitigating the annual variation in the amounts payable as taxes based on the values entered on its real estate assessment roll or roll of rental values, and for the purpose of mitigating shifts in the fiscal burden among taxpayers resulting from the coming into force of such a roll, use the maximum of the appropriate measures, in addition to tariffing, among the measures modified or established by sections 4, 5 and 8 to 15.

No judicial proceedings may be instituted on the basis of the obligation under the first paragraph.

22. The immovable of the Corporation Notre-Dame de Bon-Secours, situated at 990 rue Gérard-Morisset in the city of Québec and known by the name of “La Champenoise”, is deemed to be, from 1 January 1999, an immovable referred to in subparagraph *b* of paragraph 14 of section 204 of the Act respecting municipal taxation, as if the entire immovable were specified on a permit referred to in that subparagraph.

The first paragraph ceases to apply if the immovable is transferred. It ceases to apply to any part of the immovable in the case of a cessation in that part of activities inherent in the mission of a centre referred to in subparagraph *b* of paragraph 14 of section 204 of the Act respecting municipal taxation, or activities exercised by a public charitable institution referred to in Order in Council 199 dated 24 January 1969 which recognizes the Corporation Notre-Dame de Bon-Secours as a public charitable institution.

As long as the first paragraph applies to the entire immovable or to a part thereof, the Corporation Notre-Dame de Bon-Secours is deemed to be an institution that is

(1) referred to in subparagraph *b* of paragraph 14 of section 204 of the Act respecting municipal taxation and in subparagraph *f* of paragraph 1 of section 236 of that Act;

(2) the holder of a permit referred to in those provisions on which, as the case may be, the entire immovable or the part thereof to which the first paragraph applies is specified.

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







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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 441  
(1998, chapter 44)

## **An Act respecting the Institut de la statistique du Québec**

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**Introduced 14 May 1998**  
**Passage in principle 26 May 1998**  
**Passage 19 June 1998**  
**Assented to 20 June 1998**

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**Québec Official Publisher  
1998**

## EXPLANATORY NOTES

*This bill establishes the Institut de la statistique du Québec, a body which may also be designated under the name “Statistique Québec”.*

*The mission of the Institut will be to provide reliable and objective statistical information on the situation of Québec as regards all aspects of Québec society for which such information is pertinent. The Institut will also be responsible, among other things, for establishing and keeping up to date a Québec population record and for informing the public on the comparative state and evolution of the total remuneration of the unionized employees of the public and parapublic sectors.*

*The bill sets out the powers of the Institut, provides that the Institut will be headed by a director general appointed by the Government, establishes the rules governing the organization of the Institut and sets out the obligations of the director general and personnel of the Institut as regards the communication of information obtained by the Institut.*

*The bill contains financial, penal and amending provisions, as well as transitional provisions for the transfer to the Institut of the rights and obligations of the Bureau de la statistique du Québec, the Institut de recherche et d’information sur la rémunération and Santé Québec and, in relation to surveys on the total remuneration, the Ministère du Travail.*

## LEGISLATION AMENDED BY THIS BILL :

- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Health Insurance Act (R.S.Q., chapter A-29);
- Labour Code (R.S.Q., chapter C-27);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);

- 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);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1).

**LEGISLATION REPLACED BY THIS BILL :**

- Act respecting the Bureau de la statistique (R.S.Q., chapter B-8).



## **Bill 441**

### **AN ACT RESPECTING THE INSTITUT DE LA STATISTIQUE DU QUÉBEC**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### **CHAPTER I**

##### **ESTABLISHMENT, MISSION AND FUNCTIONS**

1. A body to be known as the “Institut de la statistique du Québec” is hereby established.

The Institut may also be designated under the name “Statistique Québec”.

2. The mission of the Institut is to provide reliable and objective statistical information on the situation of Québec as regards all aspects of Québec society for which such information is pertinent.

The Institut shall be the central authority for the production and dissemination of statistical information for the government departments and bodies, except information produced for administrative purposes. The Institut shall be responsible for the carrying out of statistical surveys of general interest.

3. The Institut shall establish and keep up to date a Québec population record.

The Institut shall, for that purpose, collect and compile data on births, marriages and deaths, immigration and emigration.

The Institut shall also prepare each year an estimate of the population of municipalities.

4. The Institut shall inform the public on the comparative state and evolution of the total remuneration of the employees governed by a collective agreement of the Government and of the school boards, colleges and institutions, and the total remuneration of other Québec employees of any category it determines.

Not later than 30 November each year, the Institut shall publish a report of its findings.

The terms “school boards”, “colleges” and “institutions” shall, for the purposes of the first paragraph, have the same meaning as in section 1 of the

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

5. In the pursuit of its mission, the Institut may

(1) collect, compile, integrate, analyse and disseminate information and process the information in such a manner that comparisons in and outside Québec may be made ;

(2) collaborate with the government departments and bodies in the use of administrative data for statistical purposes ;

(3) facilitate, as required, the coordination of the statistical activities of the government departments and bodies, in particular to avoid duplication ;

(4) recommend definitions, codes or concepts to facilitate the production of statistics and ensure the comparability of statistics ;

(5) provide scientific or technical services in the field of statistics to government departments and bodies and to its other clients ;

(6) take any initiative to foster cooperation between government departments and bodies in the use of new information and communication technologies to facilitate the production and dissemination of government statistical information;

(7) develop methodologies, integration frameworks and other necessary tools.

6. The Institut may form committees to allow for the participation of persons who do not form part of the personnel of the Institut in the pursuit of the mission and functions of the Institut.

7. The Minister may, in accordance with the law, enter into an agreement with a government other than the Government of Québec or a department of such a government, with an international organization or with a body of such a government or organization providing for the carrying out of this Act.

8. The entering into of an agreement in the field of statistics referred to in subdivision 2 of Division II of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) or Chapter III of the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1), by a minister or a government body and a statistics body must be recommended in advance by the minister responsible for the administration of this Act.

9. The Institut may enter into an agreement with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) providing for the collection, exchange, transmission, analysis and dissemination of information.

For the purposes of this section, any public body may enter into an agreement with the Institut.

10. An agreement under section 7 or 9 must provide that

(1) the person who provides information is informed, at the time the information is collected, that the information is being collected for use both by the Institut and by the other party to the agreement ;

(2) the information provided by a person will not be transmitted to the other party to the agreement if the person gives written notice to the Institut that the person is opposed to the transmission.

However, subparagraph 2 shall be without effect if the other party to the agreement is authorized by law to require the person to comply with the request for information, under pain of penalty.

11. Where the Institut collects information from a person, it must first provide identification and inform the person

(1) of the purpose of the survey ;

(2) that the request is a request for which a reply is obligatory or optional ;

(3) of any data-sharing agreement and of the right to oppose in writing, in accordance with section 10, the communication of the information to the other party to the agreement.

The director general shall determine that a request is a request for which a reply is obligatory if, in the opinion of the director general, it is necessary to ensure the reliability of the statistics produced.

Every request for information by the Institut for the purposes of this Act for which a reply is obligatory must be complied with and the information must be transmitted within the time and on the form prescribed by the Institut.

12. A person having custody of records, registers or other documents of a public body must allow the Institut to have access to them for the purposes of this Act.

13. The Government may confer on the Institut any mandate related to the pursuit of its mission.

The Institut must indicate in its annual report any mandate received under the first paragraph.

## CHAPTER II

### ORGANIZATION

14. The Institut shall be directed by a director general appointed by the Government.

15. The director general shall be appointed for a term of five years. At the end of that term, the director general shall remain in office until replaced or reappointed.

16. If the director general is absent or unable to act, the minister responsible for the administration of this Act may appoint an acting director general.

17. The Government shall determine the remuneration, employment benefits and other conditions of employment of the director general.

18. The director general shall be responsible for the administration of the Institut and the supervision of its personnel.

The office of director general is a full-time position, and the attention of the director general, except where authorized by the Government, must be devoted exclusively to the duties of the office of director general.

19. The director general shall not, under pain of forfeiture of office, have any direct or indirect interest in an enterprise that puts the director general's interest in conflict with that of the Institut.

However, forfeiture is not incurred if such an interest devolves to the director general by succession or gift, provided the director general renounces or disposes of it with dispatch.

20. The members of the personnel of the Institut shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

21. No act, document or writing is binding on or may be attributed to the Institut unless it is signed by the director general, a member of the personnel of the Institut or the holder of a position and, in the latter two cases, only so far as determined by the director general.

22. The director general may, on the conditions the director general determines, allow the director general's signature to be affixed by means of an automatic device to the documents the director general determines.

The director general may also allow a facsimile of the signature of the director general to be engraved, lithographed or printed on the documents the director general determines. The facsimile must be countersigned by a person authorized for that purpose by the director general.



23. Any document or copy of a document emanating from the Institut or forming part of its records, signed or certified by a person referred to in section 21, is authentic.

24. The secretariat of the Institut shall be established in the territory of the national capital, at any place determined by the Government. Notice of the location or of any change of the location of the secretariat shall be published in the *Gazette officielle du Québec*.

### CHAPTER III

#### CONFIDENTIALITY

25. The director general, public servants and any other person whose services are used by the director general in the exercise of the director general's functions shall not disclose or cause to be disclosed, by any means whatsoever, any information obtained under this Act if disclosure would allow information to be associated with a specific person, enterprise, body or association.

26. Notwithstanding section 25, information may be disclosed with prior consent in writing from the person, enterprise, body or association concerned.

Information may also be disclosed without such prior consent in the following cases:

- (1) an agreement entered into under section 10 so provides;
- (2) disclosure of the information is required for the purposes of a prosecution under this Act;
- (3) communication of the information is authorized by the director general in accordance with sections 27 to 29.

27. The director general may, except in respect of nominative information, authorize in writing the communication of information collected by public bodies for their own purposes and communicated to the Institut; however, such information is subject, when communicated to the Institut, to the confidentiality requirements to which it was subject when gathered and shall not be disclosed by the Institut except to the extent and in the manner agreed upon with the respondents by those who gathered it or the director general.

28. The director general may authorize in writing the communication of information obtained for the purposes of this Act in the form of an index or list

- (1) of the names and addresses of legal persons, enterprises, associations or establishments according to sectors of economic activity;
- (2) of the names and addresses of legal persons, enterprises, associations or establishments that fall within given classes according to the number of employees;

(3) of products extracted, obtained, processed, manufactured, transported, stored, purchased, sold or shipped or of services provided by legal persons, enterprises, associations or establishments in the course of their operations.

Notwithstanding section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information, an index or list provided for in the first paragraph may contain information relating to a natural person who operates an enterprise or an establishment.

29. The director general may authorize in writing the communication of information defined by any Act as public information.

30. Except for the purposes of a prosecution under this Act, a person referred to in section 25 may not be compelled to reveal what was disclosed to that person or what that person learned in the exercise of the functions described in paragraphs 1 and 5 of section 5 or to produce a document prepared or obtained in the exercise of those functions before a court or before a body or a person exercising an adjudicative function.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information, no person may have access to such a document.

This section also applies to any person who is in possession of a copy of any document used in the collection of information for the purposes of this Act.

#### **CHAPTER IV**

##### **FINANCIAL PROVISIONS AND REPORTS**

31. The fiscal year of the Institut shall end on 31 March.

32. The Institut shall file with the Minister, on or before 30 June each year, its financial statements and a report of its operations for the preceding fiscal year. The report shall contain a list of the statistical surveys carried out during that period.

The financial statements and the report of operations shall contain any information required by the Minister.

33. 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.

The competent parliamentary committee of the National Assembly shall examine the financial statements and the report of operations and shall, where required, hear for that purpose the representatives of the Institut.

34. The Institut shall, each year, transmit to the Minister for approval its budget estimates for the following fiscal year, at the time and according to the form and content determined by the Minister.

35. Each year, and whenever so ordered by the Government, the books and accounts of the Institut shall be audited by the Auditor General.

The auditor's report must be transmitted with the report of operations and the financial statements of the Institut.

36. The Government may, on the terms and conditions it determines,

(1) authorize the Institut to contract loans by notes, bonds or otherwise ;

(2) guarantee the payment of the capital of and interest on any loan contracted by the Institut and the performance of any of its obligations ;

(3) authorize the Minister of Finance to advance to the Institut any amount considered necessary for the performance of its obligations or the exercise of its functions and powers.

The sums required for the purposes of subparagraphs 2 and 3 shall be taken out of the consolidated revenue fund.

37. The sums received by the Institut shall be applied to the financing of its operations and the performance of its obligations.

38. The Institut may not make payments or assume obligations, except those provided for in section 36, for an amount that exceeds, in the same fiscal year, the sums at its disposal for the year in which the payments are made or the obligations assumed.

This section shall not operate to prevent the Institut from making commitments for more than one fiscal year.

39. The Institut may invest the sums at its disposal for its administration under this Act

(1) in demand deposits or term deposits of less than one year with the Caisse de dépôt et placement du Québec, a bank or a savings and credit union ;

(2) in securities for a term of less than one year issued or guaranteed by the Government of Québec or of Canada.

40. Subject to the confidentiality requirements imposed by Chapter III, the Institut must furnish to the Minister any information the Minister requires on its operations.

**CHAPTER V****PENAL PROVISIONS**

41. A person is guilty of an offence where the person

(1) discloses, contrary to this Act and without reasonable excuse, information obtained for the purposes of this Act;

(2) makes use of information obtained in the exercise of the person's functions to obtain undue advantage for the person or any other person;

(3) obtains or attempts to obtain, under the pretence of the exercise of the person's functions, information that the person is not authorized to obtain;

(4) provides false identification or pretends to be a person referred to in section 25 to obtain information;

(5) incites or encourages a person referred to in section 25 to disclose, contrary to this Act, information obtained for the purposes of this Act;

(6) refuses or neglects, without reasonable excuse, in the case of a request for which a reply is obligatory, to comply with a request for information, to fill out a request for information or to transmit the reply to a request for information within the time and in the form prescribed;

(7) knowingly provides false information in reply to a request for information made under this Act;

(8) having custody of records, registers or documents of a public body, an enterprise or an association, does not allow a person referred to in section 25 to have access thereto for the purposes of this Act.

42. Any person who contravenes section 41 is liable to a fine of \$200 to \$1,000 and, for any subsequent offence, to a fine of \$500 to \$2,500.

**CHAPTER VI****AMENDING PROVISIONS****ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION**

43. Section 79 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended

(1) by replacing "Bureau" in the second line of the second paragraph by "Institut";

(2) by replacing “the Bureau de la statistique (chapter B-8)” in the third line of the second paragraph by “the Institut de la statistique du Québec (1998, chapter 44)”.

44. Schedule A to the said Act is amended by striking out the following :

“An Act respecting the Bureau                      Sections 16 to 18”  
de la statistique  
(chapter B-8)

#### HEALTH INSURANCE ACT

45. 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 “to the Bureau de la statistique du Québec constituted under the Act respecting the Bureau de la statistique (chapter B-8)” in the second and third lines of the fifth paragraph by “to the Institut de la statistique du Québec established under the Act respecting the Institut de la statistique du Québec (1998, chapter 44)”.

#### LABOUR CODE

46. Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended

(1) by striking out “, of the Institut de recherche et d’information sur la rémunération” in the fourteenth line of subparagraph 3 of paragraph *l*;

(2) by adding, after subparagraph 3.2 of paragraph *l*, the following :

“(3.3) a public servant of the Institut de la statistique du Québec assigned to functions referred to in section 4 of the Act respecting the Institut de la statistique du Québec (1998, chapter 44);”.

47. Section 111.8 of the said Code is amended by replacing “the Institut de recherche et d’information sur la rémunération provided for in section 19 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors” in the fifth, sixth and seventh lines of subsection 4 by “the Institut de la statistique du Québec provided for in section 4 of the Act respecting the Institut de la statistique du Québec (1998, chapter 44)”.

#### ACT RESPECTING THE MINISTÈRE DU REVENU

48. 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 355 of chapter 85 of the statutes of 1997, is again amended by replacing subparagraph *k* of the second paragraph by the following :

“(k) the Institut de la statistique du Québec, solely to the extent that the information is necessary for the purposes of the Act respecting the Institut de la statistique du Québec (1998, chapter 44);”.

49. Section 71 of the said Act is amended by adding, at the end of the second paragraph, the following: “Moreover, the first paragraph does not apply to information held by the Institut de la statistique du Québec.”

#### ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

50. Section 29 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by adding, at the end of the first paragraph, “based on the estimate of the Institut de la statistique du Québec”.

#### ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

51. Chapter II of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is repealed.

52. Section 53 of the said Act is amended by replacing “by the Institut of the report contemplated in section 19” in the first line by “by the Institut de la statistique du Québec of the report provided for in section 4 of the Act respecting the Institut de la statistique du Québec (1998, chapter 44)”.

#### ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

53. 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, 296-98 and 297-98 dated 18 March 1998, by section 35 of chapter 26 of the statutes of 1997, section 33 of chapter 27 of the statutes of 1997, section 13 of chapter 36 of the statutes of 1997, section 631 of chapter 43 of the statutes of 1997, section 57 of chapter 50 of the statutes of 1997, section 121 of chapter 63 of the statutes of 1997, section 52 of chapter 79 of the statutes of 1997 and by section 37 of chapter 83 of the statutes of 1997, is again amended by striking out “the Institut de recherche et d’information sur la rémunération” in paragraph 1.

#### ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

54. Section 3 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by adding, at the end of the first paragraph, “based on the estimate of the Institut de la statistique du Québec”.

## CHAPTER VII

### TRANSITIONAL AND FINAL PROVISIONS

55. The Institut de la statistique du Québec acquires the rights and assumes the obligations of the Bureau de la statistique du Québec, the Institut de recherche et d'information sur la rémunération and Santé Québec and of the Ministère du Travail to the extent, in the case of the Ministère du Travail, that such rights and obligations relate to surveys regarding total remuneration.

56. The physical resources, records and documents of the bodies referred to in section 55 become the resources, records and documents of the Institut de la statistique du Québec insofar as the Institut succeeds to the rights and obligations of those bodies.

57. The term of office of the members of the Institut de recherche et d'information sur la rémunération ends on (*insert here the date of coming into force of this section*).

58. The employees of the Institut de recherche et d'information sur la rémunération and the employees of Santé Québec who are in office on (*insert here the date preceding the date of coming into force of this section*) and who are designated by an order of the Government shall become employees of the Institut de la statistique du Québec, on the terms and conditions provided in such order. Employees so transferred are deemed to have been appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1) and shall be remunerated accordingly.

The Conseil du trésor may establish any rule, standard or policy relating to the classification, rate of remuneration, tenure or any other condition of employment applicable to the employees referred to in the first paragraph.

59. The members of the personnel of the Ministère du Travail assigned to the carrying out of surveys regarding total remuneration and designated by an order of the Government and the members of the personnel of the Bureau de la statistique du Québec shall become, without further formality, the members of the personnel of the Institut de la statistique du Québec.

60. In any text, a reference to the Bureau de la statistique du Québec, to the Institut de recherche et d'information sur la rémunération or to Santé Québec shall, unless the context indicates otherwise, be a reference to the Institut de la statistique du Québec.

61. The appropriations granted for the fiscal year (*insert here the fiscal year in which this section comes into force*) to the Institut de recherche et d'information sur la rémunération and to the Bureau de la statistique, the sums in a fund managed by the Bureau de la statistique on (*insert here the date preceding the date of coming into force of section 55*) and the appropriations relating to the members of the personnel of the Ministère du Travail referred

to in section 59 shall be transferred to the Institut de la statistique du Québec as well as, to the extent provided by the Government, any other appropriations from the Ministère des Finances and the Ministère du Travail.

The sums held by or on behalf of Santé Québec and any appropriations from the Ministère de la Santé et des Services sociaux for the fiscal year (*insert here the fiscal year in which this section comes into force*) shall be transferred to the Institut de la statistique du Québec to the extent provided by the Government.

62. This Act replaces the Act respecting the Bureau de la statistique (R.S.Q., chapter B-8).

63. The minister designated by the Government is responsible for the administration of this Act.

64. This Act comes into force on the date or dates to be fixed by the Government.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 442  
(1998, chapter 45)

## **An Act respecting the combination of certain state enterprises**

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**Introduced 14 May 1998**  
**Passage in principle 27 May 1998**  
**Passage 19 June 1998**  
**Assented to 20 June 1998**

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**Québec Official Publisher  
1998**

## EXPLANATORY NOTES

*This bill gives effect to the Budget Speech of 31 March 1998 and provides for the continuance of the Société de récupération, d'exploitation et de développement forestiers du Québec, the Société québécoise d'exploration minière, the Société québécoise d'initiatives agro-alimentaires and the Société québécoise d'initiatives pétrolières under Part IA of the Companies Act. The bill authorizes the Minister of Finance to transfer the shares of those companies to the Société générale de financement du Québec and to acquire in return common shares of the Société générale de financement du Québec for an equivalent value. The bill provides for the repeal of the constituting Acts of those companies on the date indicated on their certificates of continuance.*

*The bill amends the Act respecting the Société générale de financement du Québec as regards the authorized capital of the Société générale de financement, the means of participation in meetings of the board of directors and the enterprise's five-year development plan and annual operational plan.*

*Lastly, the bill provides that the chief executive officer of the Société générale de financement will be appointed by the Government which will determine the remuneration and terms of employment attached to that office.*

### LEGISLATION REPEALED BY THIS BILL :

- Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec (R.S.Q., chapter S-12);
- Act respecting the Société québécoise d'exploration minière (R.S.Q., chapter S-19);
- Act respecting the Société québécoise d'initiatives agro-alimentaires (R.S.Q., chapter S-21);
- Act respecting the Société québécoise d'initiatives pétrolières (R.S.Q., chapter S-22).

### LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

— Act respecting the Société générale de financement du Québec  
(R.S.Q., chapter S-17).



## **Bill 442**

### **AN ACT RESPECTING THE COMBINATION OF CERTAIN STATE ENTERPRISES**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### **CHAPTER I**

#### **SOCIÉTÉ DE RÉCUPÉRATION, D'EXPLOITATION ET DE DÉVELOPPEMENT FORESTIERS DU QUÉBEC**

1. The Société de récupération, d'exploitation et de développement forestiers du Québec, constituted under the Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec (R.S.Q., chapter S-12), also known as "Rexfor", may be continued under Part IA of the Companies Act (R.S.Q., chapter C-38), and sections 123.133 to 123.139 of that Act apply to the continuance.

The directors of Rexfor must, not later than 20 July 1998, make a by-law for the continuance of Rexfor under Part IA of the Companies Act.

If the by-law is not made within the prescribed time, the by-law may be made by the Minister of Finance. In such a case, the first paragraph of section 123.133 of the Companies Act does not apply.

2. As soon as Rexfor becomes a company governed by Part IA of the Companies Act, the Minister of Finance is authorized to transfer all the shares of Rexfor to the Société générale de financement du Québec, at book value as at 31 March 1998. In return, fully paid common shares of the Société générale de financement du Québec, representing an equivalent value, shall be allotted to the Minister of Finance.

3. The head office of Rexfor may not be transferred outside the territory of the Communauté urbaine de Québec except with the approval of the Government.

4. Schedule II to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by section 58 of chapter 50 of the statutes of 1997, is again amended by replacing, according to alphabetical order, "the Société de récupération, d'exploitation et de développement forestiers du Québec, subject to section 27.1 of the Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec (chapter S-12)" in paragraph 1 by "the Société de récupération, d'exploitation

et de développement forestiers du Québec, but only with respect to its regular employees”.

5. The Act respecting the Société de récupération, d’exploitation et de développement forestiers du Québec is repealed on the date indicated on the certificate of continuance of Rexfor.

Notice to that effect shall be published by the Minister of Industry, Trade, Science and Technology in the *Gazette officielle du Québec*.

6. The by-laws made by Rexfor under the authority of the Act respecting the Société de récupération, d’exploitation et de développement forestiers du Québec shall remain in force until they are replaced or repealed.

## CHAPTER II

### SOCIÉTÉ QUÉBÉCOISE D’EXPLORATION MINIÈRE

7. The Société québécoise d’exploration minière, constituted under the Act respecting the Société québécoise d’exploration minière (R.S.Q., chapter S-19), also known as “Soquem”, may be continued under Part IA of the Companies Act, and sections 123.133 to 123.139 of that Act apply to the continuance.

The directors of Soquem must, not later than 20 July 1998, make a by-law for the continuance of Soquem under Part IA of the Companies Act.

If the by-law is not made within the prescribed time, the by-law may be made by the Minister of Finance. In such a case, the first paragraph of section 123.133 of the Companies Act does not apply.

8. As soon as Soquem becomes a company governed by Part IA of the Companies Act, the Minister of Finance is authorized to transfer all the shares of Soquem to the Société générale de financement du Québec, at book value as at 31 March 1998. In return, fully paid common shares of the Société générale de financement du Québec, representing an equivalent value, shall be allotted to the Minister of Finance.

9. The head office of Soquem may not be transferred outside the territory of the Communauté urbaine de Québec except with the approval of the Government.

10. The Act respecting the Société québécoise d’exploration minière is repealed on the date indicated on the certificate of continuance of Soquem.

Notice to that effect shall be published by the Minister of Industry, Trade, Science and Technology in the *Gazette officielle du Québec*.

11. The by-laws made by Soquem under the authority of the Act respecting the Société québécoise d'exploration minière shall remain in force until they are replaced or repealed.

### CHAPTER III

#### SOCIÉTÉ QUÉBÉCOISE D'INITIATIVES AGRO-ALIMENTAIRES

12. The Société québécoise d'initiatives agro-alimentaires, constituted under the Act respecting the Société québécoise d'initiatives agro-alimentaires (R.S.Q., chapter S-21), also known as "Soquia", may be continued under Part IA of the Companies Act, and sections 123.133 to 123.139 of that Act apply to the continuance.

The directors of Soquia must, not later than 20 July 1998, make a by-law for the continuance of Soquia under Part IA of the Companies Act.

If the by-law is not made within the prescribed time, the by-law may be made by the Minister of Finance. In such a case, the first paragraph of section 123.133 of the Companies Act does not apply.

13. As soon as Soquia becomes a company governed by Part IA of the Companies Act, the Minister of Finance is authorized to transfer all the shares of Soquia to the Société générale de financement du Québec, at book value as at 31 March 1998. In return, fully paid common shares of the Société générale de financement du Québec, representing an equivalent value, shall be allotted to the Minister of Finance.

14. The head office of Soquia may not be transferred outside the territory of the Communauté urbaine de Québec except with the approval of the Government.

15. The Act respecting the Société québécoise d'initiatives agro-alimentaires is repealed on the date indicated on the certificate of continuance of Soquia.

Notice to that effect shall be published by the Minister of Industry, Trade, Science and Technology in the *Gazette officielle du Québec*.

16. The members of the personnel of Soquia who were in its employ on 31 May 1983 may not be dismissed except in accordance with section 33 of the Public Service Act (R.S.Q., chapter F-3.1.1).

17. The by-laws made by Soquia under the authority of the Act respecting the Société québécoise d'initiatives agro-alimentaires shall remain in force until they are replaced or repealed.

**CHAPTER IV****SOCIÉTÉ QUÉBÉCOISE D'INITIATIVES PÉTROLIÈRES**

18. The Société québécoise d'initiatives pétrolières, constituted under the Act respecting the Société québécoise d'initiatives pétrolières (R.S.Q., chapter S-22), also known as "Soquip", may be continued under Part IA of the Companies Act, and sections 123.133 to 123.139 of that Act apply to the continuance.

The directors of Soquip must, not later than 20 July 1998, make a by-law for the continuance of Soquip under Part IA of the Companies Act.

If the by-law is not made within the prescribed time, the by-law may be made by the Minister of Finance. In such a case, the first paragraph of section 123.133 of the Companies Act does not apply.

19. As soon as Soquip becomes a company governed by Part IA of the Companies Act, the Minister of Finance is authorized to transfer all the shares of Soquip to the Société générale de financement du Québec, at book value as at 31 March 1998. In return, fully paid common shares of the Société générale de financement du Québec, representing an equivalent value, shall be allotted to the Minister of Finance.

20. The head office of Soquip may not be transferred outside the territory of the Communauté urbaine de Québec except with the approval of the Government.

21. The Act respecting the Société québécoise d'initiatives pétrolières is repealed on the date indicated on the certificate of continuance of Soquip.

Notice to that effect shall be published by the Minister of Industry, Trade, Science and Technology in the *Gazette officielle du Québec*.

22. The by-laws made by Soquip under the authority of the Act respecting the Société québécoise d'initiatives pétrolières shall remain in force until they are replaced or repealed.

**CHAPTER V****SOCIÉTÉ GÉNÉRALE DE FINANCEMENT DU QUÉBEC**

23. Section 6 of the Act respecting the Société générale de financement du Québec (R.S.Q., chapter S-17) is replaced by the following:

"6. The authorized capital of the company is \$2,925,000,000, divided into 292,500,000 common shares of a par value of \$10 each."



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

“7. The shares of the company shall form part of the domain of the State and shall be allotted to the Minister of Finance.”

25. Section 8 of the said Act is amended by replacing “not more than 50,250,000” in the first paragraph by “after 20 July 1998, not more than 244,750,000”.

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

“9.1. The company is authorized to acquire at book value as at 31 March 1998 the shares of Rexfor, Soquem, Soquia and Soquip that are transferred to the company by the Minister of Finance. In return, the company shall issue to the Minister a certificate for a number of fully paid common shares representing an equivalent value.”

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

“14.0.1. The chief executive officer of the company shall be appointed by the Government for a period of not more than five years. The chief executive officer shall be responsible for the administration and direction of the company within the scope of its by-laws and policies.

The office of chief executive officer is a full-time position.

“14.0.2. The Government shall determine the remuneration, the benefits and the other conditions of employment of the chief executive officer.”

28. The said Act is amended by inserting, after section 14.5, the following :

“14.6. The directors of the company may, if they all agree, participate in a meeting of the board using any means which allows them to communicate with each other orally, such as the telephone.”

29. Section 15.1 of the said Act is amended by replacing the first paragraph by the following :

“15.1. The company shall establish a five-year development plan to be submitted for approval to the Government by the Minister of Industry, Trade, Science and Technology, after consulting with the Minister of Natural Resources and the Minister of Agriculture, Fisheries and Food as regards the sectors of activity under each Minister’s responsibility.

The company shall also establish an annual operational plan to be submitted for approval to the Minister of Industry, Trade, Science and Technology who shall, before approving it, consult with the Minister of Natural Resources and the Minister of Agriculture, Fisheries and Food as regards the sectors of activity under their respective responsibilities. The company shall also submit

the financial provisions of its operational plan to the Minister of Finance for approval.”

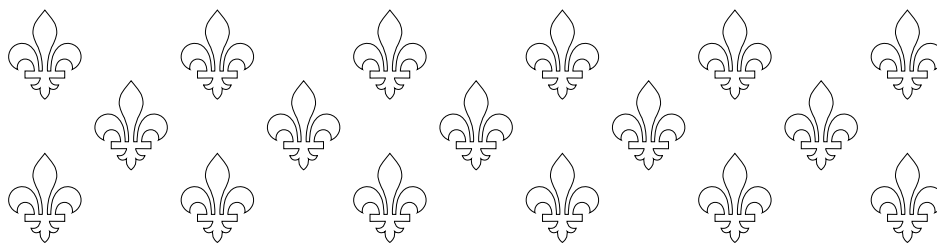
30. The said Act is amended by inserting, after section 15.1, the following :

“15.2. The Minister shall lay the five-year development plan referred to in the first paragraph of section 15.1 before the National Assembly within 30 days after approval of the plan or, if the National Assembly is not sitting, within 30 days after resumption.

The competent parliamentary committee of the National Assembly shall examine the plan and for that purpose shall hear the representatives designated by the company.”

31. Sections 14.0.1 and 14.0.2 of the Act respecting the Société générale de financement du Québec, enacted by section 27 of this Act, apply to the appointment of a president of the Société générale de financement du Québec occurring after 20 June 1998 or, where applicable, to the renewal of the term of office of the president in office on that date.

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



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 445  
(1998, chapter 46)

**An Act to amend various legislative  
provisions relating to building and  
the construction industry**

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**Introduced 14 May 1998  
Passage in principle 2 June 1998  
Passage 19 June 1998  
Assented to 20 June 1998**

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**Québec Official Publisher  
1998**

## EXPLANATORY NOTES

*This bill amends various Acts concerning building standards and the construction industry in order to facilitate their administration.*

*The bill proposes to entrust the Corporation des maîtres électriciens du Québec and the Corporation des maîtres mécaniciens en tuyauterie du Québec with the enforcement of the provisions of the Building Act concerning the vocational qualification of their members. It also enables the Régie du bâtiment du Québec to delegate certain of its functions pertaining to vocational qualification to similar bodies. In addition, the bill relaxes certain rules governing standardization in the building sector.*

*The bill creates a new authority — the construction industry commissioner — to replace the office of building commissioner established by the Act respecting labour relations, vocational training and manpower management in the construction industry and the council of arbitration established by the Act respecting manpower vocational training and qualification. The construction industry commissioner will have jurisdiction over proceedings relating to the qualification of building contractors and mechanisms are established for the financing of the costs of the commissioner's activities.*

*The bill introduces a conciliation mechanism to facilitate the settlement of certain contestations submitted to the construction industry commissioner.*

*In addition, it amends the dispute arbitration procedure in the construction industry to enable the parties to appear before a single arbitrator or before a council of arbitration composed of three members.*

*The bill also confers additional powers on the Commission de la construction du Québec to facilitate the application of collective agreements, in particular, by enabling the Commission to invoke the collective agreements and, in certain cases, to bring proceedings against the directors of a legal person.*

*Lastly, the bill includes various technical provisions, consequential amendments and transitional and final provisions.*

**LEGISLATION AMENDED BY THIS BILL :**

- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Building Act (R.S.Q., chapter B-1.1);
- Labour Code (R.S.Q., chapter C-27);
- Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5);
- Taxation Act (R.S.Q., chapter I-3);
- Act respecting piping installations (R.S.Q., chapter I-12.1);
- Act respecting electrical installations (R.S.Q., chapter I-13.01);
- Master Electricians Act (R.S.Q., chapter M-3);
- Master Pipe-Mechanics Act (R.S.Q., chapter M-4);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);
- Act to amend the Building Act and other legislation (1991, chapter 74).



## Bill 445

### AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RELATING TO BUILDING AND THE CONSTRUCTION INDUSTRY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING THE BARREAU DU QUÉBEC

1. Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 32 of chapter 27 and by section 86 of chapter 43 of the statutes of 1997, is again amended by replacing “the building commissioner, the building deputy-commissioner, the placement commissioner, a placement deputy-commissioner” in the first, second and third lines of subparagraph 6 of paragraph *a* of subsection 2 by “the construction industry commissioner, a construction industry deputy-commissioner”.

BUILDING ACT

2. Section 4.1 of the Building Act (R.S.Q., chapter B-1.1) is amended

(1) by replacing “pressure vessel manufacturers” in the third line by “manufacturers of pressure installations”;

(2) by replacing “pressure vessels” in the fifth line by “pressure installations”.

3. Section 11.1 of the said Act is amended by replacing “The” in the first line by “Subject to section 164.1, the”.

4. Sections 16 to 17.3 of the said Act, enacted by section 12 of chapter 74 of the statutes of 1991, are replaced by the following :

“16. Every contractor or owner-builder shall, in the cases determined by regulation of the Board, furnish to the Board a certificate of the construction work’s conformity with the Building Code produced by a person recognized by the Board in accordance with a regulation of the Board.

“17. No contractor may claim any amount for the production of a certificate of conformity under section 16.”

5. Section 18 of the said Act is amended by striking out the second paragraph.

6. Section 20 of the said Act, amended by section 14 of chapter 74 of the statutes of 1991, is repealed.

7. Section 21 of the said Act, enacted by section 15 of chapter 74 of the statutes of 1991, is amended by striking out “a denial of conformity or to” in the fourth and fifth lines.

8. Section 35 of the said Act, enacted by section 23 of chapter 74 of the statutes of 1991, is amended by striking out the second paragraph.

9. Section 36 of the said Act is amended by replacing the first paragraph by the following :

“36. The owner of a building may not change the use or intended purpose of the building without bringing it into conformity with the Building Code where, according to that Code, the new use or new intended purpose would necessitate more stringent safety requirements for persons having access to the building.”

10. Section 37 of the said Act, enacted by section 24 of chapter 74 of the statutes of 1991, is amended by replacing “pressure vessel” in the third line by “pressure installation”.

11. Section 37.1 of the said Act, enacted by section 24 of chapter 74 of the statutes of 1991, is amended by replacing “pressure vessel” in the first paragraph by “pressure installation”.

12. Section 37.3 of the said Act, enacted by section 24 of chapter 74 of the statutes of 1991, is repealed.

13. Section 37.4 of the said Act, enacted by section 24 of chapter 74 of the statutes of 1991, is replaced by the following :

“37.4. No person may market a pressure installation or put back into service a pressure installation that has been repaired, modified or reconditioned, unless it has been approved by the Board in the cases and in accordance with the terms and conditions prescribed by the regulations of the Board.

Moreover, no person may market or put back into service any pressure installation where it is to be used for a purpose other than that for which it was originally intended.”

14. Section 41 of the said Act is amended by replacing “for building work on a building or” in the first and second lines by “in respect of construction work on a building, on facilities or installations referred to in paragraph 2 or 3 of section 2 or on”.



15. Section 46 of the said Act is amended, in the French text, by replacing “en construction” in the first paragraph by “de construction”.

16. Section 50 of the said Act is amended, in the French text, by replacing “détenteur” by “titulaire”.

17. Section 56 of the said Act is amended by adding “and shall return the licence to the Board when no longer entitled to it; failing that, the Board shall confiscate the licence” after “it” at the end of the second paragraph.

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

“57.1. The holder of a licence shall mention, in any form of publicity made by the holder, the number of the licence issued under this Act and the words “holder of a licence issued under the Building Act” on the holder’s estimates, tender bids, contracts, statements of account and any other document determined by regulation of the Board.”

19. Section 58 of the said Act is amended

(1) by replacing subparagraph 8 of the first paragraph by the following :

“(8) he has not, in the five years preceding the application, been convicted of an offence under a fiscal law or an indictable offence triable only on indictment and connected with the business that the person intends to carry on in the construction industry or, if convicted of such an act or offence, he has obtained a pardon;”;

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

“For the purposes of subparagraph 8 of the first paragraph in respect of an offence under a fiscal law, the Board shall refuse to issue a licence where it considers that the serious nature of the offence or the frequency of offences justifies the refusal.”

20. The said Act is amended by inserting, after section 59, the following :

“59.1. The Board may refuse to issue a licence to a natural person who applies for a licence for himself or herself or on behalf of a partnership or a legal person where, in the 12 months preceding the cessation of the partnership’s or legal person’s activities as a contractor, the person was an officer of a partnership or of a legal person, if the Board considers that the cessation is due to other causes than the death of one of its officers, the attainment of its object or any other legitimate cause.”

21. Section 60 of the said Act is amended

(1) by replacing “of an indictable offence triable only on indictment and connected” in the first line of subparagraph 6 of the first paragraph by “of an

offence under a fiscal law or of an indictable offence triable only on indictment and connected”;

(2) by replacing “of an offence contemplated in paragraph 6 and has obtained” in the second line of subparagraph 6.1 of the first paragraph by “of an offence or an indictable offence referred to in subparagraph 6 and has obtained”;

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

“For the purposes of subparagraphs 6 and 6.1 of the first paragraph in respect of an offence under a fiscal law, the Board shall refuse to issue a licence where it considers that the serious nature of the offence or the frequency of offences justifies the refusal.”

22. Section 61 of the said Act is amended

(1) by inserting “of an offence under a fiscal law or” after “convicted” in the second line of subparagraph 2 of the first paragraph;

(2) by replacing, in the French text, “en ait obtenu” in the last line of subparagraph 2 of the first paragraph by “ait obtenu la réhabilitation ou”;

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

“(5) was an officer of a partnership or of a legal person in the 12 months preceding the cessation of the partnership’s or legal person’s activities as a contractor, if the Board considers that the cessation is due to other causes than the death of one of its officers, the attainment of its object or any other legitimate cause.”;

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

“For the purposes of subparagraph 2 of the first paragraph in respect of an offence under a fiscal law, the Board shall refuse to issue a licence where it considers that the serious nature of the offence or the frequency of offences justifies the refusal.”

23. Section 66 of the said Act, amended by section 6 of chapter 85 of the statutes of 1997, is again amended by replacing “52, and the classes or subclasses of such licences and any restriction under section 65.1 are entered” by “52, the licence numbers and the classes or subclasses of such licences and any restriction under section 65.1 are entered”.

24. Section 70 of the said Act is amended by adding, at the end, the following:

“The Board may also suspend, cancel or refuse to renew a licence issued to a partnership or a legal person where any of the officers of the partnership or

legal person was an officer of a partnership or of a legal person in the 12 months preceding the cessation of the partnership's or legal person's activities as a contractor, if the Board considers that the cessation is due to other causes than the death of one of its officers, the attainment of its object or any other legitimate cause.”

25. Section 70.2 of the said Act, amended by section 7 of chapter 85 of the statutes of 1997, is again amended by replacing “building commissioner or building deputy-commissioner” in the fourth line of the second paragraph by “construction industry commissioner or a construction industry deputy-commissioner”.

26. Section 78 of the said Act is amended by inserting “, on facilities or installations referred to in paragraph 2 or 3 of section 2” after “building” in the fifth line of the first paragraph.

27. Section 85 of the said Act is amended by replacing “or” in the eighth line of the first paragraph by “, to facilities or installations referred to in paragraph 2 or 3 of section 2 or to a”.

28. Section 86.2 of the said Act is amended

(1) by replacing “and civil engineering structures” in paragraph 3 by “, civil engineering structures, facilities and installations”;

(2) by replacing “and civil engineering structures” in paragraph 4 by “, civil engineering structures, facilities and installations covered”.

29. Section 111 of the said Act is amended by adding “, contractors' associations and groups of contractors' associations” after “municipalities” at the end of paragraph 4.

30. Section 128.1 of the said Act is repealed.

31. Section 128.4 of the said Act is amended by replacing “17.1, 17.2, 35 and 128.1” in the first and second lines by “16 and 35”.

32. Section 128.6 of the said Act is repealed.

33. The heading of Division III of Chapter VI of the said Act is replaced by the following :

“MANDATE AND DELEGATION OF POWERS”.

34. The said Act is amended by inserting, after the heading of Division III of Chapter VI, the following :

“§1. — *Mandate given by the Government*

“1. AGREEMENT

“129.3. Notwithstanding section 110, the Government may give to the Corporation des maîtres électriciens du Québec and the Corporation des maîtres mécaniciens en tuyauterie du Québec, to the extent indicated by the Government, a mandate to supervise the administration of this Act or to see to its application with respect to the vocational qualification of their members.

The terms and conditions governing the carrying out of the mandate by the Corporation, the powers and duties conferred on the Corporation and the obligations of the Board under sections 66, 75, 147 and 148 to be assumed by the Corporation shall be determined in an agreement.

The agreement may also set out the terms and conditions governing the exercise by the employees of the mandatory Corporation of the powers and duties entrusted to the Corporation.

“129.4. The agreement shall be published in the *Gazette officielle du Québec*. It becomes effective on the date of publication or on any later date set out therein.

From that date, the mandatory Corporation shall exercise the powers and duties so entrusted to it and assume the obligations of the Board specified in the mandate.

From the same date and for those purposes, the mandatory Corporation shall be considered to be a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and shall be subject to the provisions of that Act.

“129.5. Only those officers of the mandatory Corporation, committee members or office holders identified in the agreement may have access to information relating to the solvency of a contractor.

“129.6. No proceedings may be brought against the mandatory Corporation, its directors, the members of its committees or its personnel for an official act done in good faith in carrying out the mandate given to the Corporation under section 129.3.

“129.7. The records and other documents of the Board become, to the extent set out in the agreement, the records and other documents of the mandatory Corporation.

“129.8. A licence issued by the Board remains in force until the date on which it expires or until it is altered, suspended or cancelled by the mandatory Corporation.

“129.9. The provisions of the regulations made by the Board that concern matters forming the subject of the mandate continue to apply until amended or replaced by a regulation made by the mandatory Corporation.

Any regulation made by the Corporation shall be submitted to the Government for approval with or without amendment.

Where the Corporation does not adopt or amend a regulation within a time considered reasonable by the Government, the Government may itself adopt the regulation.

“129.10. Separate accounts shall be kept for the sums collected pursuant to the regulations and the expenses incurred for the purpose of carrying out the mandate.

The sums collected shall be applied exclusively to activities covered by the mandate.

“129.11. The Minister may at any time, on the conditions and for the term considered expedient by the Minister, designate one or more persons to participate, without voting rights, in meetings of the board of directors and, where applicable, of the executive committee and of any committee of the mandatory Corporation carrying out the mandate entrusted to the mandatory Corporation under section 129.3.

The persons may be chosen by the Minister, in particular from associations representing consumers, from among persons who reside in or frequent buildings and from among owners of buildings.

## “2. VERIFICATION AND INQUIRY

“129.12. The Minister may, generally or specially, designate a person to verify the documents and information transmitted by the mandatory Corporation in accordance with the agreement.

For such purpose, the verifier may, at any reasonable time, enter any place where the verifier has reason to believe operations or activities are carried on by or on behalf of a mandatory Corporation and require any information or document, and examine and make copies of any document.

The person required to provide the information or documents must comply within the allotted time.

“129.13. No proceedings may be brought against the verifier for any act done in good faith in the exercise of the verifier’s functions.

“129.14. The verifier shall, on request, identify himself or herself and produce the document signed by the Minister attesting the verifier’s capacity.

“129.15. No person may hinder the verifier in the exercise of the verifier’s functions.

“129.16. The Minister may direct a person designated by the Minister to make an inquiry into any matter relating to the administration or operation of a mandatory Corporation or to the conduct of the directors of the Corporation, with respect to the mandate given to the Corporation under section 129.3. The investigator so designated has the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

### “3. CORRECTIVE ACTION

“129.17. The Minister may, even before the conclusion of a verification or inquiry under section 129.12 or 129.16,

(1) order a mandatory Corporation to take the necessary corrective action within a specified time ;

(2) accept a voluntary undertaking by the Corporation to take the appropriate corrective action.

### “4. REVOCATION OF THE MANDATE

“129.18. The Government may at any time revoke a mandate given under section 129.3. The revocation becomes effective on the date fixed by the Government.

The decision of the Government must be communicated forthwith to the Corporation concerned.

“129.19. From the effective date of the revocation,

(1) matters before the Corporation that relate to the mandate given under section 129.3 are continued and decided by the Board without other formality ;

(2) proceedings to which the Corporation is a party and that relate to the mandate so given are continued by the Board without continuance of suit ;

(3) a licence issued by the Corporation remains in force until the date on which it expires or until it is altered, suspended or cancelled by the Board ;

(4) any regulations made by the Corporation pursuant to the regulatory powers entrusted under section 129.3 are deemed to be regulations of the Board ;

(5) any regulations made by the Corporation des maîtres électriciens du Québec and the Corporation des maîtres mécaniciens en tuyauterie du Québec pursuant to the powers provided for in section 12.02 of the Master Electricians

Act (chapter M-3) and section 10.2 of the Master Pipe-Mechanics Act (chapter M-4), respectively, cease to have effect; and

(6) the records and other documents of the Corporation that relate to the mandate given under section 129.3 become, to the extent determined by the Government, the records and other documents of the Board.

“§2. — *Delegation of powers by the Board*”.

35. Section 130 of the said Act is amended

(1) by inserting “130.1,” after “sections” in the third line of the first paragraph;

(2) by replacing “sections 17.2, 70, 123, 128.1, 128.3, 128.4, 132, 173 to 179 and 185” in the second line of subparagraph 1 of the third paragraph by “those conferred by the third paragraphs of sections 58, 60 and 61, sections 123, 128.3, 128.4, 130.1, 132, 173 to 179 and 185 and those described in section 70 that do not pertain to the payable security referred to in section 297.2, the entrance dues and the annual assessment referred to in subparagraph 8.1 of the first paragraph of section 58 and subparagraph 6.2 of the first paragraph of section 60 and those referred to in subparagraphs 7 to 10 of the first paragraph of section 70”;

(3) by striking out “exceptionally,” at the beginning of subparagraph 2 of the third paragraph.

36. The said Act is amended by inserting, after section 130, the following:

“130.1. The Board may enter into a written agreement with a contractors’ association or a group of contractors’ associations to delegate to it, to the extent indicated by the Board, the exercise of the powers and duties of the Board under sections 46, 47, 51, 53 to 55, 57 to 58.1, 60, 63, 64, 67, 69 and 72, for the purpose of assuring the qualification of the members of that association or of any of the associations in that group. The agreement may not, however, provide for the delegation of the power to rule on the issue, renewal or alteration of a licence.

Only those officers of the association or group of associations or office holders identified in the agreement may have access to information relating to the solvency of a contractor.

The agreement may provide for the financing of the expenses incurred by the association or group of associations for the purposes of this Act and allow the association or group of associations to collect and use for such purposes any of the amounts collected under section 151.

In addition, the agreement may determine, from among the powers and obligations referred to in sections 112 to 122, the powers that may be exercised

by the association or the group of associations and the obligations to which the association or group of associations is subject, as well as the conditions governing the subdelegation of those powers to its employees and the other terms and conditions governing the exercise of such powers.”

37. Section 132 of the said Act, amended by section 60 of chapter 74 of the statutes of 1991 and by section 53 of chapter 8 of the statutes of 1995, is again amended by replacing “14 to 23 and 32 to 36” in the third line of the first paragraph by “14 to 19, 21, 22, 24 to 27, 32 to 37.2 and 37.4 to 39”.

38. Section 135 of the said Act, amended by section 61 of chapter 74 of the statutes of 1991, is again amended by inserting “, an association or a group of associations” after “municipality” in the first line.

39. Section 145 of the said Act is amended by replacing “section 132” in the second line by “sections 130.1 and 132”.

40. Section 153 of the said Act is amended by replacing “pressure vessels” in the third line of the first paragraph by “pressure installations”.

41. The heading of Chapter VII of the said Act, amended by section 89 of chapter 43 of the statutes of 1997, is again amended by striking out “BEFORE THE LABOUR COURT”.

42. Section 160 of the said Act, amended by section 90 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing the portion before paragraph 1 by the following :

“160. Any interested person may apply for review of a ruling of the Board, of a mandatory Corporation referred to in section 129.3 or of a municipality referred to in section 132, where such ruling, in respect of which no proceeding has been brought before the construction industry commissioner or the Labour Court,”;

(2) by replacing paragraph 1 by the following :

“(1) was delivered under section 58.1, 123, 124, 127, 128, 128.3 or 128.4;”.

43. Section 161 of the said Act is amended by inserting “, the Corporation” after “Board” in the first line.

44. Section 162 of the said Act, amended by section 91 of chapter 43 of the statutes of 1997, is again amended by inserting “, the Corporation” after “Board” in the first line.

45. Section 163 of the said Act is amended by replacing “or of” in the second line by “, a Corporation or”.



46. Section 164 of the said Act is amended by inserting “, the Corporation” after “Board” in the first line.

47. The heading of Division II of Chapter VII of the said Act, enacted by section 92 of chapter 43 of the statutes of 1997, is amended by striking out “BEFORE THE LABOUR COURT”.

48. The said Act is amended by inserting, immediately before section 165, the following :

“§1. — *Before the construction industry commissioner*

“164.1. Any interested person may contest any ruling of the Board or of a mandatory Corporation referred to in section 129.3 before the construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20), where such ruling pertains to the issue, renewal, alteration, suspension or cancellation of a licence or is made under section 58.1.

During such a proceeding, the commissioner may decide any matter relating to the application of this Act.

“164.2. The proceeding shall be brought by a motion served on the Board or the Corporation.

The motion shall be filed with the construction industry commissioner within 30 days following receipt by the applicant of the initial ruling or, as the case may be, of the ruling under review of the Board or the Corporation.

“164.3. Upon service of the motion, the Board or the Corporation shall send the file relating to the contested ruling to the construction industry commissioner.

“164.4. The construction industry commissioner shall deliver a ruling on the file sent by the Board or the Corporation after giving the parties the opportunity to be heard.

“164.5. The proceedings shall not stay enforcement of the ruling of the Board or the Corporation.

The construction industry commissioner may, however, on a motion, rule otherwise by reason of urgency or of the risk of serious and irreparable harm.

“§2. — *Before the Labour Court*”.

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

“165. Any interested person may contest a ruling of the Board or of a municipality referred to in section 132 before the Labour Court where the ruling is delivered under section 123, 124, 127, 128, 128.3 or 128.4.”

50. Section 170 of the said Act, amended by section 96 of chapter 43 of the statutes of 1997, is again amended by striking out the second sentence.

51. The said Act is amended by inserting, after section 176, the following :

“176.1. A code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185.”

52. Section 182 of the said Act is amended

(1) by replacing “pressure vessel manufacturers” in the second and third lines of subparagraph 1 of the first paragraph by “manufacturers of pressure installations”;

(2) by replacing “pressure vessels” in the fifth line of subparagraph 1 of the first paragraph by “pressure installations”;

(3) by inserting, after subparagraph 6 of the first paragraph, the following :

“(6.1) determine a procedure for the apportionment, between the Board and the mandatory Corporation referred to in section 129.3, of the dues and fees payable by a contractor that is required to transmit to the Board, and to the mandatory Corporation, an application for the issue or alteration of a licence to be authorized to perform or cause to be performed construction work which requires, owing to its purpose and scope, more than one class or subclass of licence, for the renewal of the licence, for an examination or any other means of evaluation and for the review of a ruling that pertains to the issue, alteration, suspension or cancellation of a licence ;

“(6.2) determine the administrative and financial procedures applicable to the Board and to the mandatory Corporation for the management, administration, transfer and updating of the records of a contractor holding licences authorizing the contractor to perform or cause to be performed construction work which requires, owing to its purpose and scope, more than one class or subclass of licence;” ;

(4) by replacing, in the French text, “en construction” in the fourth and fifth lines of the second paragraph by “de construction”.

53. Section 185 of the said Act, amended by section 15 of chapter 64 of the statutes of 1997, is again amended

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

“(1) determine the cases in which, by reason of problems related to performance in the carrying out of construction work, the particular, complex or exceptional nature of the construction work carried out or its impact on safety, the contractor or the owner-builder must furnish a certificate of conformity with the Building Code to the Board, and the form and content of such a certificate;”;

(2) by replacing “17.1, 17.2, 35 and 128.1” in the second line of subparagraph 2.1 of the first paragraph by “16 and 35”;

(3) by striking out subparagraph 2.3 of the first paragraph;

(4) by replacing “pressure vessel” in the second line of subparagraph 5.3 of the first paragraph by “pressure installation”;

(5) by replacing “pressure vessel” in the second line of subparagraph 5.4 of the first paragraph by “pressure installation” and by replacing “such a vessel” in the third line of that subparagraph by “such an installation”;

(6) by replacing subparagraph 5.5 of the first paragraph by the following:

“(5.5) determine the cases in which and the terms and conditions according to which the Board may approve a pressure installation before it is marketed or put back into service or a pressure installation that is to be used for other purposes than those for which it was originally intended;”;

(7) by inserting, after subparagraph 17 of the first paragraph, the following:

“(17.1) determine the other documents on which the licence number of a contractor and the words “holder of a licence issued under the Building Act” are required to appear;”;

(8) by striking out subparagraph 19.2 of the first paragraph;

(9) by replacing “or civil engineering structure” in the third and fourth lines of subparagraph 19.3 of the first paragraph by “, on a civil engineering structure, on facilities or on installations”;

(10) by replacing “or use” in the third line of subparagraph 23 of the first paragraph by “, use or real estate assessment”;

(11) by inserting “18.1,” after “18,” in the third line of subparagraph 37 of the first paragraph.

54. Section 192 of the said Act is amended

(1) by replacing the expression “pressure vessels” wherever it appears in the first paragraph by “pressure installations”;

(2) by replacing, in the French text, “en construction” in the second and third lines of the second paragraph by “de construction”.

55. Section 194 of the said Act, amended by section 93 of chapter 74 of the statutes of 1991, is again amended by replacing paragraph 7 by the following:

“(7) contravene any of the provisions of sections 14, 15, 18, 19, 22, the first paragraphs of sections 24 and 25, sections 26, 27, 32 to 35, the third paragraph of section 35.2, sections 36, 37, the second paragraph of section 37.1, sections 37.2, 37.4, the first paragraph of section 38, sections 38.1, 39, the second paragraph of paragraph 2 of section 49, section 53, the second paragraph of section 56, section 57.1, 67, 69, 79 or 82, or a regulatory provision determined under section 179 or subparagraph 37 of the first paragraph of section 185.”

56. Section 215 of the said Act is amended by adding, after the first paragraph, the following:

“The Building Code and the Safety Code may be adopted by the Board and come into force in respect of categories of buildings, pressure installations and facilities or installations referred to in each Act mentioned in section 214 or 282 or referred to in this Act.”

57. The said Act is amended by inserting, after section 297.4, the following:

“297.5. Until such time as an agreement is entered into under section 132, section 193 does not apply in respect of a by-law respecting piping installations passed by a local municipality that is exempt from the application of a plumbing code pursuant to paragraph *f* of section 24 of the Act respecting piping installations (chapter I-12.1), and the conditions of exemption provided for in that code continue to apply to such a municipality.”

#### LABOUR CODE

58. Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended by replacing “building commissioner or the placement commissioner” in the ninth line of subparagraph 3 of paragraph *l* by “construction industry commissioner”.

59. Section 139 of the said Code is amended by replacing “850” in the third line by “846”.

#### ACT RESPECTING MANPOWER VOCATIONAL TRAINING AND QUALIFICATION

60. Section 1 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5), amended by section 107 of chapter 63 of the statutes of 1997, is again amended by striking out paragraph *j*.

61. The heading of Chapter IV of the said Act is amended by replacing “COUNCIL OF ARBITRATION” by “ADVISORY COMMITTEES”.

62. Section 41 of the said Act is amended

- (1) by striking out subparagraph *c* of the first paragraph;
- (2) by striking out the second paragraph.

63. The said Act is amended by inserting, immediately before section 42, the following:

“41.1. Any person aggrieved by a decision made pursuant to a regulation under the first paragraph of section 30 may, where such a remedy is provided for in the regulation, contest the decision before the construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20).

The construction industry commissioner may also make any decision in respect of the experience certificate of an employee or skilled tradesman where a regulation under the first paragraph of section 30 confers that function on the construction industry commissioner.”

64. Section 43 of the said Act is amended by inserting “of the Commission de la construction du Québec” after “committee” in the first line of the second paragraph.

#### TAXATION ACT

65. The Taxation Act (R.S.Q., chapter I-3) is amended by replacing “by the Régie du bâtiment du Québec” by “under the Building Act (chapter B-1.1)” in the following provisions:

- (1) subparagraph *i* of subparagraph *c* of the first paragraph of section 944.6;
- (2) subparagraph *i* of paragraph *m* of section 955;
- (3) subparagraph *i* of paragraph *n* of section 955;
- (4) paragraph *f* of the definition of “eligible housing unit” in the first paragraph of section 1029.8.83;
- (5) subparagraph *b* of the first paragraph of section 1029.8.87.

#### ACT RESPECTING PIPING INSTALLATIONS

66. Section 12 of the Act respecting piping installations (R.S.Q., chapter I-12.1), amended by section 9 of chapter 83 of the statutes of 1997, is again amended by adding, at the end, the following:

“Such power shall be exercised by the Corporation des maîtres mécaniciens en tuyauterie du Québec where it has entered into an agreement under section 129.3 of the Building Act (chapter B-1.1).”

#### ACT RESPECTING ELECTRICAL INSTALLATIONS

67. Section 35 of the Act respecting electrical installations (R.S.Q., chapter I-13.01), amended by section 310 of chapter 43 and by section 19 of chapter 83 of the statutes of 1997, is again amended by adding, at the end of the first paragraph, the following: “Such power shall be exercised by the Corporation des maîtres électriciens du Québec where it has entered into an agreement under section 129.3 of the Building Act (chapter B-1.1)”.

68. Section 35.1 of the said Act, amended by section 311 of chapter 43 and by section 20 of chapter 83 of the statutes of 1997, is again amended by replacing “court” in the third line of the first paragraph by “commissioner”.

69. Section 35.2 of the said Act, amended by section 312 of chapter 43 and by section 20 of chapter 83 of the statutes of 1997, is again amended by replacing “contest the decision before the Labour Court established by the Labour Code” in the first paragraph by “contest before the construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)”.

70. Section 35.3 of the said Act, amended by section 313 of chapter 43 of the statutes of 1997, is again amended by replacing “Labour Court” in the first and second paragraphs by “construction industry commissioner”, and by replacing “submitted to it and render the decision that, in its opinion” in the second line of the first paragraph by “submitted and render the decision that, in the commissioner’s opinion”.

#### MASTER ELECTRICIANS ACT

71. The Master Electricians Act (R.S.Q., chapter M-3) is amended by adding, after section 9, the following:

“9.1. The other objects of the Corporation are,

(1) to the extent and on the conditions set out in the agreement referred to in section 129.3 of the Building Act (chapter B-1.1), to supervise the administration of that Act and see to its application as regards the vocational qualification of its members;

(2) where an agreement is entered into under section 129.3 of the Building Act, to promote and facilitate the vocational qualification of master electricians.”

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

“11.1. The Corporation may enter into an agreement referred to in section 129.3 of the Building Act (chapter B-1.1) under which the Corporation is entrusted by the Government with powers and functions of the Régie du bâtiment du Québec for the purpose of supervising the administration of the Building Act or seeing to its application as regards the vocational qualification of its members.

The Corporation shall, in such a case, exercise all the powers and functions entrusted to it and assume all the duties specified in the agreement.”

73. The said Act is amended by adding, after section 12, the following :

“12.0.1. The council of the Corporation may make any regulation concerning the matters to which the regulatory powers conferred on the council under section 129.3 of the Building Act (chapter B-1.1) apply.

“12.0.2. Where an agreement is entered into under section 129.3 of the Building Act (chapter B-1.1), the council of the Corporation may plan, develop and implement a mandatory or optional vocational training program which shall be submitted to the Minister for approval.

The council may also, by regulation,

(1) make training mandatory for the issue or renewal of a licence covering work coming under the exclusive competence of master electricians ;

(2) determine the cases in which a person may be required to submit to a competency evaluation examination or to undergo further vocational training, limit the scope of a person’s licence while the person is undergoing vocational retraining, prescribe a period of time for undergoing required further vocational training, and determine the conditions of cancellation and reinstatement of a contractor’s licence ;

(3) determine, subject to the provisions of a regulation made by the Government under paragraph 6.1 of section 182 of the Building Act, the fees and dues payable for admission to a competency evaluation examination, the training provided by the training body and the fees and dues payable for the issue, alteration, renewal or reinstatement of a licence within the framework of the vocational training program ;

(4) organize and administer any fund necessary for the purposes of the vocational training of master electricians ;

(5) establish a training body and entrust it with the development of a vocational training program and determine the responsibilities of the training body in respect of that program.

“12.0.3. Any regulation made under sections 12.0.1 and 12.0.2 shall be submitted to the Government for approval with or without amendment.

Where the council does not adopt or amend such a regulation within a time considered reasonable by the Government, the Government may itself adopt the regulation.”

74. Section 12.1 of the said Act is amended by adding, at the end, the following :

“The same applies to a natural person referred to in section 58.1 of that Act for the same activities.”

75. Section 12.2 of the said Act is amended by replacing the first paragraph by the following :

“12.2. Where the corporation has not entered into an agreement under section 129.3 of the Building Act (chapter B-1.1), the corporation shall prepare, administer and hold, except with regard to persons exempted therefrom by a regulation under section 182 of that Act, the examinations referred to in section 58 of that Act whose subject matter pertains to administrative and technical knowledge and is determined by regulation made by the Régie du bâtiment du Québec under paragraph 9 of section 185 of that Act, except examinations pertaining to the Building Code referred to in section 13 of that Act.”

#### MASTER PIPE-MECHANICS ACT

76. The Master Pipe-Mechanics Act (R.S.Q., chapter M-4) is amended by adding, after section 8, the following :

“8.1. The other objects of the Corporation are,

(1) to the extent and subject to the conditions set out in the agreement referred to in section 129.3 of the Building Act (chapter B-1.1), to supervise the administration of that Act or to see to its application as regards the vocational qualification of its members ;

(2) where an agreement is entered into under section 129.3 of the Building Act, to promote and facilitate the vocational qualification of master pipe-mechanics.”

77. The said Act is amended by inserting, after section 9.1, the following :

“9.2. The Corporation may enter into an agreement referred to in section 129.3 of the Building Act (chapter B-1.1) under which the Corporation is entrusted by the Government with the powers and functions of the Régie du bâtiment du Québec for the purpose of supervising the administration of the Building Act or seeing to its application as regards the vocational qualification of its members.



The Corporation may in such a case exercise all the powers and functions entrusted to it and shall assume all the duties specified in the agreement.”

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

“10.1. The council of the Corporation may make any regulation concerning the matters to which the regulatory powers conferred on the council under section 129.3 of the Building Act (chapter B-1.1) apply.

“10.2. Where an agreement is entered into under section 129.3 of the Building Act (chapter B-1.1), the council may plan, develop and implement a mandatory or optional vocational training program which shall be submitted to the Minister for approval.

The council may also, by regulation,

(1) make training mandatory for the issue or renewal of a licence covering work coming under the exclusive competence of master pipe-mechanics ;

(2) determine the cases in which a person may be required to submit to a competency evaluation examination or to undergo further vocational training, limit the scope of a person’s licence while the person is undergoing vocational retraining, prescribe a period of time for undergoing required further vocational training, and determine the conditions of cancellation and reinstatement of a contractor’s licence ;

(3) determine, subject to the provisions of a regulation made by the Government under paragraph 6.1 of section 182 of the Building Act, the fees and dues payable for admission to a competency evaluation examination, the training provided by the training body and the fees and dues payable for the issue, alteration, renewal or reinstatement of a licence within the framework of the vocational training program ;

(4) organize and administer any fund necessary for the purposes of the vocational training of master pipe-mechanics ;

(5) establish a training body and entrust it with the development of a vocational training program and determine the responsibilities of the training body in respect of that program.

“10.3. Any regulation made under sections 10.1 and 10.2 shall be submitted to the Government for approval with or without amendment.

Where the council does not adopt or amend such a regulation within a time considered reasonable by the Government, the Government may itself adopt the regulation.

The provisions of paragraph 4 of section 11 do not apply to such a regulation.”

79. Section 11.1 of the said Act is amended by adding, at the end, the following :

“The same applies to a natural person referred to in section 58.1 of that Act for the same activities.”

80. Section 11.2 of the said Act is amended by replacing the first paragraph by the following :

“11.2. Where the corporation has not entered into an agreement under section 129.3 of the Building Act (chapter B-1.1), the corporation shall prepare, administer and hold, except with regard to persons exempted therefrom by a regulation under section 182 of that Act, the examinations referred to in section 58 of that Act whose subject matter pertains to administrative and technical knowledge and is determined by regulation made by the Régie du bâtiment du Québec under paragraph 9 of section 185 of that Act, except examinations pertaining to the Building Code referred to in section 13 of that Act.”

#### ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

81. Schedule II to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 15 of chapter 35 and by section 635 of chapter 43 of the statutes of 1997, is again amended by striking out “the Council of arbitration appointed under section 41 of the Act respecting manpower vocational training and qualification (chapter F-5)” in paragraph 3.

82. Schedule III to the said Act is amended by striking out “the Council of arbitration appointed under section 41 of the Act respecting manpower vocational training and qualification (chapter F-5)” in paragraph 2.

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

83. The Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended by inserting, after section 7.4, the following :

“7.4.1. No person may carry out or cause to be carried out construction work in contravention of a decision rendered under section 7.4.”

84. Section 7.7 of the said Act is amended

(1) by replacing “building commissioner” in the third line of the first paragraph by “construction industry commissioner”;

(2) by striking out “, who may refer the case to a building deputy-commissioner” at the end of the first paragraph.

85. Section 7.8 of the said Act is amended by replacing “building commissioner or building deputy-commissioner” in the third and fourth lines of the first paragraph by “construction industry commissioner or construction industry deputy-commissioner”.

86. The said Act is amended

(1) by replacing the heading of Chapter III by the following :

“SCOPE AND CONSTRUCTION INDUSTRY COMMISSIONER”;

(2) by adding, after the said heading, the following :

**“DIVISION I**

“SCOPE AND CARRYING OUT OF CONSTRUCTION WORK”.

87. Section 19 of the said Act is amended by striking out subparagraph 7 of the first paragraph.

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

**“DIVISION II**

“CONSTRUCTION INDUSTRY COMMISSIONER

“§1. — *Jurisdiction and conciliation*”.

89. Sections 21 and 21.1 of the said Act are replaced by the following :

“21. Any difficulty in the interpretation or application of section 19 or of the regulations made under section 20 must be referred to the construction industry commissioner.

The construction industry commissioner shall also, on the application of any interested party, hear and settle jurisdictional conflicts which relate to the practice of a trade or occupation.

In addition, the construction industry commissioner shall rule on

(1) proceedings instituted under section 164.1 of the Building Act (chapter B-1.1);

(2) proceedings instituted under section 41.1 of the Act respecting manpower vocational training and qualification (chapter F-5);

(3) proceedings instituted under section 35.2 of the Act respecting electrical installations (chapter I-13.01).

“21.0.1. The construction industry commissioner to whom any proceeding, application or matter is referred under this Act or any other Act may refer the proceeding, application or matter to a construction industry deputy-commissioner.

“21.0.2. The head office of the construction industry commissioner shall be situated in the territory of the Communauté urbaine de Québec at any place determined by the Government; notice of the address of the head office shall be published in the *Gazette officielle du Québec*.

The construction industry commissioner or a construction industry deputy-commissioner may sit at any other place in Québec.

“21.0.3. Where the parties to a contestation referred to in the first or second paragraph of section 21 consent thereto, the construction industry commissioner may designate a person to meet the parties for conciliation purposes.

“21.0.4. Unless the parties consent thereto, nothing said or written in the course of conciliation is admissible as evidence.

“21.0.5. Every agreement shall be recorded in writing and any documents to which it refers shall be attached thereto. The agreement shall be signed by the conciliator and the parties; the parties are bound by the agreement.

The agreement shall be ratified by the construction industry commissioner to the extent that it is in conformity with the law. If that is the case, the agreement shall constitute the decision of the construction industry commissioner and shall terminate the proceedings.

The decision is mandatory and binds the parties.

“21.0.6. Where no agreement is reached or the construction industry commissioner refuses to ratify the agreement, a hearing shall be held by the construction industry commissioner as soon as possible.

“21.0.7. No conciliator may disclose or produce before a court, a body or a person exercising judicial or quasi judicial functions anything made known to or learned by the conciliator, or any personal notes or document prepared or obtained, in the performance of the conciliator's duties.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person shall have access to such a document unless the document is used to support the agreement and the decision ratifying it.

“§2. — *Appointment and duties*

“21.1. The Government shall appoint a construction industry commissioner and construction industry deputy-commissioners for a fixed term of not more than five years.

“21.1.0.1. Before taking office, the construction industry commissioner and every construction industry deputy-commissioner shall take the following oath: “I (...) swear that I will exercise the powers and fulfill the duties of my office impartially and honestly and to the best of my knowledge.”

The oath shall be taken before the commissioner. The commissioner shall take the oath before a judge of the Court of Québec.

The writing evidencing the oath shall be sent to the Minister.”

90. Sections 21.1.1 and 21.1.2 of the said Act are amended by replacing “building commissioner”, “building deputy-commissioner” and “building deputy-commissioners” by “construction industry commissioner”, “construction industry deputy-commissioner” and “construction industry deputy-commissioners”, respectively.

91. Section 21.1.3 of the said Act is amended by replacing the first paragraph by the following :

“21.1.3. The construction industry commissioner or a construction industry deputy-commissioner may not, on pain of forfeiture of office, carry on an activity or put himself or herself in a situation incompatible with the exercise of the duties of commissioner or deputy-commissioner.”

92. The said Act is amended by inserting, after section 21.1.3, the following :

“21.1.4. The commissioner and a deputy-commissioner appointed on a full-time basis are required to devote themselves exclusively to their duties.

However, they may carry out any mandate entrusted to them by order of the Government.

“§3. — *Decisions, immunity and powers*”.

93. Section 21.2 of the said Act is amended by replacing “building commissioner or the building deputy-commissioner” in the first and second lines by “construction industry commissioner or the construction industry deputy-commissioner”.

94. Section 22 of the said Act is amended by replacing “building commissioner or the building deputy-commissioner” in the first and second lines by “construction industry commissioner or the construction industry deputy-commissioner”.

95. Section 23 of the said Act is amended by replacing “building commissioner and building deputy-commissioners” in the first line by “construction industry commissioner and construction industry deputy-commissioners”.

96. Section 23.1 of the said Act is amended by replacing “building commissioner and building deputy-commissioners” in the first line by “construction industry commissioner and construction industry deputy-commissioners”.

97. Section 23.2 of the said Act is amended

(1) by replacing “building commissioner or a building deputy-commissioner” in the first line of the first paragraph by “construction industry commissioner or a construction industry deputy-commissioner”;

(2) in the French text, by replacing “ou le” in the first line of the second paragraph by “ou un”.

98. The said Act is amended by inserting, after section 23.2, the following :

“23.3. No person may, in any manner, hinder or impede the work of the construction industry commissioner or a construction industry deputy-commissioner in the performance of his or her duties.

“23.4. The construction industry commissioner may, by regulation, prescribe rules of procedure and practice which may vary according to the matters, proceedings or applications referred to, brought before or filed with the construction industry commissioner.

The regulation shall be submitted to the Government for approval.”

99. Section 24 of the said Act is amended

(1) by replacing “building commissioner or the building deputy-commissioner” in the first line by “construction industry commissioner or a construction industry deputy-commissioner”;

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

“The commissioner or deputy-commissioner shall, in such a case, inform the parties and allow them to be heard regarding the advice of the committee.”

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

“§4. — *Personnel and material and financial resources*

“25.1. The members of the personnel of the construction industry commissioner shall be appointed and remunerated in accordance with the Public Service Act (chapter F-3.1.1).

No proceedings may be brought against the personnel of the construction industry commissioner by reason of an act performed in good faith in the exercise of their duties.

“25.2. Documents emanating from the construction industry commissioner are authentic if they are signed or, in the case of copies, if they are certified by the construction industry commissioner or a construction industry deputy-commissioner or, as the case may be, by a member of the commissioner’s personnel designated by the commissioner.

“25.3. Once proceedings have been completed, the parties shall take back the exhibits they produced and the documents they filed.

Where such exhibits and documents are not taken back, they may be destroyed after the expiry of one year from the date of the decision of the construction industry commissioner or a construction industry deputy-commissioner or of the proceeding terminating the proceedings, unless the commissioner decides otherwise.

“25.4. The fiscal year of the construction industry commissioner ends on 31 March.

“25.5. Each year, the construction industry commissioner shall submit budget estimates for the next fiscal year to the Minister, the form, tenor and period of which shall be determined by the Minister.

The budget estimates shall be submitted to the Government for approval.

“25.6. The books and accounts of the construction industry commissioner must be audited each year by the Auditor General and whenever the Government so orders.

“25.7. The sums required for the administration of this division shall be taken out of the fund of the construction industry commissioner.

The fund shall be made up of the following :

(1) the sums paid into it by the Minister out of the appropriations granted each year for that purpose by the National Assembly ;

(2) the sums paid into it by the Commission, the Régie du bâtiment du Québec, the Minister of Employment and Solidarity and a mandatory corporation referred to in section 129.3 of the Building Act (chapter B-1.1) the amount and the terms and conditions of payment of which shall be determined, for each, by the Government;

(3) the sums collected in accordance with the tariff of administrative fees, professional fees and other charges attached to the matters referred to the construction industry commissioner and the proceedings before and the applications filed with the commissioner.

“25.8. The Government may, on the conditions it determines, authorize the Minister of Finance to advance to the fund of the construction industry commissioner sums taken out of the consolidated revenue fund. Any advance paid shall be repayable out of the fund of the construction industry commissioner.

“25.9. The construction industry commissioner may enter into an agreement with any person, association, partnership or body and with the Government or any of its departments or agencies.

“25.10. The construction industry commissioner shall send to the Minister, not later than 30 June each year, a report of activities for the preceding fiscal year.

The Minister shall table the report before the National Assembly within 15 days of receiving it or, if the Assembly is not sitting, within 15 days of resumption.

The report shall not designate by name any person implicated in the matters brought before the commissioner.

The commissioner shall also furnish the Minister with any information the Minister may require on the activities of the commissioner.

### “DIVISION III

#### “MISCELLANEOUS PROVISIONS”.

101. Section 28 of the said Act is amended by replacing “Syndicat de la construction Côte-Nord Inc. (SCCN)” in the fourth and fifth lines by “Syndicat québécois de la construction”.

102. Section 45 of the said Act is amended

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



“45. Where the parties agree thereto in writing, a dispute is referred to an arbitrator or a council of arbitration composed of three members, including a chairman.”;

(2) by replacing “the application must be made” in the second paragraph by “the agreement relating to arbitration must be made”;

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

“The agreement may provide for the appointment of the arbitrator or of the members of the council of arbitration, determine the fees and expenses to which they are entitled and provide for the apportionment of those fees and expenses among the parties to the agreement. A copy of the agreement shall be sent to the Minister without delay.

The Minister may decide any matter referred to in the third paragraph that has not been settled by the agreement and shall inform the parties without delay. The Minister’s decision binds the parties and shall be executed as if it formed part of the agreement.”

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

“45.0.1. The arbitrator or the council of arbitration may, where considered appropriate, attempt to bring the parties to settle all or part of their dispute by agreement.

“45.0.2. Every decision of the council of arbitration shall be made by a majority of its members, including the chairman.

“45.0.3. Subject to section 45.0.2 of this Act, sections 76, 79 to 91.1, the second sentence of section 92 and sections 93 and 139 to 140 of the Labour Code (chapter C-27), adapted as required, apply to the arbitration of a dispute and in respect of the arbitrator, the council of arbitration and its members, and section 78 of that Code applies to arbitration by an arbitrator.

The arbitrator or the chairman of the council of arbitration shall, however, send to the clerk of the office of the labour commissioner general three originals or three certified copies of the original of the arbitration award and the schedules thereto.”

104. Section 45.1 of the said Act is amended by inserting “or the council of arbitration” after “arbitrator” in the first line of the second paragraph and by replacing “he” in the second line of that paragraph by “the arbitrator or the council”.

105. Section 45.2 of the said Act is amended

(1) by inserting “or the council of arbitration” after “arbitrator” in the first line of the first paragraph and by replacing “his award” in the first line of that paragraph by “award”;

(2) by replacing “by the arbitrator in the award” in the third line of the second paragraph by “in the arbitration award”;

(3) by inserting “or the council of arbitration” after “arbitrator” in the first line of the fourth paragraph.

106. Section 45.3 of the said Act is amended by replacing “arbitrator’s” by “arbitration”.

107. Section 45.4 of the said Act is amended by replacing the fourth paragraph by the following :

“However, strikes and lock-outs are prohibited in a sector from the day after the day on which the parties to a dispute in that sector agree to refer the dispute to arbitration.”

108. Section 48 of the said Act is amended

(1) by replacing “two” in the second line of the first paragraph by “three”;

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

“The labour commissioner general shall, without delay, transmit to the Commission one of the originals or of the certified copies of every collective agreement and the schedules thereto filed under the first paragraph, together with a certificate attesting the filing.”

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

“48.1. In any suit under this Act, a copy of a collective agreement printed under the authority of the Commission and certified as a true copy of the original or certified copy received by the Commission under section 48 by the chairman or a person designated by the chairman shall be admissible in evidence and shall have the same probative force as the original.”

110. Section 61 of the said Act is amended by adding, at the end of the third paragraph, the following : “The collective agreement may also contain clauses establishing a procedure to prevent or settle jurisdictional conflicts which relate to the practice of a trade or occupation before the conflict is referred to the construction industry commissioner.”

111. Section 80.1 of the said Act is amended

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

“80.1. The construction industry commissioner shall rule on any proceeding brought against a decision of the Commission”;

(2) by replacing “appeal from a decision referred to in subparagraphs 4 and 5 of the first paragraph” in the first and second lines of the second paragraph by “contest a decision referred to in subparagraphs 4 and 5 of the first paragraph before the construction industry commissioner”.

112. Section 80.2 of the said Act, enacted by section 397 of chapter 85 of the statutes of 1997, is amended by replacing “building commissioner” in the fifth line of the first paragraph by “construction industry commissioner”.

113. The said Act is amended by inserting, after section 80.2 enacted by section 397 of chapter 85 of the statutes of 1997, the following:

“80.3. A person aggrieved by a decision of the Commission rendered pursuant to a regulation made under the first paragraph of section 123.1 may, where such a remedy is provided for in the regulation, contest the decision before the construction industry commissioner.”

114. Section 81 of the said Act is amended

(1) by inserting “of this Act or out” after “arising out” in the first line of subparagraph *a* of the first paragraph;

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

“(a.1) exercise against the directors of a legal person those of the recourses arising out of this Act or a collective agreement in favour of the employees and that may be exercised against them;”;

(3) by adding, at the end of subparagraph *c.2* of the first paragraph, “or by any other means of proof establishing the number of hours necessary for the carrying out of the work;”.

115. Section 82 of the said Act is amended by replacing “in the form prescribed by the Commission giving, among others, the following particulars” in the first and second lines of subparagraph *b* of the first paragraph by “in the manner prescribed by the Commission, containing, in particular, the following information”.

116. Section 109 of the said Act is amended by adding, at the end, the following: “For the purposes of this section, sections 44, 45, 47 and 48 of that Act shall be read by striking out “professional” before “employer”.”

117. The said Act is amended by inserting, immediately before section 112, the following:

“111.1. Every person who contravenes section 7.4.1 is guilty of an offence and liable, for each day or part of a day during which the offence continues, to a fine of \$1,000 to \$2,000 in the case of an individual and \$2,000 to \$4,000 in the case of any other person.

For every subsequent conviction, the fines shall be doubled.”

118. Section 119.1 of the said Act is amended by adding, at the end, the following :

“Penal proceedings instituted against a member of a partnership deemed, under the third paragraph of section 19.1, to be an employee of that partnership, shall not preclude the institution of penal proceedings, in relation to the same facts, against any other member of that partnership as an employer of the member deemed to be an employee.”

119. Section 119.2 of the said Act is amended by replacing “section 83.1” in the first line of the first paragraph by “any of sections 83, 83.1, 83.2, 84 and 111.1”.

120. The said Act is amended by inserting, after section 119.5, the following :

“119.6. Every person who contravenes the third paragraph of section 23.2 or section 23.3 is guilty of an offence and liable to a fine of \$500 to \$1,000 in the case of a natural person and \$1,000 to \$2,000 in the case of a legal person.

For any subsequent conviction, the fines shall be doubled.”

121. Section 122 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended

(1) by replacing “damages, the equivalent of one month’s” in the fourth line of subsection 3 by “punitive damages, the equivalent of three months”;

(2) by replacing the first paragraph of subsection 7 by the following :

“(7) In the case of a bankruptcy of or a winding-up order in respect of a legal person, or in the case of the legal person’s dissolution pursuant to the second paragraph of section 50 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (chapter P-45), the directors of the legal person shall be personally and solidarily liable for the payment of the wages payable to the employees of the legal person, up to six months’ wages, provided that a claim is filed for that debt within one year of the bankruptcy, winding-up order or dissolution.”;

(3) by replacing “company” in the first line of the second paragraph of subsection 7 by “legal person”;

(4) by striking out “and by the sole fact of such reimbursement, it shall be subrogated in the rights of such employee” in the first paragraph of subsection 8.

122. Section 123 of the said Act is amended

(1) by inserting, after subparagraph 8.3 of the first paragraph, enacted by section 398 of chapter 85 of the statutes of 1997, the following :

“(8.4) determine the tariff of dues, fees and other costs relating to the matters, proceedings and applications referred to, brought before or filed with the construction industry commissioner, fix the amounts thereof and determine the categories of persons that may be exempted therefrom ;

“(8.5) determine, after consultation with the Conseil consultatif du travail et de la main-d’oeuvre, the remuneration, allowances and expenses to which the arbitrators of grievances and the arbitrators appointed under section 105 are entitled. The regulation may also determine who is to assume the payment of the remuneration, allowances and expenses and, where applicable, in which cases and in what proportion, as well as the cases where an agreement on different remuneration, allowances or expenses may be made, and the conditions governing such an agreement ;” ;

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

“The provisions of the regulations made under subparagraph 8.4 of the first paragraph may vary according to the matter, proceeding or application referred to, brought before or filed with the construction industry commissioner.”

123. Section 123.4.4 of the said Act, enacted by section 399 of chapter 85 of the statutes of 1997, is amended by inserting “and a mandatory corporation referred to in section 129.3 of the Building Act” after “Québec” in the first line.

124. The said Act is amended by inserting, after section 126.0.2, the following :

“126.0.3. The Minister may generally or specially delegate to a member of the personnel of the Minister’s department or to a person designated by the Minister the exercise of the powers conferred on the Minister by this Act.”

#### ACT TO AMEND THE BUILDING ACT AND OTHER LEGISLATION

125. Section 78 of the Act to amend the Building Act and other legislation (1991, chapter 74) is replaced by the following :

“78. Section 170 of the said Act, amended by section 50 of the Act to amend various legislative provisions relating to building and the construction industry (1998, chapter 46), is again amended by adding, at the end, the

following sentence: “In the matter of a permit or recognition of a person, the court may, however, decide otherwise.”

#### TRANSITIONAL AND FINAL PROVISIONS

126. Proceedings before the construction industry commissioner under section 164.1 of the Building Act (R.S.Q., chapter B-1.1), enacted by section 48 of this Act, may be brought in respect of rulings delivered before the effective date of the proceedings where the time prescribed for bringing the proceedings under section 164.2 of the Building Act enacted by section 48 of this Act has not expired. The time prescribed runs from the date of the ruling.

127. Proceedings before the Labour Court under paragraph 2 of section 165 of the Building Act (R.S.Q., chapter B-1.1), as it read before the coming into force of section 49 of this Act, shall be continued according to the provisions applicable to them.

128. Proceedings before the construction industry commissioner under section 35.2 of the Act respecting electrical installations (R.S.Q., chapter I-13.01), amended by section 69 of this Act, may be brought in respect of rulings delivered before the effective date of the proceedings where the time prescribed for bringing the proceedings has not expired. The time prescribed runs from the date of the ruling.

129. Proceedings instituted before the Labour Court under section 35.2 of the Act respecting electrical installations, as it read before the coming into force of section 69 of this Act, shall be continued according to the provisions applicable to them.

130. Subject to section 131 of this Act, proceedings in progress before the building commissioner or the council of arbitration shall be continued and decided by the construction industry commissioner.

131. The term of office of the building commissioner and of the building deputy-commissioner shall end on (*insert here the date of coming into force of this section*).

Where the parties consent thereto, the building commissioner and the building deputy-commissioner may, notwithstanding the end of their term, conclude matters they have begun to hear and on which they have yet to rule. For such purpose, they are entitled, for a maximum period of six months, to the conditions of employment that are applicable to them on (*insert here the date before the date of coming into force of this section*).

132. The members of the personnel of the Ministère du Travail placed at the disposal of the building commissioner and of the council of arbitration become members of the personnel of the construction industry commissioner.

133. The files, documents and records of the building commissioner and of the council of arbitration become the files, documents and records of the construction industry commissioner.

134. The appropriations granted to the Ministère du Travail for the building commissioner and the council of arbitration are transferred to the fund of the construction industry commissioner.

135. Unless the context indicates otherwise, in any text,

(1) a reference to the building commissioner is a reference to the construction industry commissioner;

(2) a reference to the council of arbitration established under section 41 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5), as it read before being amended by this Act, is a reference to the construction industry commissioner.

136. The Minister of Labour may assume the payment of part of the fees and expenses incurred for the arbitration of a dispute on the negotiation of a first collective agreement for a sector of the construction industry.

137. Sections 102 to 107 and 136 of this Act have effect from 20 April 1998.

138. The provisions of this Act come into force on 20 June 1998, except the provisions of section 18 which come into force on 20 June 1999 and the provisions of sections 1, 3 to 13, 25 and 29 to 32, paragraph 1 of section 35, sections 36 to 39, section 40 to the extent that they do not apply to the vocational qualification of contractors and owner-builders, section 41, paragraph 1 of section 42, sections 43 to 50, section 55 to the extent that they do not apply to the vocational qualification of contractors and owner-builders, sections 58, 60 to 63, 68 to 71, 73, 75, 76, 78, 80 to 82, 84 to 86, 88 to 100, 110 to 113 and 120, paragraph 8.4 of section 123 of the Act respecting labour relations, vocational training and manpower management in the construction industry, enacted by paragraph 1 of section 122, paragraph 2 of section 122 and sections 125 to 135, which come into force on the date or dates to be fixed by the Government.







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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 447  
(1998, chapter 47)

## **An Act respecting certain facilities of Ville de Montréal**

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**Introduced 29 May 1998**  
**Passage in principle 5 June 1998**  
**Passage 19 June 1998**  
**Assented to 20 June 1998**

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**Québec Official Publisher  
1998**

## EXPLANATORY NOTES

*This bill creates the Société de gestion Marie-Victorin, a legal person with share capital whose mission will be to operate certain facilities acquired from Ville de Montréal. The board of directors of the Société will consist of seven directors, four of whom are to be appointed by the executive committee of Ville de Montréal and three by the Government.*

*The bill provides that the facilities to be acquired by the Société are the Biodôme, the Jardin botanique and the Planétarium, and determines the amount to be given in return for the acquisition. It also provides that all the shares of the Société are attributed to Ville de Montréal.*

*Under the bill, the Government may agree with a legal person not established for pecuniary gain on the acquisition by such legal person from Ville de Montréal of shares of the Société. The Government will pay the legal person a subsidy, out of the sums voted annually for such purpose by the Parliament, to provide for the payment of the capital of and interest on any loan necessary for the acquisition.*

*The bill also contains financial, transitional and final provisions.*

## Bill 447

### AN ACT RESPECTING CERTAIN FACILITIES OF VILLE DE MONTRÉAL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### CHAPTER I

#### ESTABLISHMENT AND ORGANIZATION

1. A legal person with share capital is hereby established under the name “Société de gestion Marie-Victorin”.
2. The head office of the Société shall be situated in the territory of Ville de Montréal. Notice of any change of location shall be published in the *Gazette officielle du Québec*.
3. The board of directors of the Société shall be composed of seven members, including four appointed by the executive committee of Ville de Montréal and three appointed by the Government.
4. The members of the board of directors shall designate the chair from among their number. The chair shall preside at meetings of the board, oversee its operation and assume all other functions assigned to the chair by by-law of the Société.
5. The members of the board of directors shall designate a vice-chair from among their number. The vice-chair shall exercise the functions of the chair when the latter is absent or unable to act.
6. The board of directors shall appoint a director and fix the director’s remuneration, employment benefits and other conditions of employment. The director shall be responsible for the management of the Société within the scope of its by-laws and policies.
7. The director is not a member of the board of directors, but is entitled to be called to, attend and speak at meetings of the board.
8. The term of office of the members of the board of directors shall not exceed three years.

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

9. Any vacancy occurring in the course of the term of office of a member of the board of directors shall be filled in accordance with the rules governing appointment set out in section 3.

Absence from the number of board meetings determined by the internal management rules of the Société, in the cases and circumstances specified, constitutes a vacancy.

10. The members of the board of directors shall receive no remuneration. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Société.

11. The quorum at meetings of the board is the majority of its members, including the chair or, as the case may be, the vice-chair and at least one member appointed by the Government.

12. Decisions of the board of directors are made by a majority vote of the members present.

In the case of a tie-vote, the person chairing the meeting has a casting vote.

13. The board members and the director may, if they all agree, take part in a meeting using means which allow them to communicate with each other orally, such as the telephone. In such a case, the participating members are deemed to have attended the meeting.

14. The members of the board of directors may not be prosecuted for any official act performed in good faith in the exercise of their functions.

15. A member of the board of directors who has a direct or indirect interest in an enterprise causing the member's personal interest to conflict with that of the Société must, on pain of forfeiture of office, disclose the interest and withdraw from a meeting during a discussion or vote concerning any matter relating to the enterprise in which the interest is held.

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

17. The Société may, by by-law, determine the exercise of its powers and the other aspects of its internal management.

18. The by-laws of the Société are not subject to ratification by the shareholder.

## CHAPTER II

### MISSION AND POWERS

19. The mission of the Société is

- (1) to operate the facilities acquired from Ville de Montréal;
- (2) to pursue commercial and such other activities as may contribute to the operation, development and exposure of such facilities.

20. In the pursuit of its mission, the Société shall acquire the Biodôme, the Jardin botanique and the Planétarium of Ville de Montréal, as well as any other property needed for the operation of those facilities, without warranty of quality, on the date and subject to the conditions determined by the Government.

The Government may, for the purposes of this Act, draw up the technical description of the immovable property referred to in this section, and an inventory of the other property the ownership of which is to be transferred.

21. For the purposes of the transaction provided for in the first paragraph of section 20, the property is valued at \$65,000,000.

As consideration for such acquisition, the city shall hold a claim in the amount of \$65,000,000 against the Société, which shall become due on the date determined by the Government but not later than five years from the date of acquisition. If the claim is not settled by the due date, the property of the Société shall devolve to the city.

The amount of the claim shall be increased by the amount of any contribution made by the city to the Société to finance capitalizable capital expenditure relating to the property referred to in the first paragraph of section 20.

22. The accounts receivable and accounts payable on the date of acquisition of the property referred to in section 20 shall be received or, as the case may be, paid by the Société.

## CHAPTER III

### FINANCIAL PROVISIONS

23. The authorized capital of the Société shall be \$450,000,000, divided into shares without par value.

24. All the shares of the Société shall be attributed to Ville de Montréal for \$1.

25. Ville de Montréal may, subject to the conditions and in the manner it determines,

(1) guarantee the payment of the capital of and interest on any loan contracted by the Société;

(2) guarantee the performance of any other obligation of the Société;

(3) advance to the Société any amount considered necessary for the pursuit of its mission.

Ville de Montréal shall pay to the Société the amounts needed to ensure that it has a balanced budget.

26. The Société may not, without the authorization of Ville de Montréal,

(1) acquire or transfer assets in excess of the limits or in contravention of the terms and conditions determined by the city;

(2) make a financial commitment in excess of the limits or in contravention of the terms and conditions determined by the city;

(3) contract a loan that causes the total of its current outstanding loans to exceed the amount determined by the city;

(4) acquire or hold shares issued by a legal person or a share in a partnership.

27. The Société may enter into an agreement with any person or body, or with the Government, a government department or a government body.

The Société may also enter into an agreement according to law with a government in Canada or elsewhere, a department or body of such a government, an international organization or a body of such an organization.

28. The Société and Ville de Montréal may enter into any agreement.

The Société and Ville de Montréal shall enter into an agreement for the purpose of conferring on the city the exclusive authority to operate the facilities owned by the Société.

Any agreement entered into pursuant to this section may depart from the provisions of the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

## **CHAPTER IV**

### **ACCOUNTS AND REPORTS**

29. The fiscal year of the Société shall end on 31 December.

30. The Société shall, before 30 September each year, submit its budgetary estimates for the following fiscal year to Ville de Montréal for approval, together with a statement of its financial commitments.

31. On or before 31 March each year, the Société shall produce its financial statements and its annual report for the preceding fiscal year.

32. Every year the books and accounts of the Société shall be audited by an auditor designated by the Société.

The auditor's report must be submitted with the report of operations and the financial statements of the Société.

33. No act, document or writing shall bind the Société or be attributed to it unless it is signed by the chair, the director or, to the extent determined by by-law of the Société, by a member of its personnel.

The by-law may allow, subject to the conditions and on the documents it determines, that a signature be affixed by means of an automatic device. It may also allow that a facsimile of a signature be engraved, lithographed or printed on the documents it determines. Such a facsimile shall have the same force as the signature itself.

34. The minutes of the meetings of the board of directors, approved by the board and signed by the chair, by the secretary or by any other person so authorized by the Société, are authentic, as are documents and copies emanating from the Société or forming part of its records if so certified by any such person.

## **CHAPTER V**

### **FINAL PROVISIONS**

35. The names "Jardin botanique de Montréal" and "Planétarium de Montréal" may not be used to designate any immovable property, enterprise or body without the written authorization of the Société.

36. The Société is not a mandatory body of Ville de Montréal for the purposes of Division XIII.1 of the Cities and Towns Act (R.S.Q., chapter C-19), the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) or the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001). The Société is not a municipal body for the purposes of sections 304 to 306 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) or Division II of Chapter XII of Title I of that Act.

37. A transfer pursuant to section 20 shall be registered in the land register on presentation of the order in council authorizing the transfer, containing a description of the immovable property and the effective date of the transfer. The provisions of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) do not apply to such a transfer.

38. The Société is exempted from any municipal and school tax.

39. A legal person not established for pecuniary gain may agree with the Government to borrow \$160,800,000 for the purpose of acquiring from Ville de Montréal fully paid shares of the capital of the Société, as follows:

(1) for the year 1998, \$53,600,000;

(2) for the year 1999, \$53,600,000;

(3) for the year 2000, \$53,600,000.

The Government may, on the terms and conditions it determines, grant a subsidy to the legal person for the payment, in whole or in part, out of the funds voted for such purpose by the Parliament, of the capital of or interest on such loan.

40. Notwithstanding section 8, the first members of the board of directors and the first director shall be appointed for a term of six months.

41. The Société shall cease its operations and be dissolved on the dates and subject to the conditions determined by the Government by agreement with Ville de Montréal.

42. The Minister of State for Greater Montréal is responsible for the administration of this Act.

43. This Act comes into force not later than 31 December 1998.

However, the Government may, before that date, bring into force on the date or dates it fixes the provisions it indicates.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 448  
(1998, chapter 48)

**An Act to amend the Act respecting  
the marketing of agricultural, food and  
fish products as regards the marketing  
of wild fur**

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**Introduced 10 June 1998  
Passage in principle 17 June 1998  
Passage 19 June 1998  
Assented to 20 June 1998**

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**Québec Official Publisher  
1998**

**EXPLANATORY NOTES**

*This bill amends the Act respecting the marketing of agricultural, food and fish products to include wild fur in its scope of application.*

*The bill will enable persons marketing wild fur to form a group to negotiate collectively the conditions that will govern the marketing of the product.*

## **Bill 448**

### **AN ACT TO AMEND THE ACT RESPECTING THE MARKETING OF AGRICULTURAL, FOOD AND FISH PRODUCTS AS REGARDS THE MARKETING OF WILD FUR**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) is amended by inserting “and of wild fur” after “fish products” in the second and third lines.
2. The said Act is amended by inserting, after section 191, the following Title:

#### **“TITLE IV.01**

##### **“MARKETING OF WILD FUR**

- “191.01. This Title applies to the marketing of wild fur.
- “191.02. The expression “wild fur” means the pelt of an animal that may be hunted or trapped under a regulation made pursuant to section 56 of the Act respecting the conservation and development of wildlife (chapter C-61.1).
- “191.03. The provisions of Titles I to III and of Title V of this Act apply, adapted as required, to the marketing of wild fur.
- “191.04. The body responsible for the administration of a joint plan for the marketing of wild fur is a marketing board. It has the same powers in respect of the product and assumes the same obligations as the producers’ board in respect of the marketing of the agricultural product it administers.
- “191.05. The coordination and development chamber established for the marketing of wild fur has the same powers and exercises the same functions as a coordination and development chamber in respect of the marketing of an agricultural or food product.
- “191.06. No person or body may engage in the marketing of wild fur while holding himself, herself or itself out as a marketing board referred to in this Title unless that person or body is such a marketing board.

“191.07. Where Titles II and III provide that a notice must be published in a farm journal, the notice must be published, for the purposes of this Title, in a journal having general circulation in the territory covered by the notice.”

3. Section 193 of the said Act is amended by replacing “and 189” in the first and second lines by “, 189 and 191.06”.

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

## Regulations and other acts

Gouvernement du Québec

### O.C. 960-98, 21 July 1998

Dairy Products and Dairy Products Substitutes Act  
(R.S.Q., c. P-30)

#### Composition, packing and labelling of dairy products — Amendments

Regulation to amend the Regulation respecting the composition, packing and labelling of dairy products

WHEREAS under paragraph *n* of section 42 of the Dairy Products and Dairy Products Substitutes Act (R.S.Q., c. P-30), the Government may make regulations to regulate the nature, shape, dimensions and capacity of containers, packages or wrappers and the inscriptions, labels or markings indicating the nature, kind or variety, composition, quantity, quality or particular trade names of the different dairy products or substitutes, the date of their manufacture as well as the inscription of the name and address of the milk dealer, manufacturer or wholesaler on invoices, labels or containers;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the composition, packing and labelling of dairy products was published in Part 2 of the *Gazette officielle du Québec* of 6 May 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 without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting the composition, packing and labelling of dairy products, 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 composition, packing and labelling of dairy products(\*)

Dairy Products and Dairy Products Substitutes Act  
(R.S.Q., c. P-30, s. 42, par. *n*)

**1.** The Regulation respecting the composition, packing and labelling of dairy products is amended by substituting the following for section 11:

“**11.** The following containers shall be used for the prepackaged dairy products specified below:

(1) a 125-, 250- or 454-gram container for prepackaged butter or calorie-reduced butter whose mass exceeds 20 grams and which does not contain portions or units of mass of 20 grams or less;

(2) a 500-gram container for prepackaged butter or calorie-reduced butter whose total mass exceeds 20 grams and which contains prepackaged 125- or 250-gram units;

(3) a 1-or 2-litre container for prepackaged cultured cream portions which exceed 500 millilitres;

(4) a 1-, 2-, 10- or 20-litre container for prepackaged cream other than cultured cream which exceed 500 millilitres; and

(5) a 1-, 2-, 4-, 10- or 20-litre container for any other prepackaged liquid dairy product in portions which exceed 500 millilitres.

Notwithstanding the foregoing, no prepackaged liquid dairy product may be marketed in a container whose capacity is less than 15 millilitres.”

**2.** Section 13 is amended by deleting the second paragraph.

**3.** The following is substituted for the second, third and fourth paragraphs of section 14:

\* The Regulation respecting the composition, packing and labelling of dairy products (R.R.Q., 1981, c. P-30, r.2) was last amended by the Regulation made by Order in Council 1176-93 dated 25 August 1993 (1993, *G.O.* 2, 5042). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

“Notwithstanding the foregoing, where a dairy product is marketed in a container including units or portions not exceeding 60 millilitres or 20 grams and individually packaged, the number of units or portions included must be indicated on the container, as well as the volume or mass of each unit or portion. It is not compulsory to indicate the volume or mass of the product on each unit or portion included in such a container.”

**4.** Section 20 is revoked.

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

2448

Gouvernement du Québec

## O.C. 962-98, 21 July 1998

General and Vocational Colleges Act  
(R.S.Q., c. C-29)

### College education — Amendments

Regulation to amend the College Education Regulations

WHEREAS under section 18 of the General and Vocational Colleges Act (R.S.Q., c. C-29), the Government shall establish, by regulation, the College Education Regulations;

WHEREAS by Order in Council 1006-93 dated 14 July 1993, the Government made the College Education Regulations;

WHEREAS under section 18 of the General and Vocational Colleges Act, every draft regulation under this section shall be submitted to the Conseil supérieur de l'éducation for examination;

WHEREAS the draft Regulation to amend the College Education Regulations was submitted to the Conseil supérieur de l'éducation which issued its opinion on 9 June 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 6 May 1998 with a that it could be made by the Government upon the expiry of 45 days following its 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 to amend the Regulation respecting the College Education Regulations, attached hereto, be made.

MICHEL NOËL DE TILLY,  
*Acting Clerk of the Conseil exécutif*

## Regulation to amend the College Education Regulations(\*)

General and Vocational Colleges Act  
(R.S.Q., c. C-29, s. 18)

**1.** Section 2 of the College Education Regulations is amended by substituting the following for subparagraph 1 of the first paragraph:

“(1) the person has a Secondary School Diploma or a Secondary School Vocational Diploma awarded by the Minister of Education;”.

**2.** Section 4 is amended by adding the following paragraph at the end:

“A person who has a Secondary School Diploma or a Secondary School Vocational Diploma and who meets one of the following requirements may be admitted to a program leading to an Attestation of College Studies designated by the Minister:

(1) the program enables a person to pursue technical studies in a field for which there is no program leading to a Diploma of College Studies;

(2) the program is covered by an agreement regarding training, entered into by the Minister of Education with a department or a body of the Gouvernement du Québec.”.

A person who has a Secondary School Vocational Diploma may also be admitted to a program leading to an Attestation of College Studies designated by the minister, inasmuch as the program enables that person to acquire technical training as an extension of the vocational training offered at the secondary level.”.

\* The College Education Regulations, made by Order in Council 1006-93 dated 14 July 1993 (1993, *G.O.* 2, 3995), was amended once by Order in Council 551-95 dated 26 April 1995 (1995, *G.O.* 2, 1351).

**3.** The following is substituted for the second paragraph of section 7:

“The Minister shall determine the objectives and standards for each subject area. He may determine all or part of the learning activities required to attain those objectives and standards.”.

**4.** Section 9 is amended by striking out the words “in at least 2 of the subject areas referred to in subparagraphs 1 to 5 of the first paragraph that are not covered by the specific program components”, in the third paragraph.

**5.** The following is substituted for the second paragraph of section 10:

“The Minister shall determine the objectives and standards for each subject area. The Minister may determine, for each program he draws up or recognizes, all or part of the learning activities required to attain those objectives and standards.”.

**6.** The following paragraph is added at the end of section 13:

“The Minister may, at the end of the experimentation and after evaluation, recognize a program referred to in the first paragraph as a program leading to a Diploma of College Studies.”.

**7.** The following is substituted for section 16:

“**16.** A college may, if it is authorized to implement a program leading to a Diploma of College Studies, draw up and implement an institutional program leading to an Attestation of College Studies in any area of training specific to a program of technical studies leading to a Diploma of College Studies.

In addition, the college may, with the authorization of and on the conditions determined by the Minister, draw up and implement an institutional program leading to an Attestation of College Studies in any other area of technical studies.”.

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

2447

Gouvernement du Québec

## O.C. 963-98, 21 July 1998

General and Vocational Colleges Act  
(R.S.Q., c. C-29)

### Tuition fees and special fees — Amendments

Regulation to amend the Regulation respecting the tuition fees and special fees which a general and vocational college must charge

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, determine the cases in which a student registered for less than four courses or for courses totalling less than 180 periods of instruction is considered to be a full-time student, and, where applicable, determine the number of courses or periods applicable in each case;

WHEREAS by Order in Council 1016-97 dated 13 August 1997, the Government made the Regulation respecting the tuition fees and special fees which a general and vocational college must charge;

WHEREAS that Regulation prescribes, in particular, the cases in which a student is considered to be a full-time student and it is expedient to amend it;

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, on the recommendation of the Minister of Education:

THAT the Regulation to amend the Regulation respecting the tuition fees and special fees which a general and vocational college must charge, attached hereto, be made.

MICHEL NOËL DE TILLY,  
*Acting Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the tuition fees and special fees which a general and vocational college must charge(\*)

General and Vocational Colleges Act  
(R.S.Q., c. C-29, s. 24.4; 1997, c. 87, s. 19)

**1.** Section 1 of the Regulation respecting the tuition fees and special fees which a general and vocational college must charge is amended:

(1) by substituting the following for paragraph 1:

“(1) a student who, in his last or next-to-last term, was registered for at least four courses in a program of college studies or for courses totalling at least 180 periods of instruction in such a program and who has a maximum of three courses remaining to complete the training prescribed by the program; or”;

(2) by adding the following paragraph at the end of section 1:

“A student deemed to be a full-time student under paragraph 1 of the first paragraph can be granted such status for one term only unless the student is unable to complete the program of studies owing to one of the reasons prescribed in section 3 or because a required course is not being offered until the following term.”.

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

2445

Gouvernement du Québec

**O.C. 974-98, 21 July 1998**

Financial Administration Act  
(R.S.Q., c. A-6)

### Signing

#### — Certain financial transactions

Signing of documents on behalf of the Minister of Finance with regard to certain financial transactions

WHEREAS under section 36.1 of the Financial Administration Act (R.S.Q., c. A-6), any document relating to a

transaction to which that section applies may be signed on behalf of the Minister by any person designated by the Government;

WHEREAS it is expedient to designate persons for that purpose;

WHEREAS the Government designated persons for that purpose by Order in Council 1344-97 dated 15 October 1997;

WHEREAS it is necessary to replace Order in Council 1344-97 dated 15 October 1997;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Finance:

1. THAT any of the following persons be authorized to sign on behalf of the Minister of Finance any document relating to options and futures contracts, currency exchange agreements, interest rate exchange agreements and any other instrument or contract of a financial nature determined by the Government:

(a) the Deputy Minister of Finance;

(b) the Associate Deputy Minister, Policies and Financial Transactions;

(c) the Assistant Deputy Minister, Financing;

(d) the Director General, Management, Funds and Public Debt;

(e) the Director, Market Operations;

(f) the Director, Treasury Operations;

(g) the Director, Loan Contracting;

(h) the Director, Management, Public Debt;

(i) the Assistant Director, Market Operations;

2. THAT upon written approval of the terms and conditions of a transaction referred to in paragraph 1 by a person referred to in that paragraph, any of the following persons be authorized to sign, on behalf of the Minister of Finance, any document respecting that transaction:

(a) the Delegate General of Québec or the Director of Economic Affairs in Brussels at the Délégation Générale du Québec in Brussels;

\* The Regulation respecting the tuition fees and special fees which a general and vocational college must charge was made by Order in Council 1016-97 dated 13 August 1997 (1997, *G.O.* 2, 4358).



(b) the Delegate General of Québec, the Economic Affairs Counsellor, the Public Affairs Counsellor or the World of Finance Counsellor at the Délégation Générale du Québec in London;

(c) the Delegate General of Québec, the Director of Economic Affairs or the Cultural Affairs Counsellor at the Délégation Générale du Québec in New York;

(d) the Delegate General of Québec, the General Secretary, the Senior Political Affairs Counsellor or the Director of Economic Affairs at the Délégation Générale du Québec in Paris;

(e) the Delegate General of Québec, the Director of Economic Affairs or the Administration Attaché at the Délégation Générale du Québec in Tokyo;

(f) the representative of Québec at the Québec Government Office in Munich;

(g) the representative of Québec at the Québec Government Office in Ottawa;

(h) the representative of Québec at the Québec Government Office in Toronto;

3. THAT this Order in Council replace Order in Council 1344-97 dated 15 October 1997.

MICHEL NOËL DE TILLY,  
*Acting Clerk of the Conseil exécutif*

2446

Gouvernement du Québec

### **O.C. 979-98, 22 July 1998**

An Act respecting the Agence métropolitaine de transport  
(R.S.Q., c. A-7.02)

#### **Suburban train system — Standards of conduct**

By-law No. 5.2 concerning standards of conduct on the suburban train system of the Agence métropolitaine de transport

WHEREAS under section 26 of the Act respecting the Agence métropolitaine de transport (R.S.Q., c. A-7.02), the Agence métropolitaine de transport may, by by-law approved by the Government, prescribe standards of

conduct to be observed by passengers in trains, in train stations, on platforms and in parking areas operated by the Agency;

WHEREAS under section 155 of the Act, every by-law of the Société de transport de la Communauté urbaine de Montréal concerning the standards of conduct to be observed by persons in trains, in train stations, on platforms and in parking lots that is in force on 31 December 1995 remains in force until it is replaced by by-law of the Agency and shall apply to the suburban train system of the Agency as if it had been adopted under section 26;

WHEREAS the Agence métropolitaine de transport made By-law No. 5.1 entitled "By-law concerning standards of conduct on the suburban train system", on 21 November 1997;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the By-law concerning standards of conduct on the suburban train system was published in Part 2 of the *Gazette officielle du Québec* of 25 March 1998 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS comments were received within that period;

WHEREAS on 27 May 1998, the Agence métropolitaine de transport made By-law No. 5.2 concerning standards of conduct on the suburban train system which reproduces the by-law published originally and introduces technical and agreement amendments in it;

WHEREAS it is expedient to approve the By-law;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Greater Montréal:

THAT By-law No. 5.2 concerning standards of conduct on the suburban train system of the Agence métropolitaine de transport, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,  
*Acting Clerk of the Conseil exécutif*

## By-law number 5.2 concerning standards of conduct on the suburban train system

An Act respecting the Agence métropolitaine de transport  
(R.S.Q., c. A-7.02, s. 26, 98 and 155)

### SECTION I APPLICATION AND DEFINITION

**1.** This By-law establishes the standards of conduct to be observed by persons on the suburban train system, consisting of trains, train stations, platforms and parking areas operated by the Agence métropolitaine de transport.

**2.** In this By-law, “agent” means an employee or a representative of the Agency or of a railway company who is assigned to the suburban train system.

### SECTION II TRANSIT TICKETS AND PASSES

**3.** Any person in a user control area designated by signage or ground markings shall have a valid transit ticket or pass in his possession at all times.

**4.** Any person at least 13 years old who uses a reduced-fare ticket or pass established by the Agency and who is in a train or a user control area shall have in his possession at all times a reduced-fare access card issued by the Agency or an identity card issued by a municipality for public transit purposes or by a public transit operating authority whose territory is included in whole or in part in that of the Agency.

**5.** No person shall use the same transit ticket or pass simultaneously with another person.

### SECTION III CIVIC DUTY

**6.** On the suburban train system, no person shall:

- 1° hinder or obstruct user traffic;
- 2° refuse to move when required to do so by an inspector or agent.

**7.** No person shall circulate on a bicycle, roller skates, a scooter or a skateboard in a station, on a platform, on a pedestrian walkway, in a stairway or in a train.

**8.** No person shall circulate on a motorcycle or a moped on the suburban train system except in a parking area.

**9.** No person shall lie on the seats or on the floor in a train, in a station or on a platform.

**10.** No person shall smoke or light a lighter or a match in a train, a station or a shelter on a platform.

**11.** No person shall consume alcoholic beverages on the suburban train system.

**12.** No person shall cause a disturbance in a train, a station or a shelter on a platform.

**13.** No person shall operate a radio, a tape recorder or any other similar device, unless he uses headphones, in a train, a station or a shelter on a platform.

**14.** On the suburban train system, no person shall offer for sale or rent a good or a service or shall otherwise advertise, without the written authorization of the Agency.

**15.** In a train, in a control area or on a platform, no person shall, without the written authorization of the Agency:

- 1° solicit or collect donations;
- 2° solicit or collect signatures;
- 3° conduct surveys, polls or other studies;
- 4° offer or distribute pamphlets, handbills, leaflets or any other printed material.

**16.** In a train, on a platform or in a user control area, no person shall perform vocal or instrumental music or otherwise perform, without the written authorization of the Agency.

**17.** In a train, in a station, in a control area or on a platform, no person shall be in possession of a knife, sword, axe, machete or other similar object without a valid reason.

**18.** In a train, in a station, in a control area or on a platform, no person shall be in possession of explosives, fireworks or any hazardous or foul-smelling material.

### SECTION IV TRANSPORT OF ANIMALS, SKIS OR BICYCLES

**19.** No person shall be found on a train, in a station or on a platform with an animal, unless:

- 1° he is handicapped and is accompanied by a seeing-eye dog; or

2° the animal is a dog weighing less than 10 kilograms, a cat or a pet bird that is transported at all times in a cage or in the person's arms and on a leash.

**20.** No person shall be found on a train with skis, a sled, a toboggan or any other similar object between 6:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 7:00 p.m. from Monday to Friday with the exception of January 1 and 2, Good Friday, December 25 and 26, and any other time identified for that purpose by signage.

**21.** No person shall transport in a train a bicycle or a trailer that can be attached thereto between November 1 and May 1.

**22.** No person shall transport a bicycle or its trailer in a train unless he is at least 14 years old or accompanied by a person who is at least 14 years old.

**23.** No person shall transport a bicycle or its trailer in a train from 6:00 a.m. to 9:00 a.m. or from 3:30 p.m. to 7:00 p.m. from Monday to Friday with the exception of the Monday preceding May 25, June 24, July 1, the first Monday of September and the second Monday of October or any other time identified for that purpose by signage.

**24.** No person shall transport a bicycle or its trailer in a train except in train cars identified for that purpose by signage.

**25.** No person shall get on or off a train with a bicycle or its trailer except in stations identified for that purpose by signage.

**26.** No person shall transport a bicycle or its trailer in a train car if it already contains four bicycles or the posted number of bicycles.

**27.** No person shall lean a bicycle anywhere except on the racks provided for that purpose.

**28.** No person shall leave a bicycle or its trailer for more than 72 consecutive hours on property of the suburban train system.

## SECTION V SYSTEM OPERATIONS

**29.** No person shall insert in a ticket vending machine or a changemaker anything except Canadian coins or banknotes or an electronic cash card.

**30.** No person shall deposit or leave any trash, paper or other solid or liquid waste anywhere except in receptacles provided for that purpose or shall otherwise soil the property of the system.

**31.** No person shall soil the seat of a train, a station or a platform, in particular by placing his feet thereon, or by placing on such seat an object likely to soil it.

**32.** No person shall damage any property of the system, in particular with writing or graffiti.

**33.** No person shall:

1° prevent or delay the closure of an exterior train door;

2° open an exterior door of a moving train.

**34.** No person shall:

1° get on or off a moving train;

2° hang onto the outside of a train;

3° gain access to the roof of a train or a component of a train's power supply.

**35.** No person shall handle system property whose use is reserved exclusively for agents.

**36.** Except in an emergency, no person shall:

1° operate the emergency mechanism to open a door;

2° use an emergency exit;

3° activate the emergency brakes;

4° use any other system safety equipment.

**37.** On the suburban train system, no person shall move an operating, information or advertising sign, a poster or a safety cordon.

**38.** No person shall:

1° enter the safety zone at the edge of a platform, except to get on or off a train or to use a pedestrian walkway;

2° climb over a fence alongside a railway track or system property.

**39.** Except in an emergency or with the authorization of an agent, no person shall gain access to a railway track, a tunnel or an area reserved, by signage, exclusively for agents.

**40.** No person shall gain access to a train, a station or a platform between 2:00 a.m. and 5:00 a.m.

## SECTION VI PARKING AREAS

**41.** No person shall stop a road vehicle in a parking area at the following locations:

1° in a lane reserved for vehicle traffic;

2° in a place where signs prohibiting parking are posted;

3° in a waiting area, unless the vehicle is continuously under the driver's supervision.

**42.** No person shall drive a road vehicle in a parking area:

1° at a speed greater than 15 kilometres an hour;

2° in contravention of the posted signs.

**43.** No person shall leave a road vehicle parked in a parking area between 2:00 a.m. and 5:00 a.m., except in a place indicated for such purpose.

## SECTION VII FINAL PROVISIONS

**44.** Every person who contravenes a provision of sections 3 to 39 and 41 is liable to a fine of not less than \$75 and not more than \$150, under section 98 of the Act respecting the Agence métropolitaine de transport.

**45.** A person authorized by the Agency to carry out an activity shall at all times be in possession of the Agency's written authorization and documents attesting to his identity or that of the body he represents.

**46.** The present By-law replaces By-law CA-77 adopted by the Société de transport de la Communauté urbaine de Montréal on August 23, 1995, and entitled *Règlement concernant le transport et la conduite des voyageurs par train de banlieue sur le service de la ligne Montréal/Deux-Montagnes organisé par la STCUM.*

**47.** The present By-law comes into effect on the 15th day after its publication in the *Gazette officielle du Québec.*

2443

Gouvernement du Québec

## O.C. 987-98, 21 July 1998

An Act respecting the Ministère des Transports  
(R.S.Q., c. M-28)

### Provision of road service

Regulation respecting the provision of road service or towing on certain roads and autoroutes and on certain bridges or other infrastructures

WHEREAS under section 12.1.1 of the Act respecting the Ministère des Transports (R.S.Q., c. M-28), amended by section 3 of Chapter 46 of the Statutes of 1997, and section 12.2 of that Act, the Government may, by regulation, prohibit the provision of road service or the towing by a tow truck on all or part of a public road that it specifies among the roads, autoroutes and bridges or other infrastructures, maintained by the Minister of Transport, unless so allowed in the carrying out of a contract made with the Minister;

WHEREAS it is expedient to order such a prohibition on certain segments of the freeways and access ramps of the regions of Montréal and Québec that are part of the road network maintained by the Minister of Transport;

WHEREAS it is expedient to replace the Regulation respecting traffic, emergency repairs and towing on certain main arteries of the Montréal region (R.R.Q., 1981, c. C-24, r. 10);

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 18 February 1998 with a notice that it could be made by the Government upon the expiry of 45 days following that publication and inviting any person having comments to make to send them to the Minister before the expiry of such period;

WHEREAS following that publication, the Minister of Transport has not received any comments;

WHEREAS it is expedient to make the Regulation attached hereto;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT the Regulation respecting the provision of road service or towing on certain roads and autoroutes and on certain bridges or other infrastructures, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,  
*Acting Clerk of the Conseil exécutif*

## Regulation respecting the provision of road service or towing on certain roads and autoroutes and on certain bridges or other infrastructures

An Act respecting the Ministère des Transports (R.S.Q., c. M-28, s. 12.1.1; 1997, c. 46, s. 3)

**1.** No person who has not entered into a contract with the Minister of Transport, in accordance with section 12.2 of the Act respecting the Ministère des Transports (R.S.Q., c. M-28), may provide road service to or tow a vehicle on routes and autoroutes including their ramps and interchanges, as well as on the following bridges or infrastructures:

(1) the segment of Autoroute 10 which extends from the eastern limit of the former right-of-way of the Canadian National Railway, located in Ville de Brossard, to Rivière Richelieu, including the interchanges of Autoroute 10 connecting with Route 134, Boulevard Milan and Autoroute 30, located in Ville de Brossard;

(2) the segment of Autoroute 13 which extends from the junction of Autoroute 20 to the junction of Autoroute 640, including the interchanges of autoroutes 20, 40, 440, 520 and 640;

(3) the segment of Autoroute 15 which extends:

(a) from Rivière Saint-Jacques, located at the limit of the towns of La Prairie and Brossard, to the interchange of autoroutes 10 and 20, including ramps “A”, “B” and “D” described in Schedule I;

(b) from the northern extremity of the approach noses of the Atwater entrance and exit (No. 61) of Autoroute 40, including the interchange connecting autoroutes 15 and 40; and

(c) from Autoroute 40, including the interchange connecting autoroutes 15 and 40, to the southern extremity of the approach noses of Exit 23 (Sainte-Thérèse), including the interchanges of autoroutes 440 and 640;

(4) the segment of Autoroute 19 which extends from Boulevard Henri-Bourassa, located in Ville de Montréal, to Boulevard Dagenais, located in Ville de Laval, including the interchange of Autoroute 440;

(5) the segment of Autoroute 20 which extends:

(a) from Pont Galipeault, located in the Municipalité de l'Île-Perrot, to the junction of autoroutes 15 and 720, including the interchange connecting these 3 autoroutes;

(b) from the junction of Autoroute 10, including ramps “E”, “F” and “H”, described in Schedule I, to Rivière Richelieu, including the interchanges of Autoroute 20 connecting:

i. Boulevard Simard, Route 112 and Rue Notre-Dame, located in Ville de Saint-Lambert;

ii. Route 134 (Pont Jacques-Cartier) including ramp I from Rue Pierre-Dupuy to Viaduc Charles-Lemoyne, the entrance ramps from Saint-Charles-Ouest and Saint-Charles-Est and the exit ramps to Saint-Charles-Est and Charles-Lemoyne, as illustrated in Schedule II; and

iii. Boulevard Roland-Therrien, Route 132 and Autoroute 25, located in Ville de Longueuil;

(6) the segment of Autoroute 25 which extends:

(a) from the junction of Autoroute 20 to Rue De-Lamartine, located north of Autoroute 40, including the interchange of Autoroute 40 and the Pont-tunnel Louis-Hippolyte-Lafontaine;

(b) on the northbound lane, from the exit approach nose of Boulevard Henri-Bourassa Ouest, located in Ville de Montréal-Nord, to the junction of Autoroute 640, in the towns of Lachenaie and Mascouche, including the interchanges of autoroutes 440 and 640;

(c) on the southbound lane, from the junction of Autoroute 640, in the towns of Lachenaie and Mascouche, to the exit to Boulevard Henri-Bourassa Ouest via Rue Saint-Jean, located in Ville de Montréal-Nord, including the interchanges of autoroutes 440 and 640;

(7) the segment of Autoroute 30 which extends from the junction of Autoroute 10 to the junction of Autoroute 20 including the interchange connecting autoroutes 20 and 30;

(8) the segment of Autoroute 40 which extends from the junction of Autoroute 540 to the overpass of Route 341, located in the municipalities of Repentigny and l'Assomption, including the interchanges of autoroutes 540 and 640 and the interchange of Autoroute 40 connecting with Boulevard Roche;

(9) the segment of Autoroute 40 which extends from Autoroute 440 (Charest) to the interchange of Boulevard Henri-Bourassa, located in Ville de Québec, including the entrance and exit ramps of Einstein and John-Molson streets, of Route 138 (Boulevard Hamel), of Route 371 (Boulevard Masson/Boulevard de l'Ormière), of Boulevard Saint-Jacques, of Route 358 (Boulevard Pierre-Bertrand), of 1<sup>re</sup> Avenue and of Bou-



levard Henri-Bourassa, the interchange connecting autoroutes 73 (Laurentienne) and 440 (Charest), the interchange connecting with Autoroute 573 (Henri-IV), the interchange connecting with Autoroute 740 (Du Vallon) and the interchange connecting autoroutes 73 (Laurentienne) and 973 (Laurentienne);

(10) the segment of Autoroute 73 (Laurentienne) which extends:

(a) on the northbound lane, from the extremity of the approach nose dividing Autoroute 73 Nord of the entrance ramp of Autoroute 20 Est to the junction of autoroutes 40 and 440 (Charest) including:

- i. Pont Pierre-Laporte;
- ii. the ramps connecting Route 136 (Boulevard Champlain) and connecting with Avenue des Hôtels;
- iii. the ramps of Autoroute 540 (Duplessis), from Route 175 to Rue de Lavigerie, of Chemin Saint-Louis, of Boulevard Hochelaga and of Rue Louis-Riel;
- iv. the ramps connecting with Chemin des Quatre-Bourgeois;
- v. the entrance and exit ramps of Boulevard du Versant-Nord to the intersection of Lestre and d'Entremont streets, on the west side, and to the intersection of Rue Chanoine-Scott, on the east side;

(b) on the southbound lane, from the junction of Autoroute 440 (Charest) to the extremity of the approach nose dividing Autoroute 73 Sud from the exit ramp to Autoroute 20 Est, including Pont Pierre-Laporte and the interchanges mentioned in subparagraph a;

(11) the segment of Autoroute 73 (Laurentienne) which extends to the junction of Autoroute 40 to Route 369 (Boulevard Saint-Joseph/80<sup>e</sup> Rue Ouest) including the ramps connecting with Boulevard Lebourgneuf, located in Ville de Québec, and the ramps connecting with Route 369;

(12) the segment of Autoroute 440 which extends from the junction of Autoroute 13 to the junction of Autoroute 25, located in Ville de Laval;

(13) the segment of Autoroute 520 which extends from the junction of Autoroute 20, including the interchange connecting them, to the junction of Autoroute 40, including the interchange connecting autoroutes 20 and 40;

(14) the segment of Autoroute 540 (Duplessis) which extends from the interchange connecting Autoroute 73, Route 175, Chemin Saint-Louis, Boulevard Hochelaga

and Rue Louis-Riel to the overpass crossing Boulevard Hochelaga;

(15) the segment of Autoroute 640 which extends from the junction of Route 148, located in Ville de Saint-Eustache, to the overpass of Route 335, located in Ville de Bois-des-Filion;

(16) the segment of Autoroute 720 which extends from the junction of autoroutes 15 and 20 to Rue Papineau, located in Ville de Montréal, including the Ville-Marie tunnel;

(17) the segment of Autoroute 740 (Du Vallon) which extends from Boulevard Lebourgneuf, located in Ville de Québec, to Boulevard Hochelaga, located in Ville de Sainte-Foy, including:

(a) the entrance and exit ramps of Rue Jean-Perrin to the extremity of the approach nose;

(b) the entrance and exit ramps of Boulevard Père-Lelièvre;

(c) the entrance and exit ramps of Route 138 (Boulevard Hamel);

(d) the ramps connecting Autoroute 440 (Charest) and Rue Jean-Talon Nord to the intersection of Lavoisier and Jean-Talon Nord streets;

(e) the ramps connecting with Autoroute 440 (Charest);

(f) on the northbound lane, the exit ramp to Boulevard du Versant-Nord to the extremity of the approach noses located at the intersection of Boulevard du Versant-Nord and Rue Jean-Talon Sud;

(g) on the southbound lane, the exit ramp to Boulevard du Versant-Nord to the extremity of the approach nose;

(h) the entrance ramp from Boulevard du Versant-Nord from the extremity of the approach noses located at the intersection of Boulevard du Versant-Nord and Rue Jean-Talon Sud;

(i) the ramp which extends from the entrance ramp from Autoroute 440 Est (Charest) to the extremity of the approach noses located at the intersection of Boulevard du Versant-Nord and Rue Jean-Talon Sud;

(j) the ramp connecting Boulevard du Versant-Nord to Autoroute 440 Est (Charest) from the extremity of the approach noses located at the intersection of Boulevard du Versant-Nord and Rue Jean-Talon Sud;

(k) the ramps connecting with Chemin Sainte-Foy;

(l) the ramps connecting with Chemin des Quatre-Bourgeois;

(18) Route 138 from the junction of Autoroute 20 to the junction of Route 207 including the interchange connecting Route 138 to Autoroute 20 and Pont Honoré-Mercier;

(19) Route 132 from the junction of Route 138 to the intersection with Chemin Saint-Bernard, located in the Kahnawake Reserve, including the interchange connecting routes 132 and 138;

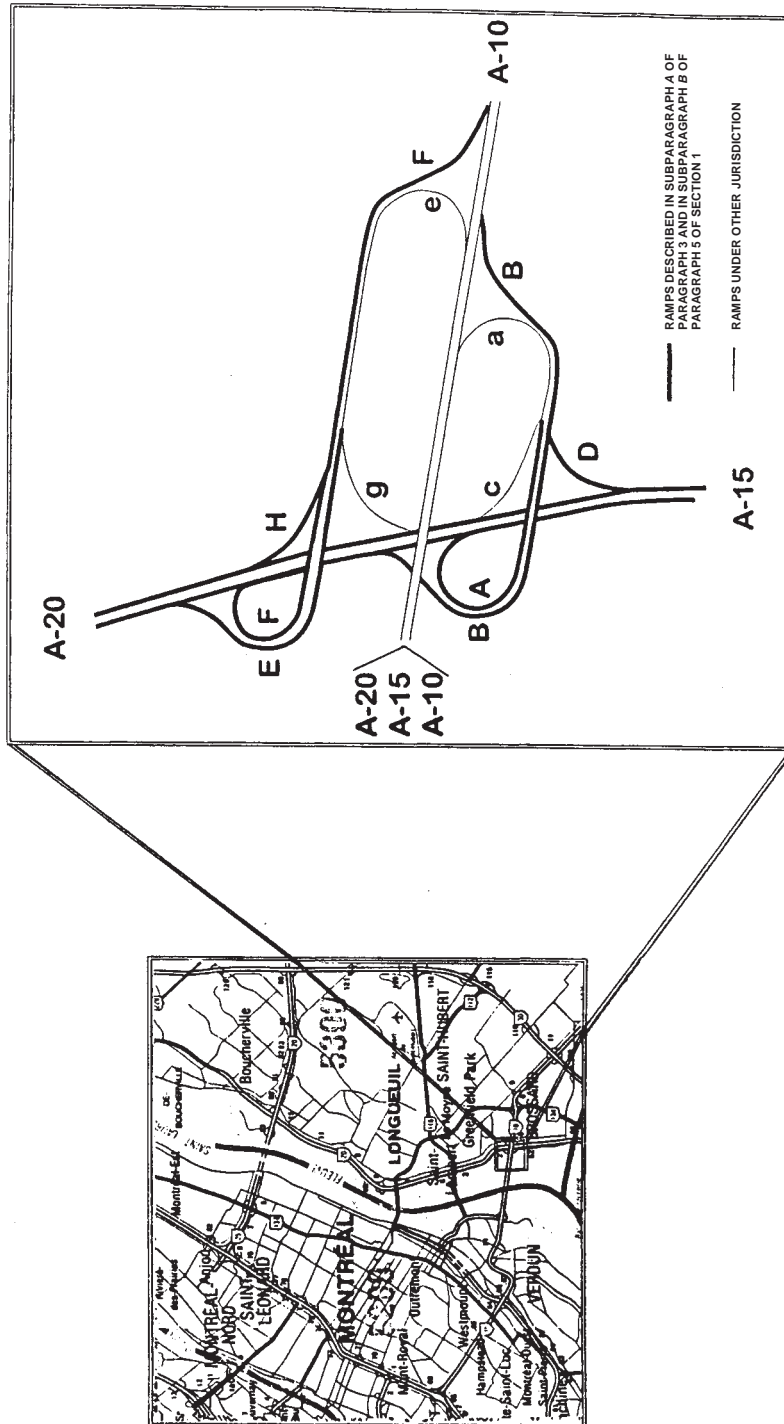
(20) Route 175 from the overpass crossing Route 132 to the interchange connecting autoroutes 73 and 540, including the interchanges of Chemin Saint-Louis, Boulevard Hochelaga and Rue Louis-Riel, including Pont de Québec, the exit ramp to Avenue des Hôtels up to Avenue des Hôtels and the entrance ramp from Avenue des Hôtels from the overpass of Route 175.

**2.** Any contravention of section 1 constitutes an offence liable to a fine under section 12.4 of the Act respecting the Ministère des Transports.

**3.** This Regulation replaces the Regulation respecting traffic, emergency repairs and towing on certain main arteries of the Montréal region (R.R.Q., 1981, c. C-24, r.10).

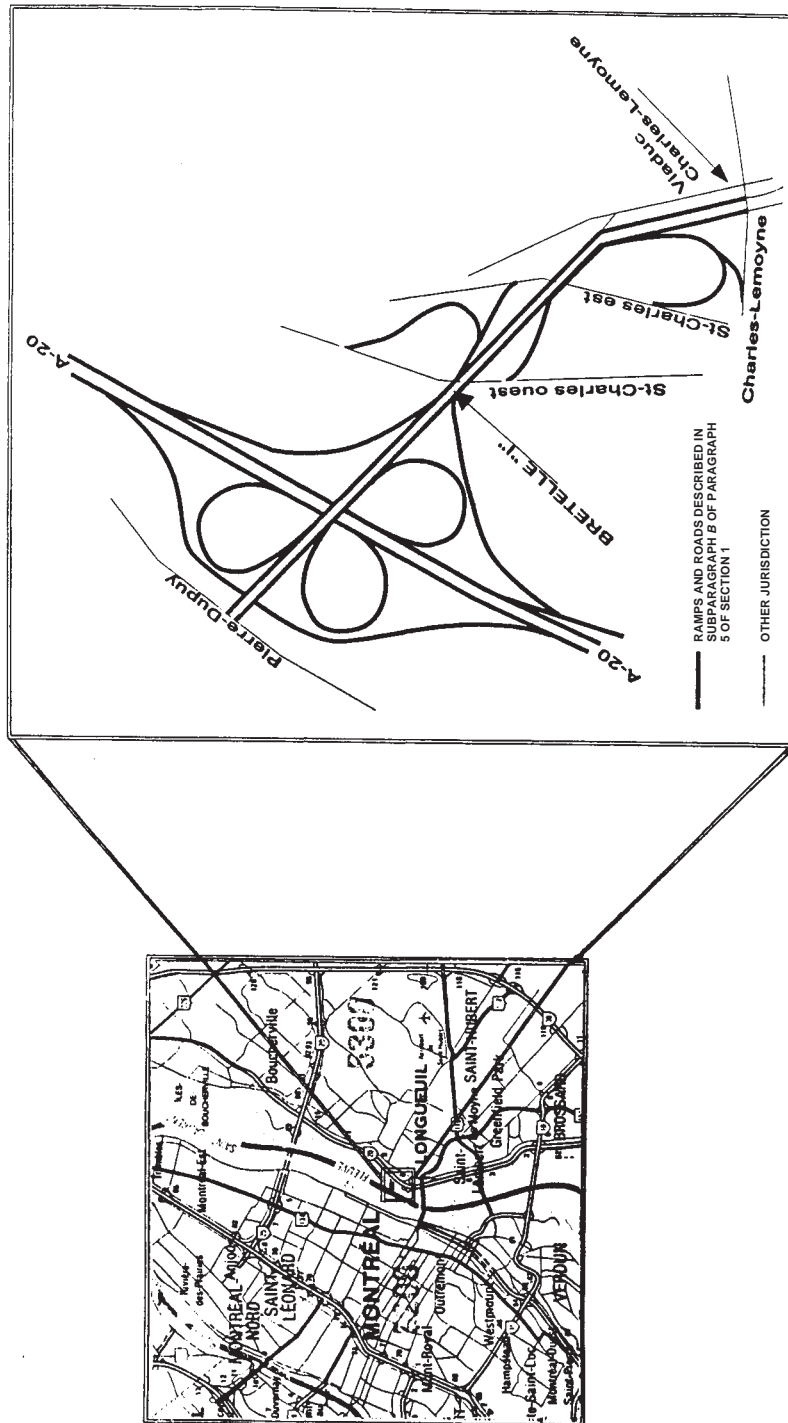
**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

**SCHEDULE I**  
INTERCHANGES BETWEEN AUTOROUTES 10, 15 AND 20





**SCHEDULE II**  
INTERCHANGES BETWEEN AUTOROUTE 20 AND ROUTE 134 (PONT JACQUES-CARTIER)



Gouvernement du Québec

## O.C. 991-98, 21 July 1998

An Act respecting occupational health and safety  
(R.S.Q., c. S-2.1)

### **Implementation of provisions on industrial accidents and occupational diseases** **— Protocol amending the Agreement on Social Security** **— Gouvernement du Québec and government of the Republic of Finland**

Regulation respecting the implementation of the provisions on industrial accidents and occupational diseases in the Protocol amending the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland

WHEREAS in accordance with Order in Council 465-87 dated 25 March 1987, an Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland and an Administrative Arrangement to that Agreement were signed on 30 October 1986;

WHEREAS in 1987, the Commission de la santé et de la sécurité du travail made the Regulation respecting the implementation of the provisions on industrial accidents and occupational diseases in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland, approved by Order in Council 2021-87 dated 22 December 1987;

WHEREAS in accordance with Order in Council 42-95 dated 18 January 1995, the Gouvernement du Québec and the Government of the Republic of Finland signed on 12 July 1995 a Protocol amending the Agreement on Social Security and a Protocol amending the Administrative Arrangement to the Agreement;

WHEREAS in accordance with section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission de la santé et de la sécurité du travail may, by regulation, to make the Protocols effective, take the measures necessary for their application;

WHEREAS a draft Regulation respecting the implementation of the provisions on industrial accidents and occupational diseases in the Protocol amending the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland was published in Part 2 of the *Gazette officielle du Québec* of 22 October 1997 with a notice that it could be made by the Commission de la santé et de la sécurité du

travail upon the expiry of 60 days following that publication;

WHEREAS at its meetings of 19 and 23 February 1998 the Commission de la santé et de la sécurité du travail made, by Resolution A-14-98, the Regulation respecting the implementation of the provisions on industrial accidents and occupational diseases in the Protocol amending the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland;

WHEREAS under section 224 of the Act respecting occupational health and safety the Regulation shall be submitted to the Government for approval;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Regulation respecting the implementation of the provisions on industrial accidents and occupational diseases in the Protocol amending the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,  
*Acting Clerk of the Conseil exécutif*

### **Regulation respecting the implementation of the provisions on industrial accidents and occupational diseases in the Protocol amending the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland**

An Act respecting occupational health and safety  
(R.S.Q., c. S-2.1, s. 223, 1st par., subpar. 39)

**1.** The advantages under the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) and the regulations made thereunder are hereby extended to any person covered by the Protocol amending the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland, dated 30 October 1986, that Protocol having been signed on 12 July 1995 and appearing in Schedule 1.

**2.** Those advantages shall apply in the manner provided for in that Protocol and in the Protocol amending the Administrative Arrangement, appearing in Schedule 2.

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

## SCHEDULE 1

### PROTOCOL AMENDING THE AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF THE REPUBLIC OF FINLAND

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE REPUBLIC OF FINLAND

DESIROUS of reinforcing their cooperation in the area of social security and, to that end,

WISHING to amend the Agreement on Social Security that they signed at Québec on 30 October 1986 (hereinafter called the "Agreement"),

HAVE AGREED TO THE FOLLOWING PROVISIONS:

#### Article 1

Article 1 of the Agreement is amended by substituting the following for Paragraph *d*:

"(d) "benefit" means a pension, allowance or other benefit in cash or in kind, provided by the legislation of each Party and including any additional benefit, supplement or increase;";

#### Article 2

Article 2 of the Agreement is amended by substituting the following for Paragraph *b*:

"(b) for Finland:

i. legislation respecting the Employment Pensions Scheme;

ii. legislation respecting the Industrial Accident Insurance Scheme and the Occupational Disease Insurance Scheme;

iii. legislation respecting the General Health Care Scheme;

iv. legislation respecting the Health Insurance Scheme, except for mother's, father's and parent's allowances;

v. the Act respecting the employer's social security contributions."

#### Article 3

Article 4 of the Agreement is amended by substituting the following for Paragraph *d*:

"(d) any other person who is or has been subject to the legislation of either Party or who has acquired entitlements under such legislation."

#### Article 4

Article 5 of the Agreement is amended by substituting the following for Paragraph 1:

"1. Unless otherwise provided in the Agreement:

(a) the persons designated in Article 4 receive, pursuant to the legislation of Québec, the same treatment as the nationals of that Party;

(b) persons designated in Article 4 who reside in the territory of one of the Parties receive, pursuant to the legislation of Finland, the same treatment as the nationals of that Party."

#### Article 5

Article 7 of the Agreement is amended

(a) by substituting the following for Paragraph 1:

"1. A person subject to the legislation of one Party and working for an employer in the territory of that Party at the time he is assigned by the employer to work temporarily for that employer or an affiliated employer in the territory of the other Party continues, in respect of that employment, to be subject to the legislation of the first Party, as are a spouse and accompanying dependants, provided that they do not work and are not subject to the Employment Pensions Scheme of the other Party, until the expiry of thirty-six months of assignment.";

(b) by substituting the word "thirty-six" for the word "twenty-four" in Paragraph 2; and

(c) by inserting the words "or the institutions they designate" after the words "the competent authorities of both Parties" in Paragraph 2.

#### Article 6

Article 10 of the Agreement is amended by inserting the words "or the institutions they designate" after the words "The competent authorities of both Parties".

**Article 7**

The following is substituted for Article 13 of the Agreement:

**“Article 13**

1. Unless otherwise provided in this Article, the competent institution of Finland applies Finnish legislation in determining entitlement to a benefit under the Employment Pensions Scheme and in determining the amount of such benefit.

2. If a person who becomes disabled or who dies does not meet the residence requirement under Finnish legislation respecting the Employment Pensions Scheme, in order to meet the requirement in respect of a future period, insurance periods under the Québec Pension Plan are deemed for that purpose to be periods served in Finland, provided that they do not overlap.

3. If a person no longer works for another person or is no longer self-employed in Finland, where the pension to which he would be entitled under Finnish legislation respecting the Employment Pensions Scheme does not include a future period and the occupational hazard occurs while the person is employed by another person or is self-employed and that employment is subject to the Act respecting the Québec Pension Plan, insurance periods under the Québec Pension Plan are taken into account by the competent institution of Finland in order to meet the requirement in respect of the future period.

4. Where Paragraph 2 or 3 applies, the competent institution of Finland determines the amount of the benefit as follows:

(a) the amount of a benefit based on the insurance periods effective under the legislation of Finland is determined in accordance with Finnish legislation respecting the Employment Pensions Scheme;

(b) the amount of a benefit based on the period between the occurrence of the peril and the age of retirement is calculated in the same proportion as that of the insurance periods effective under Finnish legislation respecting the Employment Pensions Scheme over four hundred and eighty months.”

**Article 8**

Article 15 of the Agreement is amended

(a) by inserting the words “or the insurance institution it designates” after the words “Federation of Accident Insurance Institutions” in Paragraph *a*; and

(b) by adding the following after Paragraph *b*:

“(c) the provisions of Paragraph *a* do not apply where a stay in the territory of one Party is completed for the purpose of receiving benefits in kind and such benefits can be provided in the territory of the other Party.”

**Article 9**

The following is inserted after Article 16:

**“Article 16A**

1. Where a person having contracted an occupational disease has, in accordance with the legislation of both Parties, carried on an activity liable to bring on that disease, the benefits to which the person or his successors may claim entitlement are granted exclusively under the legislation of the latter Party.

2. Notwithstanding the foregoing, if no benefit can be granted under the legislation of the latter Party, the institution of that Party sends the application to the institution of the former Party, which studies the case in light of the provisions of its own legislation.”

**Article 10**

Article 19 of the Agreement is amended

(a) by substituting the words “general legislation respecting health care” for the words “legislation respecting the General Hospital and Public Health” in Paragraph 2; and

(b) by adding the following after Paragraph 2:

“3. For the purposes of this Chapter, “insured person” means any person who, immediately prior to his departure for the territory of one of the Parties, is entitled to benefits under the legislation of the other Party, whether in his own right or as a successor. However, this Chapter does not apply to a person covered by Articles 8 and 9, nor to the spouse or dependants of such person.”

**Article 11**

Article 20 of the Agreement is amended

(a) by substituting the words “his spouse and dependants” for the words “his dependants”; and

(b) by adding the following sentence at the end:

“After that date, he is no longer entitled to any of the benefits provided by the legislation of the former Party.”

**Article 12**

Article 21 of the Agreement is amended

(a) by inserting the words “spouse and” after the words “together with his” in Paragraph 1;

(b) by adding the words “and on the same conditions as those applicable to the residents of that Party” at the end of Paragraph 1; and

(c) by substituting the following for Paragraphs 2 and 3:

“2. The provisions of Paragraph 1 also apply to workers on assignment, to students registered at an educational institution in the territory of stay and to persons doing university level or post-university level research or completing a training period as part of a college or university program.”.

**Article 13**

Article 22 of the Agreement is amended by inserting the words “spouse and” after the words “together with their”.

**Article 14**

Article 23 of the Agreement is amended

(a) by substituting the words “The spouse or a dependant of an insured person” for the words “A dependant of an insured person” in Paragraph 1;

(b) by substituting the words “spouse or dependant” for the words “the dependant” in Paragraph 2; and

(c) by substituting the words “their territory” for the words “the territory”.

**Article 15**

Article 24 of the Agreement is amended by substituting the following for Paragraph 1:

“1. The competent institution providing the benefits in kind covered by this Chapter bears the cost thereof.”.

**Article 16**

1. Any insurance period completed before the date of coming into force of this Protocol is taken into consideration in determining entitlement to a benefit under the Agreement amended herein.

2. This Protocol does not establish entitlement to payment of a benefit or part of a benefit for a period prior to the date of its coming into force.

3. Benefits under the Agreement amended herein are also payable in respect of events occurring prior to the date of coming into force of this Protocol.

4. A benefit granted under provisions of the Agreement previously applied may not be reduced or cancelled by any of the provisions of this Protocol.

5. At the request of the beneficiary, a benefit granted under provisions of the Agreement previously applied may be converted into a benefit calculated in accordance with the provisions of the Agreement amended herein.

6. Where, at the date of coming into force of this Protocol, an application for a benefit under the legislation of a Party is being held in abeyance, and the competent institution of that Party subsequently determines that the applicant is entitled to a benefit applying both before and after the date of coming into force of this Protocol, the competent institution determines the amount of the benefit payable as follows:

(a) the amount of a benefit payable for any period completed prior to the date of coming into force of this Protocol is determined in accordance with the provisions of the Agreement previously applied;

(b) the amount of a benefit payable for any period after the date of coming into force of this Protocol is re-determined in accordance with the provisions of the Agreement amended herein, provided that the benefit thus calculated is more advantageous to the beneficiary than that calculated in accordance with the provisions of the Agreement previously applied.

**Article 17**

1. Each Party shall advise the other Party when the internal procedures required for the coming into force of this Protocol have been completed.

2. Subject to Paragraph 3, this Protocol is entered into for an indeterminate period from the date of its coming into force, which is fixed by exchange of letters between the Parties.

3. In the event of termination of the Agreement by one of the Parties under Paragraph 2 of section 35, this Protocol is also terminated and ends on the same date as the Agreement.

Made at Québec on this 12th day of July 1995, in duplicate, in French and in Finnish, both texts being equally authentic.

FOR THE  
GOUVERNEMENT  
DU QUÉBEC

FOR THE  
GOVERNMENT  
OF THE REPUBLIC  
OF FINLAND

\_\_\_\_\_  
BERNARD LANDRY

\_\_\_\_\_  
ERIK A.H. HEINRICHS

## SCHEDULE 2

### PROTOCOL AMENDING THE ADMINISTRATIVE ARRANGEMENT TO THE AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF THE REPUBLIC OF FINLAND

In accordance with Article 25 of the Agreement on Social Security between Québec and Finland, hereinafter called the "Agreement", the Parties agreed to an Administrative Arrangement to the Agreement signed at Québec on 30 October 1986, hereinafter called the "Administrative Arrangement", and have agreed to amend that Arrangement as follows:

#### Article 1

The following is substituted for Article 1 of the Administrative Arrangement:

#### "Article 1

#### Definitions

In this Administrative Arrangement,

(a) "Agreement" means the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland, signed at Québec on 30 October 1986 and amended by the Protocol amending the Agreement;

(b) "Protocol amending the Agreement" means the Protocol amending the Agreement between the Gouvernement du Québec and the Government of the Republic of Finland, signed at Québec on 12 July 1995;

(c) all other expressions have the meaning assigned to them under the Agreement."

#### Article 2

Article 2 of the Administrative Arrangement is amended

(a) by substituting the word "Direction" for the word "Secrétariat" in Paragraph a; and

(b) by substituting the following for Paragraph b:

"(b) for Finland, the Social Insurance Institution, in respect of health insurance; the Central Pension Security Institute, in respect of the Employment Pensions Scheme; and the Federation of Accident Insurance Institutions, in respect of industrial accident and occupational disease insurance."

#### Article 3

Article 3 of the Administrative Arrangement is amended

(a) by substituting the following for Paragraph 1:

"1. In the cases referred to in Articles 7 and 10 of the Agreement and, for Québec, in Paragraph 3 of Article 6, a certificate is issued to attest that a person on assignment or a self-employed person and, as the case may be, the employer are subject to the legislation of their country of origin. The certificate also covers a spouse and accompanying dependants."

(b) by inserting the following Paragraph after Paragraph 2:

"3. For Finland, the Central Pension Security Institute is the institution designated by the competent authority for the purposes of Articles 7 and 10."; and

(c) by renumbering Paragraph 3 as Paragraph 4 and by adding the words " , as well as to a self-employed person" at the end.

#### Article 4

Article 4 of the Administrative Arrangement is amended by deleting the words "or, if the person employed already holds the employment on the date of coming into force of the Agreement, within six months of that date".

#### Article 5

Article 6 of the Administrative Arrangement is amended by deleting the words " , with the assent of their respective competent authorities," from Paragraph 3.

#### Article 6

The following is substituted for Article 8 of the Administrative Arrangement:



**“Article 8**

1. To receive benefits in kind in the territory of Québec, a person described in Articles 20 to 23 of the Agreement, as well as the spouse and accompanying dependants of such person, must register with the Régie de l'assurance-maladie du Québec, using the registration form provided for that purpose.

2. At the time of the person's registration and that of his spouse and accompanying dependants, he must also submit:

(a) a certificate issued by the Social Insurance Institution of Finland, attesting to his entitlement to benefits in kind, and the immigration document required by a person on a temporary stay under Paragraph 1 of Article 21 of the Agreement;

(b) a certificate of coverage issued by the Central Pension Security Institute, where he is a person on assignment covered by Paragraph 2 of Article 21 of the Agreement;

(c) an attestation issued by the Social Insurance Institution of Finland, certifying his entitlement to benefits in kind, the required immigration document and an attestation of his registration as a full-time student at an educational institution recognized by one of the responsible departments in Québec or an attestation confirming his acceptance as a researcher or as a trainee whose training period will be carried out under a program of studies if, as a student, researcher or trainee, the person is covered by Paragraph 2 of Article 21 of the Agreement.”.

**Article 7**

Article 9 of the Administrative Arrangement is amended

(a) by substituting the words “his spouse and accompanying dependants” for the words “each of his accompanying dependants” in Paragraph 1; and

(b) by substituting the words “full-time student or an attestation of his acceptance as a researcher or as a trainee whose training period will be carried out under his program of studies” for the word “student” at the end of the first sentence in Paragraph 2.

**Article 8**

Article 10 of the Administrative Arrangement is revoked.

**Article 9**

This Protocol amending the Administrative Arrangement comes into force on the same date as the Protocol amending the Agreement and has the same term. Termination of the Agreement has the effect of terminating this Protocol.

Made at Québec on this 12<sup>th</sup> day of July 1995, in duplicate, in French and in Finnish, both texts being equally authentic.

FOR THE  
GOUVERNEMENT  
DU QUÉBEC

FOR THE  
GOVERNMENT  
OF THE REPUBLIC  
OF FINLAND

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2450

Gouvernement du Québec

**O.C. 992-98, 21 July 1998**

An Act respecting the Ministère de la Santé et des Services sociaux  
(R.S.Q., c. M-19.2)

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)

An Act respecting the Ministère du Revenu  
(R.S.Q., c. M-31)

An Act respecting the Québec Pension Plan  
(R.S.Q., c. R-9)

**Amendment to the Agreement and Amendment to the Administrative Arrangement on Social Security — Gouvernement du Québec and Government of the Republic of Finland**

Approval of an Amendment to the Agreement and of an Amendment to the Administrative Arrangement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland and the Regulation respecting the implementation of that agreement

WHEREAS an Agreement between the Gouvernement du Québec and the Government of the Republic of Finland on Social Security and an Administrative Arrange-

ment pertaining to that Agreement were signed on 30 October 1986 as it appears in Décret 465-87 dated 25 March 1987;

WHEREAS that Agreement and that Administrative Arrangement have been in force since 1 April 1988 in accordance with the regulations respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland made under Orders in Council 1739-87 dated 18 November 1987, 2021-87 and 2024-87 dated 22 December 1987;

WHEREAS on 12 July 1995, the Gouvernement du Québec and the Government of the Republic of Finland signed an Amendment to the Agreement and an Amendment to the Administrative Arrangement on Social Security in accordance with Décret 42-95 dated 18 January 1995;

WHEREAS the Minister of International Relations has been authorized to be sole signatory to those amendments, in accordance with that Décret;

WHEREAS Décret 95-97 dated 29 January 1997 approved an Amendment to the Agreement and an Amendment to the Administrative Arrangement on Social Security signed on 12 July 1995 and made an implementation regulation related to those Amendments;

WHEREAS transcription inaccuracies have been discovered in the French version of the Amendments;

WHEREAS it is expedient to replace Décret 95-97 dated 29 January 1997 and the implementation regulation made by this Décret in order to make the necessary corrections to the Amendments;

WHEREAS under paragraph 3 of section 5 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), in the exercise of her functions, the Minister of Employment and Solidarity may, in particular, enter into agreements in accordance with the law, with a government other than the Government of Québec, a department of such a government, an international organization, or a body under the authority of such a government or organization;

WHEREAS under section 10 of that Act, notwithstanding any other legislative or regulatory provision, where an agreement in the area of income security and social benefits under paragraph 3 of section 5 extends the coverage of an Act or a regulation to a person defined in the agreement, the Government may, by regulation, enact the measures required to implement the agreement in order to give effect to the agreement;

WHEREAS under section 96 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), the Government may make regulations to give effect to international fiscal agreements entered into under section 9 of that Act;

WHEREAS under section 10 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., c. M-19.2), the Government may adopt such regulations as it may consider necessary to give effect to any reciprocal agreement that allows the granting of all or part of the health services and social services the application of which is entrusted to the Minister of Health and Social Services;

WHEREAS under section 215 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) the Government may make regulations respecting the manner in which that act shall apply to any case affected by an agreement entered into with a country other than Canada;

WHEREAS under Order in Council 1118-93 dated 11 August 1993, draft regulations and regulations related to the implementation of reciprocal agreements on social security entered into by the Gouvernement du Québec shall be excluded from the application of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS under sections 19 and 20 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-21.1), the aforementioned Amendments constitute international agreements that require the approval of the Government;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Economy and Finance, the Minister of State for Employment and Solidarity, the Minister of Health and Social Services, the Minister of International Relations and the Minister for Revenue:

THAT the Amendment to the Agreement and the Amendment to the Administrative Arrangement, entered into on 12 July 1995 between the Gouvernement du Québec and the Government of the Republic of Finland, the texts of which appear as a Schedule to the Regulation respecting the implementation of the provisions on industrial accidents and occupational diseases in the Protocol amending the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland, made by Order in Council 991-98 dated 21 July 1998, be approved;

THAT the Regulation respecting the implementation of an Amendment to the Agreement and an Amendment to the Administrative Arrangement on Social Security between the Gouvernement du Québec and the Govern-



ment of the Republic of Finland, attached to this Order in Council, be made;

THAT this Order in Council be substituted for Décret 95-97 dated 29 June 1997.

MICHEL NOËL DE TILLY,  
*Acting Clerk of the Conseil exécutif*

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**Regulation respecting the implementation of an Amendment to the Agreement and an Amendment to the Administrative Arrangement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland**

An Act respecting the Ministère de la Santé et des Services sociaux  
(R.S.Q., c. M-19.2, s. 10)

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, s. 10)

An Act respecting the Ministère du Revenu  
(R.S.Q., c. M-31, ss. 9 and 96)

An Act respecting the Québec Pension Plan  
(R.S.Q., c. R-9, s. 215)

**1.** The following Acts and the Regulations made thereunder shall apply to any person referred to in the Amendment to the Agreement and the Amendment to the Administrative Arrangement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland signed on 12 July 1995 and appearing as a Schedule to the Regulation respecting the implementation of the provisions on industrial accidents and occupational diseases in the Protocol amending the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland made by Order in Council 991-98 dated 21 July 1998:

(1) Hospital Insurance Act  
(R.S.Q., c. A-28);

(2) Health Insurance Act  
(R.S.Q., c. A-29);

(3) An Act respecting the Régie de l'assurance-maladie du Québec  
(R.S.Q., c. R-5);

(4) An Act respecting the Québec Pension Plan  
(R.S.Q., c. R-9);

(5) An Act respecting health services and social services  
(R.S.Q., c. S-4.2);

(6) An Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

**2.** Those Acts and those Regulations apply in the manner prescribed in those Amendments.

**3.** This Regulation replaces the Règlement sur la mise en oeuvre d'un Avenant à l'Entente et d'un Avenant à l'Arrangement administratif en matière de sécurité sociale entre le gouvernement du Québec et le gouvernement de la République de Finlande, made by Décret 95-97 dated 29 January 1997.

**4.** This Regulation comes into force on 1 September 1998.

2449



## Draft Regulations

### Draft Regulation

Health Insurance Act  
(R.S.Q., c. A-29)

#### Forms and statements of fees — 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 forms and statements of fees under the Health Insurance Act, the text of which appears below, may be approved by the government upon the expiry of 45 days following this publication.

The Regulation is intended to give health professionals further incentive to transmit their claims to the Régie de l'assurance-maladie du Québec by means of a computerized billing system or by telecommunications. To this end, it sets at \$0.50 per claim form or per statement of fees the amount of the fee exigible from physicians remunerated on a fee-for-service-basis who submit their claims or statements of fees to the Régie in paper form. This represents an increase of \$0.25 over the current fee.

This measure has an impact only on physicians remunerated on a fee-for-service basis who bill the Régie for insured services and who choose to continue sending their claims and statements of fees to the Régie in paper form. For businesses, particularly small and medium-sized businesses such as billing agencies, the fee proposed compares more closely with the fees they charge. For suppliers of software and computer equipment, discouraging the submission of claims in paper form will have the effect of increasing the demand for their services to the extent that the number of physicians opting for computerized billing increases. This measure has no impact on the public.

Finally, with a view to streamlining the regulatory provisions, the regulation proposes to eliminate certain forms used by health professionals in meeting the Régie's administrative requirements. This streamlining will make it possible to better address the needs of the Régie's clientele.

Further information may be obtained from Mrs. Diane Bois, Régie de l'assurance-maladie du Québec, 1125, chemin Saint-Louis, Sillery (Québec) G1S 1E7, tel. (418) 682-5172.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to the undersigned, Régie de l'assurance-maladie du Québec, 1125, chemin Saint-Louis, 8<sup>e</sup> étage, Sillery (Québec) G1S 1E7.

PIERRE HOUDE,  
*Interim President and Director General*

### Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act\*

Health Insurance Act  
(R.S.Q., c. A-29, s. 72, 1st par., subpars. a and d.2)

**1.** The Regulation respecting forms and statements of fees under the Health Insurance Act is amended in section 9.5:

(1) by striking out the words “or pharmacist” in the first paragraph;

(2) by substituting the amount “\$0.50” for the amount “\$0.25” in the first paragraph;

(3) by striking out the words “or pharmacist” in the third paragraph;

(4) by striking out the words “ou la profession de pharmacien” in the third paragraph of the French version.

**2.** The Regulation is amended by substituting the following for section 9.6:

“**9.6** The Board must reimburse the fees collected from a physician where he is accredited after submitting an application to the Board, under section 15, within 12 months following the date he obtained his permit to practice or specialist's certificate issued by the Collège des médecins du Québec.”

\* The Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 2) was last amended by the Regulation made by Order in Council 1522-96 dated 4 December 1996 (1996, G.O. 2, 4948). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

**3.** The Regulation is amended by striking out paragraphs 2 and 3 of section 10.

**4.** The Regulation is amended by revoking forms 7 and 10.

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

2444

## Index Statutory Instruments

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

<b>Regulations — Statutes</b>	<b>Page</b>	<b>Comments</b>
Access to documents held by public bodies and the Protection of personal information, An Act respecting..., amended . . . . . (1998, Bill 441)	3517	
Agence métropolitaine de transport, Loi sur l'... — Suburban train system — Standards of conduct . . . . . (R.S.Q., c. A-7.02)	3597	N
Amendment to the Agreement and an Amendment to the Administrative Arrangement on Social Security — Gouvernement du Québec and Government of the Republic of Finland . . . . . (An Act respecting occupational health and safety, R.S.Q., c. S-2.1)	3606	M
Amendment to the Agreement and Amendment to the Administrative Arrangement on Social Security — Gouvernement du Québec and Government of the Republic of Finland . . . . . (An Act respecting the Ministère de la Santé et des Services sociaux, R.S.Q., c. M-19.2)	3611	M
Amendment to the Agreement and Amendment to the Administrative Arrangement on Social Security — Gouvernement du Québec and Government of the Republic of Finland . . . . . (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)	3611	M
Amendment to the Agreement and Amendment to the Administrative Arrangement on Social Security — Gouvernement du Québec and Government of the Republic of Finland . . . . . (An Act respecting the Ministère du Revenu, R.S.Q., c. M-31)	3611	M
Amendment to the Agreement and Amendment to the Administrative Arrangement on Social Security — Gouvernement du Québec and Government of the Republic of Finland . . . . . (An Act respecting the Québec Pension Plan, R.S.Q., c. R-9)	3611	M
Barreau du Québec, An Act respecting the..., amended . . . . . (1998, Bill 445)	3543	
Building Act and other legislation, An Act to amend the..., amended . . . . . (1998, Bill 445)	3543	
Building Act, amended . . . . . (1998, Bill 445)	3543	
Bureau de la statistique, An Act respecting the..., replaced . . . . . (1998, Bill 441)	3517	
Certain facilities of Ville de Montréal, An Act respecting... . . . . (1998, Bill 447)	3581	
Civil Service Superannuation Plan, An Act respecting the..., amended . . . . . (1998, Bill 445)	3543	
College Education . . . . . (General and Vocational Colleges Act, R.S.Q., c. C-29)	3594	M

Combination of certain state enterprises, An Act respecting the... (1998, Bill 442)	3533	
Composition, packing and labelling of dairy products (Dairy Products and Dairy Products Substitutes Act, R.S.Q., c. P-30)	3593	M
Dairy Products and Dairy Products Substitutes Act — Composition, packing and labelling of dairy products (R.S.Q., c. P-30)	3593	M
Electrical installations, An Act respecting..., amended	3543	
Financial Administration Act — Signing — Certain financial transactions (R.S.Q., c. A-6)	3596	N
Forms and statements of fees (Health Insurance Act, R.S.Q., c. A-29)	3615	Draft
General and Vocational Colleges Act — College Education (R.S.Q., c. C-29)	3594	M
General and Vocational Colleges Act — Tuition fees and special fees (R.S.Q., c. C-29)	3595	M
Government and Public Employees Retirement Plan, An Act respecting the..., amended (1998, Bill 441)	3517	
Government and Public Employees retirement Plan, An Act respecting the..., amended (1998, Bill 442)	3533	
Health Insurance Act — Forms and statements of fees (R.S.Q., c. A-29)	3615	Draft
Health Insurance Act, amended (1998, Bill 441)	3517	
Implementation of provisions on industrial accidents and occupational diseases — Protocol amending the Agreement on Social Security — Gouvernement du Québec and Government of the Republic of Finland (An Act respecting occupational health and Safety, R.S.Q., c. S-2.1)	3606	M
Institut de la statistique du Québec, An Act respecting the... (1998, Bill 441)	3517	
Labour Code, amended (1998, Bill 441)	3517	
Labour Code, amended (1998, Bill 445)	3543	
Labour relations, vocational training and manpower management in the construction industry, An Act respecting..., amended (1998, Bill 445)	3543	
Manpower vocational training and qualification, An Act respecting..., amended (1998, Bill 445)	3543	
Marketing of agricultural, food and fish products as regards the marketing of wild fur, An Act to amend the Act respecting the... (1998, Bill 448)	3589	

Master Electricians Act, amended ..... (1998, Bill 445)	3543	
Master-Pipe-Mechanics Act, amended ..... (1998, Bill 445)	3543	
Ministère de la Santé et des Services sociaux, An Act respecting the... — Amendment to the Agreement and Amendment to the Administrative Arrangement on Social Security — Gouvernement du Québec and Government of the Republic of Finland ..... (R.S.Q., c. M-19.2)	3611	M
Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail, An Act respecting the... — Amendment to the Agreement and Amendment to the Administrative Arrangement on Social Security — Gouvernement du Québec and Government of the Republic of Finland ..... (1997, c. 63)	3611	M
Ministère des Transports, An Act respecting the... — Provision of road service .. (R.S.Q., c. M-28)	3600	N
Ministère du Revenu, An Act respecting the... — Amendment to the Agreement and Amendment to the Administrative Arrangement on Social Security — Gouvernement du Québec and Government of the Republic of Finland ..... (R.S.Q., c. M-31)	3611	M
Ministère du Revenu, An Act respecting..., amended ..... (1998, Bill 441)	3517	
Municipal taxation, An Act to amend the Act respecting... ..... (1998, Bill 440)	3501	
Municipal territorial organization, An Act respecting..., amended ..... (1998, Bill 441)	3517	
Municipalité régionale de comté de Bellechasse and Municipalité régionale de comté des Etchemins, An Act respecting... ..... (1998, Bill 277)	3481	
Northern villages and the Kativik Regional Government, An Act respecting..., amended ..... (1998, Bill 441)	3517	
Occupational health and safety, An Act respecting... — Amendment to the Agreement and an Amendment to the Administrative Arrangement on Social Security — Gouvernement du Québec and Government of the Republic of Finland ..... (R.S.Q., c. S-2.1)	3606	M
Occupational health and safety, An Act respecting... — Implementation of provisions on industrial accidents and occupational diseases — Protocol amending the Agreement on Social Security — Gouvernement du Québec and Government of the Republic of Finland ..... (R.S.Q., c. S-2.1)	3606	M
Pension plan of certain employees of the Commission des écoles catholiques de Québec, An Act respecting the... ..... (1998, Bill 394)	3493	
Pension plan of the non-teaching staff of the Commission des écoles catholiques de Montréal, An Act to amend the Act respecting the... ..... (1998, Bill 395)	3497	

Piping installation, An Act respecting..., amended (1998, Bill 445)	3543	
Process of negotiation of the collective agreements in the public and parapublic sectors, An Act respecting..., amended (1998, Bill 441)	3517	
Provision of road service (An Act respecting the Ministère des Transports, R.S.Q., c. M-28)	3600	N
Québec Pension Plan, An Act respecting the... — Amendment to the Agreement and Amendment to the Administrative Arrangement on Social Security — Gouvernement du Québec and Government of the Republic of Finland (R.S.Q., c. R-9)	3611	M
Signing — Certain financial transactions (Financial Administration Act, R.S.Q., c. A-6)	3596	M
Société de récupération, d'exploitation et de développement forestiers du Québec, An Act respecting the..., repealed (1998, Bill 442)	3533	
Société générale de financement du Québec, An Act respecting the..., amended (1998, Bill 442)	3533	
Société québécoise d'exploration minière, An Act respecting the..., repealed (1998, Bill 442)	3533	
Société québécoise d'initiatives agro-alimentaires, An Act respecting the..., repealed (1998, Bill 442)	3533	
Société québécoise d'initiatives pétrolières, An Act respecting the..., repealed (1998, Bill 442)	3533	
Suburban train system — Standards of conduct (Loi sur l'Agence métropolitaine de transport, R.S.Q., c. A-7.02)	3597	N
Taxation Act, amended (1998, Bill 445)	3543	
Tuition fees and special fees (General and Vocational Colleges Act, R.S.Q., c. C-29)	3595	M
University education programs provided by the Prêtres de Saint-Sulpice de Montréal, An Act respecting... (1998, Bill 278)	3485	
Various legislative provisions relating to building and the construction industry, An Act to amend... (1998, Bill 445)	3543	
Ville de Val-d'Or, An Act respecting... (1998, Bill 279)	3489	