



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 15

(1997, chapter 9)

An Act respecting the implementation of the Agreement on Internal Trade

Introduced 9 May 1996
Passage in principle 16 October 1996
Passage 10 April 1997
Assented to 16 April 1997

**Québec Official Publisher
1997**

EXPLANATORY NOTES

This bill provides for the approval of the Agreement on Internal Trade by the Parliament of Québec.

It also amends certain provisions of the Travel Agents Act to make them consistent with the Agreement.

LEGISLATION AMENDED BY THIS BILL:

– Travel Agents Act (R.S.Q., chapter A-10).

Bill 15

An Act respecting the implementation of the Agreement on Internal Trade

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Agreement on Internal Trade dated 18 July 1994, signed by the First Ministers of Canada and published in Part 1 of the *Gazette officielle du Québec* of (*insert here the date of publication*), of the provinces and of the territories is hereby approved.

2. The Government may appoint a Minister to be a representative on the Committee on Internal Trade established pursuant to Article 1600 of the Agreement.

3. The Government may appoint any person to be on the roster of panellists required by Article 1705 of the Agreement.

4. The Government may appoint any person to act as a screener under Article 1713 of the Agreement.

5. The Minister may appoint any person to be a representative on any committee referred to in the Agreement or to fill the positions which, in the Minister's view, are necessary for the implementation of the Agreement.

6. For the purpose of suspending benefits or imposing retaliatory measures of equivalent effect against a Party pursuant to Article 1710 of the Agreement, the Government may, by order, do any one or more of the following:

(1) suspend rights or privileges granted to the Party by the Government under the Agreement;

(2) modify or suspend the application of any measure with respect to the Party; and

(3) extend the application of any measure to the Party.

In this section, “measure” means any law, regulation, directive, requirement, prescription, guideline, program, policy, administrative practice or other procedure.

7. An award of costs made by a Panel pursuant to Article 1718 (3) of the Agreement may be filed at the office of the Superior Court.

Upon such filing, the Panel’s award has all the effects of a final judgment of that Court.

8. No judicial proceedings may be brought against persons appointed under sections 2, 3, 4 and 5 for acts performed in good faith in the discharge of their duties.

9. The Minister designated by the Government is responsible for the administration of this Act.

TRAVEL AGENTS ACT

10. Section 1 of the Travel Agents Act (R.S.Q., chapter A-10) is amended by adding, at the end, the following paragraphs:

“(f) “establishment”: business premises separate from any other, equipped with self-contained installations, situated in Québec, and physically accessible to the clientele corresponding to a class of licence;

“(g) “principal establishment”: the establishment in which the functions of the licensee are principally exercised.”

11. Section 5 of the said Act is amended by replacing the words “the establishment” in the first line of the second paragraph by the words “an establishment”.

12. Section 6 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Such person must be of full age. If the licence is applied for on his own account, the person must also establish and maintain a principal establishment. In other cases, the association, partnership or legal person on whose behalf the licence is applied for must establish and maintain a principal establishment.”

13. Section 8 of the said Act is amended

(1) by replacing the word “within” in the fourth line by the words “at the principal establishment of”;

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

“Every natural person applying for a licence on his own account must exercise, as his principal activity, the functions of a travel agent at the principal establishment corresponding to the licence.”

14. Section 13.1 of the said Act is amended by adding, at the end, the following paragraph:

“(e) the travel agent or licensee recognizes the permanent closing of his or its principal establishment.”

15. Section 17 of the said Act is amended by replacing the words “residence, or corporate seat as the case may be,” in the third and fourth lines by the words “or its principal establishment,”.

16. Section 18 of the said Act is amended by replacing the words “is domiciled” in the third line by the words “has his principal establishment”.

17. Section 31 of the said Act is amended by replacing the words “his establishment” in the first and second lines by the words “each of his establishments”.

18. Section 32 of the said Act is amended by inserting the words “in each of his establishments” after the word “keep” in the first line.

19. Section 33 of the said Act is amended by inserting the words “opened in Québec and maintain therein” after the word “account” in the first line.

20. Section 35 of the said Act is amended by replacing the words “the establishment” in the second line of the first paragraph by the words “any establishment”.

21. Section 36 of the said Act is amended by adding the following subparagraphs at the end of the first paragraph:

“(j) to prescribe standards for the exercise of the management duties provided for in section 8;

“(k) to prescribe standards for the maintenance of a principal establishment or any other establishment.”

FINAL PROVISIONS

22. Travel agents’ licences valid on 16 April 1997 shall continue to be governed, until they are renewed, by the provisions replaced by this Act.

23. This Act comes into force on 16 April 1997.