



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 89

(1997, chapter 43)

**An Act respecting the implementation of the
Act respecting administrative justice**

**Introduced 19 December 1996
Passage in principle 10 April 1997
Passage 19 June 1997
Assented to 19 June 1997**

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EXPLANATORY NOTES

The object of this bill is to implement, throughout the statutory law, the principles established by the Act respecting administrative justice.

Certain provisions propose that non-judicial processes for the making of individual decisions in the exercise of an administrative function be introduced in public agencies, and that necessary procedural changes be made. Other provisions also propose, in certain cases, an administrative review mechanism.

The bill contains rules incident to the incorporation of existing bodies such as the Commission des affaires sociales, the Bureau de révision en immigration, the Commission d'examen des troubles mentaux, the Bureau de révision de l'évaluation foncière and the Tribunal d'appel en matière de protection du territoire agricole into the Administrative Tribunal of Québec, which rules aim at harmonizing the procedure in effect before those bodies.

In addition, the jurisdiction of government bodies such as the Commission municipale and the Régie des marchés agricoles et alimentaires du Québec and of the Court of Québec in administrative matters and in the determination of expropriation indemnities is transferred to the Administrative Tribunal of Québec. Proceedings before the Administrative Tribunal of Québec are also provided for.

Moreover, the Act respecting the Régie du logement is amended to make applicable to the commissioners of the Régie the rules governing recruitment, selection, appointment, reappointment and revocation as well as the ethics rules contained in the Act respecting administrative justice.

Lastly, the bill enacts the transitional principle that the new law will apply immediately. It sets out transitional rules to govern members of bodies incorporated into the Administrative Tribunal as well as the members of the Régie du logement and of the Commission des lésions professionnelles, and proposes rules on procedure, time limits, transfer of personnel and records and financing.

LEGISLATION AMENDED BY THIS BILL :

- Bees Act (R.S.Q., chapter A-1);
- Workmen's Compensation Act (R.S.Q., chapter A-3);
- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1);
- Act respecting detective or security agencies (R.S.Q., chapter A-8);
- Travel Agents Act (R.S.Q., chapter A-10);
- Legal Aid Act (R.S.Q., chapter A-14);
- Act respecting family assistance allowances (R.S.Q., chapter A-17);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Act respecting pressure vessels (R.S.Q., chapter A-20.01);
- Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001);
- Act respecting the National Assembly (R.S.Q., chapter A-23.1);
- Automobile Insurance Act (R.S.Q., chapter A-25);
- Health Insurance Act (R.S.Q., chapter A-29);
- Crop Insurance Act (R.S.Q., chapter A-30);
- Act respecting insurance (R.S.Q., chapter A-32);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Building Act (R.S.Q., chapter B-1.1);
- Cultural Property Act (R.S.Q., chapter B-4);
- Act respecting certain caisses d'entraide économique (R.S.Q., chapter C-3.1);

- Savings and Credit Unions Act (R.S.Q., chapter C-4);
- Savings and Credit Unions Act (R.S.Q., chapter C-4.1);
- Act respecting truck transportation (R.S.Q., chapter C-5.1);
- Charter of the French language (R.S.Q., chapter C-11);
- Cinema Act (R.S.Q., chapter C-18.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Act to promote good citizenship (R.S.Q., chapter C-20);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the marketing of marine products (R.S.Q., chapter C-32.1);
- Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);
- Act respecting the Commission municipale (R.S.Q., chapter C-35);
- Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Companies Act (R.S.Q., chapter C-38);
- Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting racing (R.S.Q., chapter C-72.1);

- Real Estate Brokerage Act (R.S.Q., chapter C-73.1);
- Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1);
- Gas Distribution Act (R.S.Q., chapter D-10);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting private education (R.S.Q., chapter E-9.1);
- Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);
- Tourist Establishments Act (R.S.Q., chapter E-15.1);
- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- Act respecting explosives (R.S.Q., chapter E-22);
- Expropriation Act (R.S.Q., chapter E-24);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Forest Act (R.S.Q., chapter F-4.1);
- Grain Act (R.S.Q., chapter G-1.1);
- Act respecting immigration to Québec (R.S.Q., chapter I-0.2);
- Crime Victims Compensation Act (R.S.Q., chapter I-6);
- Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (R.S.Q., chapter I-7);
- Act respecting piping installations (R.S.Q., chapter I-12.1);
- Act respecting electrical installations (R.S.Q., chapter I-13.01);
- Education Act (R.S.Q., chapter I-13.3);
- Act respecting market intermediaries (R.S.Q., chapter I-15.1);
- Act to promote the parole of inmates (R.S.Q., chapter L-1.1);

- Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6);
- Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5);
- Stationary Enginemmen Act (R.S.Q., chapter M-6);
- Cullers Act (R.S.Q., chapter M-12.1);
- Mining Act (R.S.Q., chapter M-13.1);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14);
- Act respecting the Ministère de l’Industrie, du Commerce, de la Science et de la Technologie (R.S.Q., chapter M-17);
- Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);
- Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1);
- Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01);
- Act respecting liquor permits (R.S.Q., chapter P-9.1);
- Act respecting beer and soft drink distributors’ permits (R.S.Q., chapter P-9.2);
- Pesticides Act (R.S.Q., chapter P-9.3);
- Act respecting prevention of disease in potatoes (R.S.Q., chapter P-23.1);
- Farm Producers Act (R.S.Q., chapter P-28);
- The Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29);
- Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30);
- Act respecting educational programming (R.S.Q., chapter P-30.1);

- Youth Protection Act (R.S.Q., chapter P-34.1);
- Public Health Protection Act (R.S.Q., chapter P-35);
- Plant Protection Act (R.S.Q., chapter P-39.01);
- Consumer Protection Act (R.S.Q., chapter P-40.1);
- Mental Patients Protection Act (R.S.Q., chapter P-41);
- Act respecting the preservation of agricultural lands and agricultural activities (R.S.Q., chapter P-41.1);
- Animal Health Protection Act (R.S.Q., chapter P-42);
- Roadside Advertising Act (R.S.Q., chapter P-44);
- Environment Quality Act (R.S.Q., chapter Q-2);
- Act respecting the class action (R.S.Q., chapter R-2.1);
- Act respecting the collection of certain debts (R.S.Q., chapter R-2.2);
- Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1);
- Act respecting the Régie des télécommunications (R.S.Q., chapter R-8.01);
- Act respecting the Régie du logement (R.S.Q., chapter R-8.1);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);
- Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

- Watercourses Act (R.S.Q., chapter R-13);
- Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1);
- Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);
- Act respecting supplemental pension plans (R.S.Q., chapter R-17);
- Ecological Reserves Act (R.S.Q., chapter R-26.1);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- Public Buildings Safety Act (R.S.Q., chapter S-3);
- Act respecting safety in sports (R.S.Q., chapter S-3.1);
- Act respecting income security (R.S.Q., chapter S-3.1.1);
- Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2);
- Act respecting correctional services (R.S.Q., chapter S-4.01);
- Act respecting childcare centres and childcare services (R.S.Q., chapter S-4.1);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);
- Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);
- Act respecting the Société québécoise d'information juridique (R.S.Q., chapter S-20);
- Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);
- Act respecting the Québec sales tax (R.S.Q., chapter T-0.1);

- Act respecting the lands in the public domain (R.S.Q., chapter T-8.1);
- Marine Products Processing Act (R.S.Q., chapter T-11.01);
- Act respecting transportation by taxi (R.S.Q., chapter T-11.1);
- Transport Act (R.S.Q., chapter T-12);
- Courts of Justice Act (R.S.Q., chapter T-16);
- Act respecting the use of petroleum products (R.S.Q., chapter U-1.1);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Act respecting roads (R.S.Q., chapter V-9);
- Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);
- Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32);
- Act to amend the Act respecting the Régie des alcools, des courses et des jeux and various Acts concerning the activities under its supervision (1993, chapter 71);
- Act respecting prescription drug insurance and amending various legislative provisions (1996, chapter 32);
- Act respecting the reconstruction and redevelopment of areas affected by the torrential rains of 19 and 20 July 1996 in the Saguenay — Lac-Saint-Jean region (1997, chapter 60);
- Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, chapter 27).

Bill 89

AN ACT RESPECTING THE IMPLEMENTATION OF THE ACT RESPECTING ADMINISTRATIVE JUSTICE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

BEES ACT

1. The Bees Act (R.S.Q., chapter A-1) is amended by inserting, after section 7, the following section :

“7.1. The owner or possessor of an apiary to whom an order made under section 6 or 7 is notified without prior notice because, in the Minister’s opinion, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations to the Minister so that the order may be reviewed.”

WORKMEN’S COMPENSATION ACT

2. Section 14 of the Workmen’s Compensation Act (R.S.Q., chapter A-3) is amended by replacing the word “appeal” in subsection 1 by the word “proceeding”.

3. Section 38 of the said Act is amended by replacing the words “Commission des affaires sociales” in subsection 3 by the words “Administrative Tribunal of Québec”.

4. Section 53 of the said Act, amended by section 480 of chapter 6 of the statutes of 1985, is again amended by replacing subsection 5 by the following subsection :

“(5) The commission shall determine the necessity, character, sufficiency or duration of medical assistance, if there is a disagreement on any such question.”

5. Section 55 of the said Act, amended by section 9 of chapter 95 of the statutes of 1986, is again amended by replacing the words “an inquiry held by a review board or the Commission des affaires sociales” in the first paragraph by the words “the examination of an application for review by a review board or of a hearing before the Administrative Tribunal of Québec”.

6. Section 63 of the said Act, amended by section 483 of chapter 6 of the statutes of 1985 and by section 10 of chapter 95 of the statutes of 1986, is again amended

(1) by replacing the words “appeal provided for in section 65, the Commission has exclusive jurisdiction to examine into, hear” in the first paragraph of subsection 1 by the words “proceeding provided for in section 65, the Commission has exclusive jurisdiction to examine into”;

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

“Except on a matter of jurisdiction, no recourse under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of the said Code shall lie, nor may any injunction be granted, against the Commission or its members in their official capacity.

A judge of the Court of Appeal may, on a motion, annul by summary procedure any proceeding brought or decision rendered contrary to the provisions of the preceding paragraph.”;

(3) by replacing, in the French text, the word “jurisdiction” in subsection 2 by the word “compétence”;

(4) by replacing, in the French text, the word “jurisdiction” in subsection 3 by the word “compétence”;

(5) by replacing the words “, hear and determine, in first instance” in subsection 4 by the words “and determine”;

(6) by replacing the words “, hear and determine, in second instance” in subsection 5 by the words “and determine in review”;

(7) by striking out the words “, and shall not be bound to follow the ordinary rules of evidence in civil matters” in subsection 8;

(8) by striking out subsection 9;

(9) by striking out subsection 10.

7. Section 64 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following sentences : “The person shall briefly set out the main grounds on which it is based and the object of the decision to which it pertains. A copy of the application shall be notified to the Attorney General by the review board.”;

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

“After giving the applicant and the Attorney General the opportunity to present observations, the review board may confirm, quash or vary the decision and, if appropriate, make the decision which, in its opinion, should have been made.

The decision must be in writing, contain reasons and be notified to the applicant and to the Attorney General and must mention that the decision may be contested before the Administrative Tribunal of Québec and the time limit for doing so.”

8. Section 65 of the said Act is amended

(1) by replacing the words “appeal from it to the Commission des affaires sociales, which shall dispose of the appeal in accordance with its rules of proof, procedure and practice” in the first paragraph by the words “, within 60 days after notification, contest the decision before the Administrative Tribunal of Québec”;

(2) by striking out the second paragraph.

9. Section 65.1 of the said Act is amended by replacing the words “or appeal under sections 64 and 65” by the words “to a review board or a proceeding before the Administrative Tribunal of Québec”.

10. Section 119.2 of the said Act, amended by section 32 of chapter 4 of the statutes of 1990, is again amended by replacing the words “, an examination or a hearing of the Commission, of any person designated by it or of” by the words “or the examination of a matter by the Commission, any person designated by it or a review board”.

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

11. Section 399 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), replaced by section 24 of chapter 27 of the statutes of 1997, is amended by replacing the second paragraph by the following paragraph:

“The Conseil shall, when conducting an inquiry to determine whether a member has a permanent disability, act in accordance with the provisions of sections 193 to 197 of the Act respecting administrative justice (1996, chapter 54), adapted as required; however, the formation of an inquiry committee is subject to the rules set out in section 400.”

12. Section 400 of the said Act, replaced by section 24 of chapter 27 of the statutes of 1997, is amended by replacing the third paragraph by the following paragraphs:

“The Conseil shall, when examining a complaint brought against a member, act in accordance with the provisions of sections 184 to 192 of the Act respecting administrative justice, adapted as required.

However, where the Conseil, for the purposes of section 186 of the said Act, forms an inquiry committee, the committee shall be composed of one member chosen by the Conseil from a list established by the president of the board after consultation with the meeting of the commissioners and of two other members chosen from among the members of the Conseil, one of whom shall neither practice a legal profession nor be a member of the Administrative Tribunal of Québec. The member of the board or, where he is unable to act, another member of the board chosen in the same manner, shall also take part in the deliberations of the Conseil for the carrying out of section 192 of the said Act.”

13. Section 411 of the said Act, replaced by section 24 of chapter 27 of the statutes of 1997, is amended by replacing the last sentence of the second paragraph by the following sentence: “The Conseil shall act in accordance with the provisions of sections 193 to 197 of the Act respecting administrative justice, adapted as required; however, the formation of an inquiry committee is subject to the rules set out in section 400.”

ACT RESPECTING THE ACQUISITION OF FARM LAND BY NON-RESIDENTS

14. Section 14 of the Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) is amended

(1) by replacing the words “be heard” in the second line of the first paragraph by the words “present observations”;

(2) by adding the following paragraph:

“It shall, before rendering an unfavourable decision, notify the applicant in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the interested person at least 10 days to present observations.”

15. Section 18 of the said Act is amended by replacing the words “right of review” in the first line by the words “review or proceeding”.

16. Section 19 of the said Act is amended by replacing the word “record” in the first line by the word “head”.

17. Section 20 of the said Act is amended

(1) by replacing, in the French text, the word “jurisdiction” in the second line of the first paragraph and in the fourth line of the second paragraph by the word “compétence”;

(2) by replacing the word “record” in the first line of the third paragraph by the word “head”.

18. Section 34 of the said Act, replaced by section 64 of chapter 26 of the statutes of 1996, is amended

(1) by inserting the figure “18.6,” after the figure “18.5.”;

(2) by replacing the words “21.0.1 to 21.0.11” by the words “21.1 to 21.5”.

ACT RESPECTING DETECTIVE OR SECURITY AGENCIES

19. Section 14 of the Act respecting detective or security agencies (R.S.Q., chapter A-8) is amended by adding, at the end, the following paragraph :

“The Minister shall, before making such a decision, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations.”

TRAVEL AGENTS ACT

20. The heading of Division III of the Travel Agents Act (R.S.Q., chapter A-10) is amended

(1) by replacing the words “OF RENEWAL OF” by the words “TO ISSUE OR RENEW”;

(2) by replacing the word “APPEALS” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

21. Section 13 of the said Act is amended

(1) by inserting the words “issue or” after the words “refusing to” in the first line;

(2) by replacing the words “give the licensee an opportunity to be heard” in the second line by the words “notify the licensee in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the licensee at least 10 days to present observations”;

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

“Where required by the situation, the president may, from the time of notification to the licensee until the rendering of his decision, confer on a trustee the temporary administration of the current business of the travel agent.

The licensee is, in such a case, required to remit to the trustee all documents, books and other effects necessary for the continuation of the current business of the travel agent.”

22. Section 15 of the said Act is amended

(1) by inserting the words “or the administration of whose current business has been temporarily conferred on a trustee” after the word “renewed” in the third line;

(2) by replacing the words “contemplated in section 14” in the fourth line by the words “referred to in section 13 or in section 14, as the case may be”.

23. Section 17 of the said Act, amended by section 15 of chapter 9 of the statutes of 1997, is again amended

(1) by inserting the words “whose licence application is refused or” after the word “person” in the first line;

(2) by replacing the words “appeal from the president’s decision to three judges of the Court of Québec of the district in which this person has his or its principal establishment,” in the first, second and third lines by the words “, within 30 days of notification of the president’s decision, contest the decision before the Administrative Tribunal of Québec.”;

(3) by striking out paragraphs *a*, *b* and *c*.

24. Sections 18 to 30 of the said Act are repealed.

LEGAL AID ACT

25. Section 75 of the Legal Aid Act (R.S.Q., chapter A-14), amended by section 40 of chapter 23 of the statutes of 1996, is again amended by replacing the words “an appeal shall lie to the review committee from the decision of the general manager within fifteen days of such decision” in the third and fourth lines of the first paragraph by the words “an application for review to the review committee may be made within 15 days after the date on which the decision of the general manager is rendered”.

26. Section 77 of the said Act, amended by section 41 of chapter 23 of the statutes of 1996, is replaced by the following section :

“**77.** The review committee shall, before making its decision, give to the applicant or recipient and to the person who contests the financial eligibility to legal aid, if any, an opportunity to present observations.”

27. Section 78 of the said Act is amended

(1) by replacing the words “Following the report of the delegate and the hearing, if any, the” in the first line by the word “The”;

(2) by striking out the words “decide the application and” in the second line;

(3) by replacing the word “parties” in the second line by the words “persons concerned”;

(4) by replacing the words “the final” in the third line by the word “its”.

ACT RESPECTING FAMILY ASSISTANCE ALLOWANCES

28. The heading of Division IV of the Act respecting family assistance allowances (R.S.Q., chapter A-17) is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

29. Section 18 of the said Act is amended

(1) by replacing the words “Review proceedings are introduced by an application made, on the form prescribed by the Board, within ninety days from” in the first and second lines of the first paragraph by the words “An application for review shall be made within 90 days after the date of”;

(2) by replacing the word “complainant” in the second line of the first paragraph by the word “applicant”;

(3) by replacing the words “allow the complainant to apply for a review after such delay” in the third and fourth lines of the first paragraph by the words “, however, allow the applicant to present his application for review after such time”.

30. Section 19 of the said Act is amended by replacing the words “and the right of such person to appeal from it in accordance with this act” in the fifth and sixth lines by the words “, the right of such person to contest the decision and the time for bringing a proceeding”.

31. Section 20 of the said Act is amended

(1) by replacing the words “appeal from such decision” in the second line of the first paragraph by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”;

(2) by striking out the second paragraph.

32. Section 28 of the said Act is amended by replacing the words “drawing up an application for an allowance or review or a declaration of appeal provided for by this act” in the fourth and fifth lines by the words “the drafting of an application for an allowance or review provided for by this Act or of a motion requesting a review of the decision by the Administrative Tribunal of Québec”.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

33. Section 117.7 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing the words “Expropriation Division of the Court of Québec” in the first and second lines of the first paragraph by the words “Administrative Tribunal of Québec”.

34. Sections 117.8, 117.11, 117.13 and 117.14 of the said Act are amended by replacing the words “Expropriation Division” and “Division’s”, wherever they appear in those provisions, by the words “Administrative Tribunal” and “Tribunal’s”, respectively.

ACT RESPECTING PRESSURE VESSELS

35. The Act respecting pressure vessels (R.S.Q., chapter A-20.01) is amended by inserting, after section 24, the following section :

“24.1. The person to whom an order made under paragraph 6 of section 23 or subparagraph 2 of the first paragraph of section 24 is notified without prior notice because, in the opinion of the person who made it, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations to that person so that the order may be reviewed.”

ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES

36. Section 40 of the Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001) is amended by striking out the figure “, 260.18” in the first line of the second paragraph.

37. Section 45 of the said Act is replaced by the following section :

“45. A seller for whom a provisional administrator has been appointed may, within 30 days of notification, contest the president’s decision before the Administrative Tribunal of Québec.

In exercising its power to suspend the execution of a contested decision, the Tribunal must give particular consideration to the interests of consumers.”

ACT RESPECTING THE NATIONAL ASSEMBLY

38. Section 68 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended by replacing the words “Expropriation Division of the Court of Québec” in the fourth line by the words “Administrative Tribunal of Québec”.

AUTOMOBILE INSURANCE ACT

39. Section 83.26 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing the words “an appeal” in the first line by the words “a proceeding brought before the Administrative Tribunal of Québec”.

40. Section 83.31 of the said Act is amended by replacing the words “petition for review or appeal” in the first line by the words “application for review or proceeding before the Administrative Tribunal of Québec”.

41. Section 83.32 of the said Act is amended

(1) by replacing the words “an appeal” in the first line of the first paragraph by the words “a proceeding brought before the Administrative Tribunal of Québec”;

(2) by replacing the words “Commission des affaires sociales” in the second line of the first paragraph by the word “Tribunal”;

(3) by replacing the word “it” in the third line of the first paragraph by the words “the Société”.

42. The heading of Chapter IX of Title II of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

43. Section 83.41 of the said Act is amended

(1) by replacing the words “section 83.67” in the first line of the first paragraph by the words “sections 83.49 and 83.67”;

(2) by striking out the words “, in first instance and in review,” in the first and second lines of the first paragraph;

(3) by striking out the word “, hear” in the second line of the first paragraph;

(4) in the French text, by replacing the word “affaire” in the third line of the first paragraph by the word “question”.

44. Section 83.42 of the said Act is replaced by the following section :

“83.42. The Société may by regulation establish the rules of procedure applicable to the examination of matters over which it has jurisdiction.”

45. Section 83.43 of the said Act is amended

(1) by striking out the words “rendered in first instance” in the first line of the first paragraph;

(2) by replacing the words “of his right to” in the second line of the second paragraph by the words “that he may”;

(3) by replacing the words “of his right to appeal therefrom to the Commission des affaires sociales” in the second and third lines of the third paragraph by the words “that he may contest the decision before the Administrative Tribunal of Québec”.

46. Section 83.44.1 of the said Act is amended by replacing the words “a decision has not been inscribed for review or appeal” in the first line of the first paragraph by the words “no application for review has been presented and no proceeding brought before the Administrative Tribunal of Québec in respect of a decision”.

47. The heading of Division II of Chapter IX of Title II of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

48. Section 83.45 of the said Act is amended by striking out the words “in first instance” in the third line of the first paragraph.

49. Section 83.47 of the said Act is amended by replacing the words “any decision rendered in first instance” in the second line of the first paragraph by the words “the decision”.

50. Section 83.48 of the said Act is amended by replacing the words “of his right to appeal therefrom to the Commission des affaires sociales” in the first and second lines of the second paragraph by the words “that he may contest the decision before the Administrative Tribunal of Québec”.

51. Section 83.49 of the said Act is amended

(1) by striking out the words “in first instance” in the second line of the first paragraph;

(2) by replacing the words “appeal therefrom to the Commission des affaires sociales” in the third line of the first paragraph by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”;

(3) by striking out the second paragraph.

52. Section 83.50 of the said Act is amended by replacing the words “a debtor’s application for review or appeal” in the second line of the fourth paragraph by the words “an application for review or proceeding brought before the Administrative Tribunal of Québec by a debtor”.

53. Section 83.51 of the said Act is amended

(1) by replacing the words “an appeal” in the second line by the words “a proceeding brought before the Administrative Tribunal of Québec”;

(2) by replacing the words “Commission des affaires sociales” in the second line by the word “Tribunal”.

(3) by replacing the word “appeal” in the fifth line by the words “proceeding brought before the Tribunal”.

54. Section 83.55 of the said Act is amended

(1) by replacing the words “appeal therefrom” in the third line of the second paragraph by the words “contest the decision”;

(2) by replacing the words “Commission des affaires sociales” in the third and fourth lines of the second paragraph by the words “Administrative Tribunal of Québec”.

55. Section 83.56 of the said Act is amended by replacing the words “Commission des affaires sociales” in the second and third lines by the words “Administrative Tribunal of Québec”.

56. Section 83.67 of the said Act is amended

(1) by replacing the words “bring an appeal” in the second line of the second paragraph by the words “contest the decision before the Administrative Tribunal of Québec”;

(2) by replacing the words “An appeal brought” in the first line of the third paragraph by the words “A proceeding brought before the Tribunal”;

(3) by replacing the words “sets aside any appeal” in the first line of the third paragraph by the words “precludes any proceeding before the Tribunal”;

(4) by replacing the words “rendered in appeal” in the second line of the third paragraph by the words “made by the Tribunal”.

57. Section 195 of the said Act is amended

(1) by replacing the words “petition for review or appeal” in the second line of paragraph 17 by the words “application for review or proceeding before the Administrative Tribunal of Québec”;

(2) by replacing the words “of proof and procedure which apply to the examination of cases” in the first and second lines of paragraph 24 by the words “of procedure applicable to the examination of matters”.

HEALTH INSURANCE ACT

58. The heading of Division II.1 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

59. Section 18.3 of the said Act is amended by replacing the words “and of his right to appeal therefrom in accordance with this Act” in the third and fourth lines by the words “, of his right to contest the decision and of the time for bringing a proceeding”.

60. Section 18.4 of the said Act is amended by replacing the words “appeal from the decision to the Commission des affaires sociales in accordance with the Act respecting the Commission des affaires sociales (chapter C-34)” in the second, third and fourth lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

61. Section 38 of the said Act is amended by replacing the word “, any” in the first line by the words “and excepting any proceeding under section 18.4 or 50, a”.

62. Section 47 of the said Act is amended by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

63. Section 50 of the said Act is amended

(1) by replacing the words “appeal therefrom to the Commission des affaires sociales in accordance with the Act respecting the Commission des affaires sociales (chapter C-34)” in the second, third and fourth lines of the second paragraph by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”;

(2) by replacing the word “appellant” in the fifth line of the second paragraph by the word “professional”.

64. Section 51 of the said Act is amended by replacing the words “delay for appeal, and the judgment” in the third line of the first paragraph by the words “time for bringing a proceeding under the second paragraph of section 50, if no proceeding is brought before the Administrative Tribunal of Québec, and, in that case, the decision of the Board”.

65. Section 52 of the said Act is amended by replacing the words “Commission des affaires sociales has disposed of the appeal” in the fifth line by the words “Administrative Tribunal of Québec has disposed of the proceeding”.

CROP INSURANCE ACT

66. Section 12 of the Crop Insurance Act (R.S.Q., chapter A-30) is amended

(1) by replacing the words “which has not been appealed from to the Court” in the second and third lines of the first paragraph by the words “in respect of which no proceeding has been brought before the Administrative Tribunal of Québec”;

(2) by adding, after subparagraph *b* of the first paragraph, the following paragraphs :

“The application for review or for cancellation must be presented in writing within 30 days of the date of the decision concerned.

The Régie shall allow the producer to present observations.”

67. Section 29 of the said Act is replaced by the following section :

“**29.** Where a dispute arises concerning eligibility for insurance with respect to the same cultivated farm, the producers concerned may request the intervention of the Régie so that it may endeavour to settle the matter.”

68. The heading of Division VI of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

69. Section 65 of the said Act is amended by replacing the words “appeal therefrom to the Court of Québec, but only on questions of law” in the second and third lines by the words “, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

70. Sections 66 to 67.4 of the said Act are repealed.

71. Section 74 of the said Act is amended

(1) by striking out paragraph *j*;

(2) by replacing the words “for its internal management” in paragraph *l* by the words “of internal management and rules of procedure for the conduct of its meetings and for the review or cancellation of its decisions”.

ACT RESPECTING INSURANCE

72. Section 32 of the Act respecting insurance (R.S.Q., chapter A-32) is amended by replacing the words “justify himself” in the third line by the words “present observations”.

73. Section 48 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

74. Section 93.27 of the said Act is amended by replacing the words “appeal set out in section 123.146” in the first and second lines of the second paragraph by the words “bringing a proceeding that is set out in section 123.145”.

75. Section 93.27.1 of the said Act is amended by replacing the word “appeal” in the first line of the first paragraph by the words “bringing a proceeding”.

76. Section 93.27.4 of the said Act is amended by replacing the words “appeal from it in accordance with sections 123.145 to 123.157 of the Companies Act (chapter C-38)” in the second and third lines by the words “, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

77. Section 174.17 of the said Act is amended by replacing the words “be heard” in the sixth line by the words “present observations”.

78. Section 219.1 of the said Act is amended by replacing the words “inform the corporation of his intention and provide it with a reasonable opportunity to express its views” in the second and third lines of the second paragraph by the words “notify the corporation in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the corporation at least 10 days to present observations”.

79. Section 285.19 of the said Act is amended by replacing the words “be heard” in the second line of the third paragraph by the words “present observations”.

80. Section 325.1 of the said Act is amended

(1) by replacing the words “Before issuing an order, the Inspector General shall serve on the contravener prior notice of at least 15 days” in the first and second lines of the second paragraph by the words “At least 15 days before issuing an order, the Inspector General shall notify the contravener as prescribed by section 5 of the Act respecting administrative justice,”;

(2) by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

81. Section 325.3 of the said Act is amended

(1) by replacing the words “delay in the holding of a hearing” in the third line of the first paragraph by the words “period of time allowed to the person concerned to present observations”;

(2) by replacing the words “apply in writing to the Inspector General for a hearing” in the third and fourth lines of the second paragraph by the words “present observations to the Inspector General”.

82. Section 361 of the said Act is amended by replacing the words “give its holder an opportunity to be heard” in the second line by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”.

83. Chapter IX of the said Act, comprising sections 366 to 377, is replaced by the following chapter :

“CHAPTER IX

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

“**366.** Any refusal, suspension or cancellation of a licence may, within 30 days of notification of the decision, be contested before the Administrative Tribunal of Québec.

“**367.** Notwithstanding the second paragraph of section 15 of the Act respecting administrative justice, the Tribunal may only confirm or quash a contested decision.”

84. Section 382 of the said Act is amended

(1) by replacing the words “express his views” in the second line of the first paragraph by the words “present observations”;

(2) by replacing the words “views may be expressed” in the first line of the second paragraph by the words “observations may be presented”.

85. Section 383 of the said Act is amended by replacing the words “representations that the insurer has made” in the second line by the words “observations that the insurer has presented”.

ACT RESPECTING THE BARREAU DU QUÉBEC

86. Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 32 of chapter 27 of the statutes of 1997, is again amended

(1) by replacing the words “rescuers and crime victims compensation division of the Commission des affaires sociales established pursuant to the Act respecting the Commission des affaires sociales (chapter C-34)” in the fourth, fifth and sixth lines of subparagraph 3 of paragraph *a* of subsection 2 by the words “social affairs division of the Administrative Tribunal of Québec, instituted under the Act respecting administrative justice (1996, chapter 54),

in the case of a proceeding pertaining to compensation for rescuers and victims of crime, a proceeding brought under section 65 of the Workmen's Compensation Act (chapter A-3) or a proceeding brought under section 12 of the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (chapter I-7),”;

(2) by replacing the words “social aid and allowances division of the Commission des affaires sociales” in the first and second lines of subparagraph 5 of paragraph *a* of subsection 2 by the words “social affairs division of the Administrative Tribunal of Québec”;

(3) by replacing the words “Bureau de révision en immigration” in the first line of subparagraph 7 of paragraph *a* of subsection 2 by the words “social affairs division of the Administrative Tribunal of Québec”.

BUILDING ACT

87. Section 75 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing the words “allow the holder an opportunity to be heard” in the first line of the first paragraph by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations”.

88. Section 128.5 of the said Act is amended by replacing the words “give the permit holder or the person an opportunity to be heard” in the first and second lines of the first paragraph by the words “notify the permit holder or the person in writing as prescribed by section 5 of the Act respecting administrative justice and allow the permit holder or the person at least 10 days to present observations”.

89. The heading of Chapter VII of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE LABOUR COURT”.

90. Section 160 of the said Act, amended by section 7 of chapter 74 of the statutes of 1996, is again amended by replacing the words “where such ruling, which has not been appealed from” in the second and third lines by the words “, where such ruling, in respect of which no proceeding has been brought before the Labour Court”.

91. Section 162 of the said Act is amended by replacing the words “express his opinion” in the second line by the words “present observations”.

92. The heading of Division II of Chapter VII of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE LABOUR COURT”.

93. Section 165 of the said Act, amended by section 8 of chapter 74 of the statutes of 1996, is again amended by replacing the words “appeal to the Labour Court on any question of law, jurisdiction or fact from a ruling of the Board or of a municipality covered by section 132” in the first, second and third lines by the words “contest a ruling of the Board or of a municipality covered by section 132 before the Labour Court,”.

94. Section 166 of the said Act is amended

(1) by replacing the words “appeal shall be made” in the first line of the first paragraph by the words “proceeding shall be brought”;

(2) by replacing the word “appellant” in the second line of the second paragraph by the word “applicant”.

95. Section 167 of the said Act is amended by replacing the words “ruling under appeal” in the second line by the words “contested ruling”.

96. Section 170 of the said Act is amended by replacing the word “appeal” in the first line by the word “proceeding”.

97. Section 172 of the said Act is amended by replacing the words “an appeal” in the second line by the words “a proceeding”.

CULTURAL PROPERTY ACT

98. Section 31.2 of the Cultural Property Act (R.S.Q., chapter B-4) is repealed.

99. Section 43 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” in the second and third lines of the second paragraph by the words “Administrative Tribunal of Québec”.

100. Section 50.2 of the said Act is repealed.

101. Section 57.2 of the said Act is amended

(1) by adding the following sentence at the end of the first paragraph: “Before revoking or amending an authorization, the Minister shall notify the interested person in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the interested person at least 10 days to present observations.”;

(2) by striking out the words “after giving him the opportunity to be heard” in the second line of the second paragraph.

ACT RESPECTING CERTAIN CAISSES D'ENTRAIDE ÉCONOMIQUE

102. Section 89 of the Act respecting certain caisses d'entraide économique (R.S.Q., chapter C-3.1) is amended by replacing the words "be heard" in the second line of the first paragraph by the words "present observations".

SAVINGS AND CREDIT UNIONS ACT

103. Section 103 of the Savings and Credit Unions Act (R.S.Q., chapter C-4) is amended by replacing the words "express its views" in the third line of the third paragraph by the words "present observations".

104. Section 110 of the said Act is amended

(1) by replacing the words "give it a notice of its default and of the penalty to which it is liable" in the first and second lines of the first paragraph by the words "notify the union in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54), advising it of the penalty to which it is liable and allow the union at least 10 days to present observations";

(2) by replacing the words "Such notice" in the second line of the first paragraph by the word "Notification";

(3) by replacing the word "Such" in the first line of the second paragraph by the word "A".

105. Section 111 of the said Act is amended by replacing the words "the notice contemplated in section 110" in the second and third lines by the word "notification".

SAVINGS AND CREDIT UNIONS ACT

106. Section 97 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1) is amended by replacing the words "be heard" in the second line by the words "present observations".

107. Section 179 of the said Act is amended

(1) by replacing the words "of being heard" in the fifth line of the first paragraph by the words "for the person to present observations";

(2) by replacing the words "be heard" in the eighth and ninth lines of the first paragraph by the words "present observations".

108. Section 204 of the said Act is amended by replacing the words "be heard" in the second line of the third paragraph by the words "present observations".

109. Section 218 of the said Act is amended by replacing the words “be heard” in the third line of the third paragraph by the words “present observations”.

110. Section 227 of the said Act is amended by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

111. Section 231 of the said Act is amended

(1) by adding the words “, as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54),” after the word “shall” in the second line of the second paragraph;

(2) by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

112. Section 238 of the said Act is amended by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

113. Section 264 of the said Act is amended by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

114. Section 323 of the said Act is amended by replacing the words “make representations” in the fourth line of the first paragraph by the words “present observations”.

115. Section 389 of the said Act is amended by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

116. Section 395 of the said Act is amended

(1) by adding the words “, as prescribed by section 5 of the Act respecting administrative justice,” after the word “shall” in the second line of the second paragraph;

(2) by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

117. Section 398 of the said Act is amended by replacing the words “be heard” in the third line of the third paragraph by the words “present observations”.

118. Section 429 of the said Act is amended by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

119. Section 450 of the said Act is amended by replacing the words “be heard” in the second line of the third paragraph by the words “present observations”.

120. Section 485 of the said Act is amended by replacing the words “be heard” in the fourth line of the first paragraph by the words “present observations”.

121. Section 500 of the said Act is amended

(1) by replacing the words “Before issuing an order, the Inspector General shall give the contravener at least 15 days’ notice” in the first and second lines of the second paragraph by the words “At least 15 days before issuing an order, the Inspector General shall, as prescribed by section 5 of the Act respecting administrative justice, notify the contravener.”;

(2) by replacing the words “be heard” in the third and fourth lines of the second paragraph by the words “present observations”.

122. Section 501 of the said Act is amended

(1) by replacing the words “delay to allow a hearing” in the third line of the first paragraph by the words “period of time allowed to the person concerned to present observations”;

(2) by replacing the words “apply in writing to the Inspector General for a hearing” in the third and fourth lines of the second paragraph by the words “present observations to the Inspector General”.

123. Section 505 of the said Act is amended

(1) by replacing the words “be heard” in the third line of the first paragraph by the words “present observations”;

(2) by replacing the words “be heard” in the fifth and sixth lines of the first paragraph by the words “present observations”;

(3) by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

ACT RESPECTING TRUCK TRANSPORTATION

124. Section 10 of the Act respecting truck transportation (R.S.Q., chapter C-5.1) is amended by replacing, in the French text, the words “le requérant” in the first line by the words “celui qui en fait la demande”.

125. Section 11 of the said Act is amended by replacing, in the French text, the word “requérant” in the first line by the word “demandeur”.

126. Section 12 of the said Act is amended by replacing, wherever it appears in the French text, the word “requérant” by the word “demandeur”.

127. Section 13 of the said Act is amended by replacing, in the French text, the word “requérant” in the first line by the word “demandeur”.

128. Section 15 of the said Act is amended by replacing, wherever it appears in the French text, the word “requérant” by the word “demandeur”.

129. Section 16 of the said Act is amended by replacing, in the French text, the word “requérant” in the second line by the word “demandeur”.

130. Section 22 of the said Act is amended by replacing, in the French text, the word “requérant” in the second line by the word “demandeur”.

131. Section 38 of the said Act is amended

(1) by replacing the words “summon the licensee and specify the facts that are alleged against him so that he may assert his pretensions” in the third and fourth lines of the first paragraph by the words “notify the licensee in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the licensee at least 10 days to present observations”;

(2) by replacing the word “appear” in the first line of the second paragraph by the words “present observations”.

132. Section 43 of the said Act is amended by replacing the words “from the date of service of the Commission’s decision on” in the first and second lines by the words “on the date the Commission’s decision is communicated to”.

133. The heading of Chapter III of the said Act is amended by striking out the words “AND PROOF”.

134. Section 47 of the said Act is amended by replacing the word “requérant”, wherever it appears in the French text, by the word “demandeur”.

135. Section 49 of the said Act is amended

(1) by replacing the words “by filing with the Commission a sworn statement of his objection containing the reasons on which it is based and accompanied with proof that it has been served on the applicant” in the second, third, fourth and fifth lines of the first paragraph by the words “by transmitting to the Commission a sworn statement of objection containing reasons”;

(2) by striking out the second paragraph.

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

“**50.** All public hearings must be held within 60 days of the time prescribed for making an objection. The Commission may, however, extend that time if the applicant or a person making an objection establishes that he will be unable to act within that time.

The Attorney General may intervene during public consultations.”

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

“**51.** At a public hearing, the opponent of a licence application is required to explain the reasons for his opposition.”

138. Sections 52 to 56 of the said Act are repealed.

139. Section 57 of the said Act is amended by replacing the second and third paragraphs by the following paragraph :

“The Commission shall communicate to the applicant and the opponents its decision in writing, containing reasons, and shall, where the decision is rendered following public hearings, transmit a copy of it to the Minister.”

140. Sections 60 and 61 of the said Act are replaced by the following sections :

“**60.** The Commission may, upon a request, review any decision it has rendered and in respect of which no proceeding has been brought before the Administrative Tribunal of Québec.

“**61.** An application for review must contain reasons, and be notified to the Commission within 30 days after the date on which the decision takes effect.

However, in the case of a decision to revoke a licence, the application for review must be notified within six months.

Where the Commission agrees to review a decision, execution of the decision is suspended unless the Commission decides otherwise in case of special urgency.”

141. Section 65 of the said Act is repealed.

142. The said Act is amended by replacing the heading of Chapter VI by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

143. Sections 74 to 79 of the said Act are replaced by the following sections :

“**74.** Any decision of the Commission may be contested before the Administrative Tribunal of Québec by the person to whom the decision applies, an opponent or the Attorney General within 30 days following the date on which the decision takes effect.

“**75.** The Attorney General may, *ex officio* and without notice, take part in a hearing as if he were a party thereto.

“**76.** When assessing the facts or the law, the Tribunal may not substitute its assessment of the public interest for the assessment thereof made by the Commission before making its decision pursuant to this Act.”

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

“**81.** The Commission may adopt procedural and internal management rules.”

145. Section 96 of the said Act is amended by replacing the words “17.5 to 17.8” in the first line by the words “17.6 and 17.7”.

CHARTER OF THE FRENCH LANGUAGE

146. Section 82 of the Charter of the French language (R.S.Q., chapter C-11) is replaced by the following section :

“**82.** Any person to whom a decision concerning a child’s eligibility for instruction in English, made pursuant to section 73, 81, 85 or 86.1, applies may apply in writing for the review of the decision within 60 days of the date on which the person is informed of the decision.”

147. Section 83 of the said Charter is amended

(1) by striking out the first sentence ;

(2) by replacing the words “This committee consists” in the second line by the words “Applications for review shall be filed with a review committee consisting” ;

(3) by striking out the last sentence.

148. Sections 83.1 and 83.2 of the said Charter are repealed.

149. Section 83.3 of the said Charter is amended by inserting the word “review” after the words “of the” in the first line.

150. The said Charter is amended by inserting, after section 83.3, the following section:

“83.4. Any decision made by the review committee may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec.”

151. Section 85.1 of the said Charter is amended

(1) by replacing the words “Where the appeals committee cannot allow an appeal pertaining” in the first line of the first paragraph by the words “Where the review committee cannot accede”;

(2) by replacing, in the French text, the word “elle” in the third and fourth lines of the first paragraph by the word “il”;

(3) by adding, at the end of the first paragraph, the words “A copy of the report shall be sent to the person who made the application.”;

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

“The production of the report shall interrupt the time allotted for contesting a decision under section 83.4 or suspend the proceeding, as the case may be, until the Minister has made a decision in the matter.”;

(5) by replacing the word “appeals” in the second line of the second paragraph by the word “review”;

(6) by replacing the word “second” in the third line of the third paragraph by the word “third”.

152. Section 132 of the said Charter is amended by replacing the words “hear the persons concerned” in the second line of the first paragraph by the words “give the persons concerned the opportunity to present observations”.

CINEMA ACT

153. Section 85 of the Cinema Act (R.S.Q., chapter C-18.1) is amended

(1) by striking out the words “, after giving the person concerned the opportunity to be heard,” in the first and second lines;

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

“The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54), and allow the person at least 10 days to present observations.”

154. Section 101 of the said Act is amended

(1) by striking out the words “, after having given the person concerned an opportunity to be heard,” in the first and second lines ;

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

“The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice, and allow the person at least 10 days to present observations.”

155. Section 110 of the said Act is amended

(1) by striking out the words “, after having given the person concerned an opportunity to be heard,” in the first and second lines ;

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

“The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice, and allow the person at least 10 days to present observations.”

156. Section 119.1 of the said Act is amended

(1) by striking out the words “, after having given the person concerned an opportunity to be heard,” in the first and second lines ;

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

“The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice, and allow the person at least 10 days to present observations.”

157. Section 122.5 of the said Act is amended

(1) by striking out the words “, after having given the person concerned an opportunity to be heard,” in the first and second lines ;

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

“The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice, and allow the person at least 10 days to present observations.”

158. Section 122.7 of the said Act is amended

(1) by replacing the word “before” in the third line by the word “to”;

(2) by replacing the words “file with” in the fourth line by the words “send to”.

159. The heading of Division VI of Chapter III of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

160. Section 151 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

161. Section 153 of the said Act is repealed.

162. Subdivision 2 of Division VI of Chapter III of the said Act, comprising sections 154 to 166, is replaced by the following subdivision :

“§2. — *Proceeding before the Administrative Tribunal of Québec*

“**154.** Every person who believes himself wronged by a decision made by the Régie, except a decision referred to in any of sections 143, 144 and 149 to 152 may, within 30 days after receiving the decision, contest the decision before the Administrative Tribunal of Québec.”

163. Section 167 of the said Act is amended by striking out the words “rules of proof and” in the first line of paragraph 13.

164. Section 182 of the said Act is amended by replacing the words “send forthwith to the person concerned a written notice of its decision” in the first and second lines of the second paragraph by the words “, without delay, send its decision in writing to the person concerned”.

CITIES AND TOWNS ACT

165. Section 465.13 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing the words “be heard” in the sixth line of the first paragraph by the words “present observations”.

166. Section 467.3.1 of the said Act is amended by adding the following paragraph :

“The Commission shall, before amending or revoking a permit under the first paragraph, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the permit holder at least ten days to present observations.”

167. Section 469 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended by replacing the words “render the decision” in the fourth line and the word “decision” in the eighth line by the words “make the arbitration award” and “arbitration award”, respectively.

ACT TO PROMOTE GOOD CITIZENSHIP

168. Section 1 of the Act to promote good citizenship (R.S.Q., chapter C-20) is amended by striking out paragraph *b*.

169. Section 4 of the said Act is amended

(1) by replacing the words “appears before the commission to” in the first line of the second paragraph by the word “may”;

(2) by striking out the word “to” in the second line of the second paragraph.

170. Section 7 of the said Act is amended by replacing the words “in the case of an appeal, of the decision of the Commission des affaires sociales” in the first and second lines by the words “where the decision is contested before the Administrative Tribunal of Québec, of the decision of the Tribunal”.

171. Section 19 of the said Act is amended by replacing the words “in the case of an appeal, of the Commission des affaires sociales” in the third line by the words “where the decision is contested before the Administrative Tribunal of Québec, of the Tribunal”.

HIGHWAY SAFETY CODE

172. Section 550 of the Highway Safety Code (R.S.Q., chapter C-24.2), amended by section 115 of chapter 56 of the statutes of 1996, is again amended

(1) by replacing the words “present his views” in the third line of the second paragraph by the words “present observations”;

(2) by inserting the words “or the prior notice referred to in section 553” after the words “this section” in the fourth paragraph and by inserting the words “or notice” after the words “The decision” in that paragraph.

173. Section 553 of the said Code is amended by replacing the first three paragraphs by the following paragraphs:

553. The Société shall, before making a written decision in respect of which it is required to comply with the obligations prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54), send to the person concerned a notice of its proposed decision which shall mention, among other things, that the person has 12 days from the time of mailing of the notice within which to present observations.

The proposed decision shall become the decision of the Société on the third day following the expiry of such time limit, and shall take effect unless the Société decides otherwise.

The time limit prescribed in the first paragraph may be shortened where the decision relates to the suspension of a licence or class of a licence following a proficiency examination.”

174. Section 554 of the said Code is amended by replacing the words “of appeal under section” in the second and third lines by the words “to bring a proceeding under section 557 or”.

175. The heading of Division II of Chapter I of Title X of the said Code is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

176. Section 557 of the said Code is amended

(1) by replacing the words “and which has not been appealed from to the Court” in the second and third lines of the first paragraph by the words “in respect of which no proceeding has been brought before the Administrative Tribunal of Québec,”;

(2) by striking out subparagraphs 1 and 2 of the first paragraph.

177. Section 560 of the said Code is replaced by the following section :

“**560.** A decision may be contested before the Administrative Tribunal of Québec if it is

(1) a decision made by the Société under paragraphs 1, 2 and 3 of section 81, paragraphs 1 and 2 of section 82, paragraph 2 of section 83, paragraphs 1, 2 and 3 of section 190 or section 191 or a decision of the Société refusing to review such a decision or maintaining it;

(2) a decision made by the Société under paragraph 3 of section 82 or under any of sections 162, 207 and 519.61 or a decision of the Société refusing to review such a decision or maintaining it.”

178. Sections 561 to 573 of the said Code are repealed.

CODE OF CIVIL PROCEDURE

179. Article 782 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the words “Commission des affaires sociales” in the second line by the words “Administrative Tribunal of Québec”.

MUNICIPAL CODE OF QUÉBEC

180. Article 528.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by adding the following paragraph:

“The Commission shall, before amending or revoking a permit under the first paragraph, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the permit holder at least 10 days to present observations.”

181. Article 623 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the word “decision” wherever it appears by the words “arbitration award”.

182. Article 711.14 of the said Code is amended by replacing the words “be heard” in the sixth line of the first paragraph by the words “present observations”.

ACT RESPECTING THE MARKETING OF MARINE PRODUCTS

183. Section 48 of the Act respecting the marketing of marine products (R.S.Q., chapter C-32.1) is amended by replacing the words “furnish it with a reasonable opportunity to make representations” in the fourth line of the second paragraph by the words “allow it to present observations”.

ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

184. The Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34) is repealed.

ACT RESPECTING THE COMMISSION MUNICIPALE

185. Section 7 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by striking out the second paragraph.

186. Section 16 of the said Act is amended

(1) by striking out the words “practice and” in the first line of paragraph *d* of subsection 1, and by striking out the words “of practice” wherever they occur elsewhere in the section;

(2) by replacing the words “proceeding before” in the second line of subsection 2 by the words “matter examined by”.

187. Section 16.1 of the said Act is amended by striking out the words “of practice” in the second line.

188. Section 22 of the said Act is amended by replacing the second and third sentences of the fifth paragraph of subsection 1 by the following sentence: “The Commission is not bound by this requirement if a person invited in writing to present or to otherwise transmit observations within a reasonable time has refused or neglected to do so.”

189. Section 23 of the said Act, amended by section 465 of chapter 2 of the statutes of 1996, is again amended by striking out the words “of practice” in the third line of the third paragraph.

190. Section 87 of the said Act is amended by striking out the words “of practice” in the second line of the first paragraph and in the first line of the second paragraph.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L’OUTAOUAIS

191. Section 173 of the Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1) is amended by replacing the words “Expropriation Division of the Court of Québec” in the sixth line of the second paragraph by the words “Administrative Tribunal of Québec”.

192. Section 176 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” in the second line by the words “Administrative Tribunal of Québec”.

193. Section 198 of the said Act is amended

(1) by replacing the words “appear before” in the first line of the first paragraph by the words “present to”;

(2) by striking out the words “and to make” in the second line of the first paragraph;

(3) by striking out the words “of the hearing” in the first line of the second paragraph.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

194. Section 118 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing the words “Expropriation Division of the Court of Québec” in the third and fourth lines by the words “Administrative Tribunal of Québec”.

195. Section 133.2 of the said Act is amended

(1) by replacing the words “appealed from before the Commission municipale du Québec” in the second and third lines by the words “contested before the Administrative Tribunal of Québec”;

(2) by replacing the words “to the appeal” in the fourth and fifth lines by the words “to the proceeding”;

(3) by striking out the last sentence.

196. Section 151.2.8 of the said Act is amended

(1) by replacing the words “appealed from before the Commission municipale du Québec” in the third and fourth lines of the first paragraph by the words “contested before the Administrative Tribunal of Québec”;

(2) by replacing the word “appeal” in the sixth line of the first paragraph by the word “proceeding”;

(3) by striking out the second paragraph.

197. Section 306.53 of the said Act is amended

(1) by replacing the words “appear before a” in the first line of the first paragraph by the words “make to any”;

(2) by striking out the words “judicial, quasi judicial or” in the first and second lines of the first paragraph;

(3) by striking out the words “to make or have made” in the second line of the first paragraph;

(4) by striking out the words “of the hearing” in the first line of the second paragraph.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

198. Section 136.10 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended

(1) by replacing the words “appealed from before the Commission municipale du Québec” in the third and fourth lines of the first paragraph by the words “contested before the Administrative Tribunal of Québec”;

(2) by replacing the word “appeal” in the fifth line of the first paragraph by the word “proceeding”;

(3) by striking out the second paragraph.

199. Section 218 of the said Act is amended

(1) by replacing the words “appear before” in the first line of the first paragraph by the words “make to”;

(2) by striking out the words “and to make” in the second line of the first paragraph;

(3) by striking out the words “of the hearing” in the first line of the second paragraph.

COMPANIES ACT

200. Section 123.27.2 of the Companies Act (R.S.Q., chapter C-38) is amended

(1) by replacing the word “allow” in the first line by the words “, in accordance with section 5 of the Act respecting administrative justice (1996, chapter 54), inform”;

(2) by replacing the words “interested parties to submit their” in the second line by the words “the persons affected by the decision an opportunity to present”.

201. Section 123.27.3 of the said Act is amended

(1) by replacing the word “parties” in the second line of the first paragraph by the words “persons affected by the decision”;

(2) by replacing the words “appeal set out in section 123.146” in the first and second lines of the second paragraph by the words “bringing a proceeding under section 123.145 if no proceeding has been brought”.

202. Section 123.27.4 of the said Act is amended

(1) by replacing the word “appeal” in the first line of the first paragraph by the words “bringing a proceeding”;

(2) by replacing the words “an interested party” in the second line of the first paragraph by the words “a person concerned”.

203. Section 123.27.7 of the said Act is repealed.

204. The heading of Chapter XX of Part IA of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

205. Section 123.145 of the said Act is amended by replacing the words “appeal from it to the Court of Québec of the district of the residence or head office of the person concerned or, in the case of an artificial person having its head office outside Québec, of the district of its principal office in Québec or

of the address of its attorney” in the second, third, fourth and fifth lines by the words “, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

206. Sections 123.146 to 123.157 of the said Act are replaced by the following sections:

“**123.146.** Notwithstanding the second paragraph of section 15 of the Act respecting administrative justice, the Tribunal may only confirm or quash the contested decision.

“**123.147.** Where the contestation concerns a decision referred to in section 123.27.3, the Inspector General shall deposit a notice of notification of the motion in the register.

“**123.148.** The Inspector General shall, where necessary, make the required changes in the register and make an entry indicating that a decision of the Tribunal has been made where the decision concerns a decision of the Inspector General referred to in section 123.27.3.”

ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN THE AREA OF MONTRÉAL

207. Section 12.3 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended by adding, after the first paragraph, the following paragraph:

“The Commission shall, before amending or revoking a permit under the first paragraph, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the permit holder at least 10 days to present observations.”

ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

208. Section 75 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by adding, at the end, the following paragraph:

“A licence holder to whom such an order is notified without prior notice because, in the opinion of the Minister, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister.”

209. Section 128.14 of the said Act is amended by replacing the words “give the applicant or holder an opportunity to make representations within the time he indicates” in the second and third lines by the words “notify the

applicant or holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the applicant or holder at least 10 days to present observations”.

210. Section 128.15 of the said Act is amended

(1) by replacing the word “offender” in the first line of the second paragraph by the words “person concerned” ;

(2) by replacing the words “its date of service” in the second line of the third paragraph by the words “the date of its notification” ;

(3) by inserting, after the third paragraph, the following paragraph :

“A person to whom such an order is notified without prior notice because, in the opinion of the Minister, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister.”

211. Section 177 of the said Act is amended by replacing the words “give the person concerned the opportunity to make representations” in the third paragraph by the words “notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice and allow the person at least 10 days to present observations”.

ACT RESPECTING RACING

212. Section 49 of the Act respecting racing (R.S.Q., chapter C-72.1) is amended by replacing paragraph 5 by the following paragraph :

“(5) to fix and collect the costs prescribed by the rules for the examination of any matter or question submitted to him.”

213. Section 50 of the said Act is amended by replacing paragraph 3 by the following paragraph :

“(3) to fix and collect the costs prescribed by the rules for the examination of any matter or question submitted to him.”

214. Section 51 of the said Act is amended by replacing the word “referred” in the third line by the word “submitted”.

215. Section 68 of the said Act is amended

(1) by striking out the word “public” in the fourth line of the first paragraph ;

(2) by inserting the words “to allow them to make representations” after the word “hearing” in the fourth line of the first paragraph.

REAL ESTATE BROKERAGE ACT

216. Section 136 of the Real Estate Brokerage Act (R.S.Q., chapter C-73.1) is amended by replacing the words “366 to 377 of the Act respecting insurance (chapter A-32)” in the second and third lines by the words “164 to 177.1 of the Professional Code (chapter C-26)”.

217. Section 148 of the said Act is amended

(1) by replacing the words “serve on” in the first line of the second paragraph by the words “, pursuant to section 5 of the Act respecting administrative justice (1996, chapter 54), give”;

(2) by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

218. Section 149 of the said Act is amended

(1) by replacing the words “delay in the holding of a hearing” in the third line of the first paragraph by the words “period of time allowed to the person concerned to present observations”;

(2) by replacing the words “apply in writing to the Inspector General for a hearing” in the third and fourth lines of the second paragraph by the words “present observations to the Inspector General”.

219. Section 152 of the said Act is amended by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

ACT RESPECTING THE DEVELOPMENT OF QUÉBEC FIRMS IN THE BOOK INDUSTRY

220. Section 23 of the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1) is amended by striking out the second paragraph.

221. Section 24 of the said Act is amended by replacing the words “give the person concerned the opportunity to be heard and obtain the advice of the board” in the second and third lines by the words “obtain the advice of the board and notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the person at least 10 days to present observations”.

222. The heading of Division V of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

223. Section 26 of the said Act is amended

(1) by replacing the words “appeal from the Minister’s decision to the Court of Québec, by a motion brought within thirty days of the reception of the decision of the Minister, if” in the second, third and fourth lines by the words “contest the Minister’s decision before the Administrative Tribunal of Québec within 30 days of notification of the decision”;

(2) by striking out paragraphs *a* and *b*.

224. Sections 27 to 30 of the said Act are repealed.

GAS DISTRIBUTION ACT

225. Section 11 of the Gas Distribution Act (R.S.Q., chapter D-10) is amended by adding, at the end, the following paragraph :

“A person to whom such an order is notified without prior notice because, in the opinion of the Board, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Board.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

226. Section 62 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), amended by section 17 of chapter 73 of the statutes of 1996, is again amended by striking out the words “and of the Bureau de révision de l’évaluation foncière du Québec” in paragraph 5.

ACT RESPECTING PRIVATE EDUCATION

227. Section 121 of the Act respecting private education (R.S.Q., chapter E-9.1) is amended by replacing the words “give the institution an opportunity to present its views” in the first and second lines of the first paragraph by the words “notify the institution in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow it at least 10 days to present observations”.

228. The said Act is amended by inserting, after section 121, the following section :

“**121.1.** Every decision made by the Minister may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec.”

229. Section 124 of the said Act is amended by replacing the words “give the institution an opportunity to present its views” in the second line of the first paragraph by the words “notify the institution in writing as prescribed by section 5 of the Act respecting administrative justice and allow it at least 10 days to present observations”.

ACT RESPECTING THREATENED OR VULNERABLE SPECIES

230. Section 24 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01) is amended by replacing the words “give the applicant or holder an opportunity to make representations within the time he indicates” in the second and third lines by the words “notify the applicant or holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the applicant or holder at least 10 days to present observations”.

231. Section 25 of the said Act is amended

(1) by replacing the word “offender” in the first line of the second paragraph by the words “person concerned” and by replacing, in the French text, the words “qu’il” in the second line of the second paragraph by the words “qu’elle”;

(2) by replacing the word “service” in the second line of the third paragraph by the word “notification”;

(3) by inserting, after the third paragraph, the following paragraph:

“A person to whom such an order is notified without prior notice because, in the opinion of the Minister, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister.”

TOURIST ESTABLISHMENTS ACT

232. Section 12 of the Tourist Establishments Act (R.S.Q., chapter E-15.1) is amended by replacing the words “give the applicant or permit holder, as the case may be, the opportunity to be heard” in the second and third lines by the words “notify the applicant or permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the applicant or permit holder at least 10 days to present observations”.

233. The heading of subdivision 3 of Division II of the said Act is replaced by the following heading:

“§3. — *Proceeding before the Administrative Tribunal of Québec*”.

234. Section 15 of the said Act is amended by replacing that part preceding paragraph 1 by the following :

“**15.** The following persons may, within 30 days of notification of the decision, contest the decision of the Minister before the Administrative Tribunal of Québec:”.

235. Sections 16 to 21 of the said Act are repealed.

236. Section 27 of the said Act is amended by replacing the words “make representations” in the second line by the words “present observations”.

ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

237. Section 1 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is amended by striking out paragraph *b*.

238. Section 20 of the said Act is amended

(1) by replacing the word “Commission” in the third line of the third paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the word “Commission” in the first line of the fourth paragraph by the word “Tribunal”.

239. Section 30 of the said Act is amended by replacing the words “appeal to the Commission, which shall dispose of the appeal according to its rules of proof, procedure and practice” in the second and third lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

240. Section 42 of the said Act is amended by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

241. Section 43 of the said Act is amended by adding, at the end, the following paragraph :

“The Office shall, before making such a decision, notify the adapted work centre in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow it at least 10 days to present observations.”

242. Section 44 of the said Act is amended by replacing the words “appeal to the Commission, which shall dispose of the appeal in accordance with its rules of proof, procedure and practice” in the second, third and fourth lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

243. Section 48 of the said Act is amended by replacing the words “appeal therefrom to the Commission, which shall dispose of the appeal in accordance with its rules of proof, procedure and practice” in the second, third and fourth lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

244. Section 58 of the said Act is amended by adding the following paragraph:

“The Office shall, before making such a decision, notify the handicapped person in writing as prescribed by section 5 of the Act respecting administrative justice and allow him at least 10 days to present observations.”

245. Section 59 of the said Act is amended by replacing the words “appeal therefrom to the Commission, which shall dispose of the appeal in accordance with its rules of proof, practice and procedure” in the second, third and fourth lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

ACT RESPECTING EXPLOSIVES

246. Section 15 of the Act respecting explosives (R.S.Q., chapter E-22), amended by section 7 of chapter 51 of the statutes of 1997, is again amended

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

“The Minister shall, before making a decision under the first or second paragraph, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow him at least 10 days to present observations.”;

(2) by replacing the words “in such a case” in the third paragraph by the words “where the Minister withdraws his permit”.

EXPROPRIATION ACT

247. The Expropriation Act (R.S.Q., chapter E-24) is amended by striking out Title I.

248. Section 39 of the said Act is amended by replacing the word “division” in the second line by the words “Administrative Tribunal of Québec”.

249. Sections 40, 40.1, 41, 42.1, 43, 44, 45, 52.1, 53, 53.5.1, 53.13, 55, 60 to 63, 65, 85, 86 and 89 of the said Act are amended by replacing the word “division”, wherever it appears, by the word “Tribunal”, with the necessary modifications.

250. Section 47 of the said Act is repealed.

251. Section 48 of the said Act is amended by striking out the first and second paragraphs.

252. Section 52 of the said Act is repealed.

253. Section 68 of the said Act is amended by replacing the word “division”, wherever it appears, by the word “Tribunal”, with the necessary modifications.

254. Section 87 of the said Act is amended by replacing the words “division alone shall be competent” in the first line by the words “Tribunal shall have exclusive jurisdiction”.

255. The said Act is amended by inserting, after section 89, the following Title:

“TITLE III.1

“HOMOLOGATION

“89.1. The homologation of an order of the Tribunal by the Superior Court, where required by law, is obtained by the deposit, by a party, of a certified true copy of the order at the clerk’s office of the Superior Court in the district in which the expropriated property is situated.

Prior notice of the date of deposit must be served on the other parties.

An order so deposited has the same force and effect as a judgment of the Superior Court and it may be executed as such.

“89.2. No appeal lies from a homologated order.”

256. Section 90 of the said Act is amended by striking out the first paragraph.

ACT RESPECTING MUNICIPAL TAXATION

257. Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

(1) by striking out the definition of “board”;

(2) by adding the following definition:

““Tribunal” means the Administrative Tribunal of Québec.”

258. Section 25 of the said Act is amended

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

“Before revoking a permit, the Commission must notify the assessor in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the assessor at least 10 days to present observations.

The decision must be made and communicated in writing.”;

(2) by replacing the words “notice, the assessor may apply to the Commission for a revocation” in the first and second lines of the third paragraph by the words “decision, the assessor may apply to the Commission for a review”;

(3) by replacing the words “be heard” in the third line of the third paragraph by the words “present observations”;

(4) by replacing the word “revoke” in the fourth line of the third paragraph by the word “review”.

259. Section 76 of the said Act, amended by section 5 of chapter 67 of the statutes of 1996, is again amended by replacing the word “complaint” in the second paragraph by the words “proceeding before the Tribunal”.

260. Section 79 of the said Act, amended by section 6 of chapter 67 of the statutes of 1996, is again amended by replacing the words “a complainant” in the fifth line of the second paragraph by the words “an applicant”, and by replacing the words “the complaint” in the sixth and seventh lines of the second paragraph by the words “a proceeding brought before the Administrative Tribunal of Québec”.

261. Section 80.1 of the said Act, amended by section 7 of chapter 67 of the statutes of 1996, is again amended by replacing the word “complainant” in the second paragraph by the words “person having brought a proceeding before the Administrative Tribunal of Québec”.

262. Chapter IX of the said Act, including sections 84 to 123, is repealed.

263. The heading of Chapter X of the said Act, replaced by section 10 of chapter 67 of the statutes of 1996, is amended by replacing the word “COMPLAINTS” by the words “PROCEEDING BEFORE THE TRIBUNAL”.

264. Section 138.4 of the said Act, enacted by section 25 of chapter 67 of the statutes of 1996, is amended by replacing the word “board” in the fifth paragraph by the word “Tribunal”.

265. The heading of Division II of Chapter X of the said Act, enacted by section 25 of chapter 67 of the statutes of 1996, is replaced by the following heading:

“PROCEEDINGS BEFORE THE TRIBUNAL”.

266. Section 138.5 of the said Act, enacted by section 25 of chapter 67 of the statutes of 1996, is amended

(1) by replacing the words “file with the board a complaint” in the first and second lines of the first paragraph by the words “bring before the Tribunal a proceeding”;

(2) by replacing the words “file a complaint before the board” in the third line of the second paragraph by the words “bring a proceeding before the Tribunal”;

(3) by replacing the word “complaint” in subparagraph 3 of the second paragraph by the word “proceeding”;

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

“A proceeding under the first paragraph must be brought before the thirty-first day after the sending to the applicant of a writing of the assessor referred to in subparagraph 1 or 2 of that paragraph or the expiry of the time limit referred to in subparagraph 3 of that paragraph, as the case may be.”;

(5) by replacing the word “complaint” in the first line of the fourth paragraph by the word “proceeding”, by replacing the word “filed” in the first line of that paragraph by the word “brought” and by replacing the word “sixty-first” in the second line of that paragraph by the word “thirty-first”;

(6) by replacing the word “complainant” wherever it appears in subparagraphs 1 to 4 of the fourth paragraph by the word “applicant”;

(7) by replacing the word “complaint” in the first line of the fifth paragraph by the word “proceeding” and by replacing the word “filed” in the second line of that paragraph by the word “brought”.

267. Sections 138.6 to 138.8 of the said Act, enacted by section 25 of chapter 67 of the statutes of 1996, are repealed.

268. Section 138.9 of the said Act, enacted by section 25 of chapter 67 of the statutes of 1996, is amended by replacing, wherever they appear, the word “complainant” by the word “applicant”, the word “board” by the word “Tribunal” and the word “complaint” by the word “motion”.

269. Section 138.10 of the said Act, enacted by section 25 of chapter 67 of the statutes of 1996, is amended by replacing the word “board” by the word “Tribunal”, by replacing the word “form” by the word “motion” and by replacing the word “complainant” by the word “applicant”.

270. Section 139 of the said Act is repealed.

271. Section 140 of the said Act is amended

(1) by replacing the words “chairman of the board” in the first line of the first paragraph by the words “vice-president responsible for the immovable property division of the Tribunal”;

(2) by replacing the word “board” wherever it appears by the word “Tribunal”;

(3) by replacing the word “complaint” in the second line of the first paragraph by the words “entries or omissions referred to in the motion”;

(4) by replacing the word “chairman” in the first line of each of the second and third paragraphs by the word “vice-president”;

(5) by replacing the word “complainant” in the first line of the second paragraph by the word “applicant”.

272. Section 141 of the said Act, amended by section 26 of chapter 67 of the statutes of 1996, is again amended

(1) by replacing the words “the hearing of a complaint” in the first line of the first paragraph by the words “a hearing”;

(2) by replacing the word “secretary” in the second line of the first paragraph and in the sixth line of the second paragraph by the word “Tribunal”;

(3) by replacing the words “complainant”, “complaint” and “board” in the second paragraph by the words “applicant”, “motion” and “Tribunal”, respectively.

273. Section 142 of the said Act, amended by section 27 of chapter 67 of the statutes of 1996, is replaced by the following section :

“**142.** The assessor may delegate one of his assistants to replace him as a witness.”

274. Section 142.1 of the said Act is amended by replacing the words “Notwithstanding section 142, the complainant” in the first line by the words “The applicant”.

275. Section 143 of the said Act is amended by replacing the words “board” and “complaint” by the words “Tribunal” and “proceeding”, respectively.

276. Section 144 of the said Act is amended by replacing the word “board” in the first line by the word “Tribunal”.

277. Section 147 of the said Act is amended by replacing the word “complaint” in the first line of the first paragraph by the word “proceeding”, and by replacing the word “board” wherever it appears by the word “Tribunal”.

278. Section 147.1 of the said Act is amended by replacing the word “board” in the first line by the word “Tribunal”.

279. Section 148 of the said Act is replaced by the following sections :

“**148.** Unless the Tribunal decides otherwise for special reasons and subject to section 148.3, the losing party shall pay the costs of the adverse party in accordance with the tariff determined by regulation of the Government pursuant to section 92 of the Act respecting administrative justice.

“**148.1.** The costs awarded to a party by the Tribunal shall, on a written application of the party, be taxed by the secretary of the Tribunal upon two days’ notice to the other party.

A party may, within 10 days from the decision of the secretary, contest the decision by means of a notice in writing to the secretary, before the member of the Tribunal who presided over the hearing.

“**148.2.** Witnesses, advocates, stenographers, stenotypists and persons recording and transcribing the depositions have a recourse for their taxed costs against the party retaining their services and, if the adverse party, on a decision of the Tribunal, is bound to pay the costs, against the latter party as well. The former party has a right of subrogation against the latter.

“**148.3.** Except for a motion relating to a unit of assessment or a place of business whose real estate value or rental value entered on the roll is equal to or greater than the value fixed by regulation of the Government, the only costs the applicant may be bound to pay upon a decision of the Tribunal under section 148 are those of stenography, stenotyping or the recording of the depositions and any transcription thereof.”

280. Section 149 of the said Act is amended by replacing the word “board” in the first line by the word “Tribunal”.

281. Section 156 of the said Act, amended by section 33 of chapter 67 of the statutes of 1996, is again amended

(1) by replacing the words “chairman of the board” in the first line of the first paragraph by the words “vice-president responsible for the immovable property division of the Tribunal”;

(2) by replacing the word “board” in the third line of the first paragraph and in the first line of the second paragraph by the word “Tribunal”.

282. Section 157 of the said Act, amended by section 34 of chapter 67 of the statutes of 1996, is again amended

(1) by replacing the word “complaint” in the first paragraph by the words “motion before the Tribunal”;

(2) by replacing the word “complaint” in the first line of the second paragraph by the word “motion”;

(3) by replacing the words “board or, in the case of an evocation, the Court of Québec” in the first and second lines of the second paragraph by the word “Tribunal”.

283. The said Act is amended by striking out Chapters XII and XIII, including sections 158 to 169 and section 170, respectively.

284. Section 173 of the said Act is amended

(1) by replacing the word “complaint” in the first and third lines by the words “proceeding before the Tribunal”;

(2) by replacing the word “board” in the second line by the word “Tribunal”;

(3) by replacing the words “relating to such complaint” in the third line by the words “before it”;

(4) by inserting, in the French text, the words “en nullité ou en cassation” after the word “recours” in the last line.

285. Section 174 of the said Act, amended by section 36 of chapter 67 of the statutes of 1996, is again amended by replacing, in the French text, the words “le tribunal” in the first and second lines of paragraph 2 by the words “la cour”.

286. Section 174.2 of the said Act, amended by section 37 of chapter 67 of the statutes of 1996, is again amended by replacing, in the French text, the words “le tribunal” in paragraph 2 by the words “la cour”.

287. Section 182 of the said Act, amended by section 41 of chapter 67 of the statutes of 1996, is again amended

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

“**182.** The assessor shall alter the roll to make it comply

(1) with an agreement entered into under section 138.4, as soon as possible after the agreement is entered into;

(2) with a decision of the Tribunal, as soon as possible after the decision becomes executory ;

(3) with a judgment rendered following a decision of the Tribunal, as soon as possible after the judgment has become *res judicata.*” ;

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

“An alteration referred to in the first paragraph has effect from the date fixed in the agreement, the decision or the judgment, as the case may be. An alteration referred to in the second paragraph has effect from the date fixed in the judgment or, failing that, from the date of coming into force of the roll.” ;

(3) by replacing the words “make a complaint” in the fourth paragraph by the words “bring a proceeding”.

288. Section 183 of the said Act, amended by section 42 of chapter 67 of the statutes of 1996, is again amended by replacing, in the French text, the words “Le tribunal” in the first line of the fourth paragraph by the words “La cour”.

289. Section 248 of the said Act, amended by section 51 of chapter 67 of the statutes of 1996, is again amended by replacing the words “complaint” and “hearing of the complaint”, and “board”, wherever they appear in the last sentence of the second paragraph, by the words “proceeding” and “Tribunal”, respectively.

290. Section 249 of the said Act, amended by section 52 of chapter 67 of the statutes of 1996, is again amended by replacing the words “complaint” and “hearing of the complaint”, and “board”, wherever they appear in the last sentence of the second paragraph, by the words “proceeding” and “Tribunal”, respectively.

291. Section 252.1 of the said Act, amended by section 53 of chapter 67 of the statutes of 1996, is again amended by replacing the words “or a complaint has been filed” by the words “has been filed or a proceeding before the Tribunal”.

292. Section 262 of the said Act, amended by section 2 of chapter 41 of the statutes of 1996 and by section 58 of chapter 67 of the statutes of 1996, is again amended

(1) by striking out paragraph 1 ;

(2) by replacing the word “board” in the fourth line of subparagraph *f* of paragraph 2 by the words “Administrative Tribunal of Québec”, and by replacing, in the French text, the words “d’un tribunal” in that line by the words “d’une cour” ;

(3) by striking out paragraph 8;

(4) by replacing the word “complaint” in the third line of paragraph 8.3 by the words “proceeding before the Tribunal”;

(5) by replacing “100, 108, 110, 114, 118 or 120” in the fourth and fifth lines of paragraph 8.3 by the words “148.3 of this Act or in section 33, 85 or 135 of the Act respecting administrative justice”.

293. Section 263 of the said Act, amended by section 59 of chapter 67 of the statutes of 1996, is again amended by striking out the words “and complaints, including a single form for cases in which the applicant becomes a complainant” in subparagraph *d* of paragraph 2.

294. Section 263.2 of the said Act, enacted by section 60 of chapter 67 of the statutes of 1996, is amended by replacing the words “complaint with the board pursuant to a regulation under paragraph 8 of section 262” in the second paragraph by the words “motion before the Tribunal pursuant to a regulation under section 92 of the Act respecting administrative justice (1996, chapter 54)”.

FOREST ACT

295. Section 17.3 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing the second paragraph by the following paragraph:

“The Minister shall, before making such a decision, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow him at least 10 days to present observations. In the cases referred to in subparagraphs 1 and 2 of the first paragraph, the prior notice shall also indicate that the permit will not be revoked if the holder remedies his default before the expiry of the time fixed in the notice.”

296. Section 170 of the said Act is amended by replacing the words “even though more than 30 days have elapsed since he received formal notice to comply therewith from the Minister” in the third and fourth lines by the words “. For such purpose, the Minister shall first notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow him at least 30 days to present observations”.

GRAIN ACT

297. Section 27 of the Grain Act (R.S.Q., chapter G-1.1) is amended by replacing, in the French text, the word “requérant” in the second line by the word “demandeur”.

298. Section 28 of the said Act is amended by replacing, in the French text, the word “requérant” in the first line of the first paragraph by the word “demandeur”.

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

“**29.** Before refusing to issue a permit, the board must notify the applicant in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the applicant at least 10 days to present observations.”

300. Section 40 of the said Act is amended by replacing the words “give the holder the opportunity to be heard” in the first and second lines of the first paragraph by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”.

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

“DIVISION VIII.1

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL
OF QUÉBEC**

“**49.1.** Any person to whom the board, under section 29, refuses to issue a permit, and any permit holder whose permit, under section 39, is suspended or revoked or the renewal of whose permit is refused by the board, may contest such a decision before the Administrative Tribunal of Québec within 30 days of notification of the decision.”

ACT RESPECTING IMMIGRATION TO QUÉBEC

302. The Act respecting immigration to Québec (R.S.Q., chapter I-0.2) is amended by replacing Division VII, including sections 17 to 39, by the following division :

“DIVISION VII

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL
OF QUÉBEC**

“**17.** A decision of the Minister may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec by

(a) any person or group of persons whose application for an undertaking is rejected or whose undertaking is cancelled;

(b) any foreign national whose selection certificate or certificate of acceptance is cancelled.”

CRIME VICTIMS COMPENSATION ACT

303. Section 12 of the Crime Victims Compensation Act (R.S.Q., chapter I-6) is amended by replacing the words “Commission des affaires sociales” in the third and fourth lines by the words “Administrative Tribunal of Québec”.

304. Section 17 of the said Act is amended by replacing the words “appear before the Commission and contest” in the second and third lines by the words “present observations to the Commission and object to”.

ACT RESPECTING INDEMNITIES FOR VICTIMS OF ASBESTOSIS AND SILICOSIS IN MINES AND QUARRIES

305. Section 12 of the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (R.S.Q., chapter I-7) is amended

(1) by replacing the words “is subject to appeal before the Social Affairs Commission, which shall dispose of it in accordance with its rules of proof, procedure and practice” in the first paragraph by the words “may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec”;

(2) by striking out the second paragraph.

ACT RESPECTING PIPING INSTALLATIONS

306. The Act respecting piping installations (R.S.Q., chapter I-12.1) is amended by inserting, after section 21, the following section:

“**21.1.** The person to whom an order made under section 20.3 or 21 is notified without prior notice because, in the opinion of the inspector or member of the Sûreté du Québec, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by an inspector.”

ACT RESPECTING ELECTRICAL INSTALLATIONS

307. Section 9 of the Act respecting electrical installations (R.S.Q., chapter I-13.01) is amended by inserting, after the second paragraph, the following paragraph:

“The holder of a permit or owner of an electrical installation to whom such an order is notified without prior notice because, in the opinion of the inspector, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the inspector.”

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

“A person to whom such an order is notified without prior notice because, in the opinion of the inspector or member of the Sûreté du Québec, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by an inspector.”

309. Section 34 of the said Act, amended by section 27 of chapter 74 of the statutes of 1996, is again amended

(1) by striking out the words “Such suspension or cancellation is, however, subject to appeal to the Minister, and his decision is final.” in the third, fourth and fifth lines of the first paragraph;

(2) by adding, after the first paragraph, the following paragraphs:

“The board of examiners shall, before making such a decision, notify the holder of the licence in writing as prescribed by section 5 of the Act respecting administrative justice and allow him at least 10 days to present observations.

Such a decision may, within 30 days of receipt thereof, be contested before the Labour Court established by the Labour Code.”

310. Section 35 of the said Act is amended by adding, after the second paragraph, the following paragraph:

“The board of examiners shall, before making such a decision, notify the holder of the licence in writing as prescribed by section 5 of the Act respecting administrative justice and allow him at least 10 days to present observations.”

311. Section 35.1 of the said Act is amended

(1) by replacing the words “appealed from to” in the third line of the first paragraph by the words “contested before”;

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

“(b) where the rules prescribed in section 35 have not been complied with;”.

312. Section 35.2 of the said Act is amended

(1) by replacing the words “appeal to” in the second line of the first paragraph by the words “contest the decision before”;

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

(3) by replacing the word “appeal” in the first line of the second paragraph by the word “proceeding”.

313. Section 35.3 of the said Act is amended by striking out the words “sitting in appeal”.

EDUCATION ACT

314. Section 26 of the Education Act (R.S.Q., chapter I-13.3) is replaced by the following section :

“**26.** Any natural person may file a complaint with the Minister against a teacher for a serious fault committed in the exercise of his functions or for an act derogatory to the honour or dignity of the teaching profession.

The complaint must be in writing, include reasons and be made under oath. It must briefly state the nature of the fault alleged to have been committed by the teacher and the relevant circumstances, including the time and place. The complaint shall be received by a person designated by the Minister, who shall assist any person so requesting in drawing up the complaint.

The Minister shall send a copy of the complaint to the teacher and ask him to present observations in writing to the Minister within 10 days.”

315. Section 27 of the said Act is amended

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

(2) by inserting the words “and the teacher” after the word “complainant” in the second line ;

(3) by replacing the word “him” in the second line by the word “them”.

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

“**28.** Where the Minister considers that the complaint is admissible and the teacher has not admitted to having committed the alleged fault, the Minister shall set up an inquiry committee to which he shall submit the complaint.

The committee shall be composed of three members, including a chairman, selected from among the members of the Barreau, who in the opinion of the Minister is familiar with the educational community. The other two members shall be selected after consultation with bodies which the Minister considers to be most representative of administrators of educational institutions, of the teachers in those institutions and of the parents of students attending such institutions. The members shall serve until the committee has established whether or not the complaint is well-founded.

The salary of the committee members and the rules relating to the reimbursement of expenses incurred in the exercise of their functions shall be fixed by regulation of the Minister.”

317. Section 29 of the said Act is amended

(1) by replacing the words “required by a compelling reason and after consultation with the investigating” in the first and second lines of the first paragraph by the words “the acts alleged to have been committed by the teacher are such that, were they to continue or be repeated, the quality of educational services or the safety of students would be seriously jeopardized, and after consultation with the inquiry”;

(2) by inserting the words “, with pay,” after the word “functions” in the third line of the first paragraph.

318. Section 30 of the said Act is replaced by the following section :

“30. Within 30 days following the filing of the complaint and of the documents relating to it, the committee shall meet the teacher and the complainant to endeavour to establish whether or not the complaint is well-founded.

The committee may require any person to provide it with any information it considers necessary, and examine any relevant file.

No person may hinder the inquiry committee in any way in the exercise of its functions, mislead the committee by withholding information or making false statements, or refuse to provide any information or document relating to the inquiry or to allow the committee to make copies of such a document.”

319. Section 32 of the said Act is replaced by the following section :

“32. In conducting their inquiry, the members of the committee have the immunity provided for in sections 16 and 17 of the Act respecting public inquiry commissions (chapter C-37).”

320. Section 33 of the said Act is replaced by the following section :

“33. After giving the teacher the opportunity to present observations, and within 120 days of the filing of the complaint, the committee shall establish whether or not the complaint is well-founded.

The committee shall transmit its findings, with reasons, to the Minister, the complainant, the teacher and the school board.”

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

“34. Where the committee determines the complaint to be well-founded or where the teacher admits to having committed the alleged fault, the Minister may, if he deems it advisable and after giving the teacher at least 10 clear days to present observations in writing, suspend, revoke, or attach conditions to the

teaching licence of the teacher. The Minister shall request the advice of the inquiry committee that determined the complaint to be well-founded.

The Minister shall notify the complainant, the teacher and the school board in writing of his decision and the reasons therefor; the notice shall inform the teacher that he may contest the Minister's decision before the Administrative Tribunal of Québec and state the time within which a contestation must be made."

322. The said Act is amended by inserting, after section 34, the following sections :

"34.1. Where the Minister has attached conditions to the teaching licence of the teacher, the Minister may, if such conditions are not fulfilled, revoke the licence, after giving the teacher at least 30 days to present observations in writing.

"34.2. The Minister may issue a new teaching licence to a teacher whose behaviour has been above reproach for two years after the date of revocation of his teaching licence.

The new teaching licence may again be revoked as provided for in this subdivision. The second revocation is final.

"34.3. The decision of the Minister to revoke, suspend or attach conditions to a teaching licence may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec.

A proceeding brought before the Tribunal suspends the execution of the Minister's decision, unless the Tribunal, on a motion heard and decided by preference, orders otherwise owing to the serious risk to the quality of services or the safety of the students."

323. The said Act is amended by inserting, after section 456, the following section :

"456.1. The Minister shall, by regulation, establish the salary of the members of the inquiry committee set up under section 28 and rules relating to the reimbursement of expenses incurred by the members in the exercise of their functions."

ACT RESPECTING MARKET INTERMEDIARIES

324. Section 36 of the Act respecting market intermediaries (R.S.Q., chapter I-15.1) is amended by replacing the words "give the holder an opportunity to be heard and transmit his decision to him" in the second line by the words "notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations. The Inspector General shall also transmit his decision to the holder".

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

“**37.** Any decision of the Inspector General relating to the refusal, suspension or cancellation of a financial planner’s certificate may, within 30 days of notification of the decision, be contested before the Administrative Tribunal of Québec.

“**37.1.** Notwithstanding the second paragraph of section 15 of the Act respecting administrative justice, the Tribunal may only confirm or quash the contested decision.”

326. Section 43 of the said Act is amended by replacing “and 37” in the first line of the first paragraph by “, 37 and 37.1”.

327. Section 160 of the said Act is amended by replacing the words “section 366 and the following sections of the Act respecting insurance (chapter A-32)” in the second and third lines by the words “sections 164 to 177.1 of the Professional Code (chapter C-26)”.

328. Section 194 of the said Act is amended

(1) by replacing the words “Before issuing an order, the Inspector General shall serve on the offender a prior notice of not less than 15 days” in the first and second lines of the second paragraph by the words “Not less than 15 days before issuing an order, the Inspector General shall notify the offender as prescribed by section 5 of the Act respecting administrative justice,”;

(2) by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

329. Section 195 of the said Act is amended

(1) by replacing the words “a delayed hearing” in the third line of the first paragraph by the words “any period of time allowed to the person concerned to present observations”;

(2) by replacing the words “apply in writing to the Inspector General for a hearing” in the third and fourth lines of the second paragraph by the words “present observations to the Inspector General”.

330. Section 198 of the said Act is amended by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

ACT TO PROMOTE THE PAROLE OF INMATES

331. Section 10 of the Act to promote the parole of inmates (R.S.Q., chapter L-1.1) is replaced by the following section :

10. A member of the commission must refuse to participate in a decision if it would put him in a situation of conflict of interest, in particular a conflict between his personal interest and his duties of office.”

332. Section 13 of the said Act is amended by replacing the word “sit” in the second paragraph by the words “hold sittings”.

333. Section 16 of the said Act is amended by striking out the words “of practice” in the first line.

334. Section 17 of the said Act is amended by replacing, in the French text, the word “jurisdiction” in the first line by the word “compétence”.

335. Section 18 of the said Act is replaced by the following section :

18. Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the commission or against any of its members acting in their official capacity.

A judge of the Court of Appeal may, upon a motion, annul by summary proceeding any proceeding brought or decision rendered contrary to the first paragraph.”

336. Section 32 of the said Act is amended by replacing the words “and to be heard before” in the first line of the first paragraph by the words “before and present observations to”.

337. Section 36 of the said Act is amended by replacing, in the French text, the word “siéger” in the second line by the word “agir”.

ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

338. Section 36.2 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6) is amended by adding, at the end, the following paragraph :

“The board may require that an association referred to in the first paragraph establish its representativeness.”

339. The said Act is amended by adding, after section 36.2, the following section :

36.2.1. If an objection is addressed to it in accordance with section 36.2, the board shall call a hearing to allow any interested person to make representations.

At least 10 days before the hearing, the board shall send to the applicant and to any person who has filed an objection or intervention, by registered or certified mail or by service on the person, a notice indicating the date, place and time fixed by it for the holding of the hearing.”

ACT RESPECTING STUFFING AND UPHOLSTERED AND STUFFED ARTICLES

340. Section 25 of the Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5) is amended by replacing the words “give such person an opportunity to be heard” in the third line by the words “notify the person in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the person at least 10 days to present observations”.

341. The heading of Division VI of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL
OF QUÉBEC”.

342. Section 26 of the said Act is replaced by the following section :

“**26.** Any refusal to issue or renew a permit or any suspension or cancellation of a permit may be contested before the Administrative Tribunal of Québec within 30 days of notification of the chief inspector’s decision.

Any order of the chief inspector under section 11 may be contested before the Tribunal within five days of notification of the order.”

343. Sections 27 and 28 of the said Act are repealed.

344. Section 29 of the said Act is amended

- (1) by replacing the word “appeal” in the first line by the word “proceeding”;
- (2) by replacing the words “appellant” and “judge” in the third line by the words “applicant” and “Tribunal”, respectively.

345. Sections 30 to 36 of the said Act are repealed.

STATIONARY ENGINEMEN ACT

346. Section 9.1 of the Stationary Enginemen Act (R.S.Q., chapter M-6) is amended by adding the following paragraph :

“Before making such a decision, the examiners shall notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations.”

347. Section 9.2 of the said Act is amended

(1) by replacing the words “appealed from to the court contemplated” in the third and fourth lines of the first paragraph by the words “contested before the Tribunal referred to”;

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

“(b) where the rules prescribed in section 9.1 have not been complied with;”.

348. Section 9.3 of the said Act is amended

(1) by replacing the words “appeal to” in the second line of the first paragraph by the words “contest before”;

(2) by replacing the words “from any” in the third line of the first paragraph by the word “the”;

(3) by replacing the word “appeal” in the first line of the second paragraph by the word “proceeding”.

349. Section 9.4 of the said Act is amended by striking out the words “sitting in appeal”.

CULLERS ACT

350. Section 20 of the Cullers Act (R.S.Q., chapter M-12.1) is amended by replacing the words “give the holder of a licence an opportunity to express his point of view” in the first and second lines by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations”.

351. Section 22 of the said Act is amended by replacing the words “appeal from the decision of the board to the Court of Québec” in the first and second lines by the words “contest the decision of the board before the Administrative Tribunal of Québec within 30 days of notification of the decision”.

352. Sections 23 to 29 of the said Act are repealed.

MINING ACT

353. Section 48 of the Mining Act (R.S.Q., chapter M-13.1) is amended, in the French text, by replacing the words “requête en” in paragraph 5 by the words “demande de”.

354. Section 53 of the said Act is amended, in the French text, by replacing the words “requête en” in the second paragraph by the words “demande de”.

355. Section 280 of the said Act is amended by replacing the words “at the request” in the first line by the words “on the application”.

356. Section 283 of the said Act is amended, in the French text, by replacing the words “requête en” in the first line by the words “demande de”.

357. Section 284 of the said Act is amended

(1) by replacing the words “When acting on his own initiative, the Minister” in the first line of the first paragraph by the words “The Minister”;

(2) by replacing the words “give the holder a notice stating the grounds for the suspension or revocation and send a copy of the notice to the registrar” in the second, third and fourth lines of the first paragraph by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54), send a copy of the notice to the registrar, and allow the holder at least 15 days to present observations”;

(3) by striking out the second paragraph.

358. Section 285 of the said Act is amended

(1) in the French text, by replacing the words “requête en” in the first line of the first paragraph by the words “demande de”;

(2) by replacing the word “applicant” in the second line of subparagraph 1 of the first paragraph by the words “interested person”;

(3) in the French text, by replacing the word “requête” in the first line of subparagraph 4 of the first paragraph by the word “demande”;

(4) in the French text, by replacing the word “requête” in the second paragraph by the word “demande”.

359. Section 306 of the said Act is amended, in paragraph 29, by replacing the words “a motion” in the first line by the words “an application”.

ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION

360. Section 36.14 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended

(1) by replacing the words “bring an appeal before the Régie des marchés agricoles et alimentaires du Québec from any decision of the Minister referred to in section 36.13” in the first, second and third lines of the first paragraph by the words “contest any decision of the Minister referred to in section 36.13 before the Administrative Tribunal of Québec”;

(2) by replacing the words “forty-five days after the day on which a copy of the decision is sent” in the third line of the first paragraph by the words “30 days after notification of the decision”;

(3) by striking out the second, third and fourth paragraphs.

ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

361. Section 3.0.1 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), enacted by section 1 of chapter 6 of the statutes of 1997, is amended by adding, at the end of the last paragraph, the following: “Nor does this section apply to the Conseil de la justice administrative, the Administrative Tribunal of Québec and its members, adjudicative bodies in respect of which the Conseil is conferred jurisdiction by the law over the hearing of complaints against one of their members for a breach of professional conduct, or the members of those bodies.”

ACT RESPECTING THE MARKETING OF AGRICULTURAL, FOOD AND FISH PRODUCTS

362. Section 5 of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) is amended by replacing the word “disputes” in the third line of the first paragraph by the word “problems”.

363. Section 12 of the said Act is repealed.

364. Section 19 of the said Act is amended by replacing the words “prevented from being heard” in the second line of subparagraph 2 of the first paragraph by the words “unable to present observations”.

365. Section 25 of the said Act is amended by replacing the words “and practice for the conduct and hearing of” in the first and second lines of the second paragraph by the words “applicable to”.

366. Section 26 of the said Act is amended by replacing the words “settle any dispute which arises” in the first line by the words “endeavour to settle any problem arising”.

367. Section 27 of the said Act is amended by replacing the words “be heard” in the second line of the first paragraph by the words “present observations”.

368. Section 28 of the said Act is amended by replacing the words “will be heard” in the second line of the second paragraph by the words “are to be made”.

369. Section 29 of the said Act is amended

(1) by striking out the words “, after giving the interested person the opportunity to be heard,” in the first and second lines;

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

“Before making its decision, the Régie shall notify the producer in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the producer at least 10 days to present observations.”

370. Section 30 of the said Act is amended by replacing the words “be heard” in the first and second lines of the first paragraph by the words “present observations”.

371. Section 35 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

372. Section 37 of the said Act is amended

(1) by replacing the words “be heard” in the second line of the first paragraph by the words “present observations”;

(2) by adding, at the end of the third paragraph, the following sentence: “Where such a decision relates to the application of section 60, the Régie shall first notify the marketing board or its directors in writing as prescribed by section 5 of the Act respecting administrative justice and allow the marketing board at least 10 days to present observations.”

373. Section 38 of the said Act is amended

(1) by replacing the words “will be heard” in the third line of the second paragraph by the words “are to be made”;

(2) by inserting the word “public” before the word “hearing” in the third line of the third paragraph.

374. Section 41 of the said Act is amended

(1) by striking out the words “, after giving the interested person the opportunity to be heard,” in the first and second lines of the first paragraph;

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

“Before making any such decision, the Régie shall notify the interested person in writing as prescribed by section 5 of the Act respecting administrative justice and allow the interested person at least 10 days to present observations.”

375. Section 41.1 of the said Act is amended by replacing the words “, expenses and costs” in the first and second lines by the words “and costs”.

376. Section 47 of the said Act is amended by replacing the word “request” in the first line by the word “application”.

377. Section 48 of the said Act is amended, in the French text, by replacing the word “requérants” in the second line of paragraph 6 by the word “demandeurs”.

378. Section 50 of the said Act is amended, in the French text, by replacing the word “requérants” in the first line by the word “demandeurs”.

379. Section 51 of the said Act is amended

(1) by replacing the word “request” in the first line of the first paragraph by the word “application”;

(2) in the French text, by replacing the word “requérants” in the first line of the second paragraph by the word “demandeurs”.

380. Section 52 of the said Act is amended

(1) by replacing the word “hearing” in the first line of the first paragraph by the words “having received representations from”;

(2) by replacing the word “request” in the first line of the first paragraph by the word “application,”.

381. Section 53 of the said Act is amended by replacing the word “request” in the first line by the word “application”.

382. Section 54 of the said Act is amended, in the second paragraph,

(1) by replacing the words “contest the status of interested producer of any person whose name appears on the list” in the first and second lines of subparagraph 3 by the words “oppose the inclusion of a person on the list on the grounds that the person does not have the status of interested producer”;

(2) by replacing the word “contest” in the first line of subparagraph 4 by the word “oppose”.

383. Section 61 of the said Act is amended by replacing the words “become *ipso facto* a party without continuance of suit to any proceeding relating thereto, in the place and stead of the transferor” in the fifth and sixth lines of the second paragraph by the words “forthwith be substituted for the transferor in any procedure relating thereto”.

384. Section 62 of the said Act is amended by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

385. Section 81 of the said Act is amended by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

386. Section 84 of the said Act is amended by replacing the word “dispute” in the second line of subparagraph 2 of the first paragraph by the word “problem”.

387. Section 111 of the said Act is amended by replacing the words “be heard” in the second line of the third paragraph by the words “present observations”.

388. Section 117 of the said Act is amended by replacing the words “be heard” in the third line by the words “present observations”.

389. Section 118 of the said Act is amended by replacing the words “be heard” in the seventh line of the first paragraph by the words “present observations”.

390. Section 134 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

391. Section 137 of the said Act is amended

(1) by replacing the words “join to their request” in the first line of the first paragraph by the words “attach to their application”;

(2) in the French text, by replacing the word “requérants” in the first line of the second paragraph by the word “demandeurs”.

392. Section 138 of the said Act is amended by replacing the word “request” in the first line by the word “application” and, in the French text, by replacing the word “requérants” in the first line of paragraph 1 by the word “demandeurs”.

393. Section 140 of the said Act is amended by replacing the words “be heard” in the fifth line by the words “present observations”.

394. Section 151 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

395. Section 153 of the said Act is amended

(1) by replacing the words “give the holder the opportunity to be heard” in the first and second lines of the first paragraph by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”;

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

“However, the Régie is not bound by the requirements prescribed by the first paragraph where it suspends a certificate for not more than 15 days if it has reasonable grounds for believing that the holder is or is about to become insolvent.”

396. Section 165 of the said Act is amended

(1) by inserting the word “public” before the word “hearing” in the first line of the first paragraph;

(2) by replacing the word “witnesses” in the second line of the first paragraph by the words “any person for examination”;

(3) by replacing the words “giving evidence before” in the second line of the second paragraph by the words “examined by”.

397. The said Act is amended by inserting, after section 191, the following Title and section:

“TITLE IV.1

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL
OF QUÉBEC**

“191.1. Any interested person may contest a decision made by the Régie under section 29, 30 or 41, the third paragraph of section 111 or section 152 before the Administrative Tribunal of Québec within 30 days of notification of the decision.”

ACT RESPECTING COMMERCIAL FISHERIES AND AQUACULTURE

398. Section 14 of the Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01) is amended by replacing the words “allowed the interested person to make representations” in the first and second lines of the second paragraph by the words “notified the person concerned of his intention and the reasons therefor and allowed the person to present observations”.

399. The heading of Chapter III of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

400. Section 19 of the said Act is amended by replacing the words “allowed the interested person to make representations” in the first and second lines of the first paragraph by the words “notified the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allowed the person at least 10 days to present observations”.

401. The heading of Division II of Chapter III of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

402. Section 21 of the said Act is amended by replacing the portion before paragraph 1 by the following :

“**21.** Any decision of the Minister may be contested before the Administrative Tribunal of Québec, within 30 days of notification of the decision, by any person”.

403. Sections 22 to 28 of the said Act are repealed.

404. Section 47 of the said Act is amended by inserting, after the first paragraph, the following paragraph :

“The operator to whom such a prescription is notified without prior notice because, in the inspector’s opinion, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified, present observations to the inspector so that the prescription may be reviewed.”

ACT RESPECTING LIQUOR PERMITS

405. Section 80 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by replacing the word “heard” in the first line of the first paragraph by the word “examined”.

406. Section 84 of the said Act is amended by replacing the word “heard” in the first line of the second paragraph by the word “examined”.

407. Section 99 of the said Act, amended by section 50 of chapter 51 of the statutes of 1997, is again amended by adding, at the end, the following paragraph :

“The board may require of any association referred to in the first paragraph that it establish its representativeness.”

408. The said Act is amended by adding, after section 100, the following section :

“**100.1.** If an objection is addressed to it in accordance with section 99, the board shall call a hearing to allow any interested person to make representations.

At least 10 days before the hearing, the board shall send to the applicant and to any person who has filed an objection or an intervention, by registered or certified mail or by service on the person, a notice indicating the date, place and time fixed by it for the holding of the hearing.”

409. Sections 103, 105 and 106 of the said Act are repealed.

ACT RESPECTING BEER AND SOFT DRINK
DISTRIBUTORS' PERMITS

410. Section 4 of the Act respecting beer and soft drink distributors' permits (R.S.Q., chapter P-9.2) is amended by adding, at the end, the following paragraph :

“The Minister shall, before revoking or suspending any permit, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations.”

PESTICIDES ACT

411. Section 16 of the Pesticides Act (R.S.Q., chapter P-9.3), amended by section 762 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “The Minister shall, before issuing an order under section 13, 14 or 15, transmit” in the first and second lines of the first paragraph by the words “Before issuing an order under section 13, 14 or 15, the Minister shall, as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54), notify”;

(2) by replacing the words “make representations” in the fourth and fifth lines of the first paragraph by the words “present observations”.

412. Section 17 of the said Act is amended by adding, at the end, the following paragraph :

“The person to whom an order is notified without prior notice may, within the time specified in the order, present observations to the Minister so that the order may be reviewed.”

413. Section 67 of the said Act is amended by replacing the words “give the holder of a permit or certificate an opportunity to be heard” in the first and second lines by the words “notify the holder of a permit or certificate in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”.

414. The heading of Chapter V of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL
OF QUÉBEC”.

415. Section 68 of the said Act is amended by replacing the words “appeal from the decision to the Court of Québec” in the second line of the first

paragraph by the words “contest the decision before the Administrative Tribunal of Québec within 30 days of notification of the decision”.

416. Section 69 of the said Act is amended

(1) by replacing the words “susceptible of appeal” in the first line by the words “referred to in section 68”;

(2) by replacing the words “of appeal” in the third line by the words “to contest the decision”.

417. Section 70 of the said Act is amended by replacing the words “An appeal” in the first line by the words “A proceeding”.

418. Sections 71 and 72 of the said Act are repealed.

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

“73. The applicant shall, within 15 days after the filing of his motion, cause a notice to be published twice in a daily newspaper distributed in the region concerned by the contested decision.

Proof of publication of the notices shall be filed at the secretariat of the Tribunal.”

420. Section 74 of the said Act is amended

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

“74. As soon as he receives a copy of the motion, the Minister shall transmit a copy to every person who has presented to him observations in writing concerning the contested decision.”;

(2) by replacing the words “made written representations” in the second line of the second paragraph by the words “presented observations in writing”;

(3) by replacing the words “for appeal to them, may cause a notice of the motion for appeal to be published in a daily newspaper distributed in the territory of the judicial district of the court to which the appeal is submitted” in the third, fourth, fifth and sixth lines of the second paragraph by the words “to them, may cause a notice to be published in a daily newspaper distributed in the region concerned by the contested decision”;

(4) by replacing the word “appellant” in the seventh line of the second paragraph by the word “applicant”.

421. Sections 75 to 78 of the said Act are repealed.

422. Section 127 of the said Act is amended by replacing the word “appeal” in the first line of the first paragraph by the word “proceeding”.

423. Section 129 of the said Act is amended, in subparagraph 5 of the first paragraph,

(1) by replacing the words “appeals brought” in the first line by the words “proceedings brought before the Administrative Tribunal of Québec”;

(2) by replacing the word “appeal” in the last line by the words “such proceedings”.

ACT RESPECTING PREVENTION OF DISEASE IN POTATOES

424. The Act respecting prevention of disease in potatoes (R.S.Q., chapter P-23.1) is amended by inserting, after section 12, the following section:

“**12.1.** The interested persons to whom such an order is notified without prior notice because, in the Minister’s opinion, urgent action is required or there is a danger of irreparable damage being caused may, within the time specified in the order, present observations to the Minister so that the order may be reviewed.”

FARM PRODUCERS ACT

425. Section 5 of the Farm Producers Act (R.S.Q., chapter P-28) is amended by replacing the words “send a petition” in the second line by the words “file an application” and by replacing the word “petition” in the fourth line by the word “application”.

426. Section 6 of the said Act is amended by replacing the words “a petition” in the first line by the words “an application”.

427. Section 7 of the said Act is amended by replacing the words “by the mode of proof which” in the second line by the words “in such manner as”.

428. Section 11 of the said Act is amended

(1) by replacing the words “make representations with the Board” in the second and third lines of paragraph *b* by the words “apply to the Board for the necessary corrections”;

(2) by replacing the words “contest the capacity of producer of every person whose name appears on such list” in the first and second lines of paragraph *c* by the words “oppose the inclusion of a person on the list on the grounds that the person does not have the status of producer”.

429. Section 12 of the said Act is amended by replacing the words “Such list shall not be contested” in the third and fourth lines by the words “No opposition may be filed in respect of such list”.

430. Section 13 of the said Act is amended by replacing the words “a petition” in the first line of the first paragraph by the words “an application”.

431. Section 16 of the said Act is amended by replacing the words “a petition” in the fourth line of the first paragraph and the word “petition” in the sixth line of the first paragraph by the words “an application” and “application”, respectively.

432. Section 20 of the said Act is amended

(1) by replacing the words “be heard” in the first line of the first paragraph by the words “present observations”;

(2) by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

433. Section 26 of the said Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentence: “Any federation or specialized federation whose affiliation is refused or revoked by an accredited association may apply to the Board for a review of that decision.”;

(2) by replacing the words “Such appeal must be made by the federation or specialized federation whose affiliation is refused or revoked, by a written notice sent to the Board” in the second, third and fourth lines of the first paragraph by the words “Such application for review must be forwarded to the Board in writing”;

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

“The Board shall allow the certified association and the federation or specialized federation to present observations.”;

(4) by replacing the words “Any appeal to” in the first line of the third paragraph by the words “Any application for review filed with”.

434. Section 46 of the said Act is amended

(1) by replacing the words “arbitrate, decide, conciliate or settle” in the second line of the first paragraph by the words “endeavour to settle, conciliate or arbitrate”;

(2) by replacing the word “decision” in the first line of the second paragraph by the words “arbitration award”.

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

“**48.** Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the Board or against any of its members acting in their official capacity.

A judge of the Court of Appeal may, upon a motion, annul by a summary proceeding any proceeding brought or decision rendered contrary to the first paragraph or to section 47.”

436. Section 49 of the said Act is amended by replacing the words “be heard” in the third line by the words “present observations”.

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

“DIVISION XI.1

“PROCEEDING

“**51.1.** Any decision of the Board revoking a certification under section 20 or determining under section 49 whether a person has the status of producer may, within 30 days of notification of the decision, be contested before the Administrative Tribunal of Québec.”

AGRICULTURAL PRODUCTS, MARINE PRODUCTS AND FOOD ACT

438. The heading of Division IV of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

439. Section 16 of the said Act is amended by replacing the words “allow the holder to be heard” in the second line by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations”.

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

“**17.** Any person whose permit is suspended, cancelled or not renewed may contest the decision of the Minister before the Administrative Tribunal of Québec within 30 days of notification of the decision.”

441. Sections 18 to 30 of the said Act are repealed.

442. The said Act is amended by adding, after section 33.11, the following section :

“33.12. The person to whom an order referred to in section 33.8, 33.10 or 33.11 is notified without prior notice because, in the opinion of the Minister or the authorized person, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister or the authorized person.”

DAIRY PRODUCTS AND DAIRY PRODUCTS SUBSTITUTES ACT

443. Section 18 of the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30) is amended by replacing the words “be heard” in the fourth line by the words “present observations”.

444. Section 32 of the said Act is amended by striking out the second paragraph.

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

“36. Before suspending or cancelling a permit, the Board shall notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations.”

446. Section 39 of the said Act is amended

(1) by replacing the words “must hear the interested parties” in the first line by the words “invite the interested persons to present observations”;

(2) by replacing the word “heard” in the third line by the words “invited to present observations”.

447. The said Act is amended by adding, after section 48.11, the following section :

“48.12. The person to whom an order referred to in section 48.8 or 48.11 is notified without prior notice because, in the opinion of the Minister or inspector, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister or the inspector.”

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

“DIVISION X.1**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL
OF QUÉBEC**

“49.1. Every person whose permit is suspended or cancelled and every syndicate whose certification is revoked may contest the decision of the Board before the Administrative Tribunal of Québec within 30 days of notification of the decision.”

ACT RESPECTING EDUCATIONAL PROGRAMMING

449. Section 3.3 of the Act respecting educational programming (R.S.Q., chapter P-30.1), enacted by section 31 of chapter 20 of the statutes of 1996, is amended by replacing the words “request made” in the third line of the second paragraph by the words “application submitted”.

450. Section 3.4 of the said Act, enacted by section 31 of chapter 20 of the statutes of 1996, is amended, in the French text, by replacing the word “requérant” in the second line of the second paragraph by the word “demandeur”.

451. Section 4 of the said Act, amended by section 34 of chapter 20 of the statutes of 1996, is again amended by replacing the words “at the request” in the first line by the words “on the application”.

452. Section 5 of the said Act, amended by section 34 of chapter 20 of the statutes of 1996, is again amended

(1) by striking out the words “, by way of an application,” in the second and third lines of the first paragraph;

(2) by replacing the words “an application” in the first line of the second paragraph by the word “approval”.

453. Section 9 of the said Act, replaced by section 33 of chapter 20 of the statutes of 1996, is amended, in the French text, by replacing the word “requêtes” in the first line by the word “demandes”.

YOUTH PROTECTION ACT

454. Section 72.3.5 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended by replacing the words “allow an organization to make representations” in the first and second lines by the words “notify an organization in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the organization at least 10 days to present observations”.

PUBLIC HEALTH PROTECTION ACT

455. Section 16.7 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended by replacing the words “bring an appeal from the decision before the Commission des affaires sociales which shall dispose of the appeal according to its rules of evidence, procedure and practice” in the second, third and fourth lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

456. Section 16.8 of the said Act is amended by replacing the word “Appeal” in the first line by the words “A proceeding before the Tribunal”.

457. Section 40.3.2 of the said Act is amended by adding, at the end, the following paragraph :

“The Minister shall, before making such a decision, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations.”

458. Section 40.4 of the said Act is amended by adding, at the end, the following paragraph :

“The Minister shall, before making such a decision, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations.”

459. Section 41 of the said Act is amended

(1) by replacing the words “appeal from” in the second line by the words “, within 60 days of notification of the decision, contest”;

(2) by replacing the words “Commission des affaires sociales,” in the fourth line by the words “Administrative Tribunal of Québec.”;

(3) by striking out paragraphs *a*, *b* and *c*.

PLANT PROTECTION ACT

460. The Plant Protection Act (R.S.Q., chapter P-39.01) is amended by inserting, after section 8, the following section :

“8.1. The person to whom such an order is notified under section 6 or 8 without prior notice because, in the inspector’s opinion, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations to the Minister so that the order may be reviewed.”

CONSUMER PROTECTION ACT

461. Section 260.17 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended

(1) by replacing the words “be heard” in the second line of the first paragraph by the words “present observations”;

(2) by replacing the words “gives the merchant an opportunity to be heard within 15 days” in the second and third lines of the second paragraph by the words “allows the merchant at least 10 days to present observations”.

462. Section 260.18 of the said Act is repealed.

463. Section 333 of the said Act is replaced by the following section :

“333. The president, before refusing to issue a permit to a person or before suspending or cancelling the permit he has issued to him, must notify the person in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the person at least 10 days to present observations.”

464. The heading of Chapter III of Title V of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

465. Section 339 of the said Act is amended by replacing the words “appeal to the Court of Québec from the decision of the president” in the fourth and fifth lines by the words “contest the decision of the president before the Administrative Tribunal of Québec within 30 days of notification of the decision”.

466. Sections 340 to 349 of the said Act are replaced by the following sections :

“340. The Tribunal shall, in exercising its power to suspend the execution of the contested decision, give particular consideration to the interests of consumers.

“341. When assessing the facts or the law, the Tribunal shall not substitute its assessment of the public interest or of the interest of the public for the assessment made by the president, pursuant to section 325, 329 or 335, before he made his decision.”

MENTAL PATIENTS PROTECTION ACT

467. Section 1 of the Mental Patients Protection Act (R.S.Q., chapter P-41) is amended by striking out paragraph *h*.

468. Section 24 of the said Act is amended by replacing the word “Commission” in the second line of paragraph *b* by the words “Administrative Tribunal of Québec”.

469. Section 29 of the said Act is amended by replacing the word “Commission” in the third line of the first paragraph by the words “Administrative Tribunal of Québec”.

470. Section 30 of the said Act is amended

(1) by replacing the words “request the Commission to review such decision” in the third and fourth lines of the first paragraph by the words “contest the decision before the Administrative Tribunal of Québec within 60 days of notification of the decision”;

(2) by replacing the last sentence of the first paragraph by the following sentence: “The tutor, curator or person having legal custody of the person who is the subject of the decision may also contest the decision.”;

(3) by striking out the second paragraph.

471. Section 31 of the said Act is amended

(1) by replacing the word “Commission” in the second line of the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the word “Commission” in the second line of the second paragraph by the word “Tribunal”;

(3) by replacing the word “Commission” in the second line of the third paragraph by the word “Tribunal”;

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

“The Tribunal may, where it receives a notice sent in accordance with this section, act on its own initiative and make a decision as if a proceeding had been brought under section 30.”

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LANDS AND AGRICULTURAL ACTIVITIES

472. Section 4 of the Act respecting the preservation of agricultural lands and agricultural activities (R.S.Q., chapter P-41.1), amended by section 7 of chapter 26 of the statutes of 1996, is again amended by replacing the third paragraph by the following paragraph:

“A member may, with the permission of the president, continue the examination of an application referred to him and make a decision notwithstanding the expiry of his term.”

473. Section 7 of the said Act is amended by replacing the word “hear” in the first line by the word “examine”.

474. Section 11 of the said Act is amended by striking out the second paragraph.

475. Section 13 of the said Act, amended by section 794 of chapter 2 of the statutes of 1996, is again amended by replacing the word “hear” in the fourth line by the words “receive the observations of”.

476. Section 14.1 of the said Act is replaced by the following section :

“14.1. Except in the case of an act performed in contravention of section 27 or 70, the commission is not authorized to make any order unless it has first notified the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allowed the person at least 10 days to present observations.

In addition, the commission shall give the other interested persons the opportunity to present observations.

The commission shall meet the person concerned or any interested person at his request.”

477. Section 15 of the said Act, amended by section 12 of chapter 26 of the statutes of 1996, is again amended

(1) by replacing the words “establish, at its head office, a record office for the filing of” in the first and second lines of the first paragraph by the word “keep”;

(2) by replacing the words “record office, and are filed therein” in the third line of the second paragraph by the words “commission, and are filed in the record”;

(3) by replacing the words “has access to the record office of the commission, may there examine the filed documents” in the first line of the third paragraph by the words “may consult the documents filed at the offices of the commission”;

(4) by replacing the words “filed in the record office of” in the first line of the fourth paragraph by the words “kept by”.

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

“**17.** Except in respect of a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the commission or against any of its members acting in their official capacity.

A judge of the Court of Appeal may, upon a motion, annul by summary proceeding any proceeding brought or decision rendered contrary to the first paragraph.”

479. The said Act is amended by inserting, after section 18.5, the following section :

“**18.6.** The commission may, on its own initiative or on an application, review or cancel any decision or order it has made and in respect of which no proceeding has been brought before the Administrative Tribunal of Québec

(a) where a new fact is discovered which, had it been known in due time, might have justified a different decision ;

(b) where an applicant or interested person was unable, for reasons deemed satisfactory, to present observations ;

(c) where a substantial or procedural defect is likely to invalidate the decision or order.”

480. Section 19.1 of the said Act, amended by section 13 of chapter 26 of the statutes of 1996, is again amended by replacing the words “evidence, procedure and practice applicable to the conduct of the matters” in the first and second lines of subparagraph 1 of the first paragraph by the words “procedure applicable to the examination of matters”.

481. Division II.1 of the said Act, renumbered as Division II of Chapter II by section 15 of chapter 26 of the statutes of 1996 and comprising sections 21.0.1 to 21.9, is replaced by the following division :

“DIVISION II

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

“**21.1.** Any interested person may contest a decision or order of the commission before the Administrative Tribunal of Québec within 30 days of notification of the decision or order.

“21.2. The contestation suspends the execution of a decision, except where the Tribunal allows provisional execution.

The contestation does not suspend the execution of an order except as regards the conclusions of an order which require restoration of a site.

“21.3. The contestation of a decision suspends, by operation of law, any additional application for the same conclusions until the decision of the Tribunal is made.

“21.4. The Tribunal shall not, unless there has been a significant error of law or fact in the contested decision, reevaluate the assessment of the application made by the commission on the basis of criteria the commission was required to take into account.

Where the Tribunal ascertains, upon examination of the motion and the contested decision, that, by reason of such an error of law or fact, the commission did not assess the application on the basis of those criteria, the Tribunal may return the matter to the commission for reconsideration.

“21.5. A copy of the decision of the Tribunal shall be transmitted to the parties as well as to every interested person, the local municipality and the regional county municipality in which the lot to which the decision applies is situated.”

482. Section 32 of the said Act, replaced by section 25 of chapter 26 of the statutes of 1996, is amended by adding, at the end, the following paragraph:

“The notice of compliance may be issued on the sole basis of information obtained, without prior notice, by a member or employee of the commission.”

483. Section 51 of the said Act is amended by replacing the words “record office” in the second line by the words “head office”.

484. Section 57 of the said Act is amended by replacing the words “pending before it on that date” in the second and third lines by the words “submitted to it before that date”.

485. Section 60 of the said Act is amended

(1) by striking out the first paragraph;

(2) by striking out the word “also” in the first line of the second paragraph.

486. Section 60.1 of the said Act is replaced by the following section:

“60.1. The commission shall send to the applicant and to any interested person having intervened in respect of an application a report on the application indicating its preliminary intent.

The commission shall, at the same time, send the applicant and any interested person a list of the other documents forming part of the record and a notice setting out the terms of the third paragraph of section 15 and of section 60.2.

Unless the persons referred to in the first paragraph waive such right, the commission shall allow them 30 days to present observations or to request a meeting.”

487. Section 60.2 of the said Act is replaced by the following section :

“60.2. The applicant or any interested person having intervened in respect of the application referred to the commission may obtain by mail from the commission, on payment of the costs determined by regulation, a photocopy of any document indicated by him among the documents forming part of the record.”

488. Section 61 of the said Act, amended by section 811 of chapter 2 of the statutes of 1996, is again amended by replacing the words “parties to the application thereof” in the second and third lines by the words “applicant and any interested person having intervened in respect of the application”.

489. Section 62.1 of the said Act, amended by section 39 of chapter 26 of the statutes of 1996, is again amended by inserting the word “other” before the word “evidence” in paragraph 3.

490. The said Act is amended by inserting, after section 62.3, the following section :

“62.4. The commission shall, before making an unfavourable decision that is not clearly indicated in the report provided in section 60.1, notify the applicant in writing as prescribed by section 5 of the Act respecting administrative justice and allow the applicant at least 10 days to present observations.”

491. Section 64 of the said Act, amended by section 41 of chapter 26 of the statutes of 1996, is again amended by replacing the words “at the record office of” in the last line of the last paragraph by the word “with”.

492. Section 66 of the said Act is amended by replacing the words “record office” in the first line of the second paragraph by the words “head office”.

493. Section 78 of the said Act is amended by replacing the words “give that person the opportunity to be heard” in the third line by the words “notify the person in writing as prescribed by section 5 of the Act respecting administrative justice and allow the person at least 10 days to present observations”.

494. Section 80 of the said Act, amended by section 49 of chapter 26 of the statutes of 1996, is again amended

- (1) by striking out the words “and of the appeal tribunal” in paragraph 6;
- (2) by striking out the word “, expenses” in paragraph 8;
- (3) by striking out the words “or in respect of any application submitted to the appeal tribunal” in paragraph 8;
- (4) by striking out the words “and costs” in paragraph 9.2.

495. Section 96 of the said Act, amended by section 58 of chapter 26 of the statutes of 1996, is again amended

- (1) by replacing, in the French text, the word “jurisdiction” in the second line of the first paragraph by the word “compétence”;
- (2) by replacing, in the French text, the word “jurisdiction” in the fourth line of the second paragraph by the word “compétence”;
- (3) by replacing the words “in the record office of” in the first line of the third paragraph by the word “at”.

496. Section 100.1 of the said Act, amended by section 59 of chapter 26 of the statutes of 1996, is again amended

- (1) by striking out the words “is an administrative measure and” in the first and second lines of the sixth paragraph;
- (2) by replacing the seventh paragraph by the following paragraph:

“The notice of non-compliance issued as provided for in the preceding paragraph may be reviewed by the commission on the application of an interested person within 60 days of the date of the notice or at any time in the course of the procedure provided for in section 14.1.”

ANIMAL HEALTH PROTECTION ACT

497. The Animal Health Protection Act (R.S.Q., chapter P-42) is amended by inserting, after section 3.4, the following section:

“3.5. The owner or custodian of an animal to whom an order referred to in section 3.2 or 3.4 is notified without prior notice because, in the opinion of the veterinary, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the veterinary.”

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

“The owner or custodian of an animal to whom an order is notified without prior notice because, in the opinion of the Minister, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister.”

499. Section 55.9.6 of the said Act, enacted by section 6 of chapter 18 of the statutes of 1993, is amended by inserting the words “by the Minister” after the word “considered” in the third line of the second paragraph.

500. Section 55.25 of the said Act is amended by adding, at the end, the following paragraph :

“The person having possession of an animal to whom an order is notified without prior notice because, in the opinion of the inspector, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the inspector.”

501. Section 55.27 of the said Act is amended by replacing the words “giving the applicant an opportunity to be heard” in the first line of the second paragraph by the words “notifying the applicant in writing and giving him the opportunity to present observations as prescribed by section 5 of the Act respecting administrative justice”.

502. Section 55.31 of the said Act is amended by replacing the words “giving the holder an opportunity to present his views” in the first line by the words “notifying the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allowing the holder at least 10 days to present observations”.

503. The heading of Division IV.4 of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL
OF QUÉBEC”.

504. Section 55.35 of the said Act is amended by replacing the portion before paragraph 1 by the following :

“**55.35.** The following persons may contest the decision of the Minister before the Administrative Tribunal of Québec within 30 days of notification of the decision:”.

505. Sections 55.36 to 55.42 of the said Act are repealed.

ROADSIDE ADVERTISING ACT

506. Section 10 of the Roadside Advertising Act (R.S.Q., chapter P-44) is amended

(1) by striking out the words “after giving the holder an opportunity to be heard,” in the first and second lines of the first paragraph;

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

“The Minister shall, before making such a decision, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations.”

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

“**10.1.** Any holder whose permit is revoked may contest the decision of the Minister before the Administrative Tribunal of Québec within 30 days of notification of the decision.”

ENVIRONMENT QUALITY ACT

508. Section 25 of the Environment Quality Act (R.S.Q., chapter Q-2), amended by section 841 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “The Minister shall, before issuing an order, serve on” in the first line of the second paragraph by the words “Before issuing an order, the Minister shall, as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54), notify to”;

(2) by replacing the words “representations may be made by whoever is responsible for the contamination. The notice” in the fourth and fifth lines of the second paragraph by the words “whoever is responsible for the contamination may present observations. The prior notice”;

(3) by replacing the words “served on” in the second line of the fifth paragraph by the words “notified to”.

509. Section 26 of the said Act is amended by replacing the word “service” in the second paragraph by the word “notification”.

510. Section 31.15.1 of the said Act is amended by replacing the word “service” in the first paragraph by the word “notification”.

511. Section 31.15.2 of the said Act is amended by replacing the word “service” in the first paragraph by the word “notification”.

512. Section 31.16 of the said Act is amended

(1) by replacing the words “Before making an order, the Minister shall serve on the operator a prior notice of 30 days” in the first and second lines of the third paragraph by the words “At least 30 days before making an order, the Minister shall, pursuant to section 5 of the Act respecting administrative justice, notify the operator”;

(2) by replacing the word “service” in the sixth line of the third paragraph by the word “notification”;

(3) by inserting, after the word “authorized” in the sixth line of the third paragraph, the words “, after giving him an opportunity to present observations,”;

(4) by replacing the words “served on” in the second line of the fourth paragraph by the words “notified to”.

513. Section 31.19 of the said Act is amended by replacing the words “his written arguments” in the second and third lines of the first paragraph by the words “observations in writing”.

514. Section 31.21.1 of the said Act is amended by replacing the words “make representations” in the second line of the third paragraph by the words “present observations”.

515. Section 31.26 of the said Act is amended

(1) by adding the words “, as prescribed by section 5 of the Act respecting administrative justice,” after the word “shall” in the first line of the fifth paragraph;

(2) by replacing the words “his point of view” in the fourth line of the fifth paragraph by the word “observations”.

516. Section 31.29 of the said Act is amended

(1) by adding the words “, as prescribed by section 5 of the Act respecting administrative justice,” after the word “shall” in the first line of the third paragraph;

(2) by replacing the words “his point of view” in the fourth line of the third paragraph by the word “observations”.

517. Section 31.39 of the said Act is amended

(1) by inserting the words “, as prescribed by section 5 of the Act respecting administrative justice,” after the word “shall” in the first line of the third paragraph;

(2) by replacing the words “his point of view” in the third line of the third paragraph by the word “observations”.

518. Section 31.42 of the said Act is amended by replacing the word “service” in the third paragraph by the word “notification”.

519. Section 31.43 of the said Act is amended

(1) by replacing the words “making representations” in the third paragraph by the words “presenting observations”;

(2) by replacing the words “its service” in the third paragraph by the word “notification”.

520. Section 31.44 of the said Act is amended

(1) by replacing the words “The Minister shall, before issuing either order, serve on” in the first line of the first paragraph by the words “At least 15 days before issuing either order the Minister shall, as prescribed by section 5 of the Act respecting administrative justice, notify” and by replacing the words “a notice of not less than 15 days setting out” in the third and fourth lines of that paragraph by the word “, stating”;

(2) by replacing, in the French text, the word “signifié” in the eighth line of the first paragraph by the word “notifié”;

(3) by replacing the words “representations may be made by whoever has been served the notice and, where applicable, by the owner of the soil concerned within the period of time specified in the notice as well as the fact that whoever has been served the notice” in the seventh, eighth, ninth and tenth lines of the first paragraph by the words “observations may be presented by whoever has been notified and, where applicable, by the owner of the soil concerned within the period of time specified in the prior notice as well as the fact that whoever has been notified”;

(4) by replacing, in the French text, the word “signifié” in the tenth line of the first paragraph by the word “notifié”;

(5) by inserting the word “prior” before the word “notice” in the first line of the second paragraph;

(6) by replacing the words “, upon making representations, where that is the case, by whoever is responsible for the source of contamination” in the second, third and fourth lines of the third paragraph by the words “, where that is the case, by whoever is responsible for the source of contamination, upon presenting observations”;

(7) by replacing the words “serving the” in the first line of the fourth paragraph by the words “notifying the prior”.

521. Section 31.46 of the said Act, enacted by section 4 of chapter 26 of the statutes of 1990, is amended by replacing the words “serve on the owner of the soil a notice informing him or it” in the third and fourth lines by the words “notify the owner of the soil”.

522. Section 31.47 of the said Act, enacted by section 4 of chapter 26 of the statutes of 1990, is amended

(1) by replacing the words “representations may be made” in the third line of the first paragraph by the words “observations may be presented”;

(2) by replacing the words “its service” in the first line of the second paragraph by the word “notification”.

523. Section 31.48 of the said Act, enacted by section 4 of chapter 26 of the statutes of 1990, is amended by replacing the words “make representations or after he has made representations” in the first and second lines of the first paragraph by the words “present observations or after he has presented observations”.

524. Section 32.3 of the said Act, amended by section 841 of chapter 2 of the statutes of 1996, is again amended by replacing the words “hear those interested” in the second line of the second paragraph by the words “allow interested persons to present observations”.

525. Section 64 of the said Act is amended

(1) by replacing the word “service” in the third line of the first paragraph by the word “notification”;

(2) by replacing the words “Expropriation Division of the Court of Québec” in the second line of the second paragraph by the words “Administrative Tribunal of Québec”.

526. Section 64.5 of the said Act is amended by replacing the words “served on” in the first line of the third paragraph by the words “notified to”.

527. Section 64.6 of the said Act is amended

(1) by replacing the words “motion of a party” in the first and second lines of the first paragraph by the words “application of an interested person”;

(2) by replacing the words “served on” in the second line of the second paragraph by the words “notified to”.

528. Section 64.7 of the said Act is amended by inserting the word “public” before the word “hearing” in the second line of the first paragraph.

529. Section 64.8 of the said Act is amended by replacing the words “served on” in the second line of the second paragraph by the words “notified to”.

530. Section 70.1 of the said Act, enacted by section 6 of chapter 80 of the statutes of 1991, is amended by replacing the word “served” in the second line of the third paragraph by the word “notified”.

531. Section 70.2 of the said Act, enacted by section 6 of chapter 80 of the statutes of 1991, is amended

(1) by replacing the words “Before issuing an order, the Minister shall serve on” in the first line of the first paragraph by the words “At least 15 days before issuing an order, the Minister shall, as prescribed by section 5 of the Act respecting administrative justice, notify” and by replacing the words “a notice of at least 15 days” in the second line of that paragraph by a comma;

(2) by replacing the words “make representations” in the fourth line of the first paragraph by the words “present observations”;

(3) by inserting the word “prior” before the word “notice” in the first line of the second paragraph;

(4) by inserting the word “prior” before the word “notice” in the first line of the third paragraph.

532. Section 70.11 of the said Act, enacted by section 6 of chapter 80 of the statutes of 1991, is amended by replacing the words “After giving the applicant the opportunity to make representations, the Minister may, however” in the first and second lines of the second paragraph by the words “As prescribed by section 5 of the Act respecting administrative justice, the Minister may, however, after notifying the applicant and allowing him to present observations”.

533. Section 70.15 of the said Act, enacted by section 6 of chapter 80 of the statutes of 1991, is amended by replacing the words “give the permit holder the opportunity to make representations” in the third and fourth lines of the second paragraph by the words “allow the permit holder at least 10 days to present observations”.

534. Section 95.4 of the said Act is amended by replacing the words “serve a denial of conformity on” in the fourth line of the first paragraph by the words “notify a denial of conformity to” and by replacing the words “served on” in the first line of the second paragraph by the word “to”.

535. Section 95.6 of the said Act is amended by replacing the words “in appeal by the Commission municipale du Québec” in the first and second lines of the second paragraph by the words “by the Administrative Tribunal of Québec”.

536. The heading of Division XI of Chapter I of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

537. Section 96 of the said Act is amended

(1) by replacing the words “appealed from by the municipality or the person concerned to the Commission municipale du Québec if there is an error of fact or law in the reasons invoked in support of the order, if the proceedings were affected by gross irregularity or if they were not conducted with impartiality” in the third, fourth, fifth, sixth and seventh lines of the first paragraph by the words “contested by the municipality or person concerned before the Administrative Tribunal of Québec”;

(2) by replacing the word “serves” in the fourth line of the second paragraph by the word “notifies”, and by replacing the words “serves a denial of conformity on” in the eighth and ninth lines of the second paragraph by the words “notifies a denial of conformity to”;

(3) by replacing the words “appeal to the Commission in cases where the Minister approves rates with amendments pursuant to section 32.9” in the first, second and third lines of the third paragraph by the words “, where the Minister approves rates with amendments pursuant to section 32.9, contest such decision before the Tribunal”.

538. Section 97 of the said Act is amended

(1) by replacing the words “susceptible of appeal” in the first line by the words “referred to in section 96”;

(2) by replacing the word “serve” in the second line by the word “notify”;

(3) by replacing the words “of appeal” in the third line by the words “to contest the decision before the Tribunal”.

539. Section 98 of the said Act is replaced by the following section :

“**98.** The proceeding must be brought within 30 days of notification of the contested decision.”

540. Section 98.1 of the said Act is amended

(1) by replacing the word “appellant” in the first line of the first paragraph by the word “applicant”;

(2) by replacing the words “his petition for appeal has been served” in the first and second lines of the first paragraph by the words “filing his motion at the secretariat of the Tribunal”;

(3) by replacing the words “decision appealed from” in the third and fourth lines of the first paragraph by the words “contested decision”;

(4) by replacing the words “Commission municipale du Québec” in the second line of the second paragraph by the word “Tribunal”.

541. Section 98.2 of the said Act is amended

(1) by replacing the words “transmit copy of the petition for appeal to every person or municipality who has” in the first and second lines of the first paragraph by the words “, upon receiving copy of the motion, forward a copy to every person or municipality having”;

(2) by replacing the words “written representations” in the second line of each of the first and second paragraphs by the words “observations in writing”;

(3) by replacing the words “decision appealed from” in the third line of the first paragraph and in the fifth and sixth lines of the second paragraph by the words “contested decision”;

(4) by replacing the words “petition for appeal” in the third line and in the fourth line of the second paragraph by the word “motion”.

542. Section 99 of the said Act is amended

(1) by replacing the word “appeal” in the first line by the word “proceeding”;

(2) by replacing the words “Commission municipale, upon motion served by the appellant upon its secretary,” in the fourth and fifth lines by the word “Tribunal”.

543. Section 100 of the said Act is amended

(1) by striking out the first paragraph;

(2) by replacing the words “Commission municipale” in the first and second lines of the second paragraph by the word “Tribunal”.

544. Sections 101, 102 and 103 of the said Act are repealed.

545. Section 116.1 of the said Act is amended by replacing the word “appeal” in the second line of the first paragraph by the word “proceeding”.

546. Section 116.4 of the said Act is amended by replacing the words “submit representations” in the first line of the first paragraph by the words “present observations”.

547. Section 118.1 of the said Act is amended

- (1) by replacing the word “served” in the first line by the word “notified”;
- (2) by replacing “97 or 103” in the second line by “31.46 or 97”;
- (3) by replacing the word “served” in the second line by the word “notified”.

548. The said Act is amended by inserting, after section 118.1, the following section:

“118.1.1. A person or a municipality having been notified of such an order without prior notice because, in the Minister’s opinion, urgent action is required or there is a danger of irreparable damage being caused may, within the time specified in the order, present observations to the Minister so that the order may be reviewed.”

549. Section 118.5 of the said Act is amended

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

“(f) all proceedings brought under Division XI and all decisions rendered under that division; and”;

(2) by replacing the words “notices served” in subparagraph *n* of the first paragraph by the word “notifications”.

550. Section 122.4 of the said Act is replaced by the following section:

“122.4. Before making a decision under section 122.1, the Government shall allow the holder of an authorization certificate issued by the Government or on its behalf at least 10 days to present observations in writing.

Before making a decision under section 122.1 or 122.3, the Minister shall notify the holder of the authorization certificate, certificate, authorization, approval, permission or permit in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow him at least 10 days to present observations.

The Government or the Minister may, where urgent action is required or there is a danger of irreparable damage being caused, make a decision under section 122.1 or 122.3 without being bound by such prior obligations.

In such a case, the holder may, within the time specified, present observations for review of the decision.”

551. Section 123.2 of the said Act is amended

(1) by replacing the word “appeal” in the fourth line of the first paragraph by the word “proceeding”;

(2) by replacing the words “adjudication by the Commission municipale or final decision by the court, as the case may be” in the fifth and sixth lines of the first paragraph by the words “a decision of the Administrative Tribunal of Québec or a final decision of the court, as the case may be, is rendered”.

ACT RESPECTING THE CLASS ACTION

552. Section 5 of the Act respecting the class action (R.S.Q., chapter R-2.1) is amended, in the French text, by replacing the word “requérant” in paragraph *e* by the word “demandeur”.

553. Section 20 of the said Act is amended, in the French text, by replacing the words “requérir, par une demande écrite,” in the second line by the words “demander par écrit”.

554. Sections 21 and 22 of the said Act are amended, in the French text, by replacing the word “requérant” in the first paragraph by the word “demandeur”.

555. Section 23 of the said Act is amended

(1) by replacing, in the French text, the word “requérant” wherever it appears by the word “demandeur”;

(2) by replacing the word “hear” in the second line of the first paragraph by the words “meet with”;

(3) by adding, after the word “attorney” in the second line of the first paragraph, the words “and allow him to present observations”.

556. Sections 25 and 26 of the said Act are amended, in the French text, by replacing the word “requérant” wherever it appears, by the word “demandeur”.

557. The heading of Division III of Chapter III of Title II of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL
OF QUÉBEC”.

558. Section 35 of the said Act is replaced by the following section:

“**35.** Any applicant whose application for assistance is denied may, within 30 days of notification of the decision of the Fonds, contest the decision before the Administrative Tribunal of Québec.”

559. Section 36 of the said Act is repealed.

560. Section 37 of the said Act is amended

(1) by striking out the first and third paragraphs;

(2) by replacing the word “Court” in the first line of the second paragraph by the word “Tribunal” and by replacing, in the French text of that paragraph, the word “requérant” wherever it appears by the word “demandeur”.

ACT RESPECTING THE COLLECTION OF CERTAIN DEBTS

561. Section 16 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is replaced by the following section:

“**16.** Before refusing to issue a permit to a person or before suspending or cancelling a permit issued to a person, the president shall notify the person in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow him at least 10 days to present observations.”

562. Section 17 of the said Act is amended by striking out the second sentence.

563. The heading of Division V of Chapter III of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

564. Section 36 of the said Act is amended by replacing the words “appeal from the decision of the president before the Court of Québec” in the second and third lines by the words “, within 30 days of notification of the decision of the president, contest the decision before the Administrative Tribunal of Québec”.

565. Sections 37 to 44 of the said Act are repealed.

ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX

566. Section 7 of the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1) is replaced by the following section:

“**7.** A commissioner may, with the permission of the president, continue the examination of matters referred to him and make a decision, notwithstanding the expiry of his term.”

567. Section 25 of the said Act, amended by section 5 of chapter 71 of the statutes of 1993, is again amended

(1) by replacing the words “rule on” in the first line of subparagraph 1 of the first paragraph by the word “decide”;

(2) by replacing the words “hear and decide” in the first line of subparagraph 2 of the first paragraph by the word “settle”;

(3) by replacing the word “or” in the seventh line of subparagraph 2 of the first paragraph by the words “, the organization and conduct of a”;

(4) by replacing, in the French text, the words “d’un litige” in the third line of subparagraph 2 of the first paragraph by the words “un différend”;

(5) by replacing the words “hear and decide” in the first line of subparagraph 3 of the first paragraph by the word “settle”;

(6) by replacing, in the French text, the words “de tout litige” in the second line of subparagraph 3 of the first paragraph by the words “tout différend”;

(7) by replacing subparagraph 7 of the first paragraph by the following subparagraph:

“(7) to determine and collect the costs prescribed for the examination of any matter submitted to it.”

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

“**25.1.** Where a dispute arises concerning the awarding of prizes under a publicity contest between a person participating therein and the person or body for whose benefit the contest is held, any such person or body may request the intervention of the board so that it may endeavour to bring them to resolve the dispute.

One commissioner or a member of the personnel designated by the president may act, in such a case, in the name of the board.”

569. Section 26 of the said Act is amended by replacing the word “division” in the second line by the word “panel”.

570. Section 27 of the said Act, amended by section 54 of chapter 51 of the statutes of 1997, is again amended

(1) by replacing the word “division” in the first line of the first paragraph by the word “panel”;

(2) by replacing the words “division shall be referred to the president so that he may refer it to another division” in the second paragraph by the words “panel shall be referred to the president so that he may refer it to another panel”.

571. Section 28 of the said Act, amended by section 55 of chapter 51 of the statutes of 1997, is again amended by striking out the words “hear and” in the first line of the first paragraph.

572. Section 29 of the said Act, amended by section 56 of chapter 51 of the statutes of 1997, is again amended

(1) by replacing the words “a division” in the third line of the third paragraph by the words “a panel”;

(2) by replacing the words “relieve a member of the board’s personnel of a case” in the first and second lines of the fourth paragraph by the words “withdraw a case from the member of the board’s personnel”;

(3) by replacing the words “at the request of a person whose application is refused, the case shall be referred to the board for review” in the fifth paragraph by the words “where the person whose application is denied so requests, the case shall be reviewed by the board”.

573. Section 31 of the said Act is amended

(1) by replacing the words “of proof, procedure and practice applicable to the conduct of its inquiries and hearings and those held by” in the first and second lines of the first paragraph by the words “of evidence and procedure applicable to the conduct of the matters submitted to it or to”;

(2) by replacing the last sentence of the first paragraph by the following sentence: “The Board may also prescribe costs in respect of the conduct of such matters.”

574. Section 32 of the said Act is amended by replacing the words “the rules of proof, procedure and practice” in the second and third lines by the words “the rules of evidence and procedure of the Board”.

575. Section 34 of the said Act is amended

(1) by replacing the words “a case brought before it” in the first line by the words “a matter submitted to it”;

(2) by replacing the words “parties in” in the first line by the words “persons concerned by”;

(3) by replacing the words “disposed of” in the third and fourth lines by the word “decided”.

576. Section 37 of the said Act, amended by section 60 of chapter 51 of the statutes of 1997, is again amended

(1) by replacing the words “from which an appeal has not been brought” in the second and third lines of the first paragraph by the words “in respect of which no appeal has been brought before the Administrative Tribunal of Québec”;

(2) by replacing the words “where a party” in subparagraph 2 of the first paragraph by the words “where the applicant or an interested person”.

577. Section 39 of the said Act, amended by section 61 of chapter 51 of the statutes of 1997, is again amended

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

“**39.** A copy of the decision of the board shall be transmitted to the persons concerned.”;

(2) by replacing the word “parties” wherever it appears in the second paragraph by the words “persons concerned”;

(3) by replacing the words “ordering the payment of a sum of money or prohibiting or ordering” in the first and second lines of the third paragraph by the words “, terminating a matter, in respect of which no proceeding has been brought before the Administrative Tribunal of Québec that orders the payment of a sum of money or prohibits or orders”;

(4) by striking out the words “, when it has become final,” in the second line of the third paragraph.

578. Section 40 of the said Act is amended by replacing the words “extraordinary recourse provided in articles 33 and 833 to 846 of the Code of Civil Procedure (chapter C-25)” in the first, second and third lines of the first paragraph by the words “remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code”.

579. The said Act is amended by inserting, after section 40, the following :

“CHAPTER II.1

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

“**40.1.** Any person concerned by a decision of the board terminating a matter may, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec.

“**40.2.** When assessing the facts or the law, the Tribunal may not substitute its assessment of the public interest, public safety or public tranquillity for the assessment thereof made by the board before making its decision

pursuant to the Act respecting racing (chapter C-72.1), the Act respecting lotteries, publicity contests and amusement machines (chapter L-6) or the Act respecting liquor permits (chapter P-9.1).”

ACT RESPECTING THE RÉGIE DES TÉLÉCOMMUNICATIONS

580. Section 8 of the Act respecting the Régie des télécommunications (R.S.Q., chapter R-8.01) is amended, in the French text, by replacing the word “instruire” by the word “examiner”.

581. Section 11 of the said Act is amended by striking out the second sentence.

582. Section 12 of the said Act is amended

(1) by replacing the words “parties and” in the third line of the first paragraph by the words “persons concerned and to”;

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

“The Régie may pay the costs, including experts’ fees and representation expenses, incurred by the persons whose participation in its proceedings it considers expedient, or require the persons concerned by its decision to assume payment, on the terms and conditions it fixes, of such proportion of the costs as it determines.”

583. Section 18 of the said Act is amended

(1) by inserting the words “no remedy under” after the word “jurisdiction,” in the first line;

(2) by replacing the words “does not apply to the Régie and no extraordinary recourse provided for in articles 834 to 850 of that Code may be exercised nor any” in the second, third and fourth lines by the words “or extraordinary recourse within the meaning of that Code may be exercised and no”.

584. Section 21 of the said Act is amended by striking out subparagraph 3 of the first paragraph.

585. Section 22 of the said Act is amended by replacing the words “hear any petition and render a decision on any matter referred to it” in the first and second lines by the words “also exercise the powers conferred on it”.

586. Section 25 of the said Act is amended

(1) by replacing the words “serve the notice on” in the second line of the first paragraph by the words “transmit the notice to”;

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

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

“The Régie shall, before making such a decision, notify the operating company in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the company at least 10 days to present observations.”

588. Section 28 of the said Act is amended, in the French text, by replacing the words “l’instance en” in the first line by the words “la procédure d”.

589. Section 29 of the said Act is amended

(1) by replacing the words “appeal to the Expropriation Division of the Court of Québec in respect of the compensation fixed by the Régie” in the first and second lines of the third paragraph by the words “, within 30 days of notification of the decision of the Régie fixing the compensation, contest the decision before the Administrative Tribunal of Québec”;

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

590. The said Act is amended by inserting, after section 35, the following section :

“**35.1.** Where a dispute arises concerning the application of a tariff or the provision of a telecommunications service, a user of, or an operator providing, such a service may request the intervention of the Régie so that it may endeavour to settle the matter.”

591. Section 36 of the said Act, amended by section 849 of chapter 2 of the statutes of 1996, is again amended

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

“(1) in the absence of an agreement to that effect, allow the use of properties owned by a local municipality in the territory of which an operating company is authorized to extend its undertaking, subject to conditions fixed by the Régie;”;

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

“(2) where a dispute arises concerning the conditions fixed under subparagraph 1, and on the application of an operating company or of a local municipality, intervene and endeavour to settle the matter and, failing an agreement, fix new conditions;”.

592. Section 41 of the said Act is amended by replacing the word “parties” in the second line by the words “persons concerned”.

593. Section 42 of the said Act is amended by replacing the words “be heard” at the end of paragraph 2 by the words “present observations”.

594. Section 44 of the said Act is amended

(1) by replacing the words “allow every interested person to make representations” in the first line by the words “give every interested person the opportunity to present observations”;

(2) by striking out paragraph 1.

595. The heading of Division III of Chapter II of the said Act is amended by inserting the word “PUBLIC” before the word “HEARINGS”.

596. Section 49 of the said Act is amended by replacing the words “an attorney” by the words “a person designated for that purpose by the Régie”.

597. Section 50 of the said Act is amended by replacing the words “cause members of its staff or any other expert it may designate to give testimony” in the first and second lines by the words “examine under oath any member of its staff or any other expert it may designate”.

598. The heading of Chapter III of the said Act is replaced by the following heading:

“CHAPTER III

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL
OF QUÉBEC”.

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

“**55.** Any person to whom a decision of the Régie or of the Attorney General applies may, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec.

In addition, the Attorney General may, *ex officio* and without notice, intervene before the Tribunal; in such a case the Attorney General becomes a party to the proceeding.”

600. Section 64 of the said Act is amended by replacing the words “and practice applicable to the conduct and examination” in the first and second lines of the first paragraph by the words “for the conduct”.

601. Section 65.1 of the said Act is amended

(1) by replacing the words “serve notice of them on” in the first line of the third paragraph by the words “send them to”;

(2) by replacing the word “parties” in the third line of the third paragraph by the words “persons concerned by the request or application submitted to the Régie”;

(3) by replacing the word “service” in the fourth line of the third paragraph by the word “sending”.

ACT RESPECTING THE RÉGIE DU LOGEMENT

602. Section 6 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is replaced by the following:

“DIVISION I

“APPOINTMENT OF COMMISSIONERS

“**6.** The board is composed of commissioners appointed by the Government in the number determined by the Government.

In places where the Government considers it necessary because of the distance and where the number of applications does not appear to justify the appointment of a full-time commissioner, the Government may appoint a part-time commissioner.”

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

“DIVISION II

“RECRUITING AND SELECTION OF COMMISSIONERS

“**7.** Only a person who has at least ten years’ experience pertinent to the exercise of the functions of the board may be appointed to the board as a commissioner.

“**7.1.** Commissioners shall be selected among persons declared apt according to the recruiting and selection procedure established by government regulation. The regulation may, in particular,

(1) determine the publicity that must be given to the recruiting procedure and the content of such publicity;

- (2) determine the procedure by which a person may become a candidate ;
- (3) authorize the establishment of selection committees to assess the aptitude of candidates and formulate an opinion concerning them ;
- (4) fix the composition of the committees and mode of appointment of committee members, ensuring adequate representation of the population and the legal community or either of them ;
- (5) determine the selection criteria to be taken into account by the committees ;
- (6) determine the information a committee may require from a candidate and the consultations it may hold.

“7.2. The names of the persons declared apt shall be recorded in a register kept at the Ministère du Conseil exécutif.

A declaration of aptitude shall be valid for a period of 18 months or for such period as is determined by government regulation.

“7.3. Members of a selection committee shall receive no remuneration except in such cases, subject to such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, subject to the conditions and to the extent determined by the Government.

“DIVISION III

“TERM OF OFFICE AND RENEWAL

“7.4. The term of office of a commissioner is five years, subject to the exceptions that follow.

“7.5. The Government may determine a shorter term of office of a fixed duration in the instrument of appointment where the candidate so requests for a valid reason or where required by special circumstances stated in the instrument of appointment.

“7.6. The term of office of a commissioner shall be renewed for five years

(1) unless the commissioner is notified otherwise at least three months before the expiry of his term by the agent authorized therefor by the Government ; or

(2) unless the commissioner requests otherwise and so notifies the Minister at least three months before the expiry of his term.

A variation of the term of office is valid only for a fixed period of less than five years determined in the instrument of renewal and, except where requested by the commissioner for a valid reason, only where required by special circumstances stated in the instrument of renewal.

“7.7. The renewal of a term of office shall be examined according to the procedure established by government regulation. The regulation may, in particular,

(1) authorize the establishment of committees;

(2) fix the composition of the committees and the mode of appointment of committee members;

(3) determine the criteria to be taken into account by the committees;

(4) determine the information a committee may require from the commissioner and the consultations it may hold.

“7.8. Members of an examination committee shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

“DIVISION IV

“PREMATURE TERMINATION OF TERM OF OFFICE AND SUSPENSION

“7.9. The term of office of a commissioner may terminate prematurely only on his retirement or resignation, or on his being dismissed or otherwise removed from office in the circumstances referred to in this division.

“7.10. To resign, a commissioner must give the Minister reasonable notice in writing, sending a copy to the chairman of the board.

“7.11. The Government may dismiss a commissioner if the Conseil de la justice administrative, instituted by the Act respecting administrative justice, so recommends, after an inquiry conducted following the lodging of a complaint pursuant to section 8.2 of this Act.

The Government may also suspend the commissioner with or without remuneration for the period recommended by the Conseil.

“7.12. The Government may also remove a commissioner from office because of permanent disability which, in the opinion of the Government, prevents the commissioner from performing the duties of his office satisfactorily; permanent disability is ascertained by the Conseil de la justice administrative, after an inquiry conducted at the request of the Minister or of the chairman of the board.

The Conseil shall act in accordance with the provisions of sections 193 to 197 of the Act respecting administrative justice (1996, chapter 54), adapted as required; however, the formation of an inquiry committee is subject to the rules set out in section 8.4.

“DIVISION V

“OTHER PROVISIONS REGARDING TERMINATION OF DUTIES

“7.13. Any commissioner may, with the authorization of and for the time determined by the chairman of the board, continue to perform his duties after the expiry of his term of office in order to conclude the cases he has begun to hear but has yet to determine; he shall be a supernumerary commissioner for the time required.

The first paragraph does not apply to a commissioner who has been dismissed or otherwise removed from office.

“DIVISION VI

“REMUNERATION AND OTHER CONDITIONS OF OFFICE

“7.14. The Government shall make regulations determining

(1) the mode of remuneration of the commissioners and the applicable standards and scales;

(2) the conditions subject to which and the extent to which a commissioner may be reimbursed the expenses incurred in the performance of his duties.

The Government may make regulations determining other conditions of office applicable to all or certain commissioners, including social benefits other than the pension plan.

The regulatory provisions may vary according to whether they apply to full-time or part-time commissioners or to a commissioner charged with an administrative office within the board.

The regulations come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

“7.15. The Government shall fix, in accordance with the regulations, the remuneration, social benefits and other conditions of office of the commissioners.

“7.16. Once fixed, a commissioner’s remuneration may not be reduced.

However, additional remuneration attaching to an administrative office within the board shall cease upon termination of such office.

“7.17. The pension plan of full-time commissioners shall be determined pursuant to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

“7.18. A public servant appointed as a commissioner of the board ceases to be subject to the Public Service Act (chapter F-3.1.1) for all matters concerning such office; for the duration of his term of office, he is on full leave without pay for the purpose of performing his duties of office.”

604. The said Act is amended by inserting, before section 8, the following heading:

“DIVISION VII

“ETHICS”.

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

“8.1. The code of ethics shall set out the rules of conduct and the duties of the commissioners towards the public, the parties, their witnesses and the persons who represent them. It shall indicate, in particular, conduct that is derogatory to the honour, dignity or integrity of the commissioners. In addition, the code of ethics may determine activities or situations that are incompatible with their office, their obligations concerning disclosure of interest, and the duties they may perform gratuitously.

The code of ethics may provide special rules applicable to part-time commissioners.

“8.2. Any person may lodge a complaint with the Conseil de la justice administrative against a commissioner of the board for breach of the code of ethics, of a duty under this Act or of the prescriptions governing conflicts of interest and incompatible functions.

“8.3. A complaint must be in writing and must briefly state the reasons on which it is based.

It shall be transmitted to the seat of the Conseil.

“8.4. The Conseil, when examining a complaint against a commissioner, shall act in accordance with sections 184 to 192 of the Act respecting administrative justice, adapted as required.

However, where the Conseil, for the purposes of section 186 of the said Act, forms an inquiry committee, the committee shall be composed of one commissioner chosen by the Conseil from a list established by the chairman of the board after consultation with the meeting of the commissioners and of two other members chosen from among the members of the Conseil, one of whom shall neither practise a legal profession nor be a member of the Tribunal. The commissioner or, where he is unable to act, another member of the board chosen in the same manner shall also take part in the deliberations of the Conseil for the carrying out of section 192 of the said Act.”

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

“DIVISION VIII

“ADMINISTRATIVE OFFICE

“9.1. The Government shall designate, among the commissioners of the board, a chairman and two vice-chairmen.

“9.2. The chairman and vice-chairmen shall exercise their duties on a full-time basis.

“9.3. The administrative office of the chairman or a vice-chairman is of a fixed duration determined in the instrument of appointment or renewal.

“9.4. The administrative office of the chairman or a vice-chairman may terminate prematurely only on the commissioner’s relinquishing such office, on the premature termination or non-renewal of his term of office as a commissioner, or on his removal or dismissal from his administrative office in the circumstances referred to in this division.

“9.5. The Government may remove the chairman or a vice-chairman from his administrative office if the Conseil de la justice administrative so recommends, after an inquiry conducted at the Minister’s request concerning a lapse pertaining only to his administrative duties.

The Conseil shall act in accordance with the provisions of sections 193 to 197 of the Act respecting administrative justice, adapted as required ; however, the formation of an inquiry committee is subject to the rules set out in section 8.4.

“DIVISION IX**“DUTIES AND POWERS OF COMMISSIONERS**

“9.6. Before taking office, every commissioner shall take an oath, solemnly affirming the following : “ 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 and abilities.”

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

The writing evidencing the oath shall be sent to the Minister of Justice.

“9.7. A commissioner may not, on pain of forfeiture of office, have a direct or indirect interest in any enterprise that could cause a conflict between his personal interest and his duties of office, unless the interest devolves to him by succession or gift and he renounces it or disposes of it with dispatch.

In addition to observing conflict of interest requirements and the rules of conduct and duties imposed by the code of ethics adopted under this Act, a commissioner may not pursue an activity or place himself in a situation incompatible, within the meaning of the code of ethics, with the exercise of his office.

“9.8. The commissioners are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

No judicial proceedings may be brought against them by reason of an act done in good faith in the performance of their duties.”

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

“DIVISION X**“OPERATION, MANAGEMENT AND ADMINISTRATION
OF THE BOARD**

“10. In addition to the powers and duties that may otherwise be assigned to him, the chairman is charged with the administration and general management of the board.

The duties of the chairman include

(1) fostering the participation of commissioners in the formulation of guiding principles for the board so as to maintain a high level of quality and coherence of decisions ;

(2) coordinating the activities of and assigning work to the commissioners who shall comply with his orders and directives in that regard;

(3) seeing to the observance of standards of ethical conduct; and

(4) promoting professional development of the commissioners as regards the exercise of their functions;

(5) giving his opinion to the designated minister on any matter submitted by him, analysing the effects of the carrying out of this Act and submitting to the Minister any recommendation he considers expedient.

The vice-chairman designated for such purpose by the chairman may exercise the functions set out in subparagraph 2 of the second paragraph.

“10.1. The chairman shall establish a code of ethics applicable to conciliators and shall see that it is observed.

The code of ethics comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

“10.2. The chairman or the vice-chairman designated by the chairman shall determine which commissioners are to take part in the various sittings of the board.”

608. Section 13 of the said Act is amended by replacing the word “Commissioners” in the first line by the words “Full-time commissioners”.

609. Sections 14, 15, 16 and 17 of the said Act are repealed.

610. Section 20 of the said Act is amended by striking out the words “commissioner nor any” in the first line.

ACT RESPECTING THE QUÉBEC PENSION PLAN

611. Section 26 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by replacing the words “for cause” in the third line by the words “on its own initiative”.

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

“28. Except on a question of jurisdiction, no extraordinary recourse within the meaning of the Code of Civil Procedure (chapter C-25) may be exercised and no injunction may be granted against the Board or the members of the board of directors acting in their official capacity.”

613. Section 29 of the said Act is replaced by the following section :

“29. A judge of the Court of Appeal may, upon a motion, annul by summary proceeding any writ, order or injunction issued or granted contrary to section 27 or 28.”

614. Section 150 of the said Act is amended by replacing the words “the application for review or the bringing of an appeal by the debtor” in the first and second lines of the second paragraph by the words “an application for review or a proceeding brought before the Administrative Tribunal of Québec by a debtor”.

615. Section 151 of the said Act is amended

(1) by replacing the words “bringing an appeal or, where applicable, on the day following a decision of the Commission des affaires sociales confirming all or part of the decision of the Board” in the second, third and fourth lines of the first paragraph by the words “for contesting the review decision before the Administrative Tribunal of Québec and if no proceeding has been brought”;

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) attesting to the debtor’s failure to apply for a review of the decision rendered under section 149 or, as the case may be, to bring a proceeding before the Administrative Tribunal of Québec against a review decision upholding that decision.”;

(3) by striking out the words “or of the Commission des affaires sociales” in the second and third lines of the second paragraph.

616. The heading of Title V of the said Act is replaced by the following heading:

“REVIEW AND PROCEEDING BEFORE THE ADMINISTRATIVE
TRIBUNAL OF QUÉBEC”.

617. Section 186 of the said Act is replaced by the following section:

“186. The Board may, on the application of an interested person, review any decision it has rendered.

The application must be made in writing within one year from the date on which the contested decision was notified, and must state briefly the grounds on which it is based.

The Board may extend the time limit or relieve a person of the consequences of his failure to comply with it if the person shows that the application for review cannot or could not, for a valid reason, be made within the prescribed time.”

618. Section 187 of the said Act is amended by adding, at the end, the following paragraph :

“The decision must be in writing, state the grounds on which it is based and be sent to the interested person together with a mention of his right to contest the decision before the Administrative Tribunal of Québec within the stated time.”

619. Section 188 of the said Act is replaced by the following :

“DIVISION III

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

“**188.** Every review decision rendered by the Board may, within 60 days of notification, be contested before the Administrative Tribunal of Québec.”

620. Section 189 of the said Act is amended

(1) by replacing the words “Commission des affaires sociales” in the first line by the words “Administrative Tribunal of Québec”;

(2) by replacing the words “appeal lies from a decision of” in the second line by the words “proceeding may be brought against a review decision rendered by”.

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

621. Section 132.1.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) is amended

(1) by inserting the words “to the Commission” after the word “review” in the second line of the first paragraph;

(2) by replacing the words “the Commission des affaires sociales” in the fifth line of the first paragraph by the word “arbitrator”.

622. Section 140 of the said Act is amended

(1) by inserting the words “to the Commission” after the word “apply” in the first line of the first paragraph;

(2) by replacing the words “the Commission” in the second line of the first paragraph by the word “it”;

(3) by striking out the words “to the Commission” in the first line of the second paragraph.

623. Section 141 of the said Act is amended by replacing the words “to hear” in the first paragraph by the words “within the Commission to decide”.

624. Section 142 of the said Act is amended

(1) by inserting the words “, after giving the person who applied for review the opportunity to present observations,” after the word “must” in the first line of the first paragraph;

(2) by striking out the words “de réexamen” in the second line of the first paragraph of the French text;

(3) by replacing the word “applicant” in the second line of the first paragraph by the word “person”;

(4) by replacing the word “parties” in the first line of the fourth paragraph by the words “persons concerned”.

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

625. The Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by replacing the word “APPEAL” in the heading of Chapter X by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

626. Section 72 of the said Act is amended by replacing the words “to hear” in the first line of the first paragraph by the words “within the Commission to decide”.

627. Section 73 of the said Act is amended

(1) by inserting the words “, after giving the person who applied for review the opportunity to present observations,” after the word “must” in the first line of the first paragraph;

(2) by striking out the words “for review” in the first line of the first paragraph;

(3) by replacing the word “applicant” in the second line of the first paragraph by the word “person”.

628. Section 74 of the said Act is amended by replacing the words “within 90 days of the date of mailing of the written notice of the review committee, appeal to the Commission des affaires sociales” in the second, third and fourth lines by the words “within 60 days of the date of notification of the decision of the review committee or of the fact that the opinions of the committee members were equally divided, contest the decision, or the decision of the Commission that is deemed to have been confirmed pursuant to section 73, before the Administrative Tribunal of Québec.”

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES
RETIREMENT PLAN

629. Section 179 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by inserting the words “to the Commission” after the word “made” in the first line of the second paragraph.

630. Section 216.1 of the said Act is amended by replacing the words “its decision is quashed” in the third line of the fourth paragraph by the words “a decision to the contrary is made”.

631. Schedule I to the said Act, amended by Orders in Council 556-96 and 557-96 dated 15 May 1996, 821-96 dated 3 July 1996, 1051-96 dated 28 August 1996, 1493-96 dated 4 December 1996, 1589-96 dated 18 December 1996 and 629-97 dated 13 May 1997, is again amended

(1) by striking out the words “the Commission des affaires sociales” in paragraph 3;

(2) by striking out paragraph 7.

632. Schedule III to the said Act is amended by striking out the words “the Commission des affaires sociales”.

ACT RESPECTING THE TEACHERS PENSION PLAN

633. Section 10.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing the words “its decision is quashed” in the third line of the fourth paragraph by the words “a contrary decision is made”.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

634. Section 111.0.1 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing the words “its decision is quashed” in the third line of the fourth paragraph by the words “a contrary decision is made”.

635. Schedule II to the said Act is amended by replacing paragraph 2 by the following paragraphs :

“2. THE MEMBERS OF THE OFFICE DES PROFESSIONS DU QUÉBEC.

“2.1 THE FULL-TIME MEMBERS OF THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC ESTABLISHED UNDER THE ACT RESPECTING ADMINISTRATIVE JUSTICE (1996, chapter 54), OTHER

THAN PERSONS REFERRED TO BOTH IN THE FOURTH PARAGRAPH OF SECTION 65 OF CHAPTER 31 OF THE STATUTES OF 1973 AND IN PART VI OR VI.1 OF THE COURTS OF JUSTICE ACT (CHAPTER T-16)”.

636. Schedule IV to the said Act is amended by striking out the words “the Commission des affaires sociales”.

WATERCOURSES ACT

637. Section 13 of the Watercourses Act (R.S.Q., chapter R-13) is amended by replacing the words “Expropriation Division of the Court of Québec” in subsection 2 by the words “Administrative Tribunal of Québec”.

638. Section 14 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” in the second line by the words “Administrative Tribunal of Québec”.

639. Section 15 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” in the second and third lines by the words “Administrative Tribunal of Québec”.

640. Section 23 of the said Act is amended by striking out the words “by petition” in the first line.

641. Section 25 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” in the fifth and sixth lines by the words “Administrative Tribunal of Québec”.

642. Section 35 of the said Act is amended by replacing the words “by petition to the Government, and forward such petition” in the second and third lines of subsection 1 by the words “apply to the Government for approval of the plans and specifications. The application must be forwarded”.

643. Section 59 of the said Act is amended by replacing the words “by petition to the Government, and forward such petition” in the second line by the words “apply to the Government for approval of the plans and specifications. The application must be forwarded”.

644. Section 65 of the said Act is amended by replacing the word “petition” in the second line of the first paragraph by the word “application”.

645. Section 74 of the said Act is amended by replacing the words “by petition to the Government, and forward such petition” in the second line by the words “apply to the Government for approval of the plans and specifications. The application must be forwarded”.

ACT RESPECTING THE LAND REGIME IN THE JAMES BAY AND
NEW QUÉBEC TERRITORIES

646. Section 45 of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1) is amended by replacing the words “Expropriation Division of the Court of Québec” by the words “Administrative Tribunal of Québec”.

647. Section 137 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” by the words “Administrative Tribunal of Québec”.

648. Section 191.29 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” by the words “Administrative Tribunal of Québec”.

SUPPLEMENTAL PENSION PLANS ACT

649. Section 28 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is amended by replacing the words “submit their views” in the second line by the words “present observations”.

650. Section 32 of the said Act is amended by replacing the words “submit their views” in the second line of the second paragraph by the words “present observations”.

651. Section 184 of the said Act is amended

(1) by replacing the words “submit their views” in the third and fourth lines by the words “present observations”;

(2) by replacing the words “obtaining their views” in the fifth line by the words “giving them such an opportunity”.

652. Section 187 of the said Act is amended by replacing the words “submit his or its views” in the fourth line of the first paragraph by the words “present observations”.

653. Section 188 of the said Act is amended by replacing the words “submit their views” in the fourth line of the second paragraph by the words “present observations”.

654. Section 199 of the said Act is amended by replacing the words “its views” in the third line of the third paragraph by the word “observations”.

655. Section 203 of the said Act is amended

(1) by replacing the words “submit representations” in the second line of subparagraph 4 of the first paragraph by the words “present observations”;

(2) by replacing the words “submit their views to the committee in writing” in the fourth and fifth lines of the second paragraph by the words “present observations in writing to the committee”.

656. Section 205 of the said Act is amended by replacing the words “make representations” in the second and third lines of the first paragraph by the words “present observations”.

657. The heading of Chapter XIV of the said Act is amended by adding, at the end, the words “AND PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

658. Section 241 of the said Act is amended

(1) by replacing the words “on its own initiative or at the request of any interest” in the first line of the first paragraph by the words “at the request of any interested”;

(2) by striking out the words “or by any person or committee exercising a delegated power” in the second and third lines of the first paragraph;

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

“The application for review must be made in writing, within 60 days of notification of the contested decision or order, and must state briefly the grounds on which it is based.

The Régie may extend the 60-day time limit or relieve a person of the consequences of failing to comply with it if it is shown that the application for review cannot or could not, for a valid reason, be made within the prescribed time.

The application for review suspends execution of the contested decision or order, unless the Régie orders provisional execution where so justified by circumstances.”

659. Section 242 of the said Act is replaced by the following section:

“**242.** The Régie shall dispose of the application for review without delay and after giving all interested persons an opportunity to present observations.

The decision of the Régie must state the grounds on which it is based and be notified in writing to the interested persons.”

660. Section 243 of the said Act is replaced by the following section:

“**243.** A review decision rendered by the Régie may, within 30 days of notification of the decision, be contested before the Administrative Tribunal of Québec.”

661. Section 244 of the said Act is amended by replacing the words “rules of proof and procedure” in the first line of subparagraph 13 of the first paragraph by the word “procedure”.

662. Section 254 of the said Act is amended by replacing the words “in a matter upon which a decision must be rendered by the Régie” in the first and second lines of the first paragraph by the words “for the purposes of a decision”.

663. Section 286 of the said Act is amended, in the French text, by replacing the word “affaires” in the second line of the first paragraph by the word “questions”.

664. Section 288.2 of the said Act is amended by replacing the word “cases” in the second and seventh lines by the word “applications”.

ACT RESPECTING SUPPLEMENTAL PENSION PLANS

665. Sections 14 and 15 of the Act respecting supplemental pension plans (R.S.Q., chapter R-17) are repealed.

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

“DIVISION III.1

“REVIEW AND PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

“**22.1.** The Board may, on the application of any interested person, review any decision it has rendered.

An application must be made in writing, within 60 days of notification of the contested decision, and must state briefly the grounds on which it is based.

The Board may extend the 60-day time limit or relieve a person of the consequences of failing to comply with it if it is shown that the application for review cannot or could not, for a valid reason, be made within the prescribed time.

The application for review suspends execution of the contested decision, unless the Board orders provisional execution where so justified by circumstances.

“**22.2.** The Board shall dispose of the application for review without delay and after giving all interested persons an opportunity to present observations.

The decision of the Board must state the grounds on which it is based and be notified in writing to the interested persons.

“22.3. A review decision rendered by the Board may, within 30 days of notification of the decision, be contested before the Administrative Tribunal of Québec.”

667. Section 29 of the said Act is amended by replacing the second and third paragraphs by the following paragraphs :

“The Board shall ensure compliance with this section.

Any person who believes that an amendment infringes this section may, within six months of the amendment, file a complaint with the Board to instigate an inquiry.”

ECOLOGICAL RESERVES ACT

668. Section 9 of the Ecological Reserves Act (R.S.Q., chapter R-26.1) is amended by replacing the second paragraph by the following paragraphs :

“The Minister shall, before making such a decision, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations.

The Minister may, where urgent action is required or so as to prevent irreparable damage, make such a decision without being bound by such prior obligations.

In such a case, the holder may, within the specified time, present observations to the Minister for review of the decision.”

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

669. Section 120 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended

(1) by replacing the words “Commission des affaires sociales” in the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the words “appeal from the decision before the Commission des affaires sociales” in the second paragraph by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec. A physician may also, within 150 days after filing his application and if no decision is transmitted within that time, refer the matter to the Tribunal as in the case of contestation of an unfavourable decision.”

670. Section 121 of the said Act is repealed.

PUBLIC BUILDINGS SAFETY ACT

671. The Public Buildings Safety Act (R.S.Q., chapter S-3) is amended by inserting, after section 42, the following section:

“**42.1.** The person to whom an order is notified without prior notice because, in the opinion of the inspector, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister or the inspector.”

ACT RESPECTING SAFETY IN SPORTS

672. Section 11 of the Act respecting safety in sports (R.S.Q., chapter S-3.1) is amended by replacing the words “a commissioner to sit alone at” in the first and second lines of the third paragraph by the words “one commissioner to hold”.

673. Sections 16.1, 16.2 and 16.3 of the said Act are replaced by the following section:

“**16.1.** Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised nor any injunction granted against the board or against any of its members acting in their official capacity.

A judge of the Court of Appeal may, upon a motion, annul by summary proceeding any proceeding brought or decision rendered contrary to the first paragraph.”

674. Section 16.4 of the said Act is amended

- (1) by striking out the words “for the purposes of an inquiry or a hearing”;
- (2) by inserting the words “, in the performance of their duties,” after the word “are” in the second line.

675. Section 29 of the said Act is amended by replacing the words “bring an appeal before” in the fourth and fifth lines by the words “apply for a review by”.

676. Section 38 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**38.** Before refusing to issue, cancelling or suspending a licence, the board shall notify the applicant or holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the applicant or holder at least 10 days to present observations.”

677. The heading of Chapter VI of the said Act is replaced by the following heading :

“REVIEW AND PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

678. The heading of Division I of Chapter VI of the said Act is replaced by the following heading :

“REVIEW BY THE BOARD”.

679. Section 47 of the said Act is amended by replacing the words “appeal from the decision to the board” in the second and third lines by the words “apply to the board for a review of the decision”.

680. Section 48 of the said Act is amended

(1) by replacing the words “appeal is brought by a motion” in the first line of the first paragraph by the words “application for review is”;

(2) by striking out the second paragraph.

681. Section 49 of the said Act is amended by replacing the word “appeal” in the first line by the words “application for review”.

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

“**50.** When examining a file, the board must give the applicant the opportunity to present observations.”

683. Sections 51 and 52 of the said Act are repealed.

684. Section 53 of the said Act is amended by replacing the word “party” in the second line by the words “interested person”.

685. The heading of Division II of Chapter VI of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

686. Section 53.1 of the said Act is amended by replacing the words “appeal to the Court of Québec” in the seventh line by the words “, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

687. Sections 53.2 to 53.7 of the said Act are repealed.

688. Section 55 of the said Act is amended

(1) by replacing the words “for any appeal brought before it or for any hearing it may hold” in the first and second lines of paragraph 8 by the words “applicable to the examination of questions falling within its jurisdiction”;

(2) by replacing the words “section 27” in the second line of paragraph 9 by the words “sections 27 and 47”.

ACT RESPECTING INCOME SECURITY

689. Section 43 of the Act respecting income security (R.S.Q., chapter S-3.1.1) is amended

(1) by replacing the words “to apply for a review or to file an appeal,” in the second line by the words “for applying for a review of the decision requiring payment or for contesting the review decision before the Administrative Tribunal of Québec”;

(2) by replacing the words “the Commission des affaires sociales” in the third and fourth lines by the words “that tribunal”.

690. Section 60 of the said Act is amended by replacing the words “or an appeal has been filed” in the fourth and fifth lines of the second paragraph by the words “has been filed or a proceeding has been brought before the Administrative Tribunal of Québec”.

691. Section 67 of the said Act is amended by replacing the words “his views” in the first line of the second paragraph by the word “observations”.

692. The heading of Chapter VI of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

693. Section 76 of the said Act is amended by replacing the words “his views” in the fifth line of the first paragraph by the word “observations”.

694. Section 77 of the said Act, amended by section 17 of chapter 69 of the statutes of 1995, is again amended by replacing the words “application shall be heard” in the first and second paragraphs by the words “review shall be carried out”.

695. Section 78 of the said Act is amended

(1) by replacing the words “appealed from to the Commission des affaires sociales” in the second and third lines of the second paragraph by the words “contested before the Administrative Tribunal of Québec”;

(2) by replacing the word “Commission” in the fourth line of the second paragraph by the word “Tribunal”.

696. Section 79 of the said Act is amended

(1) by replacing the words “Commission des affaires sociales” in the third line of the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the words “file an appeal” in the third line of the second paragraph by the words “contest the decision before the Administrative Tribunal of Québec”.

697. Section 81 of the said Act is amended by replacing the words “appeal therefrom to the Commission des affaires sociales within the period and according to the procedure provided for in the Act respecting the Commission des affaires sociales (chapter C-34)” in the second, third and fourth lines by the words “contest the decision before the Administrative Tribunal of Québec within 60 days of notification”.

698. Section 81.1 of the said Act, enacted by section 18 of chapter 69 of the statutes of 1995, is amended by replacing the words “Commission des affaires sociales” by the words “Administrative Tribunal of Québec”.

699. Section 82 of the said Act is amended by replacing the words “is reviewed or appealed from” in the first and second lines by the words “or a proceeding brought under section 81 against a decision reviewing such a decision is reviewed”.

700. Section 83 of the said Act is amended

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

“83. In the case of a proceeding involving the determination of benefits paid under Chapter III, the Administrative Tribunal of Québec must suspend the hearing where, at the request of the Minister of Revenue or of the person who brought the proceeding, it is established that the person, his spouse or a dependent child has served an opposition or filed an appeal in respect of an assessment under the Taxation Act (chapter I-3) for the year which is the subject of the proceeding and that such opposition or appeal may cause the amounts referred to in section 82 to vary.”;

(2) by replacing the word “appellant” in the fourth line of the second paragraph by the words “person who brought the proceeding referred to in the first paragraph”.

ACT RESPECTING INCOME SECURITY FOR CREE HUNTERS AND TRAPPERS WHO ARE BENEFICIARIES UNDER THE AGREEMENT CONCERNING JAMES BAY AND NORTHERN QUÉBEC

701. Section 31.7 of the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2) is amended by replacing the words “appeal is brought” in the second line by the words “application for a review of the decision has been brought before the general meeting”.

702. Section 31.9 of the said Act is amended by replacing the words “his views” in the second line by the word “observations”.

703. Section 31.10 of the said Act is amended by replacing the word “appeal” in the third line of the second paragraph by the words “bring an application for a review of the decision before the general meeting under section 31.12”.

704. The said Act is amended by striking out, after section 31.11, the following heading :

“DIVISION III
“APPEAL”.

705. Section 31.12 of the said Act is amended by replacing the words “appeal to” in the second line of the first paragraph by the words “bring an application for review before”.

706. Section 31.13 of the said Act is amended by replacing the words “his views” in the second line by the word “observations”.

707. Section 31.14 of the said Act is amended by replacing the words “confirm or quash a decision submitted to it” in the first and second lines of the first paragraph by the words “, following its review, confirm or quash the decision”.

708. Section 31.16 of the said Act is amended

(1) by replacing the word “appeal” in the second line of the first paragraph by the words “make an application for review”;

(2) by replacing the word “appeal” in the second line of the second paragraph by the word “application”.

709. Section 31.17 of the said Act is amended by replacing the words “confirm or quash a decision submitted to it” by the words “, following its review, confirm or quash the decision”.

710. Sections 31.18 and 31.19 of the said Act are replaced by the following :

“DIVISION III

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL
OF QUÉBEC**

“31.18. No application for review made under section 31.12 or 31.16 shall suspend the decision of the local committee or the general meeting, as the case may be.

“31.19. Every person who believes himself aggrieved by a decision of the Board under section 31.17 may contest the decision before the Administrative Tribunal of Québec in accordance with section 40.”

711. Section 39 of the said Act is amended

(1) by replacing the words “at the request” in the fourth line of the first paragraph by the words “on the application”;

(2) by replacing the word “appeal” in the first line of the fourth paragraph by the word “application”;

(3) by replacing the last sentence of the sixth paragraph by the following sentence: “It shall immediately give notice in writing to the complainant of the decision rendered, the reasons on which it is based and his right to contest the application before the Administrative Tribunal of Québec.”

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

“CHAPTER VI.1

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL
OF QUÉBEC”.**

713. Section 40 of the said Act is amended by replacing the words “appeal to the Commission des affaires sociales in accordance with the Social Affairs Commission Act (chapter C-34)” in the second, third and fourth lines by the words “, within 60 days of notification, contest the decision before the Administrative Tribunal of Québec”.

ACT RESPECTING CORRECTIONAL SERVICES

714. Section 22.9 of the Act respecting correctional services (R.S.Q., chapter S-4.01) is amended by replacing the words “be heard” in the first line by the words “present observations”.

715. Section 22.12 of the said Act is amended by replacing the words “appeal from” in the second line by the word “contest”.

716. Section 22.14.1 of the said Act is amended by replacing the words “be heard” in the first line of the second paragraph by the words “present observations”.

717. Section 23 of the said Act is amended

(1) by replacing the words “be heard and” in the third line of subparagraph 4 of paragraph *d.1* by the words “present observations and be”;

(2) by replacing the words “be heard by” in the fourth line of subparagraph 5 of paragraph *d.1* by the words “present observations to”.

ACT RESPECTING CHILDCARE CENTRES AND CHILDCARE SERVICES

718. The heading of Division V of Chapter II of the Act respecting childcare centres and childcare services (R.S.Q., chapter S-4.1) is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL
OF QUÉBEC”.

719. Section 42 of the said Act, amended by section 38 of chapter 16 of the statutes of 1996 and by section 134 of chapter 58 of the statutes of 1997, is again amended

(1) by replacing the words “appeal from the decision of the Minister to the Commission des affaires sociales” in the second and third lines of the first paragraph by the words “, within 60 days of notification of the decision of the Minister, contest the decision before the Administrative Tribunal of Québec”;

(2) by striking out subparagraphs 1, 2 and 3 of the first paragraph and the second paragraph.

720. Section 43 of the said Act, amended by section 39 of chapter 16 of the statutes of 1996 and by section 134 of chapter 58 of the statutes of 1997, is repealed.

721. Section 44 of the said Act, amended by section 40 of chapter 16 of the statutes of 1996 and by section 118 of chapter 58 of the statutes of 1997, is again amended by replacing the words “, upon summary motion, apply to the Commission des affaires sociales” in the fifth and sixth lines of the first paragraph by the words “, within 60 days of notification of the refusal, apply to the Administrative Tribunal of Québec”.

722. Section 45 of the said Act, amended by section 119 of chapter 58 of the statutes of 1997, is again amended

(1) by replacing the words “appeal from the decision to the Commission des affaires sociales” in the second and third lines of the first paragraph by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”;

(2) by striking out the second paragraph.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

723. Section 27 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing the words “apply to the Commission des affaires sociales” in the fourth and fifth lines of the first paragraph by the words “, within 60 days of the date on which the refusal was notified to him, contest the decision before the Administrative Tribunal of Québec”.

724. Section 148 of the said Act is amended

(1) by replacing the words “Commission des affaires sociales” in the first and second lines of the first paragraph by the words “Administrative Tribunal of Québec”;

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

“The motion must be presented within 60 days of the date on which the results of the election are known.

On receipt of the motion, the secretary of the Tribunal shall send a copy to the person against whom the proceedings are brought and to the Minister of Health and Social Services. The Minister may intervene at any stage in the proceeding and in such case is a party thereto.”;

(3) by replacing the word “Commission” in the first line of the second paragraph by the word “Tribunal”;

(4) by replacing the word “Commission” in the first line of the third paragraph by the word “Tribunal”.

725. Section 190 of the said Act is amended by replacing the words “Commission des affaires sociales” in the fifth and sixth lines of the second paragraph by the words “Administrative Tribunal of Québec”.

726. Section 205 of the said Act is amended by replacing the words “appeal therefrom to the Commission des affaires sociales” in the fourth and fifth lines by the words “contest the decision before the Administrative Tribunal of Québec within 60 days of the date on which the decision was notified to him”.

727. Section 218 of the said Act is amended by replacing the words “Commission des affaires sociales” in the third and fourth lines of the second paragraph and in the third line of the third paragraph by the words “Administrative Tribunal of Québec”.

728. Section 252 of the said Act is amended

(1) by replacing the words “appeal therefrom to the Commission des affaires sociales” in the third and fourth lines of the first paragraph by the words “, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”;

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

“He may also apply to the Tribunal within 60 days of the expiry of the time prescribed in section 241, as if the decision were unfavourable, if no decision on his application for appointment has been sent to him within the time prescribed in that section.”

729. Section 253 of the said Act is amended by replacing the words “appeal therefrom to the Commission des affaires sociales” in the second and third lines by the words “, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”.

730. Section 365 of the said Act is amended by replacing the words “be heard” in the last line by the words “present observations”.

731. Section 435 of the said Act, amended by section 51 of chapter 36 of the statutes of 1996, is again amended by replacing the words “also give the institutions concerned an opportunity to submit their views” in the fifth and sixth lines of the second paragraph by the words “, pursuant to section 5 of the Act respecting administrative justice (1996, chapter 54), advise the institutions concerned and give them the opportunity to present observations”.

732. Section 449 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**449.** The Minister shall, before suspending, cancelling or refusing to renew a permit, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations.”

733. Section 450 of the said Act is amended

(1) by replacing the words “appeal from the Minister’s decision to the Commission des affaires sociales” in the second and third lines by the words “contest the Minister’s decision before the Administrative Tribunal of Québec within 60 days of the date on which the decision was notified to him.”;

(2) by striking out paragraphs 1, 2 and 3.

734. Section 451 of the said Act is repealed.

735. Section 453 of the said Act is replaced by the following section :

“**453.** The person concerned by the Minister’s decision under section 452 may contest the decision before the Administrative Tribunal of Québec.

The Minister may, if no proceeding is brought within 10 days of notification of the decision and after obtaining the authorization of the Tribunal, evacuate and relocate the persons lodged in a facility referred to in section 452.

If the decision of the Minister is contested before the Tribunal, the Minister cannot act before a decision is rendered by the Tribunal.”

736. Section 460 of the said Act is amended by replacing the words “give the person concerned an opportunity to be heard and seek the advice of the regional board” in the second and third lines of the second paragraph by the words “obtain the advice of the regional board and notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice and allow the person at least 10 days to present observations”.

737. Section 494 of the said Act is amended by replacing the words “be heard” in the third line by the words “present observations”.

738. Section 517 of the said Act is amended

(1) by replacing the words “appeal to the Commission des affaires sociales from” in the first line by the words “contest before the Administrative Tribunal of Québec”;

(2) by adding, after the words “section 514”, the following: “within 60 days of the date on which the decision was notified to him”.

739. Section 530.16 of the said Act, enacted by section 1 of chapter 58 of the statutes of 1993, is amended

(1) by replacing the words “Commission des affaires sociales” in the first and second lines of the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the words “and fourth” in the first line of the second paragraph by the words “, fourth, fifth and sixth”.

740. Section 606.1 of the said Act is amended

(1) by replacing the words “Commission des affaires sociales” in the first and second lines of the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the second and third paragraphs by the following paragraph :

“A motion in contestation or annulment of an election presented under this section is deemed to be a motion presented under section 148.”;

(3) by replacing the words “and fourth” in the fourth paragraph by the words “, fourth, fifth and sixth”.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

741. Section 1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended by striking out subparagraph *r* of the first paragraph.

742. Section 7 of the said Act is amended

(1) by inserting the words “d'accès à l'information” after the word “Commission” in the third line of the sixth paragraph;

(2) by replacing the words “apply to the Commission d'accès à l'information” in the fourth and fifth lines of the sixth paragraph by the words “, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”.

743. Section 19 of the said Act is amended by replacing the words “make a request to the Commission; such request shall be dealt with in accordance with the Act respecting the Commission des affaires sociales (chapter C-34)” in the fourth, fifth and sixth lines of the second paragraph by the words “present a motion to the Administrative Tribunal of Québec”.

744. Section 24 of the said Act is amended

(1) by replacing the word “Commission” in the ninth paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the word “Commission” in the tenth paragraph by the word “Tribunal”;

(3) by replacing the word “Commission” in the eleventh paragraph by the word “Tribunal”.

745. Section 48 of the said Act is amended

(1) by replacing the word “Commission” in the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the word “Commission” in the second paragraph by the word “Tribunal”;

(3) by replacing the word “Commission” in the third paragraph by the word “Tribunal”.

746. Section 59 of the said Act is amended

(1) by replacing the word “Commission” in the first line of the first paragraph by the words “Administrative Tribunal of Québec”;

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

“The motion must be presented within 60 days of the date on which the results of the election are known.

On receipt of the motion, the secretary of the Tribunal shall send a copy to the person against whom the proceedings are brought and to the Minister of Health and Social Services. The Minister may intervene at any stage in the proceeding and in such case is a party thereto.”;

(3) by replacing the word “Commission” in the first line of the second paragraph by the word “Tribunal”;

(4) by replacing the word “Commission” in the first and second lines of the third paragraph by the word “Tribunal”.

747. Section 87 of the said Act is repealed.

748. Section 114 of the said Act is amended by replacing the word “Commission” in the seventh line of the third paragraph by the words “Administrative Tribunal of Québec”.

749. Section 121 of the said Act is amended by replacing the words “make representations” in the second line of the third paragraph by the words “present observations”.

750. Section 132 of the said Act is amended

(1) by replacing the words “appeal to the Commission” in the third line of the first paragraph by the words “, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”;

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

“He may also apply to the Tribunal within 60 days of the expiry of the time prescribed in the fourth paragraph of section 130, as if the decision were unfavourable, if no decision on his application for appointment has been sent to him within the time prescribed in that paragraph.”;

(3) by replacing the words “appeal to the Commission” in the second line of the third paragraph by the words “contest the decision before the Tribunal”.

751. Section 139.1 of the said Act is amended by replacing the words “must give the institution concerned the opportunity to make representations to him” in the second and third lines of the third paragraph by the words “shall, pursuant to section 5 of the Act respecting administrative justice (1996, chapter 54), advise the institution concerned and give it the opportunity to present its observations”.

752. The heading of subdivision 2 of Division VI of the said Act is amended by replacing the word “*appeals*” by the words “*proceeding before the Administrative Tribunal of Québec*”.

753. Section 147 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**147.** The Minister shall, before suspending, cancelling or refusing to renew a permanent permit, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations.”

754. Section 148 of the said Act is amended

(1) by replacing the words “appeal from the Minister’s decision to the Commission” in the second line by the words “contest the Minister’s decision before the Administrative Tribunal of Québec within 60 days of the date on which the decision was notified to him.”;

(2) by striking out paragraphs *a*, *b* and *c*.

755. Section 149 of the said Act is repealed.

756. Section 149.25.4 of the said Act is amended

(1) by replacing the words “its views” in the second line of the second paragraph by the word “observations”;

(2) by replacing the words “representations made” in the third line of the second paragraph by the words “observations presented”.

757. Section 162 of the said Act is amended

(1) by replacing the words “may appeal before the Commission from any” in the first line by the words “concerned by a”;

(2) by adding, at the end, the words “may, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”.

758. Section 166 of the said Act is amended

(1) by replacing the words “its point of view” in the third line of the first paragraph by the word “observations”;

(2) by replacing the words “representations the institution or the regional council has made” in the first and second lines of the second paragraph by the words “observations the institution or the regional council has presented”.

759. Section 182.1 of the said Act is replaced by the following section :

“**182.1.** The person concerned by the Minister’s decision under section 182 may contest the decision before the Administrative Tribunal of Québec.

The Minister may, if no proceeding is brought within 10 days of notification of the decision and after obtaining the authorization of the Tribunal, evacuate and relocate the persons lodged in a facility referred to in section 182.

If the decision of the Minister is contested before the Tribunal, the Minister cannot act before a decision is rendered by the Tribunal.”

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

760. Section 30.1.1 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13) is amended by replacing the word “heard” in the second line of the first paragraph by the word “examined”.

761. The heading of Division III.1 of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

762. Section 36 of the said Act is amended by replacing the words “10 days after the date of being advised of the decision, appeal the decision on any question of law by a motion to a judge of the Court of Québec, after the motion has been served on the board” in the second, third, fourth and fifth lines by the words “30 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”.

763. Sections 36.1 to 36.3 of the said Act are replaced by the following section :

“36.1. The proceeding suspends the execution of the decision of the board unless the Tribunal decides otherwise.”

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D’INFORMATION JURIDIQUE

764. Section 21 of the Act respecting the Société québécoise d’information juridique (R.S.Q., chapter S-20) is amended

(1) by replacing the words “judicial decisions rendered by the courts and quasi judicial tribunals of Québec” in the second and third lines of the first paragraph by the words “judgments rendered by the courts of justice sitting in Québec and the decisions made by persons or bodies exercising adjudicative functions in Québec”;

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

“The company shall establish, by by-law, the procedure for collecting such judgments and decisions, criteria for the selection of those to be reported as well as the manner of reporting them.”

ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

765. Section 75 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended by replacing the words “be heard” in the second line by the words “present observations”.

766. Section 123 of the said Act is amended by replacing the words “be heard” in the third line of the third paragraph by the words “present observations”.

767. Section 196 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

768. Section 233 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

769. Section 241 of the said Act is amended by replacing the words “inform the company of its intention and give it an opportunity to be heard” in the second line of the second paragraph by the words “notify the company in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the company at least 10 days to present observations”.

770. Section 247 of the said Act is amended by replacing the words “give its holder an opportunity to be heard” in the second line by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”.

771. Subdivision 3 of Division I of Chapter XVI of the said Act, comprising sections 251 to 260, is replaced by the following subdivision :

“§ 3. — *Proceeding before the Administrative Tribunal of Québec*

“**251.** Any company whose application for a licence is refused or whose licence is suspended or cancelled may contest the decision of the Inspector General before the Administrative Tribunal of Québec.

“**252.** The motion must be filed at the secretariat of the Tribunal within 30 days of notification of the contested decision to the applicant.

“**253.** Notwithstanding the second paragraph of section 15 of the Act respecting administrative justice, the Tribunal may only confirm or quash the contested decision.”

772. Section 315 of the said Act is amended

(1) by replacing the words “give the company or person contemplated in section 107 at least 15 days’ notice” in the first and second lines of the second paragraph by the words “, as prescribed by section 5 of the Act respecting administrative justice, notify the company or person contemplated in section 107 at least 15 days in advance,”;

(2) by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

773. Section 316 of the said Act is amended

(1) by replacing the words “in the hearing, the Inspector General may” in the second and third lines of the first paragraph by the words “resulting from allowing the company or any other person time to present observations, the Inspector General may, without prior notice,”;

(2) by striking out the words “without giving the company or any other person an opportunity to be heard” in the third and fourth lines of the first paragraph;

(3) by replacing the words “apply in writing to the Inspector General for a hearing” in the second and third lines of the second paragraph by the words “present observations to the Inspector General”.

774. Section 322 of the said Act is amended by replacing the words “give its opinion” in the fourth line of the first paragraph by the words “present observations”.

775. Section 341 of the said Act is amended

(1) by replacing the words “be heard” in the fourth line of the first paragraph by the words “present observations”;

(2) by replacing the words “hearing the company, provided that the company is given an opportunity to be heard” in the third and fourth lines of the second paragraph by the words “having allowed the company to present observations, provided that the company is given the opportunity to do so”.

776. Section 343 of the said Act is amended by replacing the words “be heard by” in the first line by the words “present observations to”.

ACT RESPECTING THE LANDS IN THE PUBLIC DOMAIN

777. Section 45.5 of the Act respecting the lands in the public domain (R.S.Q., chapter T-8.1) is amended by replacing the words “make representations” in the second line of the fifth paragraph by the words “present observations”.

778. Section 66 of the said Act is amended by replacing the words “make representations” in the third and fourth lines of the third paragraph by the words “present observations”.

MARINE PRODUCTS PROCESSING ACT

779. Section 15 of the Marine Products Processing Act (R.S.Q., chapter T-11.01) is amended by replacing the words “giving the applicant an opportunity to be heard” in the second line of the second paragraph by the words “advising the applicant, as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54), and giving him the opportunity to present observations”.

780. Section 19 of the said Act is amended by replacing the words “giving the holder of a permit an opportunity to be heard” in the first and second lines by the words “notifying the holder of a permit in writing as prescribed by section 5 of the Act respecting administrative justice and allowing him at least 10 days to present observations”.

781. The heading of Division IV of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL
OF QUÉBEC”.

782. Section 22 of the said Act is amended

(1) by replacing the words “An appeal lies from the decision of the Minister to the Court of Québec, on any question of law or jurisdiction” in the first and second lines by the words “Any decision of the Minister may be contested before the Administrative Tribunal of Québec within 30 days of notification”;

(2) by adding the following paragraph:

“When assessing the facts or the law, the Tribunal may not substitute its assessment of the public interest for the assessment thereof made by the Minister before making his decision.”

783. Sections 23 to 29 of the said Act are repealed.

ACT RESPECTING TRANSPORTATION BY TAXI

784. Section 25 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended by replacing the words “giving the permit holder an opportunity to be heard” in the second and third lines of the second paragraph by the words “notifying the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allowing him at least 10 days to present observations”.

785. Section 32 of the said Act is amended by replacing the words “giving the offender an opportunity to be heard” in the second line by the words “notifying the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice and allowing him at least 10 days to present observations”.

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

“**39.0.1.** The Commission may suspend or cancel a permit under section 33.1 or 37 only after notifying the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice and allowing him at least 10 days to present observations”.

787. Section 68 of the said Act is amended

(1) by replacing the word “practice” in the first line of the third paragraph by the word “procedure”;

(2) by replacing the figure “5” in the second line of the third paragraph by the figure “48”.

788. The said Act is amended by inserting, after section 68, the following:

“CHAPTER IV.1

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

“**68.1.** Any decision of the Commission may be contested before the Administrative Tribunal of Québec by the person to whom the decision applies, an opponent or the Attorney General within 30 days following the date on which the decision takes effect.

“68.2. The Attorney General may, *ex officio* and without notice, take part in a hearing as if he were party thereto.

“68.3. When assessing the facts or the law, the Tribunal may not substitute its assessment of the public interest for the assessment thereof made by the Commission before making its decision pursuant to this Act or the regulations.”

789. Section 116.1 of the said Act is amended by striking out the words “and appeal” in the fourth line.

TRANSPORT ACT

790. Section 1 of the Transport Act (R.S.Q., chapter T-12) is amended by striking out subparagraph *l* of the first paragraph.

791. Section 5 of the said Act, amended by section 2 of chapter 52 of the statutes of 1995, is again amended

(1) by striking out the words “make the rules of practice and the rules for the internal management of the Commission, after consulting it,” in the first and second lines of paragraph *k*;

(2) by striking out the words “for the matters submitted” in the third line of paragraph *k*.

792. Section 17 of the said Act is repealed.

793. Section 17.1 of the said Act is replaced by the following section:

“17.1. The quorum of the Commission is five members including the president, who may designate a member to replace him.

However, an individual decision may be made by a member acting alone and a review decision may be made by three members.”

794. Section 17.2 of the said Act is amended

(1) by replacing the words “which has not been appealed from to the Court of Appeal” in the second and third lines by the words “in respect of which no proceeding has been brought before the Administrative Tribunal of Québec”;

(2) by replacing the words “prevented from being heard” in the second line of paragraph 2 by the words “unable to present observations”.

795. Section 17.3 of the said Act is amended by replacing the words “is made in practice division by way of a motion setting out the reasons on which it is based filed” in the first and second lines by the words “must give the reasons therefor and be notified to the Commission”.

796. Section 17.4 of the said Act is amended

(1) by replacing the words “practice division” in the first line by the word “Commission”;

(2) by replacing the words “division orders provisional execution” in the second and third lines by the words “Commission decides otherwise”;

(3) by striking out the words “or in the cases provided for in the second paragraph of section 23” in the third and fourth lines.

797. Section 17.5 of the said Act is repealed.

798. Section 17.8 of the said Act is amended by replacing the words “hear and decide an uncontested” in the second and third lines of the first paragraph by the words “decide, where there is no opposition, a”.

799. Section 24 of the said Act is amended by replacing the words “plenary sessions of the Commission, public hearings, sittings and hearings in the practice division” in the first and second lines by the words “Commission which are”.

800. Section 25 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The members of the Commission are in that respect subject to the supervision, orders and control of the president of the Commission.”

801. Section 27 of the said Act is replaced by the following section:

“**27.** Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the Commission or against any of its members acting in their official capacity.

A judge of the Court of Appeal may, upon a motion, annul by a summary proceeding any proceeding brought or decision rendered contrary to the first paragraph.”

802. Section 28 of the said Act is amended by replacing the words “the duties, costs and expenses” in the first line of the first paragraph by the words “duties and costs”.

803. Section 34 of the said Act is amended

(1) by replacing the word “parties” in the first line of the third paragraph by the words “persons concerned”;

(2) by replacing the words “be heard” in the second line of the third paragraph by the words “present observations”.

804. Section 34.1 of the said Act is amended by replacing the word “practice” in the first line of the first paragraph by the word “procedure”.

805. Section 35 of the said Act is amended

(1) by inserting the words “prohibit the carrier from operating any vehicle designated by the Commission and” after the word “may” in the second line of the first paragraph ;

(2) by replacing the words “any vehicle it designates” in the third and fourth lines of the first paragraph by the words “that vehicle” ;

(3) by replacing the words “giving the carrier a notice of the delay within which he may be heard” in the first and second lines of the second paragraph by the words “notifying the carrier in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allowing the carrier at least 10 days to present observations” ;

(4) by replacing the words “is not heard within such delay” in the second and third lines of the second paragraph by the words “does not present observations within that time” ;

(5) by replacing the word “hear” in the third line of the second paragraph by the words “receive the observations of”.

806. Section 37.2 of the said Act is amended by replacing the words “give the permit holder a prior opportunity to be heard” in the first and second lines of the second paragraph by the words “, before doing so, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the permit holder at least 10 days to present observations”.

807. Section 37.3 of the said Act is amended, in the French text, by replacing the word “introduite” in the second line of the first paragraph by the word “présentée”.

808. Section 40.1 of the said Act is amended

(1) by replacing the words “hearing the proof and giving the person concerned by a change, suspension or revocation of his permit or a withdrawal of his registration plate or certificate an opportunity to be heard” in the second, third and fourth lines by the words “first having notified in writing the person concerned by the permit modification, suspension or revocation or the registration plate or certificate withdrawal” ;

(2) by adding, at the end, the words “, as prescribed by section 5 of the Act respecting administrative justice and having allowed the person at least 10 days to present observations”.

809. Section 42.2 of the said Act is amended by replacing the words “act before” in the first line by the words “make representations to”.

810. Section 44 of the said Act is amended by replacing the words “this notice brings the matter before the Commission, and it” in the fourth and fifth lines of the first paragraph by the words “in such case, the Commission”.

811. Section 46 of the said Act is amended, in the French text, by replacing the word “requérant” in the second line by the word “demandeur”.

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

“**48.** The Commission may adopt rules of procedure and rules of internal management.”

813. Section 48.3 of the said Act is amended by replacing the words “act before the Commission” in the first line of subparagraph 4 of the second paragraph by the words “make representations to the Commission”.

814. Division VII of the said Act, comprising sections 51 to 56, is replaced by the following division :

“DIVISION VII

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

“**51.** Any decision of the Commission may be contested before the Administrative Tribunal of Québec by the person concerned, a person objecting thereto or the Attorney General within 30 days of the date on which the decision becomes executory.

“**52.** The Attorney General may, by virtue of his office and without notice, take part in a hearing of the Tribunal as if he were a party thereto.

“**53.** The Tribunal shall not, unless there has been an error of law or a significant error of fact in the contested decision, reevaluate the assessment that the Commission made of the principles, criteria or discretionary factors the Commission was required to take into account in making its decision.”

COURTS OF JUSTICE ACT

815. Section 80 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by striking out the second paragraph.

ACT RESPECTING THE USE OF PETROLEUM PRODUCTS

816. Section 16 of the Act respecting the use of petroleum products (R.S.Q., chapter U-1.1) is amended

(1) by replacing the words “give the holder an opportunity to be heard” in the second line of the first paragraph by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the holder at least 10 days to present observations”;

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

“The Minister may, where urgent action is required or there is a danger of irreparable damage being caused to persons, property or the environment, suspend a permit or a registration certificate without being bound by the requirements prescribed by this section.

In such a case, the holder may, within 10 days of notification of the decision, present observations to the Minister for review of the decision.”

817. The heading of Division II of Chapter II of the said Act is replaced by the following heading :

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

818. Section 19 of the said Act is amended by replacing the words “appeal to the Court of Québec from” in the first line by the words “contest before the Administrative Tribunal of Québec, within 30 days of notification of the decision,”.

819. Section 20 of the said Act is amended

(1) by replacing the word “appeal” in the first line by the word “proceeding”;

(2) by replacing the word “court” in the second line by the word “Tribunal”.

820. Sections 21 to 26 of the said Act are repealed.

821. Section 77 of the said Act is amended by striking out “, 22” in the second line.

ACT RESPECTING ROADS

822. Section 27 of the Act respecting roads (R.S.Q., chapter V-9) is amended

(1) by replacing the words “Expropriation Division of the Court of Québec” in the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the word “It” in the first line of the second paragraph by the words “The Tribunal”.

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT
DE LA VILLE DE LAVAL

823. Section 124 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended

(1) by replacing the words “appear before a judicial, quasi-judicial or administrative court to make or have made” in the first and second lines of the first paragraph by the words “submit to any administrative body”;

(2) by striking out the words “of the hearing” in the first line of the second paragraph.

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT
DE LA RIVE SUD DE MONTRÉAL

824. Section 151 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is amended

(1) by replacing the words “appear before a judicial, quasi-judicial or administrative court to make or have made” in the first and second lines of the first paragraph by the words “submit to any administrative body”;

(2) by striking out the words “the hearing of” in the first line of the second paragraph.

ACT TO AMEND THE ACT RESPECTING THE RÉGIE DES ALCOOLS,
DES COURSES ET DES JEUX AND VARIOUS ACTS CONCERNING
THE ACTIVITIES UNDER ITS SUPERVISION

825. Section 29 of the Act to amend the Act respecting the Régie des alcools, des courses et des jeux and various Acts concerning the activities under its supervision (1993, chapter 71) is amended by replacing the words “hear and decide any dispute contemplated” in paragraph 3 by the words “settle any dispute referred to” and by replacing, in the French text, the words “dont ils sont saisis” in paragraph 3 by the words “qui leur est soumise”.

ACT RESPECTING PRESCRIPTION DRUG INSURANCE AND
AMENDING VARIOUS LEGISLATIVE PROVISIONS

826. Section 68 of the Act respecting prescription drug insurance and amending various legislative provisions (1996, chapter 32) is amended by replacing the words “appeal to the Commission des affaires sociales within 30” by the words “contest the decision before the Administrative Tribunal of Québec within 60”.

827. Section 70 of the said Act is amended by replacing the words “the expiry of the period of appeal provided for in section 68 or, if an appeal is filed, before the Commission” by the words “the period for bringing a proceeding under section 68 has expired or, if the decision is contested before the Tribunal, before the Tribunal”.

ACT RESPECTING THE RECONSTRUCTION AND REDEVELOPMENT
OF AREAS AFFECTED BY THE TORRENTIAL RAINS OF 19 AND
20 JULY 1996 IN THE SAGUENAY–LAC-SAINT-JEAN REGION

828. Section 18 of the Act respecting the reconstruction and redevelopment of areas affected by the torrential rains of 19 and 20 July 1996 in the Saguenay–Lac-Saint-Jean region (1997, chapter 60) is amended by adding the following paragraph :

“For the purposes of the Act respecting administrative justice, including the transitional rules prescribed by the Act respecting the implementation of the Act respecting administrative justice (1997, chapter 43), any proceeding under section 13 of this Act shall be considered to be a proceeding under the Expropriation Act.”

TRANSITIONAL PROVISIONS

829. The new law, whether it be the Act respecting administrative justice (1996, chapter 54) or this Act, applies immediately to all legal situations it covers, subject to the following provisions.

830. Where the new law lengthens a prescribed period of time, the new period applies to existing situations and account is taken of the time already elapsed.

Where it shortens a prescribed period, the new period applies, but begins to run from the coming into force of the new law. However, the period prescribed in the former law is maintained where it would in fact be extended if the new period was applied.

Where a period of time not prescribed in the former law is introduced by the new law and begins with an event which occurred before the coming into force of the new law, the period, if not already expired, runs from the coming into force of the new law.

831. Where, according to the former law, a decision was to be made by a person or body upon completion of a public hearing and the making of the decision is, under the Act respecting administrative justice, the exercise of an administrative function, the former rules of procedure are applicable to the hearing if, on the date of coming into force of the new law, the decision has not been made and the citizen has been called to, or informed of the date fixed for, the hearing.

832. Where a new proceeding is created before the Administrative Tribunal of Québec to contest a decision made in the exercise of an administrative function, the proceeding may be brought even if the decision was made before the coming into force of the new proceeding, if the time limit specified under the new law for bringing the proceeding has not expired. The time limit runs from the date of the decision.

Where a review or appeal before a tribunal of the judicial branch was provided by law to contest a decision made in the exercise of an administrative function, the proceeding is maintained in respect of a decision made before the coming into force of the new law, if the time limit specified under the former law for bringing the proceeding has not expired.

833. All proceedings already before the Commission des affaires sociales, the Commission d'examen des troubles mentaux and the Bureau de révision en immigration shall be continued before the social affairs division of the Administrative Tribunal of Québec; all proceedings already before the Bureau de révision de l'évaluation foncière du Québec and the Tribunal d'appel en matière de protection du territoire agricole shall be continued before the immovable property division and before the territory and environment division, respectively, of the Administrative Tribunal of Québec.

All proceedings already before the Commission municipale du Québec in matters relating to real estate or business tax exemptions and to the environment shall be continued before the immovable property division and before the territory and environment division, respectively, of the Administrative Tribunal of Québec. The same applies to proceedings already before the Régie des marchés agricoles et alimentaires du Québec in matters relating to compensation or refund of real estate taxes.

However, all proceedings the hearing of which is already commenced shall be continued before the Commission municipale or the Régie, as the case may be, unless the parties give their consent to a new hearing before the Administrative Tribunal of Québec, or the parties agree to continue the hearing before the Tribunal and, as regards oral evidence already produced, agree to rely on the notes and minutes of the hearing or, where applicable, on the stenographer's notes or the recording of the proceedings.

The persons responsible for the management of the records of the Commission municipale or of the Régie des marchés agricoles et alimentaires are required to send the relevant records to the secretary of the Tribunal within 60 days after the coming into force of the new law.

834. Sections 246, 250 to 256, 284, 292, 293 and 303 take effect on 1 January 1998. However, they apply before that date, in respect of rolls coming into force on 1 January 1998, where a correction to the roll is proposed or where the accuracy, the presence or the absence of an entry on a real estate assessment roll or roll of rental values is contested.

Until the provisions referred to in the first paragraph of this section and in the first paragraph of section 70 of chapter 67 of the statutes of 1996 take effect, the complaints shall be filed with the immovable property division of the Administrative Tribunal of Québec which will consider them in the same manner as a motion brought before the Tribunal.

835. All proceedings already before the Court of Québec, and all proceedings already before the Expropriation Division of that court in respect of which the clerk of the Division has forwarded a notice of proof and hearing and the hearing of which has begun, shall be continued before that court or that division according to the former provisions, and, insofar as such provisions or the Code of Civil Procedure provide therefor, an appeal lies from all decisions made.

836. The rules of evidence and procedure applicable before the Administrative Tribunal of Québec, including the provisions governing introductory and preliminary procedures, conciliation, pre-hearing conferences or hearings, shall apply, according to the state of the records, to all proceedings that, on the date of coming into force of the new law, had already been brought and are to be continued before the Tribunal.

Where the parties or the interested persons have already been called to the hearing, the former rules of evidence and procedure continue to apply to the proceedings, unless the parties agree to apply the new rules.

Where the hearing of a matter is already commenced before the Commission des affaires sociales, the Commission d'examen des troubles mentaux, the Bureau de révision en immigration, the Bureau de révision de l'évaluation foncière or the Tribunal d'appel en matière de protection du territoire agricole, the hearing shall be continued before the same members; however, if the member who was seized of the matter ceases to be a member, section 55 of the Act respecting administrative justice applies to him.

837. Until the procedural rules come into force under section 109 of the Act respecting administrative justice, the former rules of procedure that applied before the bodies that have been abolished or before the courts of justice or bodies in the matters assigned to the Administrative Tribunal of Québec shall continue to apply as suppletive provisions, but only insofar as such rules are compatible with the new law.

Until the coming into force of the regulation under section 92 of the Act respecting administrative justice, the former regulations determining the tariff of the administrative fees, professional fees and other charges attached to proceedings continue to be applicable to proceedings brought before the Administrative Tribunal of Québec.

Until that date, the amount to be paid at the same time as an application for review under the first paragraph of section 263.2 of the Act respecting municipal taxation shall not exceed the amount to be paid at the same time as

the filing of a complaint under the Regulation respecting the payment required at the time of the filing of a complaint with the Bureau de révision de l'évaluation foncière du Québec made under paragraph 8 of section 262 of the said Act.

Moreover, until they are replaced, the real estate and rental values fixed by the Regulation respecting classes of complaints relating to a real estate assessment roll or a roll of rental values, enacted by Order in Council 1202-89 of 16 July 1989, determine the application of the rules provided for in section 148.3 of the Act respecting municipal taxation or in section 33, 85 or 135 of the Act respecting administrative justice (1996, chapter 54).

838. The Administrative Tribunal of Québec may, in proceedings continued before it, set aside the evidentiary provisions of the new law and apply those of the former law if it considers that the application of the new provisions would cause prejudice to a party.

839. Section 146 of the Act respecting administrative justice applies to all proceedings continued before the Administrative Tribunal of Québec, and the time limit of three months for advisement runs from the coming into force of that section.

840. The right of appeal provided by the former law in respect of decisions of the Bureau de révision de l'évaluation foncière or the Tribunal d'appel en matière de protection du territoire agricole or in respect of decisions of the Commission municipale in relation to matters assigned to the Administrative Tribunal of Québec shall continue to be exercisable as regards proceedings the hearing of which is already commenced or proceedings already decided upon the coming into force of the new law if the time for appeal has not expired, despite the fact that the new law does not recognize such right of appeal.

841. The presidents, vice-presidents, members and assessors of the Commission des affaires sociales, of the Commission d'examen des troubles mentaux and of the Bureau de révision en immigration shall become, from the coming into force of the new law, members of the Administrative Tribunal of Québec, without administrative duties, and shall be assigned to the social affairs division.

The presidents, vice-presidents and members of the Bureau de révision de l'évaluation foncière and of the Tribunal d'appel en matière de protection du territoire agricole shall become members of the Tribunal, without administrative duties, and shall be assigned to the immovable property division and to the territory and environment division, respectively.

The assessors of the Expropriation Division of the Court of Québec shall become members of the Tribunal, and shall be assigned to the immovable property division; they may continue to sit in the Expropriation Division to complete any cases pending in which they have been called upon to sit.

Such assignments may, within three months after the coming into force of the new law, be modified by the Government to meet the needs of the Tribunal, after consultation with the president and the member involved.

842. The qualifications required by law, particularly as regards the 10 years' experience pertinent to the exercise of the functions of the Administrative Tribunal of Québec, shall not be required of persons who become members of the Tribunal pursuant to section 841, even upon a subsequent renewal of their appointment, as long as they remain members of the Tribunal.

843. The five-year term provided for in section 46 of the Act respecting administrative justice shall not extend to any terms of office of a fixed duration that are in progress, which shall continue until their appointed expiry. The duration of terms of an unfixed duration that are in progress shall be fixed, before section 48 of the Act respecting administrative justice applies, at 10 years from the coming into force of the new law.

844. The renewal procedure provided for in sections 48 and 49 of the Act respecting administrative justice applies to persons who become members of the Administrative Tribunal of Québec pursuant to section 841 and who, on the day before the coming into force of the new law, held office notwithstanding the expiry of their term in a body that has been abolished; the three-month time limit in section 48, however, shall begin to run upon the expiry of at least six months and not more than twelve months from the coming into force of this Act.

The three-month time limit shall begin to run in the same manner in the case of the renewal of the terms of the persons who become members of the Tribunal pursuant to section 841 and whose terms expire within six months after the coming into force of the new law.

845. The persons who become members of the Administrative Tribunal of Québec pursuant to section 841 shall continue to receive the remuneration they received before the coming into force of the new law; if the remuneration they receive is greater than that provided for in the regulation, they shall continue to receive their former remuneration until parity is reached, notwithstanding the coming into force of a regulation respecting remuneration and other conditions of employment.

Until the coming into force of the regulation under section 56 of the Act respecting administrative justice, the remuneration and other conditions of employment of the persons who become members of the Tribunal after the coming into force of the new law shall be fixed by the Government.

846. Social benefits other than the pension plans and the other conditions of office of the members, as they existed before the coming into force of the new law, shall continue to apply until the coming into force of a regulation respecting remuneration and other conditions of office.

847. In addition to the exclusion under paragraph 7 of section 4 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), such plan does not apply to a member of the Administrative Tribunal of Québec who is entitled to a compensation in lieu of membership in the plan and to whom section 59 of the Act respecting administrative justice would apply, as long as the member remains entitled to such compensation.

848. Every person who becomes a member of the Administrative Tribunal of Québec pursuant to section 841 and every person referred to in section 853 shall, within 60 days, take the oath provided in section 68 of the Act respecting administrative justice.

849. Section 71 of the Act respecting administrative justice shall not operate to prevent any person who becomes a member of the Administrative Tribunal of Québec pursuant to section 841 from continuing to exercise, for six months from the date of coming into force of that provision, any functions that he was authorized by law to exercise before that date.

850. Until the code of ethics applicable to the members of the Administrative Tribunal of Québec is established in accordance with section 180 of the Act respecting administrative justice and has come into force, the members are required to fulfil the following duties, and any breach may give rise to a complaint against them.

The members shall duly execute their office, and shall avoid placing themselves in any situation that would adversely affect such execution; the conduct of the members shall be fully compatible with the requirements of honour, dignity and integrity that attach to the exercise of adjudicative functions.

851. Unless otherwise indicated by the context, in any Act and in any regulation, by-law, order in council or order or juridical act, a reference to the Commission des affaires sociales, the Commission d'examen des troubles mentaux, the Bureau de révision en immigration, the Expropriation Division of the Court of Québec, the Bureau de révision de l'évaluation foncière or the Tribunal d'appel en matière de protection du territoire agricole is a reference to the Administrative Tribunal of Québec. The same applies to references to the Commission municipale, the Régie des marchés agricoles et alimentaires or the Court of Québec as regards matters assigned to the Tribunal under the new law.

852. The Administrative Tribunal of Québec shall continue the Commission des affaires sociales, the Commission d'examen des troubles mentaux, the Bureau de révision en immigration, the Bureau de révision de l'évaluation foncière and the Tribunal d'appel en matière de protection du territoire agricole; the members of the personnel of those bodies shall become, to the extent determined by the Government, members of the personnel of the Tribunal, and the records, documents and archives of those bodies shall become the records, documents and archives of the Tribunal.

The appropriations allocated in a department to the programs of each of those bodies or the sums put at their disposal by another body shall, to the extent and subject to the terms and conditions determined by the Government, be transferred to the fund of the Tribunal established by section 97 of the Act respecting administrative justice.

853. For the first application of section 61 of the Act respecting administrative justice, the Government shall designate the president and the vice-presidents, in the number it determines, from among the persons who are to become members of the Administrative Tribunal of Québec pursuant to section 841.

Until 1 December 1997, the functions of the president and the vice-presidents, in addition to the functions that they may continue to exercise in the body where they formerly held office, shall be to prepare the implementation of Title II of the Act respecting administrative justice and of the transitional provisions; they shall be vested with all the necessary powers therefor.

Until 1 December 1997, the sums required for the remuneration and other conditions of employment of those persons shall be paid by the bodies of which they were members; the sums required for the remuneration and other conditions of employment of the personnel shall, before that date, be taken out of the appropriations granted to the Ministère de la Justice.

854. For the first application of sections 167 and 168 of the Act respecting administrative justice, the members referred to in paragraph 3 of section 167 shall be chosen from among the persons who are to become members of the Administrative Tribunal of Québec pursuant to section 841 and after consultation with those persons in office at that time.

The functions of the Conseil de la justice administrative thus established shall be, until 1 December 1997, to prepare the implementation of Title III of the Act respecting administrative justice; it shall be vested with all the necessary powers therefor.

The sums required for the purposes of this section shall be taken out of the appropriations granted to the Ministère de la Justice.

855. All proceedings already before the appeals committee in matters of language of instruction, established pursuant to section 83 of the Charter of the French language (R.S.Q., chapter C-11), shall be continued before the review committee established under section 83 of that Act, as amended by section 147 of this Act.

The members of the appeals committee shall, upon the coming into force of the new law, become members of the review committee.

856. All applications already before the Régie des alcools, des courses et des jeux under paragraph 2 of section 25 of the Act respecting the Régie des

alcools, des courses et des jeux with respect to the awarding of prizes under a publicity contest, on the coming into force of section 25.1 of that Act enacted by section 568 of this Act, shall be continued before the Régie des alcools, des courses et des jeux if the parties consent thereto.

857. The ten years' experience pertinent to the exercise of the functions of the Régie du logement shall not, upon a subsequent renewal, be required of the commissioners who are in office on the date of coming into force of section 603 of this Act, which enacts section 7 of the Act respecting the Régie du logement, for as long as they remain in office.

858. The five-year term provided for by section 7.4 of the Act respecting the Régie du logement, replaced by section 603 of this Act, shall not apply to terms of office of a fixed duration that are in progress, which shall continue until their appointed expiry.

859. The renewal procedure provided for by sections 7.6 and 7.7 of the Act respecting the Régie du logement, replaced by section 603 of this Act, shall apply to commissioners who, on the day before the coming into force of section 603 of this Act, held office notwithstanding the expiry of their term. The three-month time limit fixed in the said section 7.6, however, shall run from the expiry of at least six months and not more than 12 months from the coming into force of section 603.

The three-month time limit shall begin to run in the same manner in the case of the renewal of the terms of office of commissioners whose terms expire within six months after the coming into force of section 603.

860. Notwithstanding the coming into force of a regulation respecting remuneration and other conditions of office made under section 7.14 of the Act respecting the Régie du logement, enacted by section 603 of this Act, if the remuneration the commissioners receive is greater than that provided for by regulation, they shall continue to receive their former remuneration until parity is reached.

Until the coming into force of the regulation under section 7.14 of the Act respecting the Régie du logement, enacted by section 603 of this Act, the remuneration and other conditions of employment applicable to persons who become commissioners after the coming into force of section 603 shall be fixed by the Government.

861. The social benefits other than the pension plan, and the other conditions of office of the commissioners, as they stood before the coming into force of section 603 of this Act, which enacts section 7.14 of the Act respecting the Régie du logement, shall remain applicable to them until the coming into force of a regulation respecting remuneration and other conditions of office made under the said section 7.14.

862. In addition to the exclusion pursuant to paragraph 7 of section 4 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), such plan does not apply to a commissioner of the Régie du logement who is entitled to a compensation in lieu of membership in the plan and to whom section 7.17 of the Act respecting the Régie du logement, enacted by section 603 of this Act, would apply, as long as the member remains entitled to such compensation.

863. Every commissioner of the Régie du logement shall, within 60 days after the coming into force of section 606 of this Act, which enacts section 9.6 of the Act respecting the Régie du logement, take the oath provided in the said section 9.6.

864. In addition to the rules of the code of ethics established by Order in Council 1060-85 dated 5 June 1985 and currently applicable to the commissioners of the Régie du logement, the commissioners are required to fulfil the following duties until such time as that code of ethics is replaced by a code of ethics adopted under section 8.1 of the Act respecting the Régie du logement, enacted by section 605 of this Act.

The commissioners shall duly execute their office, and shall avoid placing themselves in any situation that would adversely affect such execution; the conduct of the commissioners shall be fully compatible with the requirements of honour, dignity and integrity that attach to the exercise of adjudicative functions.

Any breach of the duties described in the second paragraph may give rise to a complaint against a commissioner.

865. Section 58 of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, chapter 27) is amended as follows:

(1) by replacing the words “six months” at the end by the words “not less than six months and not more than 12 months”;

(2) by adding the following paragraph:

“The three-month time limit shall begin to run in the same manner in the case of the renewal of the terms of office of the persons who have become commissioners of the Commission des lésions professionnelles pursuant to section 57 of this Act and whose terms expire within six months after the coming into force of this section.”

866. The said Act is amended by inserting, after section 58, the following section:

“**58.1.** The Government shall, after consulting the Conseil consultatif du travail et de la main-d’oeuvre, designate the first president of the Commission

des lésions professionnelles and the first vice-presidents, in the number it determines, from among the persons who are to become commissioners of the Commission des lésions professionnelles pursuant to sections 57 and 58 of this Act.

The functions of the president and the vice-presidents, in addition to the functions that they may continue to exercise in the body where they formerly held office, shall be to prepare the implementation of Chapter XII of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), as replaced by section 24 of this Act; they shall be vested with all the necessary powers therefor. The Commission des lésions professionnelles is considered to be established for the purposes of this section.

Until section 24 of this Act has come into force, the sums required to provide for the remuneration and other conditions of employment of such persons shall be taken out of the fund of the Commission d'appel en matière de lésions professionnelles established under section 394 of the Act respecting industrial accidents and occupational diseases; the same applies in respect of the sums required to provide for the remuneration and other conditions of employment of the personnel until that date."

867. Section 64 of the said Act is amended

- (1) by striking out the second paragraph;
- (2) by adding the following paragraph:

"Until the regulation under section 402 of the Act respecting industrial accidents and occupational diseases, as replaced by section 24 of this Act, has come into force, the remuneration and other conditions of employment of the persons who become members of the Commission des lésions professionnelles after the coming into force of section 385 of the Act respecting industrial accidents and occupational diseases, as replaced by section 24 of this Act, shall be fixed by the Government."

FINAL PROVISIONS

868. Section 25 of the Act respecting administrative justice (1996, chapter 54) is amended

- (1) by inserting the figure "2.2," after the figure "2," in the first line of the first paragraph;
- (2) by inserting the figure "2.3" after the word "paragraphs" in the first line of the third paragraph;
- (3) by adding, at the end, the following paragraph:

"Proceedings referred to in paragraphs 2.1 and 5.1 of section 3 of Schedule I shall be heard and determined by a panel of two members, one of whom shall

be an advocate or notary and the other, a person well-acquainted with the field of education.”

869. Section 82 of the said Act is amended by adding, at the end, the following paragraphs :

“He may also, where he considers it necessary in order to avoid delays in the hearing of proceedings by the Tribunal, form a panel of only one member to hear and determine the proceedings he determines and which, by reason of their nature and the facts, do not raise particular difficulties and do not require a second expert opinion.

In all cases, one member only is called to sit where measures relating to the management of proceedings or matters incidental thereto are to be determined.

Mention of the decisions of the president modifying the panels formed under Chapter II shall be made in the annual report.”

870. The said Act is amended by striking out, before section 199, the following :

“CHAPTER VI”.

871. Schedule I to the said Act is amended

(1) by inserting the words “education and road safety” after the words “social services,” in the first paragraph of section 3 ;

(2) by adding the following paragraphs in section 3 :

“(2.1) proceedings under section 83.4 of the Charter of the French language (chapter C-11);

“(2.2) proceedings under paragraph 1 of section 560 of the Highway Safety Code (chapter C-24.2);

“(2.3) proceedings under section 121.1 of the Act respecting private education (chapter E-9.1);

“(5.1) proceedings under section 34.3 of the Education Act (chapter I-13.3);”;

(3) by replacing the figure “26” in section 6 by the figure “17”.

872. Schedule II to the said Act is amended

(1) by inserting, after paragraph 3, the following paragraphs :

“(3.1) proceedings under section 173 or 176 of the Act respecting the Communauté urbaine de l’Outaouais (chapter C-37.1);

“(3.2) proceedings under section 118 of the Act respecting the Communauté urbaine de Montréal (chapter C-37.2);”;

(2) by replacing paragraph 5 by the following paragraph:

“(5) proceedings under Chapter X of the Act respecting municipal taxation (chapter F-2.1);”.

873. Schedule III to the said Act is amended

(1) by inserting, before paragraph 1, the following paragraph:

“(0.1) proceedings against decisions of the Commission de protection du territoire agricole, brought under section 34 of the Act respecting the acquisition of farm land by non-residents (chapter A-4.1);”;

(2) by replacing the words “or the head of a department” in paragraph 1 by the words “, the head of a department or an officer”, and by inserting the words “133.2 or” after the word “section”;

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

“(1.1) proceedings against decisions or orders of the Communauté urbaine de Québec or, in the case of delegation, the executive committee or the head of a department, brought under section 136.10 of the Act respecting the Communauté urbaine de Québec (chapter C-37.3);”;

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

“(2.1) proceedings against decisions made by the Minister of Transport, brought under section 10.1 of the Roadside Advertising Act (chapter P-44);”.

874. Schedule IV to the said Act is amended

(1) by replacing paragraph 6 by the following paragraph:

“(6) paragraph 2 of section 560 of the Highway Safety Code (chapter C-24.2);”;

(2) by adding the following paragraphs:

“(4.1) section 74 of the Act respecting truck transportation (chapter C-5.1);

“(9.1) section 49.1 of the Grain Act (chapter G-1.1);

“(13.1) section 191.1 of the Act respecting the marketing of agricultural, food and fish products (chapter M-35.1);

“(14.1) section 51.1 of the Farm Producers Act (chapter P-28);

“(15.1) section 49.1 of the Dairy Products and Dairy Products Substitutes Act (chapter P-30);

“(19.1) section 40.1 of the Act respecting the Régie des alcools, des courses et des jeux (chapter R-6.1);

“(20.1) section 243 of the Supplemental Pension Plans Act (chapter R-15.1);

“(20.2) section 22.3 of the Act respecting supplemental pension plans (chapter R-17);

“(24.1) section 68.1 of the Act respecting transportation by taxi (chapter T-11.1);”.

875. In the French text of the Acts and regulations referring to a permit or licence, the words “émettre” and “émission” are replaced, with the necessary modifications, by the words “délivrer” and “délivrance”, respectively.

In the French text of the Acts and regulations referring to a permit or licence, the words “détenir” and “détenteur” are replaced, with the necessary modifications, by the words “être titulaire” and “titulaire”.

More specifically, the following provisions are amended as indicated:

(1) in section 4 of the Travel Agents Act (R.S.Q., chapter A-10), the words “a natural person holds a licence on its behalf” in the fourth line are replaced by the words “a licence is issued to a natural person on its behalf”;

(2) in the French text of paragraph 1.6 of section 7.1 of the Act respecting the Ministère de l’Industrie, du Commerce, de la Science et de la Technologie (R.S.Q., chapter M-17), the words “détenus par les ministères et organismes” are replaced by the words “dont les ministères et organismes sont titulaires”;

(3) in the French text of the second paragraph of section 39 of the Act respecting liquor permits (R.S.Q., chapter P-9.1), the words “Si le demandeur du permis en détient déjà un pour le même établissement” and the words “du permis déjà détenu” are replaced by the words “Si le demandeur est déjà titulaire d’un permis pour le même établissement” and “du permis dont il était déjà titulaire”, respectively;

(4) in the French text of paragraph 2 of section 152 of the Act respecting liquor permits (R.S.Q., chapter P-9.1), the words “un permis détenu par une personne physique” are replaced by the words “un permis dont une personne physique est titulaire”;

(5) in the French text of sections 50 and 191.33 of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1), the words “Les détenteurs de bail, de permis” are replaced by the words “Les détenteurs de bail et titulaires de permis”, and in the French text of section 142, the words “Les détenteurs de bail ou de permis” are replaced by the words “Les détenteurs de bail ou titulaires de permis”;

(6) in the French text of the second paragraph of section 28 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13), the words “en vertu du permis qu’elle détient” are replaced by the words “en vertu du permis dont elle est titulaire”;

(7) in the French text of paragraph 2 of section 496 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1), the words “qu’ autorise la détention d’un tel permis” are replaced by the words “qu’ autorise un tel permis”;

(8) in the French text of the last paragraph of section 40 of the Transport Act (R.S.Q., chapter T-12), the words “utilisé par un non-détenteur de permis” are replaced by the words “utilisé par une personne qui n’est pas titulaire d’un permis”;

(9) in the French text of section 167 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), the words “implique pour être efficace, la détention d’un permis ou d’un certificat par certaines personnes” are replaced by the words “implique pour être efficace, que certaines personnes soient titulaires d’un permis ou d’un certificat”.

876. The provision introduced in section 3.0.1 of the Act respecting the Ministère du Conseil exécutif enacted by section 361 of this Act comes into force on the dates indicated in respect of the following bodies and persons:

(1) the Conseil de la justice administrative, on the date of coming into force of section 165 of the Act respecting administrative justice;

(2) the Administrative Tribunal of Québec and its members, on the date of coming into force of the code of ethics enacted pursuant to section 180 of the Act respecting administrative justice;

(3) the commissioners of the Régie du logement, on the date of coming into force of the code of ethics adopted pursuant to section 8 of the Act respecting the Régie du logement the content of which is specified in section 8.1 of that Act, enacted by section 605 of this Act;

(4) the Commission des lésions professionnelles and its members, on the date of coming into force of the code of ethics adopted pursuant to section 413 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) enacted by section 24 of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, chapter 27).

877. The Act respecting administrative justice and this Act come into force on 1 December 1997.

However, the Government may, by order made before that date, provide that the provisions it indicates do not come into force on that date; such provisions come into force on the date or dates to be fixed in the order or in a subsequent order.