

pated, the said deferred retirement benefit shall be deemed a retirement benefit under a supplemental plan.

31.4 (a) If a member referred to in 31.1 receives a refund of contributions prior to his retirement from a supplemental plan in which he participated, the applicable years of credited service are not to be considered until such time as the member has accumulated 10 years of contributory service.

The retirement benefit guarantee formula shall not apply during the number of years calculated by dividing *A* by *B* below:

*A* total amount of the refund of contributions

*B* annual amount of supplement resulting from the retirement benefit guarantee

If the member dies before the number of years calculated by dividing *A* by *B* above has expired, the retirement benefit guarantee formula shall not apply to the spouse or children until that period has elapsed.

(b) Where the member referred to in 31.1 has received an amount representing the present value of a portion of the deferred retirement benefit, the retirement benefit guarantee formula shall not apply during the number of years calculated by dividing *A* by *B* below:

*A* the present value of said portion of the deferred retirement benefit

*B* the annual amount of supplement derived from the retirement benefit guarantee formula

If the member dies before the number of years calculated by dividing *A* by *B* above has expired, the guaranteed retirement benefit shall not apply to the spouse or children until such period has elapsed.

However, the member shall be credited with the total number of years of certified service.

Where the member receives the present value of the total deferred retirement benefit, Section 31.3 shall apply.

31.5 In applying the retirement benefit guarantee formula to a member referred to in 31.1, January 1, 1966 as it appears in Section 18 shall be replaced by the date on which the member was placed on the Hydro-Québec payroll.

## SECTION 32 EFFECTIVE DATE

32.1 (a) This By-law shall come into force on the date of its approval by the Government of Québec and is effective on January 1, 2001.

32.2 This By-law shall replace Hydro-Québec By-law No. 681.

## CERTIFIED TRUE COPY

STELLA LENEY,  
*Assistant Corporate Secretary*

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Gouvernement du Québec

## O.C. 940-2002, 21 August 2002

An Act respecting the Régie des alcools, des courses et des jeux  
(R.S.Q., c. R-6.1)

### Régie des alcools, des courses et des jeux — Rules of procedure

Rules of procedure of the Régie des alcools, des courses et des jeux

WHEREAS, under section 31 of the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., c. R-6.1), the Régie des alcools, des courses et des jeux may adopt rules of procedure applicable to the conduct of the matters submitted to it;

WHEREAS, under section 31 of the Act, the rules of procedure adopted by the Board shall be submitted to the Government for approval;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Rules of procedure of the Régie des alcools, des courses et des jeux was published in Part 2 of the *Gazette officielle du Québec* of 3 October 2001 with a notice that they could be made by the Régie des alcools, des courses et des jeux upon the expiry of 45 days following that publication;

WHEREAS, at its sitting of 13 February 2002, the Régie des alcools, des courses et des jeux adopted the Rules of procedure of the Régie des alcools, des courses et des jeux with amendments;

WHEREAS it is expedient to approve those Rules with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Public Security:

THAT the Rules of procedure of the Régie des alcools, des courses et des jeux, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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## Rules of procedure of the Régie des alcools, des courses et des jeux

An Act respecting the Régie des alcools, des courses et des jeux  
(R.S.Q., c. R-6.1, s. 31)

### DIVISION I GENERAL

**1.** These Rules are intended to enable any interested person to be aware of the conditions governing the exercise of his or her right to make representations before the Régie des alcools, des courses et des jeux and to facilitate the preparation and the simple and quick conduct of cases heard by one or more commissioners.

These Rules add to those provided for, in particular, in the Act respecting racing (R.S.Q., c. C-72.1), the Act respecting administrative justice (R.S.Q., c. J-3), the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), the Act respecting liquor permits (R.S.Q., c. P-9.1), the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., c. R-6.1) and the Act respecting safety in sports (R.S.Q., c. S-3.1) and those provided for in the statutory instruments made under those acts.

**2.** Unless otherwise provided for in the Act, the Board may excuse a person who fails to meet a deadline or to complete a formality if the person demonstrates that he or she had serious reasons not to act sooner or otherwise and if the Board is of the opinion that no other interested person suffers severe prejudice as a result.

**3.** In computing any time period, the day marking the beginning is not counted, but the terminal day is counted. If a deadline expires on a day the offices of the Board are closed, the deadline shall be extended to the next business day.

**4.** In these Rules, the expression “interested person” also means a “person referred to”, a “person in question” or a “representative of the Board”, depending on the context.

### DIVISION II MEDIATION OF A DISPUTE RELATED TO THE GRANTING OF A PRIZE IN A PUBLICITY CONTEST

**5.** In an attempt to settle a dispute related to the granting of a prize in a publicity contest, a participant and the person or organization for whose benefit the contest is held shall sign the mediation agreement submitted by the designated mediator.

The agreement shall specify, in particular, that mediation is undertaken freely and voluntarily, the role of the mediator and parties, the confidentiality of the mediation process and that the parties waive their right to summon the mediator before a court or another decision-making body.

**6.** The parties may, at their own discretion, withdraw from the mediation process provided that notice is given immediately to the mediator and the other party. The mediator may at all times suspend or terminate the mediation if he or she considers that it would be ill-advised to pursue it.

### DIVISION III APPLICATION FOR THE CANCELLATION OR SUSPENSION OF A LIQUOR PERMIT

**7.** Where an application for the cancellation or suspension of a permit or authorization is submitted by the Minister of Public Security, a local municipality or any other interested person in accordance with the provisions of section 85 of the Act respecting liquor permits (R.S.Q., c. P-9.1), it shall include a written statement of the facts in support of the application.

**8.** If the facts stated may give rise to the application of section 86 or 86.0.1 of that Act, the Board shall inform the permit holder of the date and place of the hearing on the application.

### DIVISION IV TRANSMISSION OF DOCUMENTS

**9.** A document shall be transmitted by any means making it possible to establish the dates of its sending or receipt. If the circumstances so require, the Board may authorize another method of communication such as publication in a newspaper or posting in the offices of the Board.

**10.** The Board shall transmit documents at the last known address.

#### **DIVISION V REPRESENTATION**

**11.** An advocate representing a person shall so inform the Board in writing.

**12.** An advocate who ceases to represent a person shall so inform the Board and the other interested persons in writing and indicate the date on which his or her mandate ends.

#### **DIVISION VI PRE-HEARING CONFERENCE**

**13.** The Board may, upon request by an interested person or on its own, hold a pre-hearing conference so as to find means likely to simplify, shorten or facilitate a hearing or to produce any document or exhibit.

**14.** The admission of facts and the production of documents or exhibits during the pre-hearing conference shall be recorded in writing under the signature of a commissioner and shall be filed into the record.

#### **DIVISION VII INTERVENTION AND OBJECTION**

**15.** An objection or intervention shall state the reasons on which it is based and be forwarded to the applicant by any means making it possible to establish the shipping date within the same time limit that the applicant has to forward it to the Board.

An objection or intervention in matters of bingo shall be sent as soon as possible by the Board to the interested persons.

#### **DIVISION VIII JOINDER OF SEVERAL CASES AND HEARING BY PREFERENCE**

**16.** Several cases before the Board pertaining to the same issues or whose matters could suitably be joined, whether or not the same persons are involved, may be dealt with at the same time and decided on the same information or documents as decided by the Board on its own or following a request by an interested person. The Board may also decide that a case be dealt with first, the others remaining suspended until a decision is made on the first case. The Board may also decide that a case be heard by preference.

#### **DIVISION IX HEARING**

**17.** The Board may hold a hearing by means of a teleconference.

**18.** In addition to the cases provided for in the Act, the Board shall hold a hearing each time that it deems it necessary so as to allow an interested person to make representations.

**19.** In the absence of a deadline prescribed by the Act, the Board shall inform the interested persons of the date, time and place of the hearing at least ten days before it is held.

Notwithstanding the foregoing, the Board is exempt from that obligation where the interested persons agree thereto or in a context of emergency in order to avoid that severe prejudice be caused to the persons or their property.

**20.** If, on the date of the hearing, an interested person is absent, the Board may proceed without further notice or delay or postpone the hearing to a later date.

**21.** Any discontinuance of an application shall be forwarded in writing to the Board before the hearing or orally communicated at the hearing.

**22.** A person who requires the presence of a witness may summon the witness at his or her expense by means of a subpoena issued by the Board and served at least five days before the hearing date.

Likewise, a person may be summoned to produce documents.

**23.** An interested person who wishes to produce an expert witness shall so inform the Board and any other interested person at least five days before the hearing is held.

The report by the expert, or in the absence of such report, the subject of his or her testimony, shall be sent to them in writing within the same time limit.

**24.** A witness is declared expert when his or her qualifications or experience are established or are recognized by the interested persons. An expert witness may make representations on matters within the range of his or her expertise.

**25.** An application for postponement shall be made to the Board and sent by the applicant to any person interested in the hearing. It may be granted for important reasons only. No postponement shall be granted on the

sole basis that the interested persons agree thereto. The Board may then postpone the hearing to another date fixed immediately by it or left undetermined. The postponement may be subject to certain conditions.

#### **DIVISION X** RECORDING OF THE HEARING

**26.** The Board shall record representations made during a hearing.

Subject to the first paragraph, the use of cameras and recording machines is prohibited during a hearing, except in exceptional circumstances.

**27.** Minutes shall be drawn up for any hearing; the minutes of the hearing shall contain the names and addresses of all interested persons, advocates and witnesses, as well as a list in alphanumeric order of each exhibit produced and any decision made during the hearing.

#### **DIVISION XI** TAKING UNDER ADVISEMENT AND DECISION

**28.** The Board may, on its own or upon request by an interested person, order the reopening of the inquiry of a case under advisement. The request shall be submitted to the Board by means of a written statement of the facts in support of the request and shall be sent to any interested person.

**29.** The Board's decision shall be rendered within three months of the taking under advisement.

#### **DIVISION XII** TRANSITIONAL AND FINAL

**30.** Any case submitted to the Board on the date of coming into force of these Rules shall be pursued in compliance with these Rules.

**31.** These Rules replace

(1) the Regulation respecting the procedure applicable before the Régie des alcools, des courses et de jeux (R.R.Q., 1981, c. P-9.1, r.7); and

(2) the Rules respecting practice and procedure made by the Régie des loteries et courses du Québec on 20 September 1984.

**32.** These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

### **O.C. 944-2002, 21 August 2002**

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1)

#### **Supplemental pension plans** — **Arbitration relating to the surplus assets** — **Amendments**

Regulation to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans

WHEREAS, under the second paragraph of section 243.18 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), the Government shall determine the arbitration costs that are subject to a tariff, and shall fix the rate applicable to those costs;

WHEREAS, under the third paragraph of section 243.7 of the Act, the Government may prescribe the manner in which the arbitration body shall inform the parties of the appointment of the arbitrators;

WHEREAS, under the first paragraph of section 243.8 of the Act, the Government shall prescribe by regulation the information and documents that shall accompany the application for arbitration forwarded by the pension committee to the arbitration body;

WHEREAS, under section 243.6 of the Act, as it read before 1 January 2001, the application of which is maintained for certain plans by section 311.5 of that Act, the Government shall fix by regulation the manner of convening the meetings to select the representatives, the quorum and the terms and conditions applicable to the appointment of representatives;

WHEREAS, under section 243.7 of the Act, as it read before 1 January 2001, the application of which is maintained for certain plans by section 311.5 of that Act, the Government may prescribe the manner in which the arbitration body shall inform the parties of the appointment of arbitrators;

WHEREAS, under section 243.19 of the Act, the Government may make other regulations required for the purposes of the chapter of the Act concerning arbitration, in particular in respect of the transmission of any document and the time limits applicable to the execution of any obligation, procedure or formality under that chapter;