

13. Despite section 4, for the first committee established after the coming into force of this Regulation, one of the members appointed by the Bureau and one of the members appointed by the Federation are each appointed for a term of two years.

14. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

7524

Draft Regulation

An Act respecting the professional status and conditions of engagement of performing, recording and film artists
(R.S.Q., c. S-32.1)

Commission de reconnaissance des associations d'artistes et des associations de producteurs — Rules of proof and procedure

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Rules of Proof and Procedure of the Commission de reconnaissance des associations d'artistes et des associations de producteurs, the text of which appears below, has been made by the Commission and may be submitted to the Government for approval on the expiry of 45 days following this publication.

The purpose of the draft Rules is to update and clarify the Commission's rules of proof procedure, allowing the Commission to deal with applications more efficiently.

Further information may be obtained by contacting Hélène Lavallée, Secretary, Commission de reconnaissance des associations d'artistes et des associations de producteurs, 425, boulevard De Maisonneuve Ouest, bureau 750, Montréal (Québec) H3A 3G5; telephone: 514 873-6012; fax: 514 873-6267.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to Jean Corriveau, Chair, Commission de reconnaissance des associations d'artistes et des associations de producteurs, 425, boulevard De Maisonneuve Ouest, bureau 750, Montréal (Québec) H3A 3G5; e-mail: tribunal@craap.gouv.qc.ca; fax: 514 873-6267.

JEAN CORRIVEAU,
*Chair of the Commission de reconnaissance
des associations d'artistes et des associations
de producteurs*

Rules of proof and procedure of the Commission de reconnaissance des associations d'artistes et des associations de producteurs

An Act respecting the professional status and conditions of engagement of performing, recording and film artists
(R.S.Q., c. S-32.1, s. 65, par. 2)

DIVISION I SCOPE

1. These Rules apply to applications, motions and other pleadings before the Commission de reconnaissance des associations d'artistes et des associations de producteurs under the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (R.S.Q., c. S-32.01) and under the Act respecting the professional status and conditions of engagement of performing, recording and film artists (R.S.Q., c. S-32.1).

The purpose of these Rules is to ensure that all pleadings are dealt with quickly and simply, in compliance with the rules of natural justice and with the principle of equality of the parties.

2. In the absence of relevant provisions in a given case, the Commission may apply any other procedure consistent with the Act or with its rules of procedure.

These Rules are intended to render effective the substantive law and to ensure that it is carried out; and unless otherwise provided, failure to observe a rule which is not a rule of public policy can affect an application only if the failure was not remedied when it was possible to do so. These Rules must be so interpreted and applied as to facilitate rather than to delay or to end prematurely the normal advancement of proceedings.

3. The Commission may relieve a party from its failure to act within the time prescribed by these Rules if the party establishes that it was unable, for serious and valid reasons, to act sooner and if the Commission is of the opinion that no other party will suffer serious harm as a result.

DIVISION II APPLICATIONS FOR RECOGNITION

4. An application for recognition made by an artists' association or association of producers under section 12 of the Act respecting the professional status and conditions of engagement of performing, recording and film artists must state the name, address, and telephone and

fax numbers of the association's representative. The documents required by section 15 of that Act and a copy of the resolution prescribed by section 12 of that Act authorizing the association to apply for recognition must accompany the application.

5. An application for recognition made by an artists' association or group under section 15 of the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters must include the information required by section 4. The documents required by section 16 of that Act and a copy of the resolution prescribed by section 15 of that Act authorizing the association or group to apply for recognition must accompany the application.

6. An association making an application for recognition referred to in section 4 must send a copy of the application to interested parties.

7. An application for recognition must be filed with the Commission in four copies

(1) by delivery to the office of the Commission by a bailiff or by courier; or

(2) by registered or certified mail to the Commission's address.

8. The date of filing of the application for recognition is the date it is received by the Commission.

All communications made after that date must show the Commission file number.

9. If an application for recognition is incomplete, the Commission must notify the filing party; the application will not be examined by the Commission until it is complete.

10. A party may withdraw its application for recognition at any time by filing a written notice with the Commission and sending a copy of the notice to the other parties.

DIVISION III MOTIONS TO INSTITUTE PROCEEDINGS AND OTHER PLEADINGS

11. Every motion to institute proceedings must be signed by the applicant or the applicant's attorney and include

(1) the applicant's full name, address, telephone number and, if any, fax number;

(2) if the applicant is represented, the representative's name, address, telephone number and, if any, fax number;

(3) the grounds for the motion, a full summary of the facts relevant to the motion, and the conclusions sought;

(4) if applicable, a list of the documents and exhibits in support of the motion; and

(5) any other particular required by these Rules or by the legislative or regulatory provision under which the motion is filed.

12. Subject to any contrary decision of the Commission, the party filing a motion to institute proceedings is responsible for sending a copy to every interested party. The same also applies to any other pleading or notice.

13. If a motion to institute proceedings or other pleading is incomplete, the Commission must notify the filing party and grant it an extension of time within which the motion or pleading must be completed on penalty of dismissal.

14. Sections 7, 8 and 10 apply to motions instituting proceedings as well as to all other pleadings.

The documents may, however, be filed by the fax transmission of a single copy, and the fax transmission slip serves as proof of the filing.

DIVISION IV APPEARANCES AND INTERVENTIONS

15. Every respondent to a motion to institute proceedings must file an appearance within 30 days of the filing of the motion. The appearance is a written document in which the respondent briefly states its allegations and the conclusions sought.

16. An artist, artists' association, association of producers or producer wishing to intervene before the Commission under section 17 of the Act respecting the professional status and conditions of engagement of performing, recording and film artists must submit its intervention within 20 days of the date of the notice published by the Commission pursuant to the second or third paragraph of section 16 of that Act.

An artist or artists' association wishing to intervene before the Commission under section 19 of the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters must submit its intervention within

20 days of the date of the notice published by the Commission pursuant to the second paragraph of section 18 of that Act.

In every case, the intervening party must state the grounds in the intervention submitted.

17. A person with an interest in a motion may apply to the Commission for leave to intervene. The application for intervention must be made in writing, briefly describe the applicant's interest, and include the information required by section 11.

18. A party intending to oppose an application for intervention made under section 16 or 17 must do so within ten days of the sending of the application for intervention by means of a written document setting out the applicant's lack of interest.

19. The Commission may on its own initiative implead any person whose presence is necessary to reach a full settlement of the matter or whose interests may be affected by the Commission's decision.

DIVISION V SPECIAL PROVISIONS

20. The Commission may require a party to set out or add detail to its allegations in writing or produce a specified document or exhibit within the time period it specifies.

Any application for an extension of the time limit must be in writing and state the grounds for the application.

21. If the party fails to respond to the Commission's request within the specified time, the Commission may

(1) disallow the late production of the document or exhibit; or

(2) disallow any evidence relating to the requested information.

DIVISION VI LEGAL REPRESENTATION

22. An attorney must file a written appearance unless the party the attorney represents has already sent a written notice to the Commission of the attorney's appointment.

23. An attorney who ceases to represent a party must promptly notify the Commission and the parties in writing and specify the date of termination of the mandate.

24. If a party is represented by an attorney, all communications must be sent to the party's attorney.

25. Every party or, if represented by an attorney, the party's attorney, must promptly notify the Commission and the other parties of any changes in the information provided to the Commission.

DIVISION VII HEARING ROLL AND NOTICE OF HEARING

26. The Commission must keep a register in which it enters applications for recognition and motions to institute proceedings in order of receipt.

27. The Commission must keep a hearing roll on which it enters the date of hearing of every application for recognition and motion as soon as it is scheduled.

28. The notice of hearing must state the purpose of the application or motion and the scheduled date, time and place of the hearing; it must also state that if a party fails to attend the hearing, the Commission, on proof of delivery of the notice, may proceed in the absence of the party without further notice or delay.

29. The Commission may at any time, on an application setting out the grounds for the application, agree to hear the parties by preference.

Additional hearing days

30. If a party considers that additional days of hearing will be required, it may, within ten days of receipt of the notice of hearing, request that the Commission add hearing days and state the grounds for the request.

The Commission may grant a number of additional hearing days different from the number requested.

31. The Commission may determine the exact time allotted to each party.

32. The Commission may, at any stage of the proceedings and on its own initiative, add hearing days or change the time allotted to the parties.

Postponements and adjournments

33. The Commission may, on its own initiative or on the application of a party, postpone or adjourn a hearing; the Commission may also set conditions on the postponement or adjournment.

34. An application for a postponement or adjournment must be made in writing not later than ten days after the circumstances giving rise to the application become known to the applicant; a copy of the application must be sent to all the parties.

The application must state the grounds on which it is based and whether the parties consent to the postponement or adjournment; the application must also state the nearest date on which the parties would be ready to proceed.

35. The application must not be granted unless it is based on serious grounds and granting it would better serve the ends of justice.

Application for the recusation of a member of the Commission

36. A party may at any time before the decision, and provided it acts with dispatch, apply for the recusation of a member seized of a matter if the party has reasonable cause to believe that there are grounds for a recusation.

37. A member who is aware of a valid ground for his or her recusation is required to disclose it in a written document filed in the record and notify the parties accordingly.

The member whose recusation is sought in the application may file into the record a written statement of his or her position on the truthfulness of the facts alleged in support of the application for recusation. The statement may be contradicted only by written evidence.

38. The application for recusation must be addressed to the chair of the Commission. Unless the member recuses himself or herself, the application is decided by the chair.

DIVISION VIII
HEARING AND EVIDENCE

Pre-hearing conference

39. Before proceeding with a hearing, the Commission or its chair may direct the parties to attend a pre-hearing conference to seek means to simplify or shorten the hearing. The pre-hearing conference serves to

- (1) define the issues to be dealt with at the hearing;
- (2) clarify and add detail to the parties' allegations;
- (3) clarify and add detail to the conclusions sought;

(4) ensure that the parties exchange all documentary evidence;

(5) examine the possibility of admissions of fact or making proof of certain facts by affidavit;

(6) assess the relevancy of expert testimony and, if relevant, examine the possibility of receiving an advance summary of the expert's findings;

(7) plan the conduct of the procedure and the presentation of evidence at the hearing, and schedule hearing dates; and

(8) examine the possibility of a meeting between the parties to attempt to reach a settlement.

40. The Commission must record in the minutes of the pre-conference hearing the points on which the parties have agreed, the admissions of fact and the decisions that were made. The minutes must be filed in the record and a copy sent to the parties.

The agreements, admissions and decisions determine the conduct of the hearing unless the Commission decides otherwise because of exceptional circumstances.

41. The minutes are proof of their contents in the absence of evidence to the contrary.

Joinder or severance of proceedings

42. The Commission may direct that any proceedings before it be joined or severed if it is of the opinion that the joinder or severance would better serve the ends of justice.

Affidavits and examinations

43. Whenever the Commission orders or allows the presentation of evidence by affidavit, the parties may, with advance notice, examine the deponent.

The Commission may allow the parties to present or complete evidence by testimony or by the production of documents.

Subpoenas

44. The party that wishes to have a witness summoned to testify about what the witness knows or to produce a document must complete the subpoena to be signed and issued by the Commission.

The party is responsible for having the subpoena served at least five clear days before the hearing.

In a situation of urgency, the Commission may shorten the time within which the subpoena must be served but it may not be less than 12 hours. The shortened time for service must be stated on the subpoena.

Expert witnesses

45. A party wishing to call an expert witness must file the expert's report with the Commission, with a copy to all the other parties, at least 30 days before the scheduled hearing date.

Filing of documents

46. A party intending to introduce a document into evidence must, at least 15 days before the scheduled hearing date, file four copies of the document with the Commission and send a copy to every other party.

47. Any other document produced at the hearing must be filed in four copies; a copy must be given to each party, and to the witness concerned and the stenographer.

48. A party may, before the scheduled hearing date, request that another party produce for examination any relevant document it specifies.

If the document is not produced within ten days after receipt of the request, the requesting party may apply to the Commission for an order requiring its production.

Hearing rules

49. The Commission may accept any method of proof it believes best serves the ends of justice. It may require the production of any document it considers necessary and require that a copy of any document be sent to the other parties.

50. The Commission may, at the request of a party or on its own initiative, have the testimony, depositions and cross-examinations made at the hearing recorded. The cost for the recording is borne equally between the Commission and the party that requests a copy.

51. The minutes of the hearing must include

- (1) the Commission file number;
- (2) the date and place of the hearing;
- (3) the full name and address of the parties and their attorneys, if any, and profession if a party is a natural person;

(4) the full name, profession and address of witnesses who were heard;

(5) the exhibits filed;

(6) the full names and functions of the members of the Commission who heard the matter; and

(7) the status of the matter at the end of the hearing.

52. Any disruption to the orderly conduct of a hearing is prohibited.

Reading a newspaper, using a cellular telephone, taking photographs, filming, and radio or television broadcasting are prohibited in the hearing room without the express permission of the Commission.

53. The Commission may, on its own initiative or on the application of a party, prohibit or restrict the disclosure, publication or release of specified testimony, information or documents if it appears necessary to the Commission for the purpose of maintaining public policy, or if the ban or restriction is required to protect the confidentiality of the testimony, information or documents.

54. The Commission may order that witnesses be excluded from the hearing during the testimony of other witnesses.

55. Before being examined, a witness must solemnly affirm to tell the truth.

A witness may be exempted from that requirement if the witness does not understand the nature of the affirmation. A witness who is exempted from making a solemn affirmation must nevertheless be informed of the requirement to tell the truth.

56. Unless the Commission decides otherwise, all witnesses must state their name, address and profession before testifying.

57. The Commission may, before making its decision, order a reopening of the hearing on the conditions that it determines.

DIVISION IX DECISIONS

58. The Commission must file a certified copy of its decision in the record and place the original in a register kept for that purpose at its head office.

59. The Commission must send each party a certified copy of the decision by certified or registered mail, or by courier.

DIVISION X MISCELLANEOUS

60. A party that discontinues proceedings must file a declaration of discontinuance in the Commission's record and send a copy to the other parties.

61. In computing time limits, the day that marks the start of the period is not counted but the last day of the period is counted. Non-judicial days are counted but a time limit that would normally expire on a non-judicial day or on a day when the Commission's offices are closed is extended to the next judicial day.

62. The following are non-judicial days:

- (1) Saturdays and Sundays;
- (2) 1 and 2 January;
- (3) Good Friday;
- (4) Easter Monday;
- (5) the Monday preceding 25 May;
- (6) 24 June;
- (7) 1 July;
- (8) the first Monday in September;
- (9) the second Monday in October;
- (10) 24, 25, 26 and 31 December;
- (11) any other legal holiday declared by the Government.

63. The Secretary of the Commission has the authority to receive documents intended for the Commission.

Peremption of proceedings

64. If more than 12 months elapse after the filing of a relevant pleading in a matter, the Commission may, after a 30-day notice to the parties, and after giving them an opportunity to make submissions, declare the matter perempted.

DIVISION XI TRANSITIONAL AND FINAL

65. These Rules replace the Rules of Proof and Procedure of the Commission de reconnaissance des associations d'artistes et des associations de producteurs, approved by Order in Council 1538-90 dated 31 October 1990.

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

7523

Draft Regulation

Forest Act
(R.S.Q., c. F-4.1)

Unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants

Notice is hereby given, in accordance with sections 10 and 13 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants, the text of which appears below, may be made on the expiry of 10 days following this publication.

The purpose of the draft Regulation is to adjust the chart of unit rates to reflect the proposed amendments to the Regulation respecting forest royalties so as to render admissible, as payment of royalties, the costs for the planning and monitoring of silvicultural treatments.

Under section 12 of the Regulations Act, the draft Regulation may be made on the expiry of a period shorter than the period prescribed in section 11 of that Act, by reason of the urgency due to the following circumstances:

— the first silvicultural treatments in Québec are carried out in May and, without them, forest workers could see their working season significantly shortened if the measures proposed in the Regulation do not take effect in the very near term;

— given the difficult economic situation of the forest industry, it is expedient to implement a critical set of measures derived from the work of the advisory group on the economic future of the forest industry in Québec.