

Gazette officielle du Québec

(English Edition)

Part 2

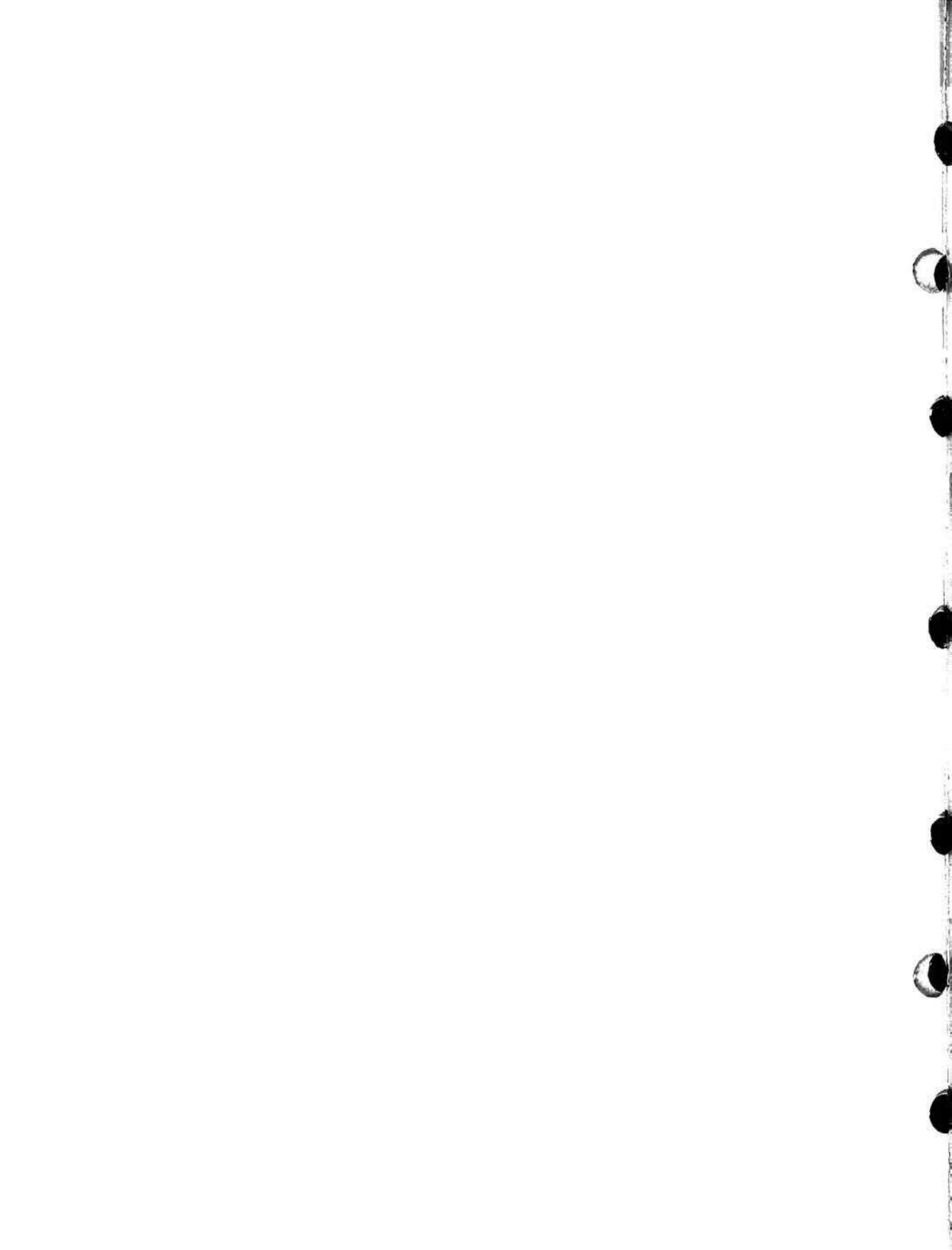
Laws and
Regulations

Volume 114

5 May 1982
No. 21



Éditeur officiel
Québec



Gazette officielle du Québec

Part 2 Laws and Regulations

Volume 114
5 May 1982
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NOTICE TO READERS

The *Gazette officielle du Québec* (Laws and Regulations) is published under the authority of the Legislature Act (R.S.Q., c. L-1) and the Regulation respecting the *Gazette officielle du Québec* (O.C. 3333-81, dated 2 December 1981).

Part 2 of the *Gazette officielle du Québec* is published at least every Wednesday under the title "LOIS ET RÈGLEMENTS". If a Wednesday is a legal holiday, the Official Publisher is authorized to publish on the preceding day or on the Thursday following such holiday.

1. Part 2 contains:

1. Acts assented to, before their publication in the annual collection of statutes;
2. proclamations of Acts;
3. regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
4. Orders in Council of the Government, decisions of the Conseil du trésor and ministerial orders whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
5. regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by law;
6. rules of practice made by judicial courts and quasi-judicial tribunals;
7. drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

2. The English edition

The English edition of the *Gazette officielle du Québec* is published at least every Wednesday under the title "Part 2 — LAWS AND REGULATIONS". When Wednesday is a holiday, the Official Publisher is authorized to publish it on the preceding day or on the Thursday following such holiday.

The English version contains the English text of the documents described in paragraphs 1, 2, 3, 5, 6 and 7 of section 1.

3. Rates

1. Subscription rates

Subscription rates are as follows:

Part 2 (French)	65 \$ per year
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L'Éditeur officiel du Québec

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PROVINCE OF QUÉBEC

3rd SESSION

32nd LEGISLATURE

QUÉBEC, 31 MARCH 1982

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 31 March 1982

This day, at fifteen minutes past six o'clock in the evening, the Honourable the Administrator of the Province of Québec was pleased to sanction the following bills:

- 50 An Act to amend the Act respecting the Centre de recherche industrielle du Québec
- 51 An Act respecting the Société du Grand Théâtre de Québec
- 52 An Act respecting the Société de la Place des Arts de Montréal
- 53 An Act to amend the Act respecting the Société québécoise d'initiatives pétrolières
- 58 An Act respecting the roll of rental values of the city of Montréal, for the purposes of the water-rate and service tax, for the fiscal years 1981 and 1982

To these bills the Royal assent was affixed by the Honourable the Administrator of the Province of Québec.

PROVINCE OF QUÉBEC

3rd SESSION

32nd LEGISLATURE

QUÉBEC, 1 APRIL 1982

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 1 April 1982

This day, at six o'clock in the evening, the Honourable the Lieutenant-Governor was pleased to sanction the following bill:

- 15 An Act respecting the abolition of compulsory retirement and providing amendments to certain legislation

To this bill the Royal assent was affixed by the Honourable the Lieutenant-Governor.

PROVINCE OF QUÉBEC

3rd SESSION

32nd LEGISLATURE

QUÉBEC, 8 APRIL 1982

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 8 April 1982*

This day, at ten minutes past six o'clock in the evening, the Honourable the Lieutenant-Governor was pleased to sanction the following bills:

- 49 An Act respecting public agricultural lands
- 54 An Act to amend the Act respecting the Société québécoise de développement des industries culturelles
- 60 An Act respecting certain caisses d'entraide économique

To these bills the Royal assent was affixed by the Honourable the Lieutenant-Governor.

NATIONAL ASSEMBLY OF QUÉBEC
Thirty-second Legislature, Third session

1982, chapter 12

**AN ACT RESPECTING THE ABOLITION OF
COMPULSORY RETIREMENT AND PROVIDING AMENDMENTS
TO CERTAIN LEGISLATION**

Bill No. 15

Introduced by Mr. Denis Lazure

First reading: 9 December 1981

Second reading: 4 March 1982

Third reading: 25 March 1982

Assented to: 1 April 1982

Coming into force: 1 April 1982

Acts amended:

Act respecting labour standards (1979, chapter 45)

Act respecting supplemental pension plans (R.S.Q., chapter R-17)



EXPLANATORY NOTES

The object of this bill is to abolish compulsory retirement.

While preserving the employee's right to retire voluntarily at normal retirement age, this bill entitles him to remain at work despite his reaching that age. The Act respecting labour standards is amended to take this into account.

This new right applies equally to the employee who belongs to a private or public retirement plan and to the employee who does not belong to any retirement plan.

This bill provides, further, that an employee may appeal to a labour commissioner if he believes he has been dismissed, suspended or retired because he has reached retirement age. This appeal is to be made according to the rules in the Labour Code, but the time limit for appeal will then be ninety days.

In addition, this bill enables the employee to choose the time he will begin to receive his pension. He may receive it as soon as he becomes eligible for retirement, if he ceases to work. If he elects to continue working, payment of the pension will be delayed and the pension will be revalorized at the time he retires.

If an employee chooses to remain at work beyond normal retirement age and his salary is decreased, he will be able to collect part or the whole of his pension to compensate for the decrease.

The Act will apply from the day of its sanction to all employees. However, for employees who have a retirement plan, the Act will apply at the expiry of their collective agreement.

The Government will have the power to exempt, by regulation, certain employees or employers from the application of the Act.

The Minister of Labour, Manpower and Income Security will be required to assess the effects of the Act and table his findings in the National Assembly.

Bill 15

An Act respecting the abolition of compulsory retirement
and providing amendments to certain legislation

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Section 3 of the Act respecting labour standards (1979, chapter 45), amended by section 1 of chapter 5 of the statutes of 1980, is again amended by inserting, after section 3, the following section:

"3.1 Notwithstanding sections 2 and 3, Division VI.1 and sections 122.1 and 123.1 apply to the Government, its departments and agencies and to every employee or employer."

2. The said Act is amended by inserting, after section 84, the following division:

"DIVISION VI.1

"RETIREMENT

"84.1 An employee is entitled to continue to work notwithstanding the fact that he has reached or passed the age or number of years of service at which he should retire pursuant to a general law or special Act applicable to him, pursuant to the retirement plan to which he contributes, pursuant to the collective agreement, the arbitration award in lieu thereof or the decree governing him, or pursuant to the common practice of his employer.

However, and subject to section 122.1, such right does not prevent an employer or his agent from dismissing, suspending or transferring such an employee for good and sufficient cause."

3. The said Act is amended by inserting, after section 90, the following section:

"90.1 The Government may, by regulation, exempt certain categories of employees or employers from the application of Division VI.1 and section 122.1.

A regulation made under the first paragraph may be made to have effect on a date not over six months prior to the date on which it is made."

4. Section 102 of the said Act is amended by replacing the first paragraph by the following paragraph:

"102. Subject to sections 123 and 123.1, an employee who believes that one of his rights under this Act or a regulation has been violated may file a complaint in writing with the Commission."

5. Section 122 of the said Act, amended by section 10 of chapter 5 of the statutes of 1980, is again amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

"(1) on the ground that such employee has exercised one of his rights, other than the right contemplated in section 84.1, under this Act or a regulation;"

6. The said Act is amended by inserting, after section 122, the following section:

"122.1 No employer or his agent may dismiss, suspend or retire an employee on the ground that he has reached or passed the age or the number of years of service at which he should retire pursuant to a general law or special Act applicable to him, pursuant to the retirement plan to which he contributes, pursuant to the collective agreement, the arbitration award in lieu thereof or the decree governing him, or pursuant to the common practice of his employer."

7. The said Act is amended by inserting, after section 123, the following section:

"123.1 Section 123 applies to every employee who believes that he has been dismissed, suspended or retired on the ground set forth in section 122.1.

However, the time limit to file a complaint with the labour commissioner-general is then increased to ninety days."

8. The Act respecting supplemental pension plans (R.S.Q., chapter R-17) is amended by inserting, after section 44, the following division:

"DIVISION V.1

"DELAYED RETIREMENT

"44.1 Subject to section 44.2, payment of the pension to the employee is delayed when, after normal retirement age, he continues to work for the employer for whom he was working at that age.

Delay of payment of the pension may take place as long as a supplemental plan is able to comply with this division while remaining a registered retirement plan within the meaning of section 1 of the Taxation Act (R.S.Q., chapter I-3).

However, such delay ends upon the employee's ceasing all work for his employer.

"44.2 During the delay, an employee may require the payment of his pension, in whole or in part, but only to the extent necessary to compensate a reduction of salary or wages incurred during that period.

In no case may an employee apply under this section more than once within a twelve-month period except by agreement with the administrator of the supplemental plan.

However, after an agreement with his employer, and if the supplemental plan provides therefor, an employee may receive the whole or a part of the pension irrespective of the restriction provided in the first paragraph.

"44.3 In the case of a delayed payment of a pension in whole or in part, any amount of the pension that is not paid during the delay must be revalorized when every delay has terminated.

Every supplemental plan must provide how the revalorization is to be effected.

"44.4 The revalorization contemplated in section 44.3 must provide that the amount of the pension becoming payable at the end of the delay be the amount of a pension actuarially equivalent to

(a) the pension that would have begun to be paid at normal retirement age had its payment not been delayed; or,

(b) in the case of a pension whose payment was delayed before the effective date of this section, the pension that would have been payable on that date had its payment begun at that time.

In no case may such revalorization create only surpluses in the fund of the supplemental plan. Nor may it create only deficits therein.

"44.5 If contributions are made during the delay, the additional pension arising therefrom must be at least equal in value to the pension that would arise at the end of the delay from the contributions made by the employee during the delay.

"44.6 If an employee whose payment of pension was delayed, in whole or in part, dies during the delay, the payment of the unpaid amount of the pension is deemed to have begun on the day preceding his death."

9. Section 75 of the said Act is amended by adding, after paragraph *u*, the following paragraphs:

"(*v*) what is permitted, mandatory or prohibited in effecting the revalorization contemplated in Division *v.1*;

"(*w*) what constitutes salary or wages, how to establish them and the periods for which they are computed, for the purposes of section 44.2."

10. The amendments necessary to bring into conformity with this Act a retirement plan existing or in force on 1 April 1982 and to which the Act respecting supplemental pension plans applies must be presented to the Régie des rentes du Québec before 1 October 1982.

11. Notwithstanding section 10, if a retirement plan contemplated in that section concerns employees governed, as the case may be, by a collective agreement within the meaning of the Labour Code (R.S.Q., chapter C-27) or within the meaning of the Act respecting labour relations in the construction industry (R.S.Q., chapter R-20), by an arbitration award in lieu thereof or by a decree within the meaning of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) or within the meaning of the Act respecting labour relations in the construction industry in force on 1 April 1982, the amendments necessary to bring such plan into conformity with this Act must be presented to the Régie des rentes du Québec not later than three months after the date, as the case may be, of the signature of a new collective agreement, of the rendering of the arbitration award in lieu thereof, of the extension or renewal of the decree or of the coming into force of a decree replacing the expired decree.

12. On being approved in accordance with the Act respecting supplemental pension plans, the amendments contemplated in sections 10 and 11 are deemed to have effect,

(1) in the case of section 10, from 1 April 1982;

(2) in the case of section 11,

(a) in respect of employees governed, as the case may be, by a collective agreement, by an arbitration award or by a decree in force on 1 April 1982, from the expiry date of the collective agreement or of the arbitration award or from the date of expiry, extension or renewal of the decree;

(b) in respect of other employees, from 1 April 1982.

13. Provisions regarding compulsory retirement of a person owing to his age or number of years of service, that are contained in the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) and in any plan established under the said Act, in the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11), in the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) and in the Act respecting pension coverage for certain teachers (1978, chapter 16), cease to have effect in respect of

(1) members of such retirement plans who are governed by a collective agreement within the meaning of the Labour Code or by an arbitration award in lieu of a collective agreement in force on 1 April 1982, from 1 January 1983 or its date of expiry, if that is later than 1 January 1983;

(2) members of such retirement plans who are governed by a decree within the meaning of the Act respecting collective agreement decrees in force on 1 April 1982, from 1 January 1983 or its date of expiry, extension or renewal, if that is later than 1 January 1983;

(3) members of such retirement plans who are governed by a regulation of the Government or of the Conseil du trésor, in force on 1 April 1982 and determining their conditions of employment, from 1 January 1983;

(4) members of such retirement plans who are not contemplated in paragraphs 1, 2 and 3, from 1 January 1983.

14. Subject to the Taxation Act and section 15, a member contemplated in section 13 shall continue to contribute to the retirement plan applicable to him if he performs a function, contemplated under that plan, after having reached or passed the age or the number of years of service at which, according to his retirement plan, he would have been compelled to retire.

Similarly, the employer of such person shall continue to contribute to the plan.

15. The retirement plans contemplated in section 13 shall, from the date on which the provisions respecting compulsory retirement that are contained in those plans cease to have effect

pursuant to section 13, permit a person who continues to work after the normal retirement age to receive a salary as well as benefits under his retirement plan which may not, however, exceed the salary of that person on the day preceding the day on which he begins to receive such benefits, computed on an annual basis and adjusted according to the rules set down in his retirement plan.

However, the day preceding the day on which a person begins to receive benefits under his retirement plan may in no case be earlier than the day preceding his normal retirement age.

On receiving retirement benefits, in application of the first paragraph, a person shall cease to contribute to the retirement plan that applies to him; similarly, in this case, the employer shall cease to contribute to the plan.

For the purposes of this section, the expression "salary" has the meaning assigned by the retirement plan that applies to that person.

16. A collective agreement within the meaning of the Labour Code or within the meaning of the Act respecting labour relations in the construction industry or an arbitration award in lieu of a collective agreement, which is in force on 1 April 1982, governing employees for whom there exists or is in force on that date a pension plan to which the Act respecting supplemental pension plans applies, continues to have effect notwithstanding the amendments to the Act respecting labour standards enacted by this Act, until the date of its expiry.

The first paragraph applies, *mutatis mutandis*, to a decree within the meaning of the Act respecting collective agreement decrees or within the meaning of the Act respecting labour relations in the construction industry, which is in force on 1 April 1982, governing such employees, until the date of its expiry, extension or renewal.

The amendments to the Act respecting supplemental pension plans enacted by this Act have effect, with regard to employees contemplated in this section, only from the expiry date of the collective agreement or of the arbitration award, or from the date of expiry, extension or renewal of the decree.

17. A collective agreement within the meaning of the Labour Code or an arbitration award in lieu of a collective agreement, which is in force on 1 April 1982, governing the members of the retirement plans contemplated in section 13, continues to have effect notwithstanding the amendments to the Act respecting labour standards enacted by this Act, until the date of its expiry.

The first paragraph applies, *mutatis mutandis*, to a decree within the meaning of the Act respecting collective agreement

decrees, in force on 1 April 1982 and governing those members, until the date of its expiry, extension or renewal.

The first paragraph also applies, *mutatis mutandis*, to a regulation of the Government or of the Conseil du trésor, in force on 1 April 1982, determining the conditions of employment that apply to those members, until 1 January 1983.

18. The amendments to the Act respecting labour standards enacted by this Act apply only from 1 January 1983 in regard to members contemplated in paragraphs 1 and 2 of section 13 who are governed by a collective agreement, an arbitration award or a collective agreement decree that expires or is extended or renewed, as the case may be, between 1 April 1982 and 1 January 1983.

19. The amendments to the Act respecting labour standards enacted by this Act apply, subject to sections 10 to 18, to an employee who is governed by an agreement, an arbitration award in lieu of an agreement, a decree or a retirement plan that is in force on or after 1 April 1982.

For the purposes of this section, the words "employee", "agreement" and "decree" have the meaning assigned to them by section 1 of the Act respecting labour standards or of the Act respecting labour relations in the construction industry.

20. The amendments to the Act respecting labour standards enacted by this Act do not apply to an employee contemplated in section 19 who, before 1 April 1982,

(1) was dismissed, suspended or retired on the ground that he had reached or passed the age or the number of years of service at which, according to the agreement, the arbitration award in lieu of an agreement or the decree applicable to such person, or according to the common practice of his employer, he was to retire;

(2) received a notice of dismissal, suspension or retirement for the reason set forth in paragraph 1.

21. The amendments to the Act respecting supplemental pension plans enacted by this Act do not apply to an employee who, on 1 April 1982, has reached or passed normal retirement age and is the beneficiary of his retirement pension.

22. The Minister of Labour, Manpower and Income Security is responsible for assessing the effects of this Act and for tabling two triennial reports on that subject in the National Assembly or, if it is not sitting, for filing such reports with the President, the first report not later than 1 October 1985 and the second, not later than 1 October 1988.

NATIONAL ASSEMBLY OF QUÉBEC
Thirty-second Legislature, Third session

1982, chapter 13

AN ACT RESPECTING PUBLIC AGRICULTURAL LANDS

Bill No. 49

Introduced by Mr. Jean Garon

First reading: 4 March 1982

Second reading: 18 March 1982

Third reading: 8 April 1982

Assented to: 8 April 1982

Coming into force by proclamation of the Government

Acts amended:

Act respecting the Ministère de l'agriculture, des pêcheries et de l'alimentation
(R.S.Q., chapter M-14)

Lands and Forests Act (R.S.Q., chapter T-9)

Act replaced:

Colonization Land Sales Act (R.S.Q., chapter T-8)

Acts repealed:

Act respecting the acquisition of colonization lands (R.S.Q., chapter A-4)

Colonization Societies Act (R.S., 1964, chapter 104)

Pioneering Merit Act (R.S., 1964, chapter 107)

Settlers Protection Act (R.S.Q., chapter P-38)



EXPLANATORY NOTES

This bill consolidates the legislation dealing with colonization lands and replaces the Colonization Land Sales Act, the Act respecting the acquisition of colonization lands, the Colonization Societies Act, the Settlers Protection Act and the Pioneering Merit Act.

The main intent of the bill is to modernize and simplify the administration of public lands under the authority of the Minister of Agriculture, Fisheries and Food.

It is designed to confirm acquired rights of holders of land under location tickets and facilitate the issue of letters patent.

Certain exceptional situations are regularized: henceforth it will be possible to issue letters patent for lands granted between 1820 and 1830 in the Baie des Chaleurs area by James Crawford who pretended to be an authorized agent of the Crown Lands Commissioner, and easier to issue letters patent for lands granted without right by federal authority by way of location tickets or by letters patent in the territory of former Indian reserves (Nédelec, Oujatchouan) between 1900 and 1920, whereas that territory is part of the territory of Québec under the Canadian constitution.

As the validity of a great number of letters patent resulting from dubious administrative practices and various litigious orders in council could be questioned, all existing letters patent are validated by the bill to provide clear titles of ownership to lands granted by the Government. However, it provides that these letters patent may be cancelled by the courts if they were obtained fraudulently. The Minister will be empowered, despite the validation, to rectify letters patent containing clerical errors, incorrect descriptions of areas or mistakes in names.

In order to simplify the administration of agricultural public lands, this bill sets up a simple scheme for the sale or leasing of land for agricultural, maritime fisheries or food purposes. Under the scheme, sales will be made directly, without the intermediary of the location tickets. Furthermore, there will be no need to apply to the

Lieutenant Governor and to the Attorney General to obtain letters patent, as they will henceforth be issued by the Minister.

Finally, the bill enables the Minister to regularize the situation of certain persons (squatters) who occupy public agricultural lands without having a title. This measure applies only to persons occupying such land at the coming into force of the Act and to their assignees.

Bill 49

An Act respecting public agricultural lands

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

CHAPTER I

DIVISION I

SCOPE

1. This Act applies to any agricultural public land hereinafter referred to as "ungranted land"

(1) that, on (*insert here the date of the day before the coming into force of section 57*), according to the register contemplated in section 4, is not under concession and is subject to the Colonization Land Sales Act (R.S.Q., chapter T-8) or is leased out by the Minister pursuant to that Act;

(2) that has been put under the authority of the Minister after (*insert here the date of the coming into force of this section*) pursuant to section 23 of the Lands and Forests Act (R.S.Q., chapter T-9);

(3) that is subject to this Act pursuant to section 8; or

(4) that was reacquired under the Act for the acquiring of certain lands for colonization purposes (1935, chapter 37) or the Act to strengthen the colonization movement by the extension and the consolidation of existing parishes (1938, chapter 43) and that, on (*insert here the date of the coming into force of this section*), according to the register contemplated in section 4, is not under concession or is no longer so, the grant having been cancelled before that date.

2. This Act applies also to any agricultural public land hereinafter referred to as "land under concession" that, on (*insert here the date of the day before the coming into force of section 57*), according to the register contemplated in section 4,

(1) is granted land subject to the Colonization Land Sales Act, but for which letters patent have not been issued; or

(2) is land reacquired under an Act referred to in paragraph 4 of section 1 and granted under the Colonization Land Sales Act, but for which neither letters patent nor a notarial title deed have been granted.

DIVISION II

ADMINISTRATION

3. The Minister of Agriculture, Fisheries and Food is responsible for the administration of agricultural public lands.

4. The Minister shall register summarily in the register of rights granted on public lands under his authority or in such other register as he may designate, every acquisition made, alienation effected, lease, servitude or any other right granted or cancellation ordered by him under this Act.

The Minister shall also enter in the register every servitude or right granted by a grantee of land pursuant to section 29.

5. The Minister may in the cases determined by regulation exempt a person from the payment of the duties fixed by regulation for preparing documents, making any registration required under this Act or obtaining copy of documents or of written information relating to any land that is subject to this Act or for which letters patent have been issued.

6. No person may cut timber on ungranted land or on land under concession unless he is authorized to do so by the Minister, subject to paragraph 3 of section 47, or if he fails to meet the conditions and to pay the duties prescribed by regulation.

7. The Minister may with the authorization of the Government acquire by agreement, exchange, or expropriate land to make it subject to the provisions of this Act that are applicable to ungranted land if he considers the acquisition, exchange or expropriation to be in the interests of agriculture.

8. The Minister may by notice make subject to this Act any land put under his authority pursuant to another Act. He may also exempt any ungranted land from the application of this Act to make it subject to another Act under his administration.

CHAPTER II

RULES APPLICABLE TO UNGRANTED LANDS

DIVISION I

ALIENATION AND LEASING

9. The Minister may alienate or lease out any ungranted land for such purposes as he may consider to be in the interests of agriculture, fisheries or food supply.

He may also alienate an ungranted land in favour of the person occupying it without a title on (*insert here the date of the coming into force of this section*), or to the transferee where such is the case.

The Government shall by regulation determine the price and conditions of alienation or leasing for each category of land and each category of acquirers or lessees that it determines.

The Minister may in the cases provided for by regulation exempt a person from the payment of the price of alienation of ungranted land.

10. Alienation is made by notarial deed *en minute* or by the issue of letters patent.

Leasing is made by notarial deed *en minute* or by private deed.

11. The Minister, on such conditions as he may determine and if he considers it appropriate, may grant a servitude or right on ungranted land.

12. The Minister grants a servitude or right by notarial deed *en minute*, private deed or the issue of letters patent.

13. Section 18 of the Lands and Forests Act applies to ungranted lands.

DIVISION II

CANCELLATION OF LEASES

14. The Minister may cancel a lease of ungranted land at any time where the lessee contravenes this Act or a regulation thereunder or does not observe the conditions of the lease.

The Minister may also cancel a lease if it was granted in error or through fraud or if the lessee renounces it or cannot be found.

15. The Minister shall send notice of his intention to cancel the lease to the lessee by registered or certified mail, not later than thirty days before the cancellation. The notice is sent to the last address known to the department.

The Minister shall also cause a notice of his intention to order the cancellation to be posted on a public immovable situated near the land concerned; the notice must reproduce section 16 and be posted not later than thirty days before the date of the cancellation.

16. Any person wishing to oppose the cancellation of a lease shall make his opposition known to the Minister within thirty days of the date of posting of the notice.

Opposition to the cancellation must be in writing and be substantiated.

17. The time limits provided in sections 15 and 16 are sixty days in cases where the Minister intends to order a cancellation on the sole ground that the lessee cannot be found.

18. Amounts paid to the Minister concerning the leased land and improvements made to the land are confiscated by the Minister from the cancellation.

If the Minister considers it appropriate, he may pay an indemnity as a refund of any amount paid.

19. If, after the cancellation of the lease by the Minister, the lessee refuses to leave the land, the Attorney General may, by a petition duly served on the lessee with a notice of not less than ten clear days of the date of its presentation, apply to the court having jurisdiction in the judicial district in which the land is situated for an order in the nature of a writ of possession.

The petition is heard and decided by preference.

20. On proof that the lease has been cancelled and that the lessee is wrongfully in possession of the land, the judge shall grant an order on the lessee to leave the land and deliver up possession of it to the Minister.

The order has the same effect as a writ of possession and the sheriff or any bailiff or person to whom the order may be entrusted by the Minister for execution must execute it in the manner provided for a writ of execution in an action for ejectment or in a possessory action.

21. Thirty days after the expiry of the period for execution, all constructions and improvements made on the land described in the

order as well as any moveable property found on it form part of the public domain, without indemnity.

22. The proceedings contemplated in sections 19 and 20 are deemed summary matters and the costs are those of a first class action in the Provincial Court.

23. Sections 19 to 22 apply *mutatis mutandis* to every person who occupies ungranted land contrary to this Act or the regulations.

DIVISION III

LETTERS PATENT

24. Letters patent granted over the signature of the Minister or of a civil servant authorized by regulation have the same force as if they had been signed by the Lieutenant-Governor and countersigned and granted by the Attorney General under the Great Seal.

The Minister shall summarily register the letters patent in the register contemplated in section 4.

25. Letters patent must be registered by the Minister of Justice in accordance with Division III of the Act respecting the Ministère de la justice (R.S.Q., chapter M-19).

The Minister may give copy or furnish a certificate of the registration in accordance with the said division.

26. The Minister may, except in case of opposition by a third party vested with rights on the land contemplated, cancel defective letters patent and issue corrected letters patent bearing the date of those cancelled, if they have been issued to a person not entitled to them or if they contain an error concerning the area or designation of the land contemplated, a mistake in the beneficiary's name or any other clerical error.

However, if a required correction can be made in the letters patent without cancelling them, the Minister may make it and give notice of it to the registrar of Québec, to have an entry of it made in their registration.

27. The Minister shall notify the registrar of the registration division concerned and the registrar of Québec of any cancellation of letters patent pursuant to Title Five of Book Five of the Code of Civil Procedure.

CHAPTER III

RULES APPLICABLE TO LANDS UNDER CONCESSION

DIVISION I

RIGHTS AND OBLIGATIONS OF GRANTEES

28. Any grant of public agricultural land existing on (*insert here the date of the day before the coming into force of section 57*) remains valid.

The person whose name is entered as grantee in the register contemplated in section 4 has the rights and obligations of an owner.

He shall exercise those rights in accordance with this Act until letters patent are issued.

29. The grantee of land may grant a servitude or a right on the land with the approval of and on the conditions fixed by the Minister.

The beneficiary of the servitude or right must pay the duties prescribed by regulation and furnish any information or document deemed necessary by the Minister.

30. In no case may the grantee of land hypothecate the land or encumber it with any real charge except a servitude or right granted in accordance with section 29.

Any deed made in contravention of the first paragraph is null.

DIVISION II

REGISTRATION

31. On the filing of a deed of conveyance made by the grantee relating to a land under concession, or part of that land, the Minister shall substitute the name of the assignee for that of the grantee in the register contemplated in section 4.

The preceding paragraph also applies upon the filing of a deed relating to a judicial sale or a sale for real estate taxes pertaining to such a land or relating to a transmission of rights owing to the death of the grantee.

32. In the absence of a deed referred to in section 31, the Minister may, on proof that he considers sufficient, recognize the person making an application therefor to be the holder of a land under

concession or part of that land and substitute that person's name for that of the grantee in the register.

33. Where a deed referred to in section 31 is a private deed, it must be made in the presence of two witnesses and be accompanied with the oath or solemn affirmation of one of them. The deed must indicate the place and date it was made and the name and address of each witness.

34. A person who requires that his name be substituted for the name of a grantee must pay the duties prescribed by regulation and furnish any information or document deemed necessary by the Minister.

DIVISION III

CANCELLATION OF CONCESSIONS

35. The Minister may cancel a grant of land at any time where the grantee contravenes this Act or a regulation thereunder.

The Minister may also cancel a concession if it was granted unlawfully, or in error or through fraud, or if the grantee renounces it or cannot be found.

The Minister shall enter the cancellation summarily in the register contemplated in section 4.

36. Sections 15 to 22 apply to a cancellation made pursuant to section 35, *mutatis mutandis*.

37. Cancellation does not affect a servitude or right granted in accordance with section 29 and does not prevent the application of the Mining Act (R.S.Q., chapter M-13).

38. If the cancellation of a grant of colonization land ordered pursuant to the Colonization Land Sales Act was rescinded before (*insert here the date of the coming into force of this section*), it is deemed never to have had effect.

39. Land under concession that is subject to a cancellation pursuant to section 35 becomes subject to the provisions of this Act that are applicable to ungranted land.

40. The Minister shall notify the secretary-treasurer of the county corporation or regional county municipality of any cancellation of a grant of land situated in the county.

DIVISION IV

ISSUE OF LETTERS PATENT

41. The Minister shall, on demand, issue the letters patent relating to a land under concession in favour of the person whose name is entered in the register as grantee on the mere payment of the price of the grant.

The letters patent have effect in favour of their beneficiary from the date of the grant.

42. The Minister shall enter in the register contemplated in section 4 the name of any person who furnishes him with sufficient proof that he occupies land forming part of an Indian reserve appropriated as such and having been the subject of a title granted without right by federal authority.

The Minister shall issue to the person the letters patent relating to the land on the mere payment of any balance due under the title granted by federal authority.

Letters patent issued in accordance with this section have effect in favour of their beneficiary from the date of the title granted by federal authority.

43. The Minister shall substitute for the name of the grantee in the register contemplated in section 4 the name of the person who furnishes him with sufficient proof that he holds land conceded by James Crawford prior to the date of the coming into force of the Act for the disposal of Public Lands (S.C., 1841, chapter 100), and issue letters patent to him.

The letters patent have effect in favour of their beneficiary from the date of the grant of the land by James Crawford.

44. Division III of Chapter II applies to this division and the power of the Minister to rectify letters patent extends to those issued for colonization purposes or for any other purpose deemed to be in the interests of agriculture and colonization before 19 March 1921 and to letters patent issued under the Colonization Land Sales Act before (*insert here the date of the coming into force of section 57*).

DIVISION V

MISCELLANEOUS PROVISIONS

45. Section 18 of the Lands and Forests Act applies to lands granted after 15 February 1924.

46. The Minister may, *ex officio* or on demand, cancel a deed of concession of land if the deed contains an error in the area or designation of the land granted, an error in the name of the grantee or any other clerical error, and issue another deed of concession to replace it.

The new deed of concession has effect from the date of the cancelled deed of concession.

CHAPTER IV

REGULATIONS

47. The Government may, by regulation,

(1) determine categories of ungranted lands and of acquirers and lessees, and provide for each category the conditions and price relating to the leasing or alienation of the lands;

(2) determine the cases where the Minister may exempt a person from the payment of the price of ungranted land;

(3) determine the conditions and, where applicable, the rights relating to the cutting of timber on ungranted land or on land under concession and the cases where the authorization of the Minister is not required;

(4) establish a tariff of fees for the preparation of documents, for any registration required under this Act and for obtaining copy of documents or written information relating to lands subject to this Act or for which letters patent have been issued, and determine the cases of exemption from payment of such fees;

(5) authorize a civil servant to sign letters patent;

(6) prescribe any transitional measure calculated to permit the application of this Act.

48. Regulations come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date indicated in the regulations.

CHAPTER V

PENAL PROVISIONS

49. Every person who occupies ungranted land or enters, stays or erects a structure on such land otherwise than in the exercise of a right conferred or duty imposed by law is guilty of an offence.

50. Every person who cuts timber on ungranted land or on land under concession in contravention of this Act or a regulation is guilty of an offence.

51. Every person who is guilty of an offence contemplated in this division is liable, in addition to costs,

(1) for a first offence, to a fine of not less than \$100 nor more than \$1 000 in the case of a natural person, and, on failure to pay, to imprisonment for not more than three months, or in the case of an artificial person, to a fine of not less than \$500 nor more than \$5 000;

(2) for any subsequent offence, to a fine of not less than \$200 nor more than \$2 000 in the case of a natural person, and on failure to pay, to imprisonment for not more than six months, or in the case of an artificial person, to a fine of not less than \$1 000 nor more than \$10 000.

52. Proceedings under this division are taken in accordance with the Summary Convictions Act (R.S.Q., chapter P-15) by the Attorney General or by a person generally or specially authorized by him for that purpose.

CHAPTER VI

TRANSITIONAL AND FINAL PROVISIONS

53. Any lease relating to an ungranted land granted under a former Act and existing at the coming into force of this Act remains valid for the term for which it was granted and the holder of the lease shall exercise the rights arising from it, in accordance with Chapter II.

54. Every regulation, order in council or order made under the Colonization Land Sales Act continues to be in force until it is repealed or replaced.

55. Letters patent issued before (*insert here the date of the coming into force of section 57*) under the Colonization Land Sales Act and those for which the authority of the Minister has been substituted for that of the Minister of Energy and Resources under section 55 of the said Act are hereby declared valid.

In no case may the letters patent be cancelled except by reason of fraud or to be replaced in accordance with section 44.

The letters patent have effect in favour of their beneficiaries from the date of the grant.

This section applies to pending cases.

56. Every beneficiary of letters patent granted by the Government and concerning reserved land appropriated for religious premises and burial grounds in accordance with section 62 of the Colonization Land Sales Act may alienate the land for any purpose without the authorization of the Minister.

Every alienation made without the authorization provided for in section 62 of the said Act is hereby approved.

57. This Act replaces the Colonization Land Sales Act (R.S.Q., chapter T-8).

58. The Act respecting the Ministère de l'agriculture, des pêcheries et de l'alimentation (R.S.Q., chapter M-14) is amended by striking out the words "and colonization societies" in paragraph 4 of section 2 and the words "colonization society" in section 16, respectively, and by striking out the words "or settlers" in paragraph 6 of section 2.

59. Section 2 of the said Act is amended by adding, after paragraph 6.1, the following paragraph:

"(6.2) he shall be responsible for making the entries in the register of rights granted on public lands under his authority. He may order the keeping of any new register;"

60. Sections 5 and 6 of the said Act are repealed.

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

"**14.1** Section 6 and sections 19 to 22 and 49 to 52 of the Act respecting public agricultural lands (1982, chapter (*insert here the chapter number of Bill 49*)) apply, *mutatis mutandis*, to all lands under the authority of the Minister."

62. Section 15 of the said Act is replaced by the following section:

"**15.** Sections 82 to 87 of the Lands and Forests Act (R.S.Q., chapter T-9) apply, *mutatis mutandis*, to lands under the authority of the Minister and the powers conferred therein are exercised by the Minister or by any employee of the department generally or specially authorized by him for that purpose."

63. The said Act is amended by inserting, after section 15, the following section:

"15.1 No member of the personnel of the department may directly or indirectly acquire any public land under the authority of the Minister unless he is authorized to do so by order of the Government."

64. Section 24 of the said Act is amended by replacing the third and fourth paragraphs by the following paragraphs:

"For such purposes, the Minister may, in particular, acquire any immovable under concession that is subject to the Act respecting agricultural public lands (1982, chapter *insert here the chapter number of Bill 49*), and, from such acquisition, that concession is cancelled of right and the cancellation has the same effect as if it had been made by the Minister under Division III of Chapter III of that Act. From that acquisition, such an immovable is no longer subject to that Act. This paragraph has effect from 22 December 1969 in respect of any immovable under concession that is then subject to the Colonization Lands Sales Act and which has been thus acquired.

He may also, by a notice, exempt an immovable from a program to bring it under another program or place it in the arable land bank established under Division VII, or exempt an immovable from the arable land bank to bring it under a program."

65. The Act respecting the acquisition of colonization lands (R.S.Q., chapter A-4) is repealed.

66. The Colonization Societies Act (Revised Statutes, 1964, chapter 104) is repealed.

67. The Pioneering Merit Act (Revised Statutes, 1964, chapter 107) is repealed.

68. The Settlers Protection Act (R.S.Q., chapter P-38) is repealed.

69. The Lands and Forests Act (R.S.Q., chapter T-9) is amended by replacing, wherever they appear, the words "colonization land" by the words "public agricultural land", the words "colonization purposes" by the words "agricultural purposes", the words "interest of colonization" by the words "interests of agriculture" and the word "colonization" by the word "agriculture", and making the necessary adaptations.

70. Sections 23, 24 and 25 of the said Act are replaced by the following sections:

"23. The Minister of Energy and Resources may by order transfer to the Minister of Agriculture, Fisheries and Food the

jurisdiction over any public land that he considers by its nature or situation to be suitable for agricultural purposes. Land thus transferred is subject to the Act respecting public agricultural lands (1982, chapter *insert here the chapter number of Bill 49*) and ceases to be subject to any forest operation permit.

"24. The Minister of Agriculture, Fisheries and Food may by order transfer jurisdiction over any public land to the Minister of Energy and Resources where he considers the land no longer suitable for agricultural purposes.

"24.1 The transfers of jurisdiction contemplated in sections 23 and 24 take effect from the date of the Minister's order evidencing the transfer.

"25. No sale of public land may be made for agricultural purposes, except of land under the authority of the Minister of Agriculture, Fisheries and Food."

71. Section 55 of the said Act is repealed.

72. The Minister of Agriculture, Fisheries and Food is entrusted with the application of this Act.

73. This Act will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by such proclamation, which will come into force on a later date to be fixed by proclamation of the Government.

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NATIONAL ASSEMBLY OF QUÉBEC
Thirty-second Legislature, Third session

1982, chapter 7

AN ACT TO AMEND THE ACT RESPECTING THE CENTRE DE RECHERCHE INDUSTRIELLE DU QUÉBEC

Bill No. 50

Introduced by Mr. Rodrigue Biron

First reading: 4 March 1982

Second reading: 11 March 1982

Third reading: 30 March 1982

Assented to: 31 March 1982

Coming into force: 31 March 1982

Act amended:

Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8)



EXPLANATORY NOTES

The main object of this bill is to authorize the Minister of Finance to pay the sum of \$85 000 000 to the Centre de recherche industrielle du Québec during the period from 1 April 1982 to 31 March 1987.

In addition, this bill is designed to dispense the Centre henceforth from obtaining the approval of the Government when making regulations for its internal management and administration, and when making agreements with the departments and bodies of the Gouvernement du Québec.

Lastly, it authorizes the Minister of Industry, Commerce and Tourism, who is the Minister responsible for the administration of the Act, to issue directives on the objectives and goals of the Centre, with the approval of the Government.

Bill 50

An Act to amend the Act respecting
the Centre de recherche industrielle du Québec

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Section 6 of the Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8) is replaced by the following section:

"6. The term of office of the general manager is not over five years, and that of the other members is not over three years."

2. Section 11 of the said Act is amended by replacing the first paragraph by the following paragraph:

"11. The secretary and the other functionaries and employees of the Centre shall be appointed and remunerated in accordance with the staff requirements, standards and scales established by regulation of the Centre. The regulation comes into force only after being approved by the Government."

3. Section 15 of the said Act is replaced by the following section:

"15. The Centre may make regulations for

- (a) its internal management;
- (b) the establishment and powers of an executive committee;
- (c) defining the duties and powers of its employees;
- (d) the purposes of section 14."

4. Section 18 of the said Act is amended by adding, at the end, the following paragraphs:

"(g) enter according to law into an agreement with any government, governmental department or governmental agency;

"(h) enter into a contract with any person to participate in research;

"(i) dispose of patents which it has acquired or permit them to be used."

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

"18.1 The Centre shall not, without the authorization of the Minister of Industry, Commerce and Tourism, enter into any purchase contract or contract for services entailing an obligation for the Centre to pay an amount in excess of \$200 000."

6. Section 19 of the said Act is replaced by the following section:

"19. The Centre shall not, without the authorization of the Government,

(a) contract a loan which would raise to more than \$500 000 the total of the amounts borrowed by it and not yet repaid;

(b) acquire stocks or shares of any corporation."

7. Section 25 of the said Act is replaced by the following section:

"25. The Minister of Finance shall pay the sum of \$85 000 000 to the Centre out of the consolidated revenue fund during the period from 1 April 1982 to 31 March 1987.

The sum shall be paid to the Centre in one or several payments in the amount or amounts and on the conditions determined by the Government.

The total payment for the fiscal year 1982-1983 shall not be less than \$13 000 000.

For each subsequent fiscal year, the total payment shall not be less than the minimum payment provided for the preceding fiscal year indexed by 10%, until the sum of \$85 000 000 contemplated in the first paragraph is exhausted."

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

"26.1 The Minister of Industry, Commerce and Tourism may within the scope of the powers and responsibilities vested in him issue directives on the objectives and goals of the Centre in carrying out its statutory powers.

The directives must be submitted to the Government for approval. If it approves them, they bind the Centre and it must observe them.

Every directive issued pursuant to this section must be tabled before the National Assembly of Québec, if it is in session, within fifteen days of its approval by the Government. If the directive is issued while the National Assembly is not sitting, the directive must be tabled before it within fifteen days of the opening of the next session or, as the case may be, within fifteen days of resumption."

9. This Act comes into force on the day of its sanction.

NATIONAL ASSEMBLY OF QUÉBEC
Thirty-second Legislature, Third session

1982, chapter 8

AN ACT RESPECTING THE SOCIÉTÉ DU GRAND THÉÂTRE DE QUÉBEC

Bill No. 51

Introduced by Mr. Clément Richard

First reading: 9 March 1982

Second reading: 16 March 1982

Third reading: 30 March 1982

Assented to: 31 March 1982

Coming into force by proclamation of the Government

Act replaced:

Act respecting the Grand Théâtre de Québec (R.S.Q., chapter G-2)



Éditeur officiel
Québec

EXPLANATORY NOTES

This bill replaces the Act respecting the Grand Théâtre de Québec (R.S.Q., chapter G-2).

It provides for the establishment and organization of the Société du Grand Théâtre de Québec ("the Corporation"), which is substituted for the Régie du Grand Théâtre de Québec.

It provides that the nine members of the Corporation are to be appointed by the Government, three of them after consultation with the Communauté urbaine de Québec.

It gives the Corporation a mandate to present, stage and produce performances. It makes the exercise of certain powers of the Corporation subject to government approval. Lastly, it requires the Corporation to obtain government approval of its development plan.

Bill 51

An Act respecting the Société du Grand Théâtre de Québec

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

1. A body, herein referred to as "the Corporation", is hereby established under the name of the "Société du Grand Théâtre de Québec".

2. The Corporation is a corporation within the meaning of the Civil Code, and has all the powers of such a corporation in addition to those conferred on it by this Act.

3. The corporate seat of the Corporation is in the territory of the Communauté urbaine de Québec.

4. The affairs of the Corporation are administered by a board of directors consisting of nine members appointed by the Government; three of the members, excluding the chairman, are appointed upon the recommendation of the Communauté urbaine de Montréal.

5. The Government shall fix the salary, fees or allowances of the members of the Corporation and any indemnities they are entitled to.

6. The members of the Corporation are appointed for a term of not over four years.

7. The members of the Corporation remain in office notwithstanding the expiry of their term until they are replaced or reappointed.

8. Five members are a quorum at sittings of the Corporation.

9. In case of a tie-vote, the chairman has a casting vote.

10. If a member of the Corporation is absent or temporarily unable to act, the Government, according to the mode of appointment provided in section 4 and on the conditions it determines, may appoint a person as interim member.

11. Each year, at its first meeting, the Corporation shall form an executive committee of three members, whose functions are determined by the by-laws of the Corporation.

The by-laws come into force from the date of their approval by the Government.

The president of the Corporation is chairman of the committee *ex officio*; a vice-chairman and the third member are to be designated from among the other members of the Corporation.

12. The Corporation shall appoint a director general, whose salary, allowances, indemnities and other conditions of employment are determined by the Government.

13. The director general is responsible for the management of the Corporation within the scope of its by-laws.

14. The director general shall perform his duties on a full-time basis; however, he may simultaneously carry out the duties of secretary.

15. The Corporation may appoint a secretary and any other employee necessary for its functions.

16. The secretary and the other employees of the Corporation are appointed and remunerated in accordance with the standards, scales and staffing plan established by the by-laws of the Corporation.

The by-laws come into force from the date of their approval by the Government.

17. The Corporation may adopt internal management by-laws.

The by-laws come into force from the date of their approval by the Government.

18. Every member of the Corporation having a direct or indirect interest in an undertaking causing his personal interest to conflict with that of the Corporation shall, under pain of forfeiture of office, disclose it in writing to the board of directors and abstain from participating in any decision bearing on the undertaking in which he has an interest.

19. The minutes of the sittings of the board of directors, approved by the board and certified by the president of the Corporation or by the secretary, are authentic.

Similarly, documents or copies emanating from the Corporation or forming part of its records are authentic if certified by the secretary.

CHAPTER II

FUNCTIONS AND POWERS

20. The functions of the Corporation are to manage the Grand Théâtre de Québec and to present, stage and produce performances.

21. The Corporation shall not, without obtaining the prior authorization of the Government,

(1) exercise its powers in respect of property other than the Grand Théâtre de Québec;

(2) acquire, alienate, hypothecate or take a lease on an immovable;

(3) enter into a contract for more than three years, except a contract for less than five years in which the Corporation is the lessor;

(4) contract a loan that increases the aggregate of sums borrowed by the Corporation and outstanding above the amount determined by the Government;

(5) exercise a mandate pertaining to the negotiation of a collective labour agreement with its employees;

(6) sign a collective labour agreement with its employees.

22. The Corporation shall proceed by way of public tenders in all cases where a department must do so according to the rules adopted under the Financial Administration Act (R.S.Q., chapter A-6).

CHAPTER III

GOVERNMENT GUARANTEES

23. The Government may determine the conditions of any subsidy it grants to the Corporation to cover the whole or part of the payment in capital and interest of any loan or other obligation of the Corporation.

24. The Government may guarantee, on such conditions as it may fix, the payment in capital and interest of any loan or other obligation of the Corporation.

The sums required for the administration of this section are taken out of the consolidated revenue fund.

CHAPTER IV

ACCOUNTS AND REPORTS

25. The fiscal period of the Corporation ends on 31 August each year.

26. The Corporation must have its development plan approved by the Government.

The Government shall determine the form and general tenor of the development plan and the time when the plan must be filed with it.

27. Within three months from the end of its fiscal period, the Corporation shall file its financial statements and a report of its activities for the preceding fiscal period with the Minister of Cultural Affairs.

The financial statements and the report of activities must contain all the information required by the Minister.

28. The Minister shall table the report of activities and the financial statements of the Corporation before the National Assembly of Québec within thirty days of receiving them, if the Assembly is in session or, if it is not sitting, within thirty days of the next session or of resumption, as the case may be.

29. The Corporation shall also furnish to the Minister any information he requires on its activities.

30. The books and accounts of the Corporation must be audited every year and whenever the Government orders them

audited, by the Auditor General or by an auditor recommended by the Corporation with the approval of the Government.

31. The report of the auditors must accompany the report of activities and the financial statements of the Corporation.

32. The sums received by the Corporation must be used to meet its obligations and the balance paid annually into the consolidated revenue fund.

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

33. The name "Grand Théâtre de Québec" and the name "Grand Théâtre" shall not be used in Québec to designate any immovable, undertaking or body, without the written authorization of the Corporation.

34. The Société du Grand Théâtre de Québec is substituted for the Régie du Grand Théâtre de Québec and, in that capacity, assumes its powers and obligations and acquires its rights.

35. Members and employees of the Régie du Grand Théâtre de Québec who are in office when this section comes into force become members and employees, respectively, of the Société du Grand Théâtre de Québec.

36. The term of office of a member of the Régie du Grand Théâtre de Québec that has not expired when this section comes into force is continued until the appointment of a new member by the Government according to the mode of appointment provided in section 4.

37. Every provision of a by-law, order in council or order made under the Act respecting the Grand Théâtre de Québec (R.S.Q., chapter G-2) remains in force until it is amended or replaced.

38. In any Act, regulation, by-law, order in council, order, contract, agreement or other document, the words "Régie du Grand Théâtre de Québec", "Grand Théâtre de Québec" or "Board", where they designate the Régie du Grand Théâtre de Québec, are replaced by the words "Société du Grand Théâtre de Québec" or by the word "Corporation".

39. This Act replaces the Act respecting the Grand Théâtre de Québec.

40. The Minister of Cultural Affairs is responsible for the administration of this Act.

41. This Act will come into force on a date to be fixed by proclamation of the Government, except the provisions excluded by that proclamation, which will come into force on a later date to be fixed by proclamation of the Government.

NATIONAL ASSEMBLY OF QUÉBEC
Thirty-second Legislature, Third session

1982, chapter 9

AN ACT RESPECTING THE SOCIÉTÉ DE LA PLACE DES ARTS DE MONTRÉAL

Bill No. 52

Introduced by Mr. Clément Richard

First reading: 9 March 1982

Second reading: 16 March 1982

Third reading: 30 March 1982

Assented to: 31 March 1982

Coming into force by proclamation of the Government

Act replaced:

Act respecting Place des Arts (R.S.Q., chapter P-11)



EXPLANATORY NOTES

This bill replaces the Act respecting Place des Arts (R.S.Q., chapter P-11).

It provides for the establishment and organization of the Société de la Place des Arts de Montréal ("the Corporation"), which is substituted for the Régie de la Place des Arts.

It provides that the nine members of the Corporation are to be appointed by the Government, three of them after consultation with the Communauté urbaine de Montréal.

It gives the Corporation a mandate to present, stage and produce performances. It makes the exercise of certain powers of the Corporation subject to government approval. Lastly, it requires the Corporation to obtain government approval of its development plan.

Bill 52

An Act respecting the Société de la Place des Arts de Montréal

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

1. A body, herein referred to as "the Corporation", is hereby established under the name of the "Société de la Place des Arts de Montréal".

2. The Corporation is a corporation within the meaning of the Civil Code, and has all the powers of such a corporation in addition to those conferred on it by this Act.

3. The corporate seat of the Corporation is in the territory of the Communauté urbaine de Montréal.

4. The affairs of the Corporation are administered by a board of directors consisting of nine members appointed by the Government; three of the members, excluding the chairman, are appointed upon the recommendation of the Communauté urbaine de Montréal.

5. The Government shall fix the salary, fees or allowances of the members of the Corporation and any indemnities they are entitled to.

6. The members of the Corporation are appointed for a term of not over four years.

7. The members of the Corporation remain in office notwithstanding the expiry of their term until they are replaced or reappointed.

8. Five members are a quorum at sittings of the Corporation.

9. In case of a tie-vote, the chairman has a casting vote.

10. If a member of the Corporation is absent or temporarily unable to act, the Government, according to the mode of appointment provided in section 4 and on the conditions it determines, may appoint a person as interim member.

11. Each year, at its first meeting, the Corporation shall form an executive committee of three members, whose functions are determined by the by-laws of the Corporation.

The by-laws come into force from the date of their approval by the Government.

The president of the Corporation is chairman of the committee *ex officio*; a vice-chairman and the third member are to be designated from among the other members of the Corporation.

12. The Corporation shall appoint a director general, whose salary, allowances, indemnities and other conditions of employment are determined by the Government.

13. The director general is responsible for the management of the Corporation within the scope of its by-laws.

14. The director general shall perform his duties on a full-time basis; however, he may simultaneously carry out the duties of secretary.

15. The Corporation may appoint a secretary and any other employee necessary for its functions.

16. The secretary and the other employees of the Corporation are appointed and remunerated in accordance with the standards, scales and staffing plan established by the by-laws of the Corporation.

The by-laws come into force from the date of their approval by the Government.

17. The Corporation may adopt internal management by-laws.

The by-laws come into force from the date of their approval by the Government.

18. Every member of the Corporation having a direct or indirect interest in an undertaking causing his personal interest to conflict with that of the Corporation shall, under pain of forfeiture of office, disclose it in writing to the board of directors and abstain from participating in any decision bearing on the undertaking in which he has an interest.

19. The minutes of the sittings of the board of directors, approved by the board and certified by the president of the Corporation or by the secretary, are authentic.

Similarly, documents or copies emanating from the Corporation or forming part of its records are authentic if certified by the secretary.

CHAPTER II

FUNCTIONS AND POWERS

20. The functions of the Corporation are to manage the Place des Arts de Montréal and to present, stage and produce performances.

21. The Corporation shall not, without obtaining the prior authorization of the Government,

(1) exercise its powers in respect of property other than the Place des Arts de Montréal;

(2) acquire, alienate, hypothecate or take a lease on an immovable;

(3) enter into a contract for more than three years, except a contract for less than five years in which the Corporation is the lessor;

(4) contract a loan that increases the aggregate of sums borrowed by the Corporation and outstanding above the amount determined by the Government;

(5) exercise a mandate pertaining to the negotiation of a collective labour agreement with its employees;

(6) sign a collective labour agreement with its employees.

22. The Corporation shall proceed by way of public tenders in all cases where a department must do so according to the rules adopted under the Financial Administration Act (R.S.Q., chapter A-6).

CHAPTER III

GOVERNMENT GUARANTEES

23. The Government may determine the conditions of any subsidy it grants to the Corporation to cover the whole or part of the payment in capital and interest of any loan or other obligation of the Corporation.

24. The Government may guarantee, on such conditions as it may fix, the payment in capital and interest of any loan or other obligation of the Corporation.

The sums required for the administration of this section are taken out of the consolidated revenue fund.

CHAPTER IV

ACCOUNTS AND REPORTS

25. The fiscal period of the Corporation ends on 31 August each year.

26. The Corporation must have its development plan approved by the Government.

The Government shall determine the form and general tenor of the development plan and the time when the plan must be filed with it.

27. Within three months from the end of its fiscal period, the Corporation shall file its financial statements and a report of its activities for the preceding fiscal period with the Minister of Cultural Affairs.

The financial statements and the report of activities must contain all the information required by the Minister.

28. The Minister shall table the report of activities and the financial statements of the Corporation before the National Assembly of Québec within thirty days of receiving them, if the Assembly is in session or, if it is not sitting, within thirty days of the next session or of resumption, as the case may be.

29. The Corporation shall also furnish to the Minister any information he requires on its activities.

30. The books and accounts of the Corporation must be audited every year and whenever the Government orders them

audited, by the Auditor General or by an auditor recommended by the Corporation with the approval of the Government.

31. The report of the auditors must accompany the report of activities and the financial statements of the Corporation.

32. The sums received by the Corporation must be used to meet its obligations and the balance paid annually into the consolidated revenue fund.

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

33. The name "Place des Arts de Montréal" and the name "Place des Arts" shall not be used in Québec to designate any immovable, undertaking or body, without the written authorization of the Corporation.

34. The Société de la Place des Arts de Montréal is substituted for the Régie de la Place des Arts and, in that capacity, assumes its powers and obligations and acquires its rights.

35. Members and employees of the Régie de la Place des Arts who are in office when this section comes into force become members and employees, respectively, of the Société de la Place des Arts de Montréal.

36. The term of office of a member of the Régie de la Place des Arts that has not expired when this section comes into force is continued until the appointment of a new member by the Government according to the mode of appointment provided in section 4.

37. Every provision of a by-law, order in council or order made under the Act respecting Place des Arts (R.S.Q., chapter P-11) remains in force until it is amended or replaced.

38. In any Act, regulation, by-law, order in council, order, contract, agreement or other document, the words "Régie de la Place des Arts", "Place des Arts" or "Board", where they designate the Régie de la Place des Arts, are replaced by the words "Société de la Place des Arts de Montréal" or by the word "Corporation".

39. The commitments of the Government in respect of the holders of obligations of the Régie de la Place des Arts are not changed by this Act.

40. The commitments of the city of Montréal in respect of the deficits of the Régie de la Place des Arts, in accordance with orders in council 679-65 of 31 March 1965 and 904-66 of 18 May 1966 and order 3423-80 of 29 October 1980, are at the sole charge of the Government.

41. This Act replaces the Act respecting Place des Arts.

42. The Minister of Cultural Affairs is responsible for the administration of this Act.

43. This Act will come into force on a date to be fixed by proclamation of the Government, except the provisions excluded by that proclamation, which will come into force on a later date to be fixed by proclamation of the Government.

NATIONAL ASSEMBLY OF QUÉBEC
Thirty-second Legislature, Third session

1982, chapter 10

**AN ACT TO AMEND THE ACT RESPECTING THE
SOCIÉTÉ QUÉBÉCOISE D'INITIATIVES PÉTROLIÈRES**

Bill No. 53

Introduced by Mr. Yves Duhaime

First reading: 11 March 1982

Second reading: 30 March 1982

Third reading: 30 March 1982

Assented to: 31 March 1982

Coming into force: 31 March 1982

Act amended:

Act respecting the Société québécoise d'initiatives pétrolières (R.S.Q., chapter S-22)



EXPLANATORY NOTES

The chief object of this bill is to increase the authorized capital of the Société québécoise d'initiatives pétrolières by \$90 000 000.

The sum will be paid to SOQUIP by the Minister of Finance during the four fiscal years between 31 March 1982 and 1 April 1986.

Bill 53

An Act to amend the Act respecting
the Société québécoise d'initiatives pétrolières

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Section 4 of the Act respecting the Société québécoise d'initiatives pétrolières (R.S.Q., chapter S-22), replaced by section 2 of chapter 27 of the statutes of 1980, is replaced by the following section:

"4. The authorized capital of the Company is \$255 000 000, divided into 5 100 000 shares of a par value of \$50 each."

2. Section 9.1 of the said Act, enacted by section 4 of chapter 27 of the statutes of 1980, is amended by replacing the words "au paragraphe" in the seventh line of the second paragraph of the French version by the words "à l'alinéa".

3. The said Act is amended by adding, after section 9.2 enacted by section 4 of chapter 27 of the statutes of 1980, the following section:

"9.2.1 Upon the application of the Company, which it shall prepare in accordance with the sums required for the purposes of its investments, the Minister of Finance shall also pay to the Company, out of the consolidated revenue fund, the sum of \$90 000 000 for 1 800 000 fully paid-up shares of its capital stock, according to the following terms and conditions:

(a) in the fiscal year 1982-1983, up to the sum of \$15 000 000 for the proportionate number of fully paid-up shares of its capital stock;

(b) in each of the fiscal years 1983-1984, 1984-1985 and 1985-1986, up to the sum of \$25 000 000 for the proportionate number of fully paid-up shares of its capital stock.

If, however, in any year mentioned in the first paragraph, the Company applies for a smaller sum than the maximum sum provided for for that year, it may later make an application for the difference between the two sums. Upon this latter application, the Minister of Finance shall pay to the Company, out of the consolidated revenue fund, notwithstanding the maximum yearly sums provided for in the first paragraph, the sum applied for, for the proportionate number of fully paid-up shares of its capital stock.

The Company shall not employ an amount paid to it pursuant to the preceding paragraphs for purposes other than those approved by the Government. Third persons are not bound to see to the observance of this paragraph, and it shall not be invoked by them or against them."

4. Section 9.3 of the said Act, enacted by section 4 of chapter 27 of the statutes of 1980, is replaced by the following section:

"9.3 The Company shall issue share certificates to the Minister of Finance in return for the payments made under sections 9.1, 9.2 and 9.2.1."

5. This Act comes into force on the day of its sanction.

NATIONAL ASSEMBLY OF QUÉBEC
Thirty-second Legislature, Third session

1982, chapter 14

**AN ACT TO AMEND THE ACT RESPECTING THE
SOCIÉTÉ QUÉBÉCOISE DE DÉVELOPPEMENT
DES INDUSTRIES CULTURELLES**

Bill No. 54

Introduced by Mr. Clément Richard

First reading: 16 March 1982

Second reading: 30 March 1982

Third reading: 8 April 1982

Assented to: 8 April 1982

Coming into force: 8 April 1982

Act amended:

Act respecting the Société québécoise de développement des industries culturelles
(R.S.Q., chapter S-18.3)



**Éditeur officiel
Québec**

EXPLANATORY NOTES

The main objects of this bill are to increase the authorized capital of the Société québécoise de développement des industries culturelles by \$10 000 000 and to enable the Government to guarantee the loans of the company.

It also broadens the objects of the company to enable it to promote the creation and development of undertakings engaged in the fields of communications and cultural property.

Finally, it emphasizes one of such new objects by calling the company the "Société de développement des industries de la culture et des communications".

Bill 54

An Act to amend the Act
respecting the Société québécoise
de développement des industries culturelles

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Section 1 of the Act respecting the Société québécoise de développement des industries culturelles (R.S.Q., chapter S-18.3) is amended by adding the following paragraph:

"From 8 April 1982, the company shall be called "Société de développement des industries de la culture et des communications" or referred to under the initials "SODICC"."

2. In any Act, regulation, proclamation, order in council, decree or other document, the expression "Société québécoise de développement des industries culturelles" or the word "company" referring to the Société québécoise de développement des industries culturelles are replaced by "Société de développement des industries de la culture et des communications" and by "company" referring to the latter company.

3. Section 4 of the said Act is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

"(a) to promote the creation and development of undertakings engaged in the fields of

(1) book publishing;

(2) communication services, including television, radio, cable service, videotapes, audio-visual production, newspapers, periodicals and software;

- (3) recording, video-recording and video-cassettes;
- (4) performing arts, including theatre, entertainment, music, dance and singing;
- (5) arts and crafts;
- (6) immovable cultural property;
- (7) any nature designated by regulation of the Government;".

4. Section 5 of the said Act is amended by adding after the word "cultural" in the last line of the first paragraph the words "and communication".

5. Section 15 of the said Act is amended by replacing the words "cultural undertaking" in the fourth line of the first paragraph by the words "undertaking engaged in the field of culture or communication".

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

"17. The authorized capital of the company is \$20 000 000, divided into 200 000 shares of a par value of \$100 each."

7. Section 19 of the said Act is amended by striking out the second paragraph.

8. The said Act is amended by inserting, after section 19, the following sections:

"19.1 The Minister of Finance is also authorized to pay to the company, out of the consolidated revenue fund, the sum of \$10 000 000 for 100 000 fully paid-up shares of its capital stock for which share certificates are to be issued to the Minister by the company.

"19.2 The payments provided for in sections 19 and 19.1 may be made in one or several instalments the amount and conditions of which are determined by the Government."

9. Section 20 of the said Act is amended

(1) by replacing subparagraphs *c* and *d* of the first paragraph by the following subparagraphs:

"(c) acquire or dispose of immovables, except by way of the performance of a guarantee offered by a borrower;

"(d) make a financial engagement or grant financial assistance for a sum exceeding the amount determined by the Government;";

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

"In the case of a loan contemplated in subparagraph *b* of the first paragraph, the Government may, on the conditions it determines, guarantee the payment in capital and interest of any loan contracted by the company. The sums required for the application of this paragraph are taken out of the consolidated revenue fund."

10. This Act comes into force on the day of its sanction.

NATIONAL ASSEMBLY OF QUÉBEC
Thirty-second Legislature, Third session

1982, chapter 11

**AN ACT RESPECTING THE ROLL OF RENTAL VALUES OF
THE CITY OF MONTRÉAL, FOR THE PURPOSES OF THE
WATER-RATE AND SERVICE TAX, FOR THE FISCAL
YEARS 1981 AND 1982**

Bill No. 58

Introduced by Mr. Jacques Léonard

First reading: 25 March 1982

Second reading: 30 March 1982

Third reading: 30 March 1982

Assented to: 31 March 1982

Coming into force: 31 March 1982

Act amended:

None

EXPLANATORY NOTE

The object of this bill is to authorize the city of Montréal to use, for the purposes of the water-rate and service tax for each of the fiscal years 1981 and 1982, the roll of rental values applicable for its preceding fiscal year.

Bill 58

An Act respecting the roll of rental values of the city of Montréal,
for the purposes of the water-rate and service tax,
for the fiscal years 1981 and 1982

HER MAJESTY, with the advice and consent of the National
Assembly of Québec, enacts as follows:

- 1.** The roll of rental values of the city of Montréal applicable for its fiscal year 1980 for the purposes of the water-rate and service tax, kept up to date or amended in conformity with the law, constitutes, for the same purposes, from 1 January 1981, the roll of rental values of that city for its fiscal year 1981.
- 2.** The roll of rental values of the city of Montréal applicable for its fiscal year 1981 for the purposes of the water-rate and service tax, kept up to date or amended in conformity with the law, constitutes, for the same purposes, from 1 January 1982, the roll of rental values of that city for its fiscal year 1982.
- 3.** Section 1 has effect as from 1 January 1981.
- 4.** Section 2 has effect as from 1 January 1982.
- 5.** This Act comes into force on the day of its sanction.

NATIONAL ASSEMBLY OF QUÉBEC
Thirty-second Legislature, Third session

1982, chapter 15

AN ACT RESPECTING CERTAIN CAISSES D'ENTRAIDE ÉCONOMIQUE

Bill No. 60

Introduced by Mr. Jacques Parizeau

First reading: 30 March 1982

Second reading: 6 April 1982

Third reading: 8 April 1982

Assented to: 8 April 1982

Coming into force: 8 April 1982

Acts amended:

Act respecting the sociétés d'entraide économique and amending various legislation
(1981, chapter 31)

Taxation Act (R.S.Q., chapter I-3)



EXPLANATORY NOTES

The main object of this bill is to order a vote held in all caisses d'entraide économique, excepting those which have converted into sociétés d'entraide économique pursuant to the vote on 14 February 1982, and those which had already decided on their future form of existence before 23 February 1982, the date on which the Minister of Financial Institutions and Cooperatives made his policy statement.

At this vote, to be held on 22 May 1982, the members of a union (caisse) entitled to vote under the terms of the bill will have several options to choose from. They may elect to convert their union into a société d'entraide économique following the "Dugal plan". They may decide to integrate their union with the Mouvement des caisses populaires et d'économie Desjardins du Québec, if the Mouvement has proposed it to them. They may opt for any other plan submitted to them with the Minister's approval. Or, they may choose to wind up and dissolve their caisse d'entraide économique.

The bill sets out the necessary rules on the drafting and presenting of the various options, on their contents and conditions of application and, lastly, on establishing their juridical effects.

The bill regulates publicity between tabling of the bill and 1 June 1982 dealing with the options to be submitted to the members for the vote. Any option that receives over 50% of the vote will be adopted. If no option receives over 50%, a second vote will be held on 29 May 1982.

The bill also sets forth rules for the vote, in particular, rules on preparing and revising the list of members of each caisse d'entraide économique for the purposes of voting. The director general of elections will have charge of the holding of the vote and establish the necessary rules. In addition, the bill empowers the Minister to order, after 1 June 1982, the winding-up of a union on the conditions he may determine.

Lastly, the bill contains several provisions designed to allow the sociétés d'entraide économique, on conditions specified in the bill, to redeem shares and pay deposits held in a registered retirement savings plan by a person 65 years of age or over, in a registered home ownership savings plan by a person having acquired a

principal residence, and by a disabled person. It is also designed to allow, until 1 September 1982, the transfer of shares of the sociétés d'entraide économique, with the related tax benefits.

Several legislative provisions which already exist in other statutes now in force have, instead of being referred to, been reproduced in the bill, to simplify comprehension.

The bill amends the Taxation Act and the Act respecting the sociétés d'entraide économique and amending various legislation.

Bill 60

An Act respecting certain caisses d'entraide économique

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

CHAPTER I

APPLICABILITY AND GENERAL PROVISIONS

1. In this Act, unless otherwise indicated by the context, "caisse d'entraide économique" means a caisse d'entraide économique listed in Schedule I or a caisse d'entraide économique designated by the Minister.

2. Every caisse d'entraide économique shall hold a vote on the following options:

- (1) the conversion plan contemplated in Chapter II;
- (2) the integration plan contemplated in Chapter III, if such is the case;
- (3) any other plan contemplated in Chapter IV, if such is the case;
- (4) winding-up in accordance with the rules provided in Chapter V.

3. Any other option is null and void.

4. No caisse d'entraide économique may issue or repay any share before 1 June 1982.

This section has effect from 23 February 1982.

5. In case of a vacancy on the board of directors of a caisse d'entraide économique or the incapacity or resignation of a director after

30 March 1982, the Minister may, if the directors remaining in office are not a quorum, appoint for the period he determines such directors as necessary to form a quorum, after consulting, where such is the case, the directors then in office.

This section has effect from 30 March 1982.

6. No caisse d'entraide économique may, until 1 June 1982, hold any meeting dealing with a conversion plan, an integration plan, a change of affiliation, an amalgamation or a winding-up, unless the meeting is held for the sole purpose of informing the members of the union.

Furthermore, no union may, until that date, alienate all or part of its assets except in the ordinary course of its business, unless authorized thereto by the Minister, even retroactively.

This section has effect from 23 February 1982.

7. No request contemplated in section 44 of the Savings and Credit Unions Act (R.S.Q., chapter C-4) to convene a special meeting of the members of a caisse d'entraide économique intended to dismiss a director, or a member of the board of supervision or the committee on credit, may be deposited at the head office of the caisse d'entraide économique between 15 April 1982 and 29 May 1982.

Before 15 April 1982, the secretary or his substitute shall, on receiving such a request, convene a special meeting. He must give five days' notice of the meeting.

This section has effect from 30 March 1982.

CHAPTER II

PLAN FOR CONVERSION INTO A SOCIÉTÉ D'ENTRAIDE ÉCONOMIQUE

DIVISION I

GENERAL PROVISIONS

8. A plan for the conversion of a caisse d'entraide économique into a société d'entraide économique that has been approved pursuant to the third paragraph of section 6 of the Act respecting the sociétés d'entraide économique and amending various legislation (1981, chapter 31), and that has been amended in accordance with this Act, must be submitted to the union for a vote.

For the purposes of this Act, the conversion plan of each caisse d'entraide économique is deemed to be submitted by the Fédération des sociétés d'entraide économique du Québec.

9. The executive officers and the employees of each caisse d'entraide économique must give assistance to the Fédération des sociétés d'entraide économique du Québec and put at its disposal all the books and documents in their custody.

10. The Fédération des sociétés d'entraide économique du Québec must amend in each conversion plan the information prescribed in paragraphs 3 to 6 and 8 of section 3 of the Act respecting the sociétés d'entraide économique and amending various legislation by substituting the following information:

(1) the amount of the paid-up capital stock on 23 April 1982, indicating the portion of that amount that was subscribed before 23 August 1981;

(2) the surname, given name and address of each shareholder on 23 April 1982;

(3) the number of shares held by each shareholder on 23 April 1982, specifying those subscribed before 23 August 1981, and the amount of money such shares represent;

(4) the number of shares, for each shareholder, that will be converted into shares of the share capital of the société d'entraide économique resulting from the continuance contemplated by this chapter, and the amount of money such shares represent;

(5) the number of shares, for each shareholder, that will be converted into deposits, and the amount of money such deposits represent.

11. Not later than 1 May 1982, the Fédération des sociétés d'entraide économique du Québec must send a copy of the information prescribed in section 10 to the Minister and to the caisse d'entraide économique concerned.

12. In no case may amendments that must be made pursuant to section 10 to the conversion plan of a caisse d'entraide économique have the effect of amending the first paragraph of section 6 of the text of the conversion plan.

13. In the text of every conversion plan of a caisse d'entraide économique, the time allowed for the issue of the instruments evidencing deposits resulting from the conversion of shares terminates on 30 June 1982.

However, the date provided in the first paragraph is replaced by 1 August 1982 where the conversion plan of a caisse d'entraide

économique provides that no deposit resulting from the conversion of shares becomes due in the three-month period commencing on 1 June 1982 and terminating on 31 August 1982.

14. If significant facts unknown to the Minister existed when the conversion plan of a *caisse d'entraide économique* was approved, the *Fédération des sociétés d'entraide économique du Québec* may request the Minister to amend the plan of a *caisse d'entraide économique*.

Requests for amendment must be sent to the Minister not later than 19 April 1982.

15. If the Minister considers that the facts on which the requested amendments are founded are significant, he may approve the amendments with or without amendments.

If the Minister approves the amendments, he shall send copy of them to the *Fédération des sociétés d'entraide économique du Québec* and to the *caisse d'entraide économique* concerned not later than 1 May 1982.

16. The *Fédération des sociétés d'entraide économique du Québec* must prepare an information document containing

(1) a summary of the conversion plan;

(2) a summary of the amendments provided for in sections 10 and 13 and, if such is the case, 15; also, sections 37 and 122 to 132 of this Act, and sections 53.1 to 53.3, 200.1 and 200.2 of the Act respecting the *sociétés d'entraide économique* and amending various legislation;

(3) all other information determined by the Minister.

The Federation must forward the information document to the Minister not later than 19 April 1982.

17. The summary of the conversion plan must contain

(1) the data enabling the members to establish how many of their shares will be converted into shares and how many into deposits;

(2) the description of the characteristics of such shares and deposits;

(3) as the case may be, the proportion of the operating surplus that may, for the current fiscal period, be allocated to the payment of interest on the sums paid on shares or to the payment of rebates to depositors or borrowers.

18. The Minister shall approve the information document with or without amendments.

19. After approving the information document, the Minister shall forward a copy thereof to the Fédération des sociétés d'entraide économique du Québec and to the union concerned before 1 May 1982.

20. The Fédération des sociétés d'entraide économique du Québec must, through the intermediary of a person designated by the Minister, forward a copy of the information document to the members of the caisse d'entraide économique concerned not later than 6 May 1982.

21. Every member or creditor of a caisse d'entraide économique may obtain in respect of the conversion plan and the amendments to it the information prescribed in paragraph 1 of section 10 of this Act and in paragraphs 7, 9 and 10 of section 3 of the Act respecting the sociétés d'entraide économique and amending various legislation.

Every member may also obtain all the information contained in the plan, and the amendments to it, to the extent that such information concerns him.

22. The caisse d'entraide économique must give a copy of the information document to every creditor who requests it.

It shall allow its members and creditors to examine the information circular and the audited financial statements of the caisse d'entraide économique to 30 September 1981, copy of which was received by the members in view of the special meeting held on 14 February 1982.

23. No conversion plan other than a conversion plan contemplated in section 8 that has been amended in conformity with this Act may be submitted for a vote.

DIVISION II

ADOPTION OF THE CONVERSION PLAN

24. To adopt the plan for conversion into a société d'entraide économique, and the amendments to it, the draft conversion by-law submitted at the special meeting held on 14 February 1982 is deemed to be resubmitted for adoption when the vote is held.

The draft by-law must, however, be read without reference to the special meeting of the members of the caisse d'entraide économique called for 14 February 1982.

25. If the by-law is adopted, all the members and shareholders of the *caisse d'entraide économique* are deemed to have adopted the by-law, the conversion plan and the amendments to the plan.

In no case may the union amend the conversion plan or the amendments to it in any manner, except in the case of a clerical error, if authorized by the Minister.

26. In no case may the conversion by-law be amended; nor may it be repealed unless the Minister refuses to issue the letters patent.

DIVISION III

APPLICATION FOR CONTINUANCE

27. The application for the issue of letters patent for the *société d'entraide économique* indicates

(1) the corporate name of the company, which is that of the union, but with the expression "*caisse d'entraide économique*" replaced by "*société d'entraide économique*";

(2) the location of the head office of the company, which is that of the union;

(3) the surname, given name, occupation and address of each of the first directors of the company, who are the directors of the union;

(4) the description and the amount of the authorized share capital of the company resulting from the continuance;

(5) the modalities of conversion of the shares into shares of the company resulting from the continuance.

28. The application must be accompanied with such documents, proof and information as may be determined by the Minister.

29. The application for the continuance of the *caisse d'entraide économique* as a *société d'entraide économique* must be made by the directors of the union and forwarded to the Minister not later than 10 days after the vote is held.

The application must be signed by one of the directors of the union.

30. The Minister may, if he deems it expedient, issue under his seal the letters patent of the *société d'entraide économique*.

31. The Minister must give notice of the issue of the letters patent in the *Gazette officielle du Québec*.

On the date of publication of the notice or on any earlier or later date determined by the Minister and indicated in the notice, the caisse d'entraide économique becomes a société d'entraide économique governed by Title II of the Act respecting the sociétés d'entraide économique and amending various legislation.

32. On the date of publication of the notice or on the date indicated in the notice,

(1) the letters patent attest the continuance of the caisse d'entraide économique as a société d'entraide économique and its continuance as a company governed by Title II of the Act respecting the sociétés d'entraide économique and amending various legislation;

(2) the letters patent of the company are deemed to be the deed of incorporation of the company, which is continued as a company governed by Title II of the said Act.

33. Subject to this Act and the Act respecting the sociétés d'entraide économique and amending various legislation and their application, the rights, obligations and deeds of the caisse d'entraide économique continued as a société d'entraide économique governed by Title II of the said Act and those of the members are not affected by the continuance.

Moreover, the union that has been continued as a company is bound by the conversion plan adopted by its members.

34. The unions continued pursuant to this chapter become auxiliary members of the Fédération des caisses d'entraide économique du Québec.

DIVISION IV

SPECIAL PROVISIONS

35. The amount of money represented by any fraction of a share that may exist as a result of the conversion of the shares of a caisse d'entraide économique into shares of the share capital of a société d'entraide économique is added to the amount of deposits resulting from the conversion of the shares.

36. In case of winding-up, deposits resulting from the conversion of shares rank after all the other debts of the société d'entraide économique resulting from the continuance, but before the shares.

37. Any person may, before 1 June 1982, acquire shares at par value from a member of a caisse d'entraide économique that has adopted the conversion plan, and thereby become a member of the union.

The transfers of shares must be registered with the union.

The register of transfers must indicate every case of a share that, after its conversion into a share of a société d'entraide économique, will be deductible under sections 122 to 132.

CHAPTER III

INTEGRATION PLAN OF A CAISSE D'ENTRAIDE ÉCONOMIQUE

DIVISION I

GENERAL PROVISIONS

38. Every caisse d'entraide économique must apply for its integration into the federation of unions designated for it in Schedule II or into the federation of unions designated by the Minister where he has designated a union under section 1. If the union fails to apply on or before 8 April 1982, it is deemed to have made the application.

This section has effect from 30 March 1982.

39. The executive officers and the employees of every caisse d'entraide économique must allow the federation of unions to examine the books and documents in their custody, except those designated by the Minister.

DIVISION II

INTEGRATION PLAN

40. The integration plan of a caisse d'entraide économique that may be submitted by a federation of unions and La Confédération des caisses populaires et d'économie Desjardins du Québec must contain

(1) the corporate name of the caisse d'entraide économique and of the federation of unions to which the union will be affiliated;

(2) the corporate name of the union resulting from the integration;

(3) the location of the head office of the union resulting from the integration;

(4) the indication that, for each shareholder, one of his shares will be converted into a share of the union resulting from the integration, and the balance of his shares, into deposits;

(5) the amount and the nature of the various allowances and reserves that will be established in addition to those shown in the audited financial statements of the union to 30 September 1981, and the methods used to determine them;

(6) the source of the funds that will be used to establish the allowances and reserves contemplated in paragraph 5, and the methods used to determine them;

(7) the rebate that could be paid to members holding deposits resulting from the conversion of the shares, the conditions of the rebate and the method of computing it;

(8) the maturity date of the deposits resulting from the conversion of the shares, the rates of interest on these deposits and their other characteristics;

(9) the proportion of the operating surplus which may be allocated, for the current fiscal period, to the payment of the interest on the sums paid on the shares or to the payment of rebates to depositors or borrowers;

(10) an indication that the balance of the surplus account will be paid into the general reserve of the union;

(11) the conditions on which loans may be granted to members holding deposits resulting from the conversion of the shares;

(12) the territory in which the union may recruit its members;

(13) the surname, given name, occupation and address of each of the first directors, members of the board of supervision and members of the committee on credit, and the mode of election of subsequent directors, members of the board of supervision and members of the committee on credit;

(14) the commitments of the federation, of the Confédération and of the Corporation de fonds de sécurité with regard to the union resulting from the integration and to its members;

(15) the management contract between the union resulting from the integration and the federation of unions or the Confédération, as the case may be;

(16) the provisions of the internal management by-laws of the union resulting from the integration;

(17) any other provision that may be determined by the Minister.

41. In addition to the information to be contained in the integration plan, the Minister may require any other information or document he may determine concerning each *caisse d'entraide économique*.

42. The integration plan must be accompanied with the latest audited financial statements of the federation of unions and of La Confédération des Caisses populaires et d'économie Desjardins du Québec.

43. The integration plan must also be accompanied with an information document.

The information document must contain

- (1) a summary of the integration plan;
- (2) a summary of the consequences of the integration plan with regard to the union resulting from the integration, and to the members of the union;
- (3) all other information determined by the Minister.

44. The Minister shall approve the information document with or without amendments.

45. The integration plan, the financial statements contemplated in section 42 and the information document must be forwarded to the Minister not later than 26 April 1982.

46. Where the Minister considers that the integration plan contains the information provided for in section 40, and where the plan is accompanied with the financial statements contemplated in section 42 and with the information document, he may authorize the presentation of the integration plan for the purposes of the vote.

Where the Minister authorizes the presentation of the plan, he shall, not later than 1 May 1982, forward a copy of the integration plan, of the financial statements contemplated in section 42 and of the information document to the federation of unions, La Confédération des caisses populaires et d'économie Desjardins du Québec and the union concerned.

47. No integration plan may be submitted to a *caisse d'entraide économique* for a vote unless its presentation has been authorized by the Minister. Once authorized, the plan must be submitted for a vote.

48. Not later than 6 May 1982, La Confédération des caisses populaires et d'économie Desjardins du Québec must, through the intermediary of a person designated by the Minister, forward a copy of the information document to the members of the caisse d'entraide économique concerned.

49. Every member or creditor of the caisse d'entraide économique may examine the documents mentioned in the second paragraph of section 46 at the union.

50. The caisse d'entraide économique must give a copy of the information document to every creditor of the caisse d'entraide économique who requests it.

DIVISION III

SPECIAL PROVISIONS

51. If the integration plan is adopted, all the members and shareholders of the caisse d'entraide économique are deemed to have adopted the integration plan from the date of the vote.

The union, the federation of unions, the Confédération and the Corporation de fonds de sécurité are then bound by the integration plan adopted by the members of the union.

52. If the integration plan is adopted, the caisse d'entraide économique ceases to be a member of the Fédération des caisses d'entraide économique du Québec, and then becomes a member of the federation of unions with which its name is associated in Schedule II or which has been designated by the Minister under section 38, as the case may be.

Furthermore, the plan takes effect in that respect and in every other respect, without any other formality, from 1 June 1982, and notwithstanding any inconsistent provision of the Savings and Credit Unions Act or of the Act respecting the caisses d'entraide économique (R.S.Q., chapter C-3).

53. The Minister shall give notice in the *Gazette officielle du Québec* of the adoption of the integration plan by a caisse d'entraide économique.

54. The union resulting from the integration becomes an auxiliary member of the Fédération des caisses d'entraide économique du Québec.

55. Such assets of the caisse d'entraide économique as the Minister may determine must be distinct from the other assets of the union resulting from the integration, until the date determined by the Minister.

Such assets must be designated in the books, registers and accounts of the union resulting from the integration in such a manner as to be separate from the assets of the caisse d'entraide économique before its integration.

56. For the purposes of section 55, the Minister may determine rules concerning

- (1) the accounting methods of the union resulting from the integration;
- (2) the form and tenor of its books, accounts and registers;
- (3) the statements and reports it must file;
- (4) the intervals at which the statements and reports must be filed.

57. Certificates evidencing the deposits resulting from the conversion of the shares must be issued before 1 August 1982.

CHAPTER IV

OTHER PLANS

58. No other plan regarding a caisse d'entraide économique may be submitted for a vote unless it was sent to the Minister before 13 April 1982.

Furthermore, the plan must be approved by the Minister in order to be submitted for a vote. The Minister, on the conditions he determines, may approve the plan with or without amendments, if he considers, in particular, that it is in the interests of its members that the plan be presented to the union for a vote.

CHAPTER V

WINDING-UP

59. For the purposes of a vote, the winding-up of the caisse d'entraide économique must be one of the options submitted to the members.

60. Not later than 6 May 1982, the Minister must forward a document to the members of every caisse d'entraide économique informing them of the main aspects of the winding-up of a union.

61. If winding-up is decided, the *caisse d'entraide économique* exists and operates thenceforth only with a view to winding up its affairs.

The union retains its corporate status and powers until its affairs are wound up.

62. The Minister shall appoint one or three liquidators empowered to take immediate possession of the property of the *caisse d'entraide économique*.

63. The provisions of Divisions II and III of the Winding-up Act (R.S.Q., chapter L-4) that are not inconsistent with this chapter apply to the winding-up so decided upon.

64. For the purposes of the Winding-up Act, the liquidator appointed by the Minister is deemed to have been appointed by the members of the *caisse d'entraide économique*, except in the cases provided for in sections 6, 7 and 18 of that Act, the Minister acting, in such cases, in the place and stead of the members.

65. From the decision to wind up, every action and every proceeding by way of seizure by garnishment, seizure before judgment or seizure in execution, or otherwise, against the property of the *caisse d'entraide économique*, must be suspended.

The costs incurred by a creditor after he has had knowledge of the winding-up, particularly by his attorney, cannot be collocated against the proceeds of the property of the union which are distributed in consequence of the winding-up.

A judge of the Superior Court in the district in which the head office of the union is located may, however, on such conditions as he may deem proper, authorize the institution of a suit or the continuance of any proceedings commenced.

66. The liquidator, before taking possession of the property of the *caisse d'entraide économique*, must give a security sufficient to guarantee the discharge of his office. The amount and nature of the security are determined by the Minister.

67. The liquidator shall first pay the debts of the *caisse d'entraide économique* and the costs of winding-up, and repay to the members and shareholders the sums paid on their shares.

The balance of the winding-up, including the balance of the general reserve and of the surplus account, is distributed to the members in proportion to the sums paid on their shares.

68. The liquidator must, within seven days after the expiry of any period of three months, send to the Minister a summary report of his activities for such period.

When the winding-up of the *caisse d'entraide économique* is terminated, the liquidator must make a complete report of his activities to the Minister and return to the *Fédération des caisses d'entraide économique du Québec* the documents he had taken possession of for the purposes of the winding-up.

CHAPTER VI

PUBLICITY AND NOTICES

69. Subject to this Act, no printed matter in the nature of an advertisement, prospectus, poster, sign, brochure, booklet or circular, nor any radio or television advertisement or program concerning an option contemplated in section 2 may be published, issued or broadcast, as the case may be, between 30 March 1982 and 1 June 1982.

This section has effect from 30 March 1982.

70. Section 69 does not prohibit

(1) the publication in a newspaper or other periodical of editorials, news, columns or letters to the editor, provided that such publication is made without payment or reward or promise of payment or reward, that the newspaper or other periodical was not established for the purposes of the vote provided for by this Act or with a view to the vote and that its circulation and frequency of publication are established outside the period contemplated in section 69;

(2) the broadcasting by a radio or television station of news or news commentary, provided that the program is prepared and presented in the same manner and according to the same rules as outside the period contemplated in section 69, without payment or reward or promise of payment or reward;

(3) the publication or broadcasting of the calling of an information meeting dealing with an option contemplated in section 2.

This section has effect from 30 March 1982.

71. The board of directors of a *caisse d'entraide économique* may, not later than 13 May 1982, send to the members of the union a document in which it sets forth its recommendations concerning the vote.

CHAPTER VII

VOTING RULES

DIVISION I

GENERAL PROVISIONS

72. The date of the vote contemplated in section 2 is 22 May 1982.

The options submitted for the vote must appear on the ballot-paper in the same order as in section 2. The designation of the options on the ballot-paper is determined by the Minister after consultation with the parties concerned, if necessary.

73. Every person or company being a member or auxiliary member of the caisse d'entraide économique on 23 April 1982 is entitled to vote.

Minors under sixteen years of age on 23 April 1982 are not, however, entitled to vote.

74. In order to exercise his right to vote on voting day, a member or auxiliary member must be entered on the list of members of the caisse d'entraide économique on 23 April 1982.

DIVISION II

PREPARATION AND REVISION
OF THE LIST OF MEMBERS

75. For the purposes of sections 73 and 74, the secretary of the caisse d'entraide économique or his substitute or, failing them, the person appointed by the board of directors of the union, shall, in such manner and according to such rules as provided by the Minister, draw up a provisional list of the members.

The list must include the surname, given name, date of birth and address of each of the members and auxiliary members of the union.

76. The secretary or his substitute or, failing them, the person appointed by the board of directors, must, from 15 April 1982, post up the provisional list of members at the head office of the caisse d'entraide économique or, as the case may be, in such other place as the Minister may determine, in a conspicuous place so that it may be examined.

Each member and auxiliary member of the union may, during the revision period and in accordance with the rules determined by the Minister, request to be entered on the list or have the list corrected with respect to the surname, given name, date of birth or address of any member or auxiliary member.

From 24 April 1982, the secretary or his substitute or, failing them, the person appointed by the board of directors, shall, taking into account the corrections he has been requested to make and in accordance with the rules prescribed by the Minister, draw up the list of members on 23 April 1982 for voting purposes, and send a copy of the list not later than 28 April 1982 to the Fédération des caisses d'entraide économique du Québec.

Furthermore, the secretary or his substitute or, failing them, the person appointed by the board of directors, shall send a true and sworn copy thereof to the director general of elections not later than 1 May 1982.

77. The secretary or his substitute or, failing them, the person appointed by the board of directors, shall, not later than 14 April 1982, cause a notice to be published in a newspaper circulated in the territory of the caisse d'entraide économique, in the form and tenor determined by the Minister, informing the members of the union of

(1) the date from which and the place where the list of members will be posted up;

(2) the dates, hours and place where revision of the list of members will take place;

(3) the qualifications and conditions required to be entitled to vote;

(4) the date of the vote;

(5) any information that may be determined by the Minister.

DIVISION III

VOTING

78. The director general of elections shall have charge of the holding of the vote in each caisse d'entraide économique.

The director general of elections shall appoint such number of returning officers as he considers necessary to act as persons in charge of the holding of the vote.

The list of members contemplated in the third paragraph of section 76 is the only official list for the purposes of the vote. However,

the director general of elections may, to facilitate the voting, divide the members in the manner he considers appropriate.

79. Not later than 15 May 1982, the director general of elections shall send to those members of the caisse d'entraide économique entitled to vote a notice indicating the place or places, date and time of the vote, the object of the vote, and the options listed on the ballot-paper.

80. The Fédération des sociétés d'entraide économique du Québec, the federation of unions concerned or, as the case may be, any other party whose plan has been approved by the Minister, may designate a person and give him a mandate to represent it in each polling station. That person is not entitled to any remuneration except what he may receive from the party that designated him.

81. The director general of elections and his personnel have in respect of the holding of the vote powers similar to those conferred on them by the Election Act (R.S.Q., chapter E-3.1) in respect of elections. The same rule applies to election officers, within the meaning of the rules established for the vote, acting for the purposes of the vote.

The director general of elections shall establish the rules necessary for the holding of the vote. Furthermore, the provisions of the Election Act and of the regulations thereunder that are enumerated in the rules apply to the holding of the vote, with the necessary amendments indicated therein.

82. If two of the options contemplated in section 2 are submitted for a vote, the option that receives a majority of the votes is adopted.

In case of a tie-vote, a second vote must be held on those two options on 29 May 1982.

83. If more than two of the options contemplated in section 2 are submitted for a vote, the option that receives more than fifty percent of the votes is adopted.

If none of the options submitted receives more than fifty per cent of the votes, the two options having received the most votes are retained and a second vote must be held on those two options on 29 May 1982.

In the case provided for in the second paragraph, if there is a tie-vote preventing the determination of the two options having received the most votes, a second vote must be held on all the options submitted for a vote on 22 May 1982.

The option that receives a majority of votes at those votes is adopted.

84. If there is a tie in one of the caisses d'entraide économique in a vote held on 29 May 1982, the option that has been adopted by the majority of unions at the votes on 22 May and 29 May 1982 is considered to have been adopted by the members of the union.

85. In the cases provided for in the second paragraph of section 82 and in the second and third paragraphs of section 83, the director general of elections must call a new vote.

For that purpose, not later than 26 May 1982, he shall cause a notice to be published in a newspaper circulated in the territory of the union indicating the place or places, date and time of the vote, the object of the vote and the options to be listed on the ballot-paper.

DIVISION IV

SPECIAL RULES

86. The provisions of this chapter also apply to the vote on 29 May 1982, unless the director general of elections decides otherwise.

87. No vote may be declared null

(1) by reason of non-compliance with a prescribed formality for the calling or holding of a vote or the addition of votes unless the result of the vote was influenced thereby;

(2) by reason of the incapacity of one of the polling officers, if the voting procedures were conducted in accordance with the principles established by this chapter and the rules thereunder and if his incapacity did not influence the result of the vote;

(3) by reason of non-compliance with the prescribed time limits, unless the result of the vote was influenced thereby.

CHAPTER VIII

PROVISIONAL ADMINISTRATION AND WINDING-UP ORDER

DIVISION I

PROVISIONAL ADMINISTRATION

88. The Minister may, if he considers that the interests of the members of a caisse d'entraide économique so warrant, appoint, for

such period and on such conditions as he may determine, an administrator to the union; the administrator replaces the board of directors, the committee on credit, the board of supervision and the general meeting of the union and exercises their powers.

The administrator remains in office until the expiry of the period for which he has been appointed, unless the Minister prolongs his term of office or terminates it earlier.

The Minister shall determine after the adoption of an option by way of the vote whether or not the administrator is to remain in office.

This section has effect from 30 March 1982.

89. Before appointing an administrator, the Minister shall, however, give the caisse d'entraide économique the opportunity to be heard.

This section has effect from 30 March 1982.

90. As soon as his term of office has expired, the administrator must send a complete report of his administration to the Minister.

The costs, fees and expenditures of the provisional administration are payable by the caisse d'entraide économique, unless the Minister orders otherwise.

91. Notwithstanding the appointment of an administrator, the vote on 22 May 1982 and that on 29 May 1982, as the case may be, must be held and, for that purpose, the Minister shall appoint a poll clerk or any other person required for the holding of the vote.

DIVISION II

WINDING-UP ORDER

92. The Minister may, after 1 June 1982 and on such conditions as he may determine, order the winding-up of a caisse d'entraide économique and appoint a liquidator.

93. The decision ordering the winding-up has the same effect as an order made by a judge of the Superior Court under section 24 of the Winding-up Act.

Section 65 applies, *mutatis mutandis*.

94. The liquidator shall first pay the debts of the caisse d'entraide économique and the costs of winding-up, and repay to the members and shareholders the sums paid on their shares.

The balance of the winding-up, including the balance of the general reserve and of the surplus account, is distributed among the members in proportion to the sums paid on their shares.

95. The liquidator must, within seven days after the expiry of any period of three months, send to the Minister a summary report of his activities for such period.

When the winding-up of the *caisse d'entraide économique* is terminated, the liquidator must make a complete report of his activities to the Minister, and return to the *Fédération des caisses d'entraide économique du Québec* the documents he had taken possession of for the purposes of the winding-up.

CHAPTER IX

REGULATIONS

96. The Government may, by regulation,

(1) designate any provision of the Act respecting the *caisses d'entraide économique* which continues to apply, *mutatis mutandis*, in respect of one or several unions resulting from an integration, and determine the period during which the provision continues to apply;

(2) designate any provision of the Savings and Credit Unions Act that does not apply to one or several unions resulting from the integration and determine the period during which that provision does not apply;

(3) adopt any transitional provisions or other measure necessary to permit the continuance of a *caisse d'entraide économique* as a *société d'entraide économique* or the integration of a *caisse d'entraide économique* into a union resulting from the integration;

(4) adopt any other transitional provision or other measure necessary to allow the making up for any omission in order to ensure the application of this Act.

97. Any regulation made by the Government pursuant to section 96 comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein. Such a regulation may, however, once published and if it so provides, apply from any date not earlier than 30 March 1982.

CHAPTER X

OFFENCES AND PENALTIES

98. Every person who contravenes a provision of this Act, or the regulations and rules made under this Act, is guilty of an offence.

99. A person who, knowingly, by an act or omission, attempts to aid a person to commit an offence or who advises, encourages or incites a person to commit an offence is himself a party to the offence and liable to the same penalty as that provided for the person who is guilty of the offence, whether or not such person has been prosecuted or convicted.

100. Any person who is guilty of an offence is liable on summary proceedings, in addition to costs, to a fine of not less than \$300 nor more than \$10 000 for each offence.

101. Proceedings are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15) by the Attorney General or by a person whom he authorizes generally or specially for that purpose.

Proceedings under this Act are prescribed by 2 years from the date of the offence.

CHAPTER XI

MISCELLANEOUS PROVISIONS

102. The Minister may at any time, particularly in respect of one or several caisses d'entraide économique, extend any period or change any date established under this Act.

103. The Fédération des caisses d'entraide économique du Québec shall, not later than 1 May 1982, forward to a person designated by the Minister the list of the surname, given name and address of each shareholder on 23 April 1982.

104. The obligation provided for in a government regulation made under order in council 420-82 of 24 February 1982 to forward a statement of corrections that may have been made to 14 February 1982 to the information contained in the conversion plan applies only in respect of caisses d'entraide économique continued as sociétés d'entraide économique on 1 March 1982.

Furthermore, the period contemplated by section 3 of that regulation is extended to a date determined by the Minister.

105. Any permit issued under the Deposit Insurance Act (R.S.Q., chapter A-26) to a caisse d'entraide économique that has been continued under Chapter II or Title I of the Act respecting the sociétés d'entraide économique and amending various legislation as a société d'entraide économique, remains valid until 31 August 1983.

Such permit may, however, be suspended or revoked at any time by the Régie de l'assurance-dépôts du Québec. However, the Board shall allow the company to be heard within the 15 days following the suspension or cancellation of the permit.

This section has effect from 1 March 1982.

106. The Régie de l'assurance-dépôts du Québec may act as administrator of the Fédération des caisses d'entraide économique du Québec for the purposes of section 201 of the Act respecting the sociétés d'entraide économique and amending various legislation.

The Board is deemed to have been appointed to that position from 24 February 1982, effective 1 March 1982.

This section has effect from 24 February 1982.

107. The Board may, by resolution, for the purposes of exercising the powers conferred on it under section 106, establish a committee among the members of the board of directors and delegate to it all or part of those powers.

The Government shall fix the salary and, where necessary, the additional salary of the members of the committee.

This section has effect from 24 February 1982, and an order made by the Government by virtue of the second paragraph may have effect from the same date.

108. The committee contemplated in section 107 may delegate, with the authorization of the board of directors of the Board and on the conditions that it determines, to any person it designates, all or part of the powers conferred on it by the Board under section 107.

This section has effect from 24 February 1982.

109. A caisse d'entraide économique is deemed to have always had the power to borrow from the Régie de l'assurance-dépôts du Québec for the purposes of section 16 of the Act respecting the caisses d'entraide économique.

The authorization provided for in the second paragraph of section 16 of the said Act is not required in respect of any loan made from the Board. This paragraph has effect from 24 February 1982.

110. Section 16 of the Act respecting the sociétés d'entraide économique and amending various legislation (1981, chapter 31) is amended by striking out the words "time and" in the third line of the third paragraph.

111. Section 43 of the said Act is replaced by the following section:

"43. This title applies to every caisse d'entraide économique that has, pursuant to Title I, or Chapter II of the Act respecting certain caisses d'entraide économique (1982, chapter *insert here the chapter number of Bill 60*), been continued as a société d'entraide économique, and to every company resulting from the amalgamation of two or more sociétés d'entraide économique."

112. Section 44 of the said Act is amended by adding the following paragraph:

"The powers provided for by subsection 1 of section 77 of the Companies Act may be exercised by the directors by mere resolution."

This section has effect from 13 January 1982.

113. The said Act is amended by inserting after section 53, the following sections:

"53.1 The company shall, between 30 June 1982 and 28 February 1987, acquire upon request any shares

(1) which, from the continuance, form part of funds invested in a registered retirement savings plan or a registered retirement income fund, if the beneficiary has reached 65 years of age;

(2) which, from the continuance, form part of funds invested in a registered home ownership savings plan, if the beneficiary has acquired a principal residence.

(3) which are derived from the conversion of shares of a caisse d'entraide économique that were invested between 1 June 1981 and 31 December 1981 in a registered home ownership savings plan, if the beneficiary of the plan has acquired a principal residence before 31 December 1983.

The company shall also acquire upon request between 30 June 1982 and 28 February 1987 any shares acquired upon the continuance by a person who is physically or mentally disabled within the meaning of the regulations.

"53.2 The cost of acquisition of the shares for the purposes of section 53.1 is their par value or the value fixed under section 52 if greater than the par value.

"53.3 In no case, however, may the company pay for shares it has acquired under section 53.1 unless, after that payment, it can discharge its liabilities when due."

114. Section 54 of the said Act is amended by replacing the word and figure "section 53" in the second line of the first paragraph by the following: "sections 53 and 53.3".

115. Section 129 of the said Act is amended by adding the following paragraph:

"The Minister may at any time extend the time limit."

116. Section 161 of the said Act is amended by striking out the words "and the board of directors of the company" in the second and third lines of the first paragraph.

117. Section 190 of the said Act is amended by inserting after paragraph 21, the following paragraph:

"(21.1) define, for the purposes of sections 53.1 and 200.1, the term "person who is physically or mentally disabled" and determine the conditions to be filled by a person contemplated in those sections in order for the company to acquire his shares or refund his deposits, as the case may be;"

118. Section 196 of the said Act is repealed.

119. Section 198 of the said Act is repealed.

120. The said Act is amended by inserting after section 200, the following sections:

"200.1 A société d'entraide économique governed by Title II shall, between 30 June 1982 and 28 February 1987, repay on demand, at the lesser of the par value and the discounted value established according to the method determined by the Minister, all deposits resulting from the conversion of shares

(1) which, from the continuance, form part of funds invested in a registered retirement savings plan or a registered retirement income fund, if the beneficiary has reached 65 years of age;

(2) which, from the continuance, form part of funds invested in a registered home ownership savings plan, if the beneficiary has acquired a principal residence;

(3) which, between 1 June 1981 and 31 December 1981, were shares of a caisse d'entraide économique invested in a registered home ownership savings plan, if the beneficiary has acquired a principal residence before 31 December 1983.

The company shall also, between 30 June 1982 and 28 February 1987, repay on demand any deposit resulting from the conversion of

shares to a person who is physically or mentally disabled within the meaning of the regulations.

"200.2 The deposit contemplated in section 200.1 is a deposit within the meaning of paragraph *e* of section 2 of the General Regulations made under the Deposit Insurance Act, on the condition that the instrument contemplated in paragraph *e* of section 2 of those regulations mentions in addition the rights and conditions provided for in the said section 200.1."

121. Section 210 of the said Act is replaced by the following section:

"210. An individual, other than a trust, who is resident in Québec on the last day of the taxation year 1982 may deduct, for that taxation year, in the computation of his taxable income for the purposes of Part I of the Taxation Act, the aggregate of

(1) the cost, to him, of the shares of the share capital of a société d'entraide économique that he has received upon the continuance of a union as a société d'entraide économique governed by Title II; and

(2) the par value of a share of a société d'entraide économique that he acquires during the taxation year 1982 and that is derived from a registered retirement savings plan of which he is the beneficiary or the subscriber, a registered home ownership savings plan, a deferred profit-sharing plan or a retirement plan of which he is the beneficiary, if that share has been received by such a plan upon the continuance.

However, the amount of such deduction must not exceed, with the deduction provided for in section 965.7 of the Taxation Act, the excess amount contemplated in the second paragraph of the said section 965.7."

This section has effect from 13 January 1982.

122. The Taxation Act (R.S.Q., chapter I-3) is amended by inserting after section 726.1, the following section:

"726.2 An individual may deduct from his income for the taxation year 1982 the amount contemplated in section 210 of the Act respecting the sociétés d'entraide économique and amending various legislation (1981, chapter 31) and section 131 of the Act respecting certain caisses d'entraide économique (1982, chapter *insert here the chapter number of Bill 60*)."

123. No registered retirement plan, registered retirement savings plan, registered home ownership savings plan, deferred

profit-sharing plan or registered retirement income fund the assets of which have been, before 28 February 1982, invested in shares of a *caisse d'entraide économique* continued under Chapter II ceases to be registered for the purposes of the Taxation Act (R.S.Q., chapter I-3), by the mere fact of the conversion, in conformity with Chapter II, of such shares into shares of a *société d'entraide économique* or into deposits in that company in conformity with Chapter II.

This section applies to the taxation year 1982 and subsequent taxation years.

124. Section 207 of the Act respecting the *sociétés d'entraide économique* and amending various legislation applies in respect of beneficiaries contemplated in the said section 207 by a conversion plan contemplated in Chapter II and by an integration plan contemplated in Chapter III.

This section applies to the taxation year 1982 and subsequent taxation years.

125. A taxpayer who receives shares of the share capital of a *société d'entraide économique* resulting from a continuance under Chapter II may deduct from his tax otherwise payable under Part I of the Taxation Act for the taxation year 1981 or 1982, an amount not exceeding 25% of the par value of those shares insofar as the shares are the result of the conversion of the share capital subscribed before 23 August 1981 and paid before 30 November 1981.

This section applies to the taxation year 1981 and subsequent taxation years.

126. For the purposes of the deduction contemplated in section 125, the beneficiary or subscriber of a registered retirement plan, registered retirement savings plan, registered home ownership savings plan or a deferred profit-sharing plan may also deduct the amount deductible under section 125.

127. A taxpayer who has acquired at par value, before 1 September 1982, shares of a *société d'entraide économique* governed by Title II of the Act respecting the *sociétés d'entraide économique* and amending various legislation from a person who acquired them upon the continuance of such a company under the said Act or under Chapter II, may deduct from his tax otherwise payable under Part I of the Taxation Act, for the taxation year 1982, an amount not exceeding 25% of the par value of those shares insofar as the shares are the result of the conversion of the share capital of a *caisse d'entraide économique* subscribed before 23 August 1981 and paid before 30 November 1981.

This section applies to the taxation year 1982 and subsequent taxation years.

128. Section 127 applies only if the transferor and transferee jointly make an election to that effect in the form prescribed by the Minister of Revenue. That form must be transmitted to the Minister of Revenue by the transferee and the transferor not later than 30 April 1983. Furthermore, the form of the transferee must be accompanied with a certificate of transfer of shares in the form prescribed by the Minister of Revenue.

The certificate of transfer must be established by the société d'entraide économique in respect of any share contemplated in the said section that the transferor transfers to the transferee before 1 September 1982.

This section applies to the taxation year 1982 and subsequent taxation years.

129. In no case where an election contemplated in section 128 has been made in respect of a share may the transferor avail himself in respect thereof of the deduction contemplated in section 125, 126 or 130 or in section 208 or 209 of the Act respecting the sociétés d'entraide économique and amending various legislation.

Furthermore, if the transferor has already availed himself of all or part of the deduction contemplated by those sections in respect of such share, he shall, not later than 30 April 1983, repay to the Minister of Revenue the amount deducted under those sections for the taxation year 1981 or 1982, as the case may be.

This section applies to the taxation year 1982 and subsequent taxation years.

130. If the amount the taxpayer contemplated in section 125 or 127 or the beneficiary contemplated in section 126 may deduct exceeds the amount of his tax otherwise payable under Part I of the Taxation Act, for the taxation year 1981 or 1982 if he has availed himself of the deduction in the latter year, that taxpayer or beneficiary may deduct from his tax otherwise payable under that Part, for subsequent taxation years, an amount not exceeding the amount he was entitled to deduct for the taxation year 1981 or 1982, as the case may be, less the aggregate of the amounts he has already deducted for previous taxation years.

This section applies to the taxation year 1982 and subsequent taxation years.

131. An individual, other than a trust, who is resident in Québec on the last day of the taxation year 1982 may deduct, for that taxation year, in the computation of his taxable income for the purposes of Part I of the Taxation Act, the aggregate of

(1) the cost, to him, of the shares of the share capital of a société d'entraide économique that he has received upon the continuance of a union under Chapter II as a société d'entraide économique governed by Title II of the Act respecting the sociétés d'entraide économique and amending various legislation; and

(2) the par value of a share of a société d'entraide économique continued under Chapter II that he acquires during the taxation year 1982 and that is derived from a registered retirement savings plan of which he is the beneficiary or the subscriber, a registered home ownership savings plan, or a retirement plan of which he is the beneficiary, if that share has been received by such a plan upon the continuance.

However, the amount of such deduction must not exceed, with the deduction provided for in section 965.7 of the Taxation Act and in section 210 of the Act respecting the sociétés d'entraide économique and amending various legislation, the excess amount contemplated in the second paragraph of the said section 965.7.

132. Every share of the share capital of a société d'entraide économique contemplated in section 131 or in section 210 of the Act respecting the sociétés d'entraide économique and amending various legislation that an individual referred to in the said sections has acquired before 1 September 1982 from a taxpayer who had acquired it upon the continuance under Chapter II or under Title I of the Act respecting the sociétés d'entraide économique and amending various legislation is, for the taxation year 1982, a share whose cost may be included in the aggregate contemplated in the first paragraph of one or the other of those sections, as the case may be, if the transferor has not availed himself of the deduction provided for in one or the other of those sections in respect of such share; the transferor is then no longer entitled to any deduction in respect of such share.

For the purposes of such deduction, section 128 applies, *mutatis mutandis*.

This section applies to the taxation year 1982 and subsequent taxation years.

133. The Fédération des sociétés d'entraide économique du Québec shall, not later than 6 May 1982, forward an information document respecting sections 53.1 to 53.3, 200.1 and 200.2 of the Act respecting the sociétés d'entraide économique and amending various legislation and sections 121 and 127 to 132 of this Act to persons

(1) who hold deposits resulting from the conversion of shares of a caisse d'entraide économique governed by Title II of the Act respecting the sociétés d'entraide économique and amending various legislation;

(2) who are or have been shareholders of a société d'entraide économique resulting from a continuance under Title I of the said Act.

134. The members of the board of supervision of a caisse d'entraide économique that has been continued as a société d'entraide économique under Chapter II are members of the board of supervision of the company until they are replaced.

135. The balance of the surplus account and that of the general reserve of a caisse d'entraide économique continued under Chapter II form part, from the date on which it is continued as a company governed by Title II of the Act respecting the sociétés d'entraide économique and amending various legislation, of the account of undistributed earnings of the company.

The operating surplus of a union continued as a company is allocated, in the proportion contemplated in the conversion plan, to payment of the interest on the amounts paid on the shares held immediately before the continuance or to payment of rebates to depositors or borrowers as if the company were still a union. Any balance of the operating surplus also forms part of the account of undistributed earnings of the company.

136. A société d'entraide économique resulting from a continuance under Chapter II may, for the repayment of any claim it has, at the time of continuance, against a shareholder or depositor who was a member before the continuance, withhold any moneys it owes to him and use them to compensate the claim.

137. The first fiscal period of any société d'entraide économique continued under Chapter II or the Act respecting the sociétés d'entraide économique and amending various legislation begins on the date of the continuance and ends on 28 February 1983.

138. A supplemental pension plan governed by the Act respecting supplemental pension plans (R.S.Q., chapter R-17) may, notwithstanding any provision or norm contained in the said Act or that arises from it, hold shares and other evidences of indebtedness that have devolved to it following the conversion of shares of a caisse d'entraide économique continued as a société d'entraide économique governed by Title II of the Act respecting the sociétés d'entraide économique and amending various legislation.

139. The corporate status of the Fédération des caisses d'entraide économique du Québec is not affected by the fact of the application of this Act.

140. No savings and credit union that was a caisse d'entraide économique, a société d'entraide économique or a caisse d'entraide économique, whether or not it is designated in Schedule I, may, before 31 December 1982, demand from the Fédération des caisses d'entraide économique du Québec, the payment of any claim that it has against that federation.

This section has effect from 1 March 1982.

141. The second paragraph of section 25 of the Saving and Credit Unions Act, where that paragraph applies to a caisse d'entraide économique, must be read in the period between 8 April 1982 and 1 June 1982 without reference to the words "and savings".

142. The Securities Act (R.S.Q., chapter V-1) does not apply in respect of the application of this Act.

143. The Government may determine all or part of the costs required for the administration of this Act that are at the charge of the Fédération des sociétés d'entraide économique du Québec, of a federation of unions mentioned in Schedule II or of a party whose plan has been approved by the Minister under Chapter IV.

144. The Act respecting the Caisses d'entraide économique may be repealed on the date fixed by proclamation of the Government.

145. The sums required for the application of this Act are taken out of the consolidated revenue fund.

146. The Minister of Financial Institutions and Cooperatives is responsible for the administration of this Act, except in respect of those powers and responsibilities which it confers or imposes on the director general of elections and in respect of the fiscal provisions, which come under the responsibility of the Minister of Revenue.

147. This Act comes into force on the day of its sanction.

SCHEDULE I

Caisse d'entraide économique de l'Amiante
Caisse d'entraide économique de Beauce-Sud
Caisse d'entraide économique de Beauport
Caisse d'entraide économique de Berthier
Caisse d'entraide économique des Bois-Francs
Caisse d'entraide économique de Bonaventure
Caisse d'entraide économique de Brossard
Caisse d'entraide économique de Buckingham
Caisse d'entraide économique de Chandler
Caisse d'entraide économique de Chauveau
Caisse d'entraide économique de Chicoutimi
Caisse d'entraide économique de Dolbeau-Mistassini
Caisse d'entraide économique Drummond
Caisse d'entraide économique de Gaspé
Caisse d'entraide économique de Gatineau
Caisse d'entraide économique de Granby
Caisse d'entraide économique de Hull
Caisse d'entraide économique de Joliette
Caisse d'entraide économique de Jonquière
Caisse d'entraide économique de K.R.T.
Caisse d'entraide économique de la Baie
Caisse d'entraide économique de Lachine
Caisse d'entraide économique de La Haute-Gatineau
Caisse d'entraide économique de La Matapédia
Caisse d'entraide économique de Laval
Caisse d'entraide économique de Lévis
Caisse d'entraide économique de Longueuil
Caisse d'entraide économique de Lotbinière
Caisse d'entraide économique Manicouagan
Caisse d'entraide économique de Maskinongé

Caisse d'entraide économique de Matane
Caisse d'entraide économique de Montmagny
Caisse d'entraide économique de Portneuf
Caisse d'entraide économique de Richelieu
Caisse d'entraide économique de Richmond-Johnson
Caisse d'entraide économique de Rimouski
Caisse d'entraide économique de Rouville
Caisse d'entraide économique de Shawinigan
Caisse d'entraide économique (de) Sherbrooke
Caisse d'entraide économique de Ste-Anne-des-Monts
Caisse d'entraide économique de Saint-Bruno
Caisse d'entraide économique de Ste-Foy
Caisse d'entraide économique de St-Hyacinthe
Caisse d'entraide économique de St-Jean et Iberville
Caisse d'entraide économique de St-Jérôme
Caisse d'entraide économique de Témiscouata
Caisse d'entraide économique de Trois-Rivières
Caisse d'entraide économique de Valleyfield

SCHEDULE II

FÉDÉRATION DES CAISSES POPULAIRES DESJARDINS
DE LANAUDIÈRE

Caisse d'entraide économique de Berthier

Caisse d'entraide économique de Joliette

FÉDÉRATION DES CAISSES POPULAIRES DESJARDINS
DU CENTRE DU QUÉBEC

Caisse d'entraide économique Drummond

Caisse d'entraide économique de Maskinongé

Caisse d'entraide économique des Bois-Francs

Caisse d'entraide économique de Trois-Rivières

Caisse d'entraide économique de Shawinigan

FÉDÉRATION DES CAISSES POPULAIRES DESJARDINS DE QUÉBEC

Caisse d'entraide économique de Beauce-Sud

Caisse d'entraide économique de Beauport

Caisse d'entraide économique de Chauveau

Caisse d'entraide économique de Lévis

Caisse d'entraide économique de l'Amiante

Caisse d'entraide économique de K.R.T.

Caisse d'entraide économique de Lotbinière

Caisse d'entraide économique de Montmagny

Caisse d'entraide économique de Manicouagan

Caisse d'entraide économique de Portneuf

Caisse d'entraide économique de Ste-Foy

FÉDÉRATION DES CAISSES POPULAIRES DESJARDINS DE MONTRÉAL
ET DE L'OUEST-DU-QUÉBEC

Caisse d'entraide économique de Brossard

Caisse d'entraide économique de Buckingham

Caisse d'entraide économique de Gatineau

Caisse d'entraide économique de Hull

Caisse d'entraide économique de Lachine
Caisse d'entraide économique de La Haute-Gatineau
Caisse d'entraide économique de Laval
Caisse d'entraide économique de Longueuil
Caisse d'entraide économique de Saint-Bruno
Caisse d'entraide économique de St-Jean et Iberville
Caisse d'entraide économique de St-Jérôme
Caisse d'entraide économique de Valleyfield

**FÉDÉRATION DES CAISSES POPULAIRES DESJARDINS
DE LA PÉNINSULE ET DES ÎLES**

Caisse d'entraide économique de Bonaventure
Caisse d'entraide économique de Chandler
Caisse d'entraide économique de Gaspé
Caisse d'entraide économique de Ste-Anne-des-Monts

FÉDÉRATION DES CAISSES POPULAIRES DESJARDINS DE L'ESTRIE

Caisse d'entraide économique de Richmond-Johnson
Caisse d'entraide économique (de) Sherbrooke

**FÉDÉRATION DES CAISSES POPULAIRES DESJARDINS DU BAS
ST-LAURENT**

Caisse d'entraide économique de La Matapédia
Caisse d'entraide économique de Matane
Caisse d'entraide économique de Rimouski
Caisse d'entraide économique de Témiscouata

**FÉDÉRATION DES CAISSES POPULAIRES DESJARDINS
DU SAGUENAY — LAC SAINT-JEAN**

Caisse d'entraide économique de Chicoutimi
Caisse d'entraide économique de Dolbeau-Mistassini
Caisse d'entraide économique de Jonquière
Caisse d'entraide économique de la Baie

FÉDÉRATION DES CAISSES POPULAIRES DESJARDINS
DE RICHELIEU — YAMASKA

Caisse d'entraide économique de Granby

Caisse d'entraide économique de Richelieu

Caisse d'entraide économique de Rouville

Caisse d'entraide économique de St-Hyacinthe

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