

Gazette officielle du Québec

(English Edition)

Part 2

Laws and
Regulations

Volume 124

22 January

1992

No. 3



Québec 



Part 2 Laws and Regulations

Volume 123
22 January 1992
No. 3

Summary

Table of contents
Acts 1991
Coming into force of Acts
Regulations
Draft Regulations
Erratum

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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;

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Table of contents

Page

Acts 1991

131	An Act to amend the Act respecting the lands in the public domain	127
158	An Act to repeal the Act to ensure continuity of electrical service by Hydro-Québec	135
165	An Act to amend the Act respecting the mode of payment for electric and gas service in certain buildings	139
167	An Act to amend the Act respecting truck transportation and the Highway Safety Code	143
171	An Act respecting the Conseil médical du Québec	147
177	An Act to amend the Act respecting the Ministère des Transports and the Roads Act	155
178	An Act to amend the Automobile Insurance Act and the Act to amend the Automobile Insurance Act and other legislation	159
179	An Act to amend the Transport Act	169
183	An Act to amend the Crop Insurance Act and the Act respecting farm income stabilization insurance	177
184	An Act to amend the Animal Health Protection Act	189
189	An Act to amend the Act respecting the Société d'habitation du Québec and other legislation	201
284	An Act to amend the Act to incorporate the "Sainte-Marguerite Salmon Club"	207
411	Appropriation Act No. 4, 1991-92	213
	List of Bills sanctioned	125

Coming into force of Acts

12-92	Société des alcools du Québec, An Act to amend the Act respecting liquor permits and the Act respecting the... — Coming into force of certain provisions	221
-------	--	-----

Regulations

3-92	Service des achats du gouvernement, An Act respecting the... — Signing of certain deeds, document or writings	223
15-92	Mauricie — Comité paritaire de l'industrie de l'automobile — Constitution	224

Draft Regulations

Architects — Equivalence standards for a permit to be issued	225
Architects — Keeping of records, offices and consulting offices	226
Garage employees — Lanaudière-Laurentides	226
Protection du territoire agricole — Rules of evidence, procedure and practice of the Tribunal d'appel ...	233

Erratum

Conservation and development of wildlife, An Act respecting the... — Regulation (Amend.)	239
--	-----



PROVINCE OF QUÉBEC

1st SESSION

34th LEGISLATURE

QUÉBEC, 12 DECEMBER 1991

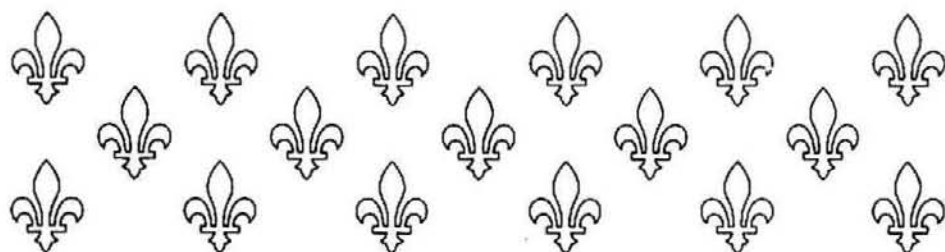
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 12 December 1991

This day, at twelve o'clock noon, the Honourable the Lieutenant-Governor was pleased to sanction the following bills:

- | | | | |
|-----|--|-----|---|
| 131 | An Act to amend the Act respecting the lands in the public domain | 183 | An Act to amend the Crop Insurance Act and the Act respecting farm income stabilization insurance |
| 158 | An Act to repeal the Act to ensure continuity of electrical service by Hydro-Québec | 184 | An Act to amend the Animal Health Protection Act |
| 165 | An Act to amend the Act respecting the mode of payment for electric and gas service in certain buildings | 189 | An Act to amend the Act respecting the Société d'habitation du Québec and other legislation |
| 167 | An Act to amend the Act respecting truck transportation and the Highway Safety Code | 284 | An Act to amend the Act to incorporate the "Sainte-Marguerite Salmon Club" |
| 171 | An Act respecting the Conseil médical du Québec | 411 | Appropriation Act No. 4, 1991-92 |
| 177 | An Act to amend the Act respecting the Ministère des Transports and the Roads Act | | |
| 178 | An Act to amend the Automobile Insurance Act and the Act to amend the Automobile Insurance Act and other legislation | | |
| 179 | An Act to amend the Transport Act | | |

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



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 131
(1991, chapter 52)

An Act to amend the Act respecting the lands in the public domain

**Introduced 24 April 1991
Passage in principle 10 December 1991
Passage 10 December 1991
Assented to 12 December 1991**

**Québec Official Publisher
1991**

EXPLANATORY NOTES

This bill amends the rules governing devolution of the so-called "three chains" reserve under the Act respecting the lands in the public domain in order to simplify the application of those rules. It does so by granting full ownership of the reserve to the holder of the letters patent or notarial deed to whom the land has been sold or transferred, or his assigns, from the date of the letters patent or notarial deed. Under the bill, private law becomes applicable to the reserve from that date.

However, the bill provides that this devolution is subject to certain uses or occupations which may affect the reserve. It also identifies the cases where devolution does not take place.

In addition, the bill introduces other amendments of a technical nature to the Act respecting the lands in the public domain, particularly concerning transfer of authority or management and gratuitous transfer of land in the public domain.

Bill 131

An Act to amend the Act respecting the lands in the public domain

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 7 of the Act respecting the lands in the public domain (R.S.Q., chapter T-8.1) is amended by striking out the words "under section 6" in the second line.

2. Section 8 of the said Act is amended by inserting the words "or management" after the word "authority" in the second line.

3. Section 9 of the said Act is amended by replacing the words "set out in an order under section 8" in the first and second lines by the words "for which its management was transferred".

4. The said Act is amended by inserting, after section 13, the following section:

"13.1 Sections 7 and 9 and the second paragraph of section 10 also apply to transfers of authority or management effected before 27 May 1987."

5. Section 38 of the said Act is amended by replacing the first paragraph by the following paragraph:

"38. At the end of a period of thirty years from the date of the letters patent, the conditions and restrictions attached to a gratuitous transfer cease to apply, and the transfer becomes irrevocable."

6. Section 39 of the said Act is replaced by the following section:

“39. The holder of the letters patent must inform the Minister if he wishes to use the transferred land for a purpose other than that specified in the letters patent.”

7. Section 40 of the said Act is amended by adding, at the end, the following paragraph:

“In the case of a purpose not so prescribed, the Minister may require that the land be retroceded to him on the conditions he determines or, at the request of the holder, he may amend or waive the purpose clause on the same conditions and at the same price as those determined by regulation under section 34.”

8. Section 44 of the said Act is amended

(1) by adding the words “or “to the assigns of (*name of the original purchaser*)” ” at the end of the first paragraph;

(2) by inserting the words “or “assigns” ” after the word “representatives” ” in the first line of the second paragraph.

9. Sections 45.1, 45.2 and 45.3 of the said Act are replaced by the following sections:

“45.1 The reserve resulting from the application of the first three paragraphs of section 45 and forming part of the public domain on 17 December 1987 shall, from the date of the letters patent or the notarial deed, devolve free of charge and in full ownership to the holder of the letters patent or notarial deed to whom the land has been sold or transferred, or to his assigns. It is deemed to form part of the private domain from that date.

The rules of private law apply from that date for establishing rights in the reserve, including prescription.

The devolution provided for in the first paragraph does not entail the transfer of ownership of the beds of non-navigable rivers and lakes or of the islands therein. Furthermore, the devolution shall not give entitlement to any reimbursement of the sums of money collected by the Minister pursuant to the Lands and Forests Act (R.S.Q., chapter T-9) or this Act.

Section 30.2 of the Act respecting agricultural lands in the public domain (R.S.Q., chapter T-7.1) applies to the reserve where the letters patent or notarial deed have been issued or drawn up under the said Act.

“45.1.1 Section 45.1 also applies

(1) where, in the letters patent or notarial deed, the reserve has been expressly withdrawn or excluded from the land which is sold or transferred;

(2) where the description of the land in the letters patent or notarial deed did not include the description of the reserve;

(3) where the reserve is the subject of an attestation of devolution issued by the Minister before 12 December 1991.

"45.2 Notwithstanding section 45.1, the following lands shall remain in the public domain:

(1) all or that part of a reserve which is under the authority or management of another Minister or a public body;

(2) a forest road within the meaning of the Forest Act (R.S.Q., chapter F-4.1) or a mining road within the meaning of the Mining Act (R.S.Q., chapter M-13.1);

(3) roads used for public purposes on 17 December 1987, the ownership of which has not, under section 45.1, devolved to a department, a public body or a municipality, and which have not been the subject of a title or a transfer of authority or management granted by the Minister before 12 December 1991;

(4) any reserve or that part of it which has been the subject of a lease, still in force on 12 December 1991, granted under the Lands and Forests Act (R.S.Q., chapter T-9) or under this Act in favour of a person other than the holder of the letters patent or notarial deed, or his assigns.

In the cases contemplated in subparagraph 4 of the first paragraph, the lessee retains the right to renew the lease once, for the same term, which may not exceed ten years and he may acquire the leased land before the date of expiry of the lease, in accordance with section 34 or section 37. If he does not acquire the leased land before the date of expiry of the lease, the retroactive devolution provided for in section 45.1 applies to the land from the date of expiry of the lease.

"45.2.1 Any reserve affecting land referred to in Schedule I shall also remain in the public domain.

A notice containing the description of the reserve or that part of it which is retained for purposes in the public interest, made according to law, must be registered by the Minister, not later than 12 December 1993, in the registry office of the registration division

in which the immovable is situated. Registration is effected by deposit, free of charge. In a territory under cadastral survey, the notice is entered in the index of immovables.

From the date of registration, section 45.1 shall apply to the reserve or that part of it which is not affected by the notice. If no notice has been registered within the period prescribed in the second paragraph, section 45.1 shall apply to the whole reserve.

The Minister may also, on the same conditions, register a notice to exempt a land from the application of the first paragraph; from the date of registration, section 45.1 applies to the reserve or that part of it which is affected by the notice.

"45.2.2 Section 45.1 does not apply

(1) to a reserve or that part of a reserve resulting from a sale, a transfer or a waiver by the Minister that occurred before 12 December 1991;

(2) to a reserve or that part of a reserve which, on 12 December 1991, is the subject of an offer of sale or transfer by the Minister in favour of a person other than the holder of the letters patent or notarial deed or his assigns, if the offer is accepted before the date on which it expires.

"45.3 The devolution provided for in section 45.1 is subject

(1) to the right to use or occupy the reserve under a title, servitude, authorization or permit granted or issued pursuant to an Act, a decree or an order;

(2) to uses for public purposes by a department, a public body or a municipality, where such uses exist on 17 December 1987 and are still exercised on 12 December 1991, in cases where no title, servitude, permit, authorization or transfer of authority or management has been granted by the Minister.

No right contemplated in the first paragraph nor the exercise of such a right may in any case render the beneficiary of the devolution and his assigns liable towards the holder of the rights or towards third persons."

10. Section 45.4 of the said Act is amended by replacing the words "to a pedestrian right of way, in favour of the public, over a

strip of land 10 metres in depth from the edge of the river" in the third, fourth and fifth lines of the first paragraph by the words ", without compensation, to the right of any member of the public to go on foot along the bank of a river, over a strip of land 10 metres in depth from the bank, and stop for the purpose of fishing".

11. Section 45.5 of the said Act is amended by replacing the words "in the cases provided for in the second paragraph of section 45.1" in the fourth and fifth lines of the second paragraph by the words "where letters patent are issued in respect of a land pursuant to Division IV of Chapter III of the Act respecting agricultural lands in the public domain (R.S.Q., chapter T-7.1) after 17 December 1987".

12. Section 45.6 of the said Act is repealed.

13. Section 71 of the said Act is amended by striking out the words ", any attestation issued pursuant to section 45.6" in the third and fourth lines of subparagraph 3 of the first paragraph.

14. Schedule I to the said Act is amended

(1) by replacing the word and figures "45.2, paragraph 3" in the heading by the figure "45.2.1";

(2) by replacing, in the list of lands,

- | | | |
|---------------|-------------|----------------------|
| (a) the lines | | |
| "De Calonne | Caché
IV | 2 to 4
22" |
| by the line | | |
| "De Calonne | IV | 22"; |
| (b) the lines | | |
| "Marston | VI
X | 22 (east bank)
7" |
| by the line | | |
| "Marston | VI | 22 (east bank); |

(3) by striking out the lines

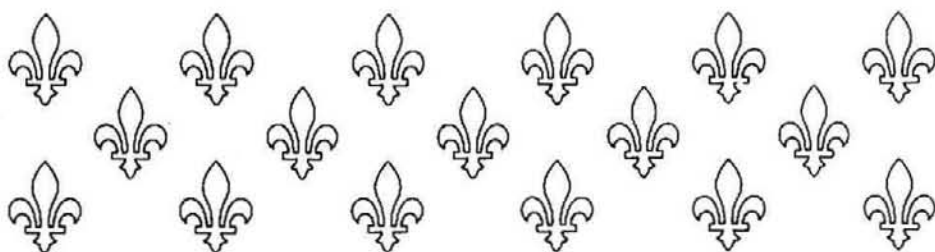
- | | | |
|----------|-----|----|
| "Arundel | V | 21 |
| | VI | 24 |
| | VII | 23 |

Forsyth	V	4
La Minerve	IX	15 and 16
Mékinac	III	20
Montigny	N. Ch. Chapleau	33
Rochon	VII	27".

15. Schedule II to the said Act is amended by replacing, in the list of lands, the lines

"Marston	IX	17 and 18
	X	8 and 17 to 19"
by the lines		
"Marston	IX	17 and 18
	X	7, 8 and 17 to 19".

16. This Act comes into force on 12 December 1991.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 158
(1991, chapter 53)

**An Act to repeal the Act to ensure
continuity of electrical service by
Hydro-Québec**

**Introduced 19 June 1991
Passage in principle 20 June 1991
Passage 10 December 1991
Assented to 12 December 1991**

**Québec Official Publisher
1991**

EXPLANATORY NOTE

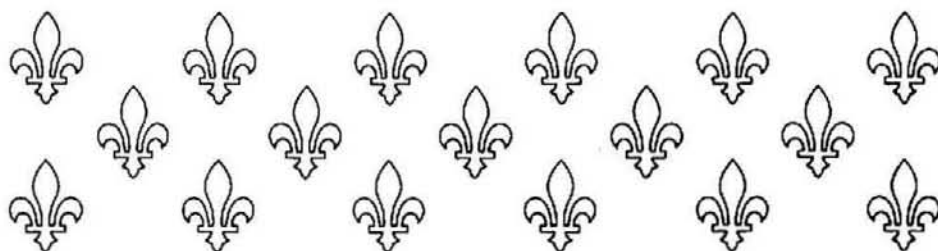
The object of this bill is to repeal the Act to ensure continuity of electrical service by Hydro-Québec.

Bill 158

An Act to repeal the Act to ensure continuity of electrical service by Hydro-Québec

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** The Act to ensure continuity of electrical service by Hydro-Québec (1990, chapter 9) is repealed.
- 2.** This Act will come into force on the date fixed by the Government.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 165
(1991, chapter 54)

**An Act to amend the Act respecting
the mode of payment for electric
and gas service in certain buildings**

**Introduced 16 October 1991
Passage in principle 10 December 1991
Passage 10 December 1991
Assented to 12 December 1991**

**Québec Official Publisher
1991**

EXPLANATORY NOTE

This bill amends the Act respecting the mode of payment for electric and gas service in certain buildings in order to render it applicable to all units of occupancy used for residential purposes where the lease stipulates that the price of the electricity or gas service is included in the amount payable to the lessor.

Bill 165

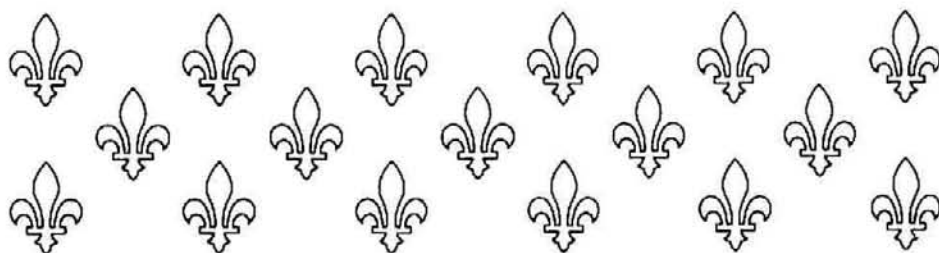
An Act to amend the Act respecting the mode of payment for electric and gas service in certain buildings

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting the mode of payment for electric and gas service in certain buildings (R.S.Q., chapter M-37) is amended by replacing the first paragraph by the following paragraph:

"1. This Act applies to electric or gas service supplied in a building or part of a building rented as a dwelling, or which includes at least one unit of occupancy rented as such, where the lease stipulates that the cost of electric or gas service is included in the amount payable to the lessor."

2. This Act comes into force on 12 December 1991.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 167
(1991, chapter 55)

**An Act to amend the Act respecting
truck transportation and the
Highway Safety Code**

**Introduced 22 October 1991
Passage in principle 29 October 1991
Passage 5 December 1991
Assented to 12 December 1991**

**Québec Official Publisher
1991**

EXPLANATORY NOTES

The main object of this bill is to render the Act respecting truck transportation applicable to the leasing of a truck where the driver is provided to the lessee by the lessor or a person related to the lessor.

Under the bill, the Government is authorized to impose annual operating duties on the holders of trucking licences, matters concerning the revocation or the suspension of a licence may be decided by one member of the Commission des transports du Québec and the rules governing appeals from decisions of the Commission are aligned with those of the Code of Civil Procedure.

Finally, consequential amendments are made to the Act respecting truck transportation and the Highway Safety Code to take account of the new permanent registration system for motor vehicles and the exchange of necessary information between the Société de l'assurance automobile du Québec and the Commission with respect to the registration of trucks, taxis and buses.

Bill 167

An Act to amend the Act respecting truck transportation and the Highway Safety Code

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting truck transportation (R.S.Q., chapter C-5.1) is amended by adding, at the end of the first paragraph, the following words: "and the leasing of a truck used to carry goods where the driver is directly or indirectly provided to the lessee by the lessor or by a person related to the lessor within the meaning of Part I of the Taxation Act (R.S.Q., chapter I-3)".

2. Section 29 of the said Act is amended by adding, after paragraph 3, the following paragraph:

"(4) pay to the Commission, for the periods prescribed by regulation, such annual operating duties as are fixed by regulation."

3. Section 31 of the said Act is replaced by the following section:

"31. The Société de l'assurance automobile du Québec shall notify the Commission of every cancellation of the registration of a road vehicle used by a licensee under his trucking licence and of every prohibition to drive or election not to drive such a vehicle."

4. Section 62 of the said Act is amended by adding the following paragraph:

"The revocation or suspension of a licence may be decided by one member."

5. Section 64 of the said Act is amended by striking out the words "and every revocation or suspension of a licence" in the first and second lines.

6. Section 77 of the said Act is amended

(1) by striking out the words "within 30 days after the date on which the decision of the Commission has taken effect," in the second and third lines;

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

"The motion must be served on the adverse party and be filed in the clerk's office within 30 days after the date on which the decision of the Commission has taken effect; it must be presented as soon as possible to a judge of the Court of Appeal."

7. Section 80 of the said Act is amended by inserting, after paragraph 8, the following paragraph:

"(8.1) prescribe the annual operating duties payable by every holder of a trucking licence for the periods it determines and, where applicable, determine the terms and conditions of payment;"

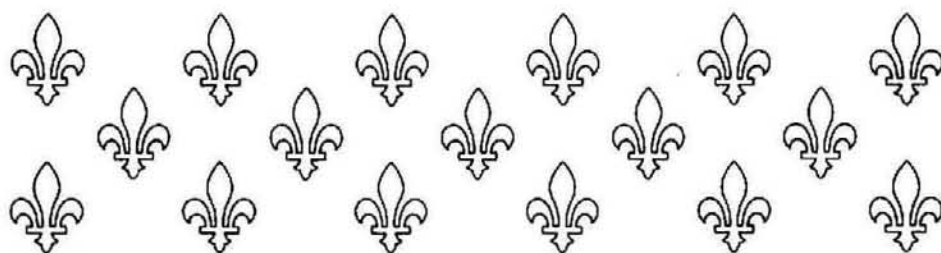
8. Section 21 of the Highway Safety Code (R.S.Q., chapter C-24.2), amended by section 9 of chapter 83 of the statutes of 1990 and by section 165 of chapter 32 of the statutes of 1991, is again amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

"(4) have the prior authorization of the Commission des transports du Québec, in the cases provided for in sections 35 and 40.2 of the Transport Act (R.S.Q., chapter T-12) or in section 31 of the Act respecting transportation by taxi."

9. Section 189 of the said Code, amended by section 78 of chapter 83 of the statutes of 1990, is again amended by replacing paragraph 1 by the following paragraph:

"(1) the Commission des transports du Québec, pursuant to section 35 or 40 of the Transport Act or section 27 or 31 of the Act respecting transportation by taxi, orders it to withdraw the registration plate and registration certificate of the vehicle;"

10. This Act comes into force on 12 December 1991.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 171
(1991, chapter 56)

An Act respecting the Conseil médical du Québec

**Introduced 29 October 1991
Passage in principle 5 November 1991
Passage 10 December 1991
Assented to 12 December 1991**

**Québec Official Publisher
1991**

EXPLANATORY NOTES

This bill establishes a medical council known as the Conseil médical du Québec.

The council is composed of fifteen voting members, including at least eight physicians, and of the non-voting members designated by the Act or by the Minister of Health and Social Services.

The council will advise the Minister of Health and Social Services on any matter relating to medical services, in light of the needs of the population and the evolving costs of, and ability of the population to pay for, medical services.

Bill 171

An Act respecting the Conseil médical du Québec

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ESTABLISHMENT AND ORGANIZATION

1. A medical council, called the "Conseil médical du Québec", is hereby established.

2. The council shall be composed of fifteen voting members, of whom at least eight must be physicians, and of the members mentioned in section 4.

3. The voting members of the council shall be appointed by the Government, on the recommendation of the Minister of Health and Social Services, in the following manner:

(1) two general practitioners chosen from a list of five physicians recommended by the body representing general practitioners within the meaning of section 19 of the Health Insurance Act (R.S.Q., chapter A-29);

(2) two specialists chosen from a list of five physicians recommended by the body representing specialists within the meaning of section 19 of the Health Insurance Act;

(3) one physician chosen from a list of three physicians recommended by the Corporation professionnelle des médecins du Québec;

(4) one physician chosen from a list of three physicians recommended by the body grouping the councils of physicians,

dentists and pharmacists of establishments within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-5);

(5) four persons appointed after consultation with the Rectors of Québec universities having a faculty of medicine and the Deans of such faculties, a body responsible for evaluating health care technology, the Fonds de la recherche en santé du Québec and the Conseil consultatif de pharmacologie;

(6) three persons appointed after consultation with the health care and social services community;

(7) one medical resident chosen from a list of three residents recommended by the body representing medical residents;

(8) one doctoral student in medicine chosen from a list of three persons recommended by the body representing doctoral students in medicine.

4. The Deputy Minister of Health and Social Services, one or more associate or assistant Deputy Ministers and any person designated by the Minister are non-voting members of the council.

5. Upon the Minister's recommendation, the Government shall designate the chairman and vice-chairman from among the members of the council who are physicians and have the right to vote.

6. The chairman of the council is appointed for a term not exceeding five years.

The other voting members of the council are appointed for a term of four years. However, seven of the first members of the council shall be appointed for a term of two years.

Members shall remain in office at the expiry of their terms until reappointed or replaced.

7. The term of a voting member of the council, including that of the chairman, cannot be renewed consecutively more than once.

8. Any vacancy occurring during a term of appointment shall be filled in accordance with the mode of appointment prescribed in section 3 for the appointment of the member to be replaced, for the unexpired portion of that person's term.

Absence without valid reason from the number of meetings of the council determined in its internal management by-laws, in the cases and circumstances prescribed therein, shall constitute a vacancy.

9. The chairman of the council shall conduct the meetings of the council and be responsible for the management of its activities. He shall also act as liaison between the council and the Minister.

Where the chairman is unable to act, he shall be replaced by the vice-chairman.

10. The Government shall fix the remuneration, social benefits and other terms of employment of the chairman and of the vice-chairman when he replaces the chairman.

11. The voting members of the council, other than the chairman and, as provided, the vice-chairman, are not remunerated. They are however entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

12. The council may hold its meetings at any place in Québec.

The quorum at meetings of the council is the majority of its voting members, including the chairman and the vice-chairman.

13. Decisions of the council are made by a majority vote of the voting members who are present.

In the case of a tie-vote, the chairman of the council or, in his absence, the vice-chairman, shall have the casting vote.

14. The secretary and other members of the staff of the council shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

15. The secretariat of the council shall be located in the territory of the Communauté urbaine de Québec, at the place determined by the Government.

Notice of that location and of any change of location of the secretariat shall be published in the *Gazette officielle du Québec*.

DIVISION II

FUNCTIONS AND POWERS

16. The function of the council is to advise the Minister on any matter relating to medical services, taking into account the needs of the population and the evolving costs of, and ability of the population to pay for, medical services.

17. Matters on which the council may advise the Minister include

(1) the orientation of medical services in relation to the priorities of the health care system, especially the evolution, organization and distribution of services and the manner in which medical services dispensed by establishments within the meaning of the Act respecting health services and social services may be harmonized with those dispensed in private medical facilities;

(2) medical staffing needs in general practice and specialties, viewed as a whole or by specialty, and staff distribution between the regions or territories of Québec in light of the characteristics of the population and the available budgetary resources;

(3) the evolution and adaptation of medical practice with regard to emerging needs, new realities and standards of quality;

(4) the different types of medical practice having regard to the needs of the population that are to receive priority;

(5) draft regulations concerning the coverage of insured medical services within the meaning of the Health Insurance Act (R.S.Q., chapter A-29);

(6) the most appropriate methods of remuneration of physicians;

(7) policies or programs addressing the rationalization of, or priority to be given to, the dispensation of a medical service.

18. The Minister shall consult the council and obtain its advice on the following matters:

(1) draft regulations relating to the clinical organization of medical services dispensed by establishments;

(2) policies relating to the medical work force, including policies governing enrollment in programs of medical training at the doctoral and post-doctoral level;

(3) the reference framework for medical staff distribution, and in particular the expansion or reduction objectives to be established for each region of Québec.

The council shall give its advice on these matters within the time prescribed by the Minister.

19. The council must give its advice to the Minister within the period of time prescribed by the latter on any other matter submitted by the Minister.

20. In the pursuit of its objects, the council may, in addition,

(1) initiate consultation, seek advice, accept and hear requests and suggestions from persons, bodies or associations and submit to the Minister any recommendation it considers appropriate;

(2) set up committees;

(3) conduct or commission a study or survey in accordance with an authorization from the Minister.

21. The council may make public any advice, opinion or recommendation submitted by it under sections 16 to 20, 60 days after forwarding it to the Minister.

22. The council must adopt by-laws for its internal management.

DIVISION III

MISCELLANEOUS AND FINAL PROVISIONS

23. The fiscal year of the council ends on 31 March.

24. The council shall forward to the Minister, not later than 30 June each year, a report on its activities for the preceding fiscal year.

25. The Minister shall table the report of the council before the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.

26. The Minister of Health and Social Services is responsible for the administration of this Act.

27. This Act comes into force on 12 December 1991.

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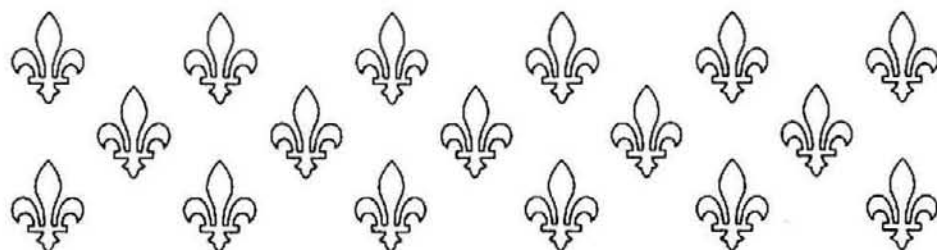
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NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 177
(1991, chapter 57)

**An Act to amend the Act respecting
the Ministère des Transports and the
Roads Act**

**Introduced 6 November 1991
Passage in principle 13 November 1991
Passage 5 December 1991
Assented to 12 December 1991**

**Québec Official Publisher
1991**

EXPLANATORY NOTES

This bill amends the Act respecting the Ministère des Transports and the Roads Act in respect of the power of the Minister of Transport to dispose of excess immovables.

It also enables the Government to prohibit, by regulation, the towing of road vehicles on certain roads maintained by the Minister and allows the latter to make contracts for the exclusive carrying out of this activity.

Finally, the bill makes other amendments of a technical nature or for concordance.

Bill 177

An Act to amend the Act respecting the Ministère des Transports and the Roads Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 11.3 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended

(1) by inserting the words “,subject to section 11.4,” after the word “fit” in the second line of the first paragraph;

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

“The Minister may also dispose of immovables acquired by other departments or agencies of which they themselves are unable to dispose when the immovables are no longer needed.”

2. Section 11.4 of the said Act is replaced by the following section:

“11.4 The Minister may dispose of an immovable only on the conditions prescribed by a regulation adopted under the Financial Administration Act (R.S.Q., chapter A-6).”

3. Section 11.5 of the said Act is amended by striking out the words “and dispose thereof as he sees fit” in the second line.

4. Section 11.3 of the said Act becomes section 11.4.

5. Section 11.4 of the said Act becomes section 11.5.

6. Section 11.5 of the said Act becomes section 11.3.

7. The said Act is amended by inserting, after section 12.1, the following section:

"12.1.1 The Government may, by regulation, prohibit the towing by a tow truck on all or part of a public road that it specifies among the autoroutes, sections of autoroutes and bridges maintained by the Minister."

8. Section 12.2 of the said Act is amended

(1) by striking out the words "on an immovable under the Minister's administration" in the third line;

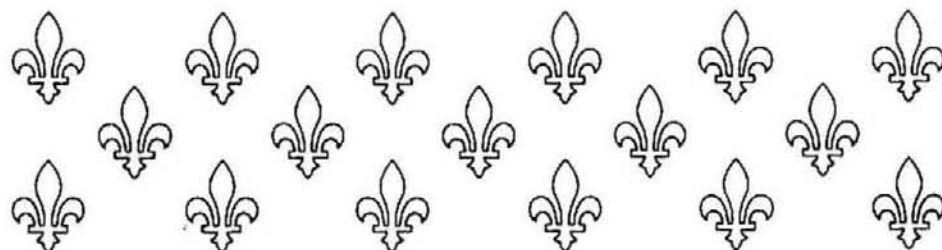
(2) by replacing the word and number "section 12.1" in the second line by the words and numbers "either of sections 12.1 and 12.1.1".

9. Section 12.2.1 of the said Act is amended by inserting the word and number "or 12.1.1" after the number "12.1" in the fourth line of the first paragraph.

10. Section 12.4 of the said Act, amended by section 584 of chapter 4 of the statutes of 1990, is again amended by inserting the words and number "or under section 12.1.1" after the word "offence" in the second line.

11. Section 10 of the Roads Act (R.S.Q., chapter V-8) is amended by replacing the words "dispose thereof in such a manner as he may deem appropriate" in the second and third lines of paragraph 7 by the words "otherwise dispose thereof".

12. This Act comes into force on 12 December 1991.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 178
(1991, chapter 58)

An Act to amend the Automobile Insurance Act and the Act to amend the Automobile Insurance Act and other legislation

**Introduced 6 November 1991
Passage in principle 14 November 1991
Passage 5 December 1991
Assented to 12 December 1991**

**Québec Official Publisher
1991**

EXPLANATORY NOTES

This bill amends the automobile insurance scheme, in particular with respect to the definition of damage caused by an automobile. Damage that occurs by reason of work performed on a motor vehicle to modify or improve the vehicle is excluded from the scheme. The exclusion, however, extends only to the person who performs the work and not to third parties.

Provisions are made to give all categories of victims the right to an indemnity for loss of unemployment insurance benefits or training allowances.

In addition, the various types of personal assistance provided to accident victims are classified in relation to the degree of assistance needed, up to the continuous presence of a person with the victim.

The bill also includes transitional provisions and consequential and technical amendments to facilitate the administration of the automobile insurance scheme.

Bill 178

An Act to amend the Automobile Insurance Act and the Act to amend the Automobile Insurance Act and other legislation

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing the words "or as a result of maintenance or repair work to" in the fifth and sixth lines of the definition of the phrase "damage caused by an automobile" by the words "and injury or damage caused to a person or property by reason of an action performed by that person in connection with the maintenance, repair, alteration or improvement of".

2. Section 15 of the said Act is amended by adding, at the end, the following paragraph:

"A victim who, by reason of the accident, is deprived of unemployment insurance benefits or of allowances paid under the National Training Act (Revised Statutes of Canada, 1985, chapter N-19) to which he was entitled at the time of the accident is entitled to receive an additional indemnity computed on the basis of the benefits or allowances that would have been paid to him. These benefits or allowances are deemed to form part of his gross income."

3. Section 20 of the said Act is amended by replacing the second paragraph by the following paragraph:

"A victim who, by reason of the accident, is deprived of unemployment insurance benefits or of allowances paid under the National Training Act to which he was entitled at the time of the accident is entitled to receive an additional indemnity computed on

the basis of the benefits or allowances that would have been paid to him. These benefits or allowances are deemed to form part of his gross income."

4. Section 24 of the said Act is amended by inserting the words "or of allowances paid under the National Training Act" after the word "benefits" in the second line of subparagraph 2 of the first paragraph.

5. Section 25 of the said Act is amended

(1) by replacing the words "unemployment insurance benefits" in the third line of the second paragraph by the words "benefits or allowances";

(2) by replacing the words "unemployment insurance benefits" in the first and second lines of the third paragraph by the words "benefits or allowances".

6. The said Act is amended by inserting, after section 29, the following section:

"29.1 A victim who, by reason of the accident, is deprived of unemployment insurance benefits or of allowances paid under the National Training Act to which he was entitled at the time of the accident is entitled to an income replacement indemnity for such time as he is deprived of benefits or allowances by reason of the accident.

The indemnity to which the victim is entitled is computed on the basis of the benefits or allowances that would have been paid to him had the accident not occurred.

For the purposes of this section, the benefits or allowances to which the victim would have been entitled are deemed to be his gross income."

7. Section 33 of the said Act is amended by replacing the second paragraph by the following paragraph:

"If his studies end before the scheduled date therefor at the time of the accident, the victim is entitled

(1) until the date scheduled, at the time of the accident, as the date of the end of his studies, to an indemnity of

(a) \$5 500 for every school year not completed at the secondary level;

(b) \$5 500 for every term of studies not completed at the post-secondary level, up to \$11 000 per year;

(2) from the date scheduled as the date of the end of his studies, to the income replacement indemnity provided for in the third paragraph."

8. The said Act is amended by inserting, after section 36, the following section:

"36.1 A victim who, by reason of the accident, is deprived of unemployment insurance benefits to which he was entitled at the time of the accident is entitled to an income replacement indemnity for such time as he is deprived of benefits by reason of the accident.

The indemnity to which the victim is entitled is computed on the basis of the unemployment insurance benefits that would have been paid to him had the accident not occurred.

For the purposes of this section, the unemployment insurance benefits to which the victim would have been entitled are deemed to be his gross income."

9. Section 39 of the said Act is amended by replacing the second paragraph by the following paragraph:

"If his studies end before the scheduled date therefor at the time of the accident, the victim is entitled

(1) until the date scheduled as the date of the end of his studies, to an indemnity of

(a) \$3 000 for every school year not completed at the elementary level;

(b) \$5 500 for every school year not completed at the secondary level;

(2) from the date scheduled as the date of the end of his studies, to the income replacement indemnity provided for in the third paragraph."

10. Section 42 of the said Act is replaced by the following sections:

"42. Notwithstanding section 41, a victim 65 years of age or over is entitled to an income replacement indemnity during the first 180 days following the accident if

(1) by reason of the accident, he is unable to hold an employment that he would have held during that period had the accident not occurred;

(2) by reason of the accident, he is deprived of unemployment insurance benefits or of allowances paid under the National Training Act to which he was entitled at the time of the accident.

During that period, the victim is entitled to the indemnity, in the case described in subparagraph 1 of the first paragraph, for such time as the employment would have been available and for such time as he is unable to hold it by reason of the accident and, in the case described in subparagraph 2 of the first paragraph, for such time as he is deprived of the benefits or allowances by reason of the accident.

However, if both subparagraphs 1 and 2 of the first paragraph apply, the victim cannot receive both indemnities but shall receive the greater indemnity for as long as the situation prevails.

From the 181st day following the accident, the victim is entitled to an income replacement indemnity computed in accordance with sections 21 and 22, subject to section 40.

"42.1 The indemnity to which the victim described in subparagraph 1 of the first paragraph of section 42 is entitled is computed on the basis of the gross income derived from the employment he would have held had the accident not occurred.

The indemnity to which the victim described in subparagraph 2 of the first paragraph of section 42 is entitled is computed on the basis of the benefits or allowances that would have been paid to him had the accident not occurred.

For the purposes of this section, the benefits or allowances to which the victim would have been entitled are deemed to be his gross income."

11. Section 49 of the said Act is amended by inserting, after paragraph 4, the following paragraph:

"(4.1) when he holds an employment from which he derives a gross income equal to or greater than the gross income on the basis of which the Société has computed the income replacement indemnity;"

12. Section 50 of the said Act is amended by inserting the words "paragraphs 1 to 3 of" after the word "Notwithstanding" in the first line of the first paragraph.

13. Section 51 of the said Act is amended by inserting the figure “, 55” after the figure “43” in the first line of the second paragraph.

14. Section 79 of the said Act is replaced by the following section:

“79. Where, by reason of the accident, a victim’s physical or mental condition warrants the continual attendance of another person or renders him unable to care for himself or perform, without assistance, the essential activities of everyday life, he is entitled to the reimbursement of expenses incurred for personal home assistance.

Expenses are reimbursed on presentation of vouchers and according to the standards, conditions and maximum amounts prescribed by regulation. However, no reimbursement may exceed \$555 per week.

In the cases prescribed by regulation, the Société may replace the reimbursement of expenses by an equivalent weekly allowance.”

15. Section 80 of the said Act is amended

(1) by replacing the word “A” in the first line of the first paragraph by the words “Subject to section 80.1, a”;

(2) by replacing the words “who, on the date of the accident and for no remuneration, has the” in the second and third lines of the first paragraph by the words “whose main occupation consists, on the date of the accident and for no remuneration, in taking”.

16. The said Act is amended by inserting, after section 80, the following section:

“80.1 If, by reason of full-time or temporary employment the victim would have held, section 80 and subparagraph 1 of section 24 apply, the victim cannot receive both indemnities but shall receive the income replacement indemnity for as long as the situation prevails.

However, during that period, section 83 applies to the victim on the conditions set forth therein.”

17. Section 81 of the said Act is repealed.

18. Section 83 of the said Act is amended by inserting, after subparagraph 1 of the first paragraph, the following subparagraph:

"(1.1) holds more than one regular part-time employment for at least 28 hours a week;"

19. Section 83.44 of the said Act is replaced by the following sections:

"83.44 The Société may, at any time, render a new decision if a change affecting the right of the person concerned to an indemnity or likely to have repercussions on the amount of an indemnity occurs.

"83.44.1 So long as a decision has not been inscribed for review or appeal, the Société may, on its own motion or at the request of an interested person, reconsider the decision

(1) if the decision was rendered before an essential fact became known, or was based on an error pertaining to an essential fact;

(2) where a substantive or procedural defect is likely to invalidate the decision;

(3) if the decision contains an error in writing, mistakes in calculation or any other clerical error.

The new decision replaces the initial decision which ceases to be effective and the provisions of Division II apply where expedient."

20. Section 83.52 of the said Act is amended

(1) by striking out the words "or an officer" in the second line;

(2) by inserting the words "or because it contains a substantive or procedural defect which is likely to invalidate it," after the word "fact," in the fourth line.

21. Section 99 of the said Act is repealed.

22. Section 195 of the said Act is amended by replacing paragraph 19 by the following paragraph:

"(19) to prescribe the standards, conditions and maximum amounts according to which the reimbursement of expenses described in section 79 may be made and the cases in which the Société may replace reimbursements by an equivalent weekly allowance;"

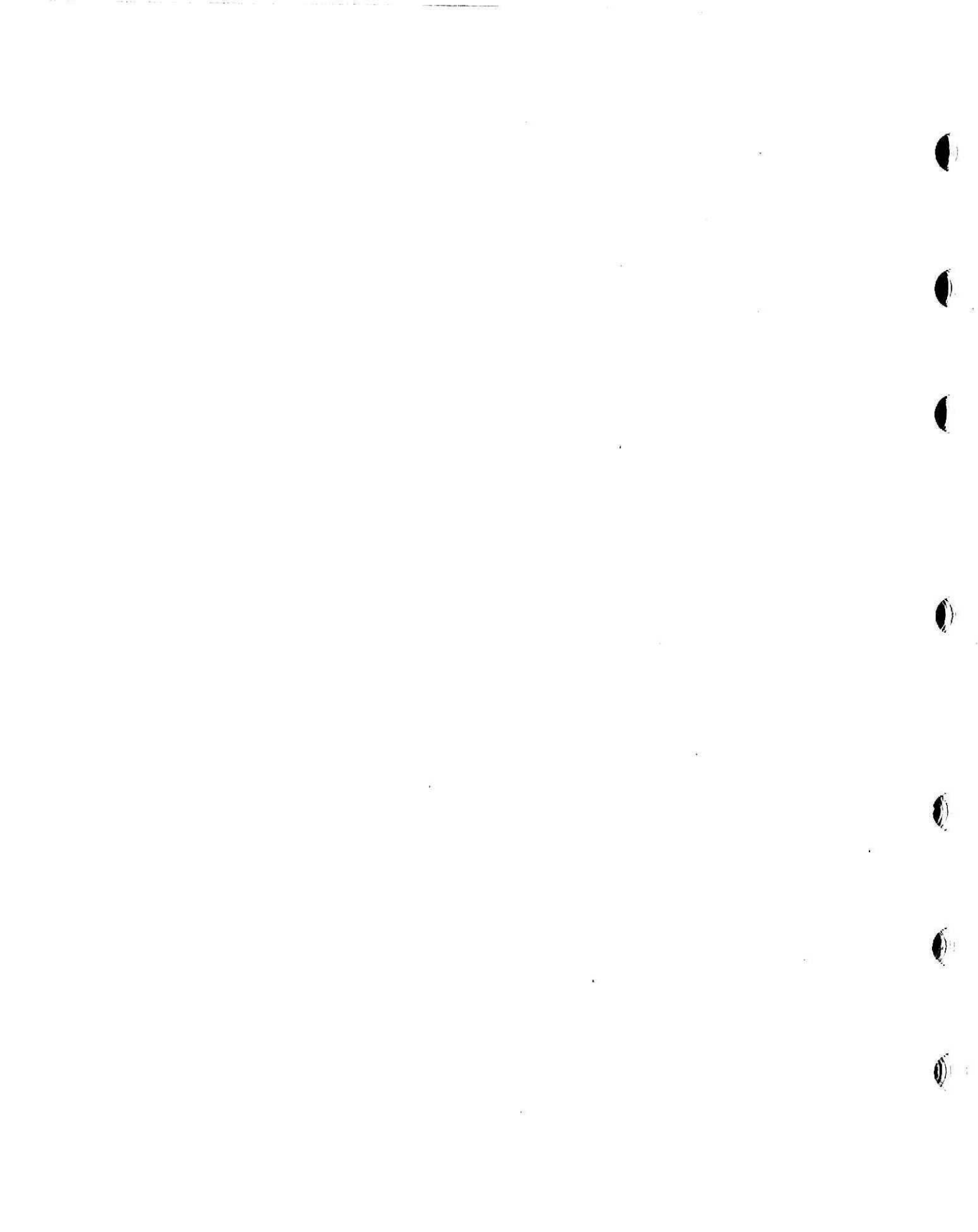
23. Section 25 of the Act to amend the Automobile Insurance Act and other legislation (1989, chapter 15) is amended by inserting

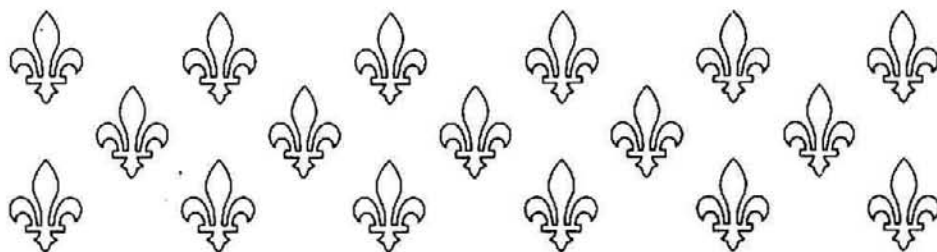
the words “, other than the indemnity referred to in the second paragraph of section 32 of the said Act,” after “1989” in the second line of the first paragraph.

24. Section 79 of the Automobile Insurance Act, enacted by section 14 of this Act, will also apply to persons having suffered bodily injury before the coming into force of the said section.

25. Section 83.23 of the Automobile Insurance Act also applies to persons having suffered bodily injury before 1 January 1990.

26. This Act comes into force on 1 January 1992, except section 14, which will come into force on the date fixed by the Government.





NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 179
(1991, chapter 59)

An Act to amend the Transport Act

Introduced 6 November 1991
Passage in principle 19 November 1991
Passage 6 December 1991
Assented to 12 December 1991

**Québec Official Publisher
1991**

EXPLANATORY NOTES

The object of this bill is to subject the transport of waste material excluded from the scope of the Act respecting truck transportation to the application of the Transport Act.

It provides for a regulated contract in respect of the transport of certain bulk materials to be filed with the Commission, and enables the Commission to intervene in order to attempt to settle any disputes relating to performance of the contract.

The bill also provides for the organization and operation of regional corporations grouping together holders of bulk material transport permits who subscribe to a brokerage service. In addition, it establishes the conditions on which the holder of a bulk material transport permit may use the services of other haulers without the intervention of a brokerage permit holder.

Finally, the bill brings the permit renewal process into line with the vehicle immatriculation system, and the appeal procedure in respect of the Commission's decisions into line with the Code of Civil Procedure.

Bill 179

An Act to amend the Transport Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Transport Act (R.S.Q., chapter T-12) is amended by replacing the word and figures "3 to 7" in the fourth line of the third paragraph by the figures "3, 4, 6, 7".

2. Section 5 of the said Act is amended by adding, at the end of paragraph *i*, the words " , and specify the information contained in a contract which, despite compulsory filing, is not accessible except in the manner and to the extent provided for in the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)."

3. Section 36.2 of the said Act is amended by adding, at the end, the following paragraph:

"This section does not apply to a holder of three or more permits who causes a bulk material to be transported for the purpose of supplying a plant, providing the following three conditions are met:

(1) the transport is effected by a subcontractor using a road vehicle which appears on a list previously transmitted to the Commission by the holder of the permits;

(2) the number of vehicles used for subcontracting is equal to or less than the number of permits held by the carrier; and

(3) the bulk materials transported are not used for construction or renovation work at the plant."

4. Section 36.3 of the said Act is amended by striking out the words "or for any part of the territory of such a region not delimited as a brokerage zone" in the third and fourth lines.

5. Section 37.1 of the said Act is amended by replacing paragraph 1 by the following paragraph:

"(1) the permit holder has paid to the Société de l'assurance automobile du Québec the duties and fees payable pursuant to section 31.1 of the Highway Safety Code in order to preserve the right to drive the road vehicle used to provide the transport service authorized by the permit;"

6. Section 40 of the said Act is amended by replacing the word "; or" in the second line of subparagraph *d* of the first paragraph by the words "or the contribution prescribed by section 48.6;"

7. The said Act is amended by inserting, after section 47, the following sections:

"§ 4.1.—Bulk material transport contracts

"47.1 The holder of a bulk material transport permit shall, where prescribed by regulation and where the route includes a public highway to which the Highway Safety Code applies, enter into a contract with a consignor in accordance with the minimal stipulations prescribed by regulation.

Before it is executed, the contract must be filed with the Commission by the consignor.

"47.2 The information contained in a contract entered into under section 47.1 that is identified by regulation is not accessible except in the manner and to the extent provided for in the Act respecting Access to documents held by public bodies and the Protection of personal information.

"47.3 No person may entrust to the holder of a bulk material transport permit, for transport purposes, any bulk material the transport of which must be the subject of a contract under section 47.1, until such a contract has been filed with the Commission.

"47.4 No holder of a bulk material transport permit may accept for transport purposes or transport any bulk material the transport of which must be the subject of a contract under section 47.1, until such a contract has been filed with the Commission.

During transportation, the permit holder must keep in the truck a copy of the attestation from the Commission that the contract has been filed.

"47.5 Where a dispute arises with respect to the price or conditions of transport, either party to the contract may request the intervention of the Commission so that it may attempt to settle it.

If he considers that the interest of the parties requires it, the president of the Commission shall designate a member for that purpose.

"47.6 Unless an agreement to the contrary is reached by the parties, anything relating to the attempt at settling the dispute shall remain confidential.

"47.7 Unless the parties agree otherwise, no attempt at settling the dispute may continue for more than 30 days after the date on which it was referred to the Commission.

"47.8 Where the Commission has been unable to bring the parties to a settlement of the dispute, and where it concludes that the dispute is due to the unreasonable or unfair nature of the price or a condition of transport, the aggrieved party may terminate the contract, without indemnity, within five days after receiving the report of the Commission."

8. The said Act is amended by inserting, after section 48.1, the following sections:

"DIVISION V.1

"REGIONAL CORPORATION OF TRUCKERS SUBSCRIBING TO A BROKERAGE SERVICE

"48.2 A regional corporation of truckers that is constituted as a non-profit corporation may be recognized by the Commission where the corporation proves that it represents more than 50 % of the holders of bulk material transport permits in a region who subscribe to a brokerage service in one of the brokerage zones established in accordance with section 36.3, and that it can adequately represent the majority of such permit holders.

"48.3 The principal functions of a regional corporation recognized by the Commission are to represent the holders of bulk material transport permits who subscribe to a brokerage service, and to promote their interests, in particular by improving and promoting truck transportation of bulk materials, by establishing social benefits and by organizing administrative services for brokerage corporations.

For the purposes of the first paragraph, the corporation may

(1) enter into contracts with consignors for the transport of bulk material, to the extent that such transport is apportioned between the truckers by the brokerage permit holders in accordance with the rules prescribed by regulation;

(2) refer any transport which exceeds the capacities of the subscribers of a brokerage permit holder to other brokerage permit holders;

(3) file rates and tariffs;

(4) act before the Commission with respect to any matter relating to transport brokerage or bulk material transport.

"48.4 Every subscriber to a brokerage service supplied under a brokerage permit is entitled to be a member of a regional corporation recognized by the Commission in his region, and may participate in its activities and administration.

"48.5 To finance its activities, a regional corporation recognized by the Commission may, by by-law approved by the majority of the members who vote at a special meeting held for such purpose, fix an annual contribution.

"48.6 Every member of the corporation is required to pay the contribution fixed by the special meeting for each permit he obtains or renews.

The Government may, by regulation, order payment of the contribution by all subscribers to a brokerage service.

"48.7 To ensure that members' interests are protected, the Commission may designate a person to be responsible for inquiring into the management or activities of a regional corporation.

The person so designated is vested for the purposes of an inquiry with the immunity and powers of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

"48.8 Following an inquiry report of the Commission which shows that protection of the interests of members of the regional corporation is not ensured, the Government may order that the powers of that corporation be suspended for such period as it may

determine, and appoint an administrator who shall exercise the powers of the board of directors. In urgent cases, however, the Government may act without waiting for the inquiry report.

"48.9 The administrator appointed by the Government may, in the interest of the members of the corporation and subject to the rights of third persons in good faith, cancel any decision made by the corporation.

"48.10 The administrator shall present to the Government, as soon as practicable, a complete report of his findings together with his recommendations.

The administrator has the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

"48.11 Following the report of the administrator, the Government may

- (1) lift the suspension of the powers of the board of directors;
- (2) order the holding of a special meeting of the members of the regional corporation in order to elect new directors."

9. Section 53 of the said Act is amended

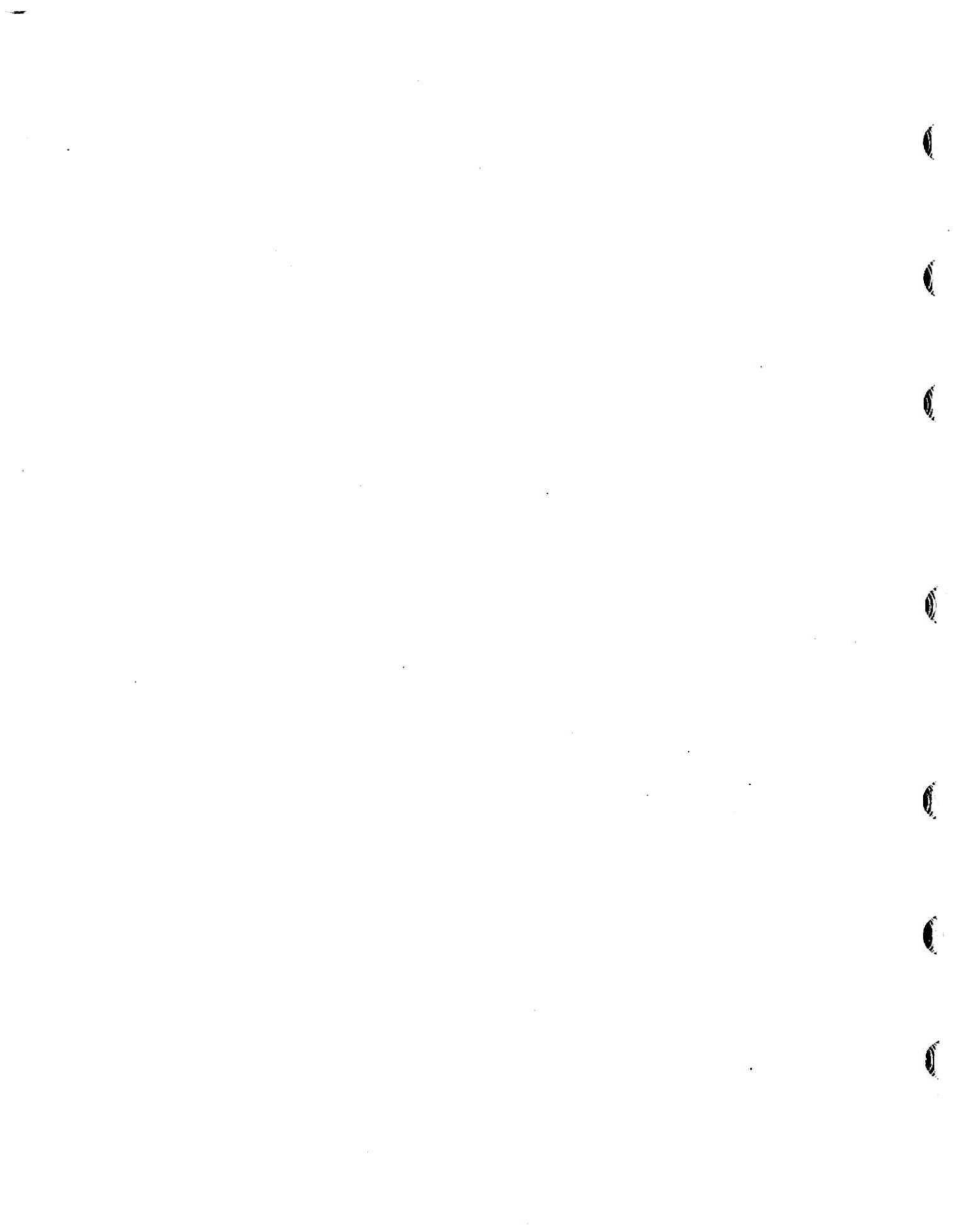
(1) by striking out the words "within thirty days after the date on which the decision of the Commission has taken effect," in the second and third lines;

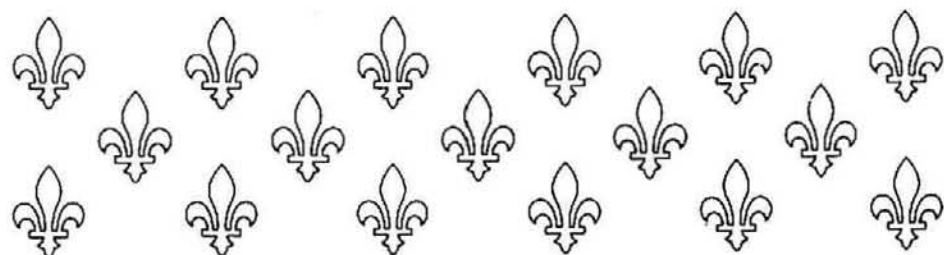
(2) by adding, at the end, the following paragraph:

"The motion must be served on the adverse party and filed with the office of the court within 30 days from the date on which the decision of the Commission takes effect; it must be presented to a judge of the Court of Appeal as soon as possible."

10. Section 74.1 of the said Act, amended by section 872 of chapter 4 of the statutes of 1990 and by section 142 of chapter 33 of the statutes of 1991, is again amended by replacing the word and figure "or 43" in the second line by the word and figures ", 43, 47.3 or 47.4".

11. This Act comes into force on 12 December 1991, except section 4, which will come into force on the date fixed by the Government.





NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 183
(1991, chapter 60)

**An Act to amend the Crop Insurance
Act and the Act respecting farm
income stabilization insurance**

**Introduced 13 November 1991
Passage in principle 21 November 1991
Passage 11 December 1991
Assented to 12 December 1991**

**Québec Official Publisher
1991**

EXPLANATORY NOTES

This bill amends the Crop Insurance Act and the Act respecting farm income stabilization insurance in order to facilitate the administration of their provisions.

The bill provides for greater flexibility with respect to the risks covered by the Crop Insurance Act and raises the maximum percentage of coverage of the insurance from 80 % to 90 %. In addition, the Régie des assurances agricoles du Québec will establish premiums or assessments after examining, among other factors, the loss index of each insured.

The bill also provides that a producer insured under a collective insurance system will be authorized to amend the agricultural program he submitted to the Régie with his application for insurance. Furthermore, in the case of a loss confined to part of a zone, it will be no longer required that at least 5 % of the insured in the zone be affected by the loss in order to qualify for an indemnity.

As regards the Act respecting farm income stabilization insurance, the bill first provides that the indemnities received by a producer under the crop insurance will, in the future, be included in the calculation of annual receipts. It also empowers the Régie to index the values assigned to the production and marketing structures and those assigned to the items included in computing the annual receipts and net annual income of a farm producer and the stabilized net annual income established under the Act.

Finally, the bill includes in the amended Acts various concordance amendments or other amendments of a technical nature.

Bill 183

An Act to amend the Crop Insurance Act and the Act respecting farm income stabilization insurance

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CROP INSURANCE ACT

1. Section 1 of the Crop Insurance Act (R.S.Q., chapter A-30) is amended

(1) by replacing the word "criteria" in the second line of paragraph *d* by the word "characteristics";

(2) by replacing paragraph *e* by the following paragraph:

"(e) "collective appraisal" means samplings taken on various cultivated farms to determine the actual yield of insured crops;"

2. Section 24 of the said Act is replaced by the following section:

"24. The object of the insurance is to indemnify a producer for any loss in yield sustained by his crop as a result of the occurrence of any uncontrollable events not attributable to human intervention, namely:

- (1) snow;
- (2) hail;
- (3) hurricane;
- (4) excessive rain;
- (5) excessive wind;

- (6) excessive humidity;
- (7) excessive heat;
- (8) drought;
- (9) frost;
- (10) wild animals, including birds;
- (11) insects and plant diseases which appear in the form of an infestation or an epidemic or against which there is no adequate means of protection;
- (12) flood caused by a force of nature and being an exceptional event;
- (13) the formation of ice in the soil and frost in the preceding months of November through April, subject to section 48.

However, the Régie may, by regulation and in respect of the category of crops it determines, offer insurance to indemnify producers for losses sustained as a result of the occurrence of one or some of the events mentioned in the first paragraph.

The Régie may also, by regulation, add other uncontrollable events that are not attributable to human intervention for a category of crops it determines."

3. Section 25 of the said Act is amended

(1) by striking out the words "Subject to the conditions peculiar to the formation of ice in the soil and frost in the preceding months of November through April," in the first two lines of the first paragraph;

(2) by replacing the words "harmful effects of any of the forces mentioned in paragraphs *a* to *i* of" in the third and fourth lines of the second paragraph by the words "occurrence of an event insured against determined under".

4. Section 26 of the said Act is amended by replacing the first paragraph by the following paragraphs:

"26. The Régie shall determine, at least every three years, a basic rate of assessment based on an actuarial valuation and any other data it considers relevant.

The basic rate shall apply to all of Québec, to a group of zones or to one zone only. It shall be adjusted, for each producer, in proportion to the loss index and the number of years during which the producer was insured."

5. Section 27 of the said Act is amended by replacing the words "For the purpose of computing the rate of the assessment and, as the case may be, of the indemnity, the Régie shall fix each year" in the first and second lines by the words "To determine the amount of assessment payable by a producer, the Régie shall fix, at least every three years,".

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

"28. The basic assessment rates, the discount rates and the unit prices determined pursuant to sections 26 and 27 shall be published in at least one agricultural journal or, if there is no agricultural journal, in another newspaper designated by the Régie.

The rates and prices thus published shall remain in force until new rates and prices are published."

7. Section 32 of the said Act is amended by striking out the word "payable" in the fourth line.

8. The said Act is amended by inserting, after section 32, the following section:

"32.1 Every producer who alters the agricultural program represented to the Régie in his application for insurance shall immediately notify the Régie of that fact. The Régie shall then inform him as soon as possible of the conditions on which a new certificate may be issued to him.

However, the Régie shall not accept any application after the final date fixed by regulation.

A producer who fails to comply with the obligation imposed by the first paragraph is entitled to no reimbursement of assessment and the insurance is valid only for that part of the agricultural program represented to the Régie which is carried out."

9. Section 39 of the said Act is amended by replacing the figure and words "80 per cent" in the second line of the first paragraph by the percentage "90 %".

10. Section 43 of the said Act is amended by replacing the words "one or another of the forces of nature contemplated in section 24, the insured is not" in the first and second lines by the words "the occurrence of an event insured against determined under section 24, the insured is".

11. Section 44 of the said Act is amended by adding the words "in that zone or in another zone or part of a zone presenting characteristics similar to those of the zone in which the actual yield of the crop has been determined" at the end of the first paragraph.

12. Section 44.1 of the said Act is replaced by the following section:

"44.1 Where a loss in yield results from the occurrence of an event insured against determined under section 24 and is confined to part of a zone, the Régie shall make an individual appraisal at the place of the insured who has filed the notice prescribed in section 43.

Every insured whose crop has sustained a loss in yield is entitled to an indemnity equal to the product of the insurable value entered on his insurance certificate by the percentage of net loss established by individual appraisal."

13. The said Act is amended by striking out sections 44.2 and 44.3.

14. Section 47 of the said Act is amended by replacing the words "eighty per cent" in the second line of the first paragraph by the percentage "90 %".

15. Section 55 of the said Act is amended

(1) by replacing the words "through the harmful effects of one or another of the forces of nature contemplated in" in the second and third lines of the first paragraph by the words "following the occurrence of an event insured against determined under";

(2) by replacing the words "eighty per cent" in the sixth line of the first paragraph by the percentage "90 %".

16. Section 56 of the said Act is amended

(1) by replacing the words "any of the forces of nature contemplated in" in the first line of the first paragraph by the words "the occurrence of an event insured against determined under";

(2) by replacing the words "and allowed by the Régie, as" in the fourth and fifth lines of the second paragraph by the words "up to the amount".

17. Section 59 of the said Act is amended

(1) by replacing the words "harmful effect, while the insurance is in force, of the forces of nature mentioned and defined in the regulations" in the sixth, seventh and eighth lines of the first paragraph by the words "occurrence, while the insurance is in force, of an event insured against determined under section 24";

(2) by striking out the second paragraph.

18. Section 60 of the said Act is amended by replacing the figures and word "44.1 to 44.3" in the second and third lines of the third paragraph by the figure "44.1".

19. Section 61 of the said Act is amended by replacing the words "eighty per cent" in the first and second lines of the first paragraph by the percentage "90 %".

20. Section 62 of the said Act is amended by replacing the words "For the purpose of computing the rate of assessment, the Régie shall fix each year" in the first and second lines by the words "To determine the amount of assessment payable by a producer, the Régie shall fix, at least every three years,".

21. Section 64.1 of the said Act is amended by replacing the words "harmful effects on honey bearing plants or bees, while the insurance is in force, of the forces of nature mentioned in the regulations" in the fifth, sixth and seventh lines by the words "the occurrence, while the insurance is in force, of an event insured against determined under section 24 which affects honey bearing plants or bees".

22. The said Act is amended by striking out section 64.2.

23. The said Act is amended by striking out section 64.4.

24. Section 64.5 of the said Act is amended by replacing the words "For the purpose of computing the rate of the assessment, the Régie shall fix each year" in the first and second lines by the words "To determine the amount of assessment payable by a producer, the Régie shall fix, at least every three years,".

25. Section 64.6 of the said Act is replaced by the following section:

"64.6 The basic assessment rates, discount rates and unit prices determined in accordance with sections 26 and 64.5 shall be published in at least one agricultural journal or, if there is no agricultural journal, in another newspaper designated by the Régie.

The rates and prices thus published remain in force until new rates and prices are published."

26. Section 64.8 of the said Act is amended by replacing the figures and word "32, 33, 38, 44.1 and 44.2" in the first line by the figures and word "24, 26, 32, 32.1, 33, 38 and 44.1".

27. Section 64.9 of the said Act is amended by replacing the percentage "80 %" in the first line of the first paragraph by the percentage "90 %".

28. Section 64.13 of the said Act is amended by replacing the words "caused by one or another of the forces of nature contemplated in section 64.2, the insured is not" in the first and second lines by the words "resulting from the occurrence of an event insured against determined under section 24, the insured is".

29. Section 64.14 of the said Act is replaced by the following section:

"64.14 For the purpose of determining whether, in a zone, the honey production has sustained a loss in yield that qualifies for an indemnity, the Régie shall, each year, make a collective appraisal in that zone or in another zone or part of a zone presenting characteristics similar to those of the zone where the actual yield of the honey production has been determined.

If the appraisal shows that the actual yield of the honey production, in the zone, is less than the average yield guaranteed under section 64.9, each insured person in the zone shall be entitled to the payment of an indemnity."

30. The French text of section 64.15 of the said Act is amended by adding the word "collective" after the word "expertise" in the last line.

31. Section 64.16 of the said Act is replaced by the following section:

"64.16 Where a loss in yield confined to part of a zone results from the occurrence of an event insured against determined under section 24 and the hives affected by the loss are located in that part of that zone, the Régie shall make an individual appraisal at the place of the insured who has filed a notice of loss under section 64.13.

Every insured whose honey production has sustained a loss in yield is entitled to an indemnity equal to the product obtained by multiplying the insurable value entered on his insurance certificate by the percentage of net loss established by individual appraisal."

32. The said Act is amended by striking out section 64.19.

33. Sections 65 to 67 of the said Act are replaced by the following sections:

"65. Every person who believes that he has been wronged by a decision of the Régie may appeal therefrom to the Court of Québec, but only on questions of law.

"66. Appeals are brought within thirty days from the decision of the Régie by filing an inscription served on the Régie and filed in the office of the clerk of the Court of Québec of the judicial district where the appellant has his domicile, a residence, an establishment or a place of business or in the judicial district where the facts that gave rise to the decision of the Régie occurred.

"67. Within fifteen days from the service of the inscription, the secretary of the Régie shall transmit to the clerk of the Court of Québec a certified copy of the record relating to the decision appealed from and of every relevant document.

"67.1 The Court of Québec may confirm, revise or quash the decision submitted to it.

"67.2 The decision of the Court of Québec is final and not subject to appeal.

The judgment shall be recorded in writing and contain, in addition to the conclusions, the reasons on which it is based.

"67.3 Within ten days from the date of the judgment, the clerk of the Court of Québec shall send, by registered or certified mail, a certified copy of the judgment to the appellant and the Régie.

"67.4 Subject to this division, the appeal and the hearing thereof shall be subject to the procedure governing ordinary actions before the Civil Division of the Court of Québec."

34. Section 74 of the said Act is amended

(1) by inserting the words “, the topography” after the word “soil” in the second line of paragraph *d*;

(2) by striking out paragraphs *b*, *e.1*, *e.2* and *k*;

(3) by replacing paragraph *h* by the following paragraph:

“(h) prescribe the conditions of and the procedure governing the settlement of claims, and the payment of indemnities and compensation provided for in this Act, in particular, in the case of an abandoned crop;”.

35. Section 75 of the said Act is replaced by the following section:

“**75.** The provisions of Divisions III and IV of the Regulations Act (R.S.Q., chapter R-18.1) relating to the publication and coming into force of draft regulations and regulations do not apply to draft regulations or regulations that may be made by the Régie for the purposes of this Act.

Every regulation made under this Act is approved by the Government, with or without amendments, and comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.”

36. The said Act is amended by inserting, after section 78, the following section:

“**78.1** The Régie may deduct from the indemnity payable to an insured who is renewing his participation in the scheme the amount of assessment for the new period of insurance and grant the insured the discount provided for in section 26.”

ACT RESPECTING FARM INCOME STABILIZATION INSURANCE

37. Section 1 of the Act respecting farm income stabilization insurance (R.S.Q., chapter A-31) is amended by inserting the words “or an indemnity paid under the Crop Insurance Act” after the word “product” in the second line of paragraph *e*.

38. Section 3 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

"The compensation shall be payable at the time and in the manner prescribed by regulation; the regulation may provide for the payment of advances."

39. Section 6 of the said Act is amended

(1) by replacing the words "and the assessment payable by the participant" in the fourth line of the first paragraph by the words ", the duration of participation, the period of insurance and the grounds and terms of exclusion of a participant as well as the assessment that a participant is required to pay. An assessment fixed in the course of a year may apply to the current period of insurance";

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

"The scheme may, in addition, provide for a reduced assessment for categories of producers, according to the conditions and terms determined in the scheme."

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

"6.1 The scheme may provide that the values assigned to the production and marketing structures and those assigned to the elements included in computing annual receipts, the net annual income and the stabilized net annual income shall be adjusted by the Régie on the basis of statistical studies conducted by the Régie or on the basis of other data it considers relevant.

The result of the adjustments effected by the Régie on the basis of statistical studies shall be published in at least one agricultural journal or, if there is no agricultural journal, in another newspaper designated by the Régie."

41. The title of Division VII of the said Act is replaced by the following:

"DIVISION VII

"PENAL PROVISIONS".

42. Section 39 of the said Act is repealed.

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

"45. Divisions III and IV of the Regulations Act (R.S.Q., chapter R-18.1) relating to the publication and coming into force of draft regulations and regulations do not apply to draft regulations or regulations which may be made for the purposes of this Act.

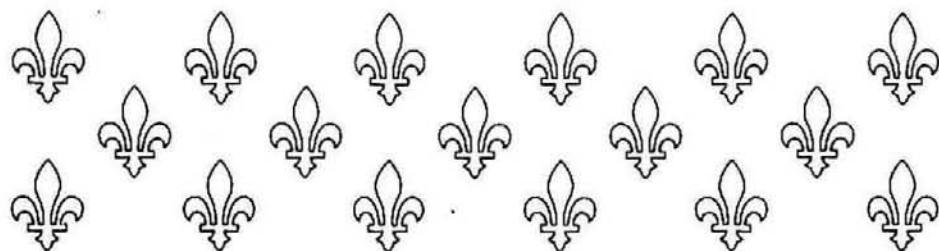
Every regulation made by the Government under this Act comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

Every regulation made by the Régie under this Act is approved by the Government, with or without amendments, and comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein."

TRANSITIONAL AND FINAL PROVISIONS

44. Cases pending before the Court of Québec on 12 December 1991 and relating to an appeal from decisions of the Régie des assurances agricoles du Québec, are continued before that Court in accordance with the provisions of the Crop Insurance Act as they read before being amended by this Act.

45. This Act comes into force on 12 December 1991.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 184
(1991, chapter 61)

An Act to amend the Animal Health Protection Act

**Introduced 13 November 1991
Passage in principle 21 November 1991
Passage 11 December 1991
Assented to 12 December 1991**

**Québec Official Publisher
1991**

EXPLANATORY NOTES

This bill proposes various amendments to the Animal Health Protection Act.

It grants veterinary surgeons designated by the Minister the authority to prescribe for an animal any treatment or sanitary measure they consider appropriate where they observe or suspect the existence of a contagious or parasitic disease determined by regulation. Treatments and measures may include segregation, marking, immunization or destruction of the animals.

It gives the Minister the power to issue an order, if the presence of a chemical, physical or biological agent may constitute a health risk for animals or for persons who come in contact with them or consume them or their products in a sector determined by the Minister. In an emergency or where the public interest is at stake, the order may oblige the owner or custodian of the animals to carry out any treatment or sanitary measure according to conditions specified by the Minister. It may also prohibit the transportation, sale, exchange or donation of animals.

The bill also makes certain changes to the permit system relating to veterinary medication and provides that food and premises intended for the feeding of animals must be free of medicinal residues. In addition, it allows the Government to determine, by regulation, other classes of permits relating to veterinary medications and to establish the standards applicable to the quality and composition of medicinal premises and medicinal food.

Finally, the bill makes consequential amendments to various sections of the Act.

Bill 184

An Act to amend the Animal Health Protection Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Animal Health Protection Act (R.S.Q., chapter P-42) is amended by replacing the heading of Division I by the following heading:

"ANIMAL HEALTH".

2. Section 2 of the said Act is amended

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

"(1) "animal" means any domestic animal or animal kept in captivity and its fertilized eggs and ova, except an animal kept in a zoological garden;"

(2) by replacing the words "one animal to another" in the second line of paragraph 2 by the words "an animal to another animal or to a human".

3. Section 3 of the said Act is amended by striking out paragraphs 1.1, 2, 4 to 6 and 8 to 11.

4. Section 3.1 of the said Act is replaced by the following sections:

"3.1 The owner or custodian of an animal shall report to a veterinary surgeon any fact indicating the existence of a contagious or parasitic disease in the animal.

The veterinary surgeon shall, without delay, report to a veterinary surgeon designated by the Minister for the purpose of the

carrying out of this division all cases of a contagious or parasitic disease.

"3.2 Where a designated veterinary surgeon observes or suspects the existence of a contagious or parasitic disease, he may prescribe, by order, any treatment or sanitary measure he considers appropriate, including the segregation, marking and immunization of the animal.

The order shall be delivered personally to the owner or custodian of the animal and shall specify, in particular, the obligations of the owner or custodian and the manner in which these obligations must be fulfilled.

"3.3 Upon failure by the owner or custodian of an animal to comply with the order of a designated veterinary surgeon, the latter may personally carry out the order at the expense of the owner or custodian. The costs shall bear interest at the rate determined under section 28 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

"3.4 A designated veterinary surgeon who believes, on reasonable grounds, that there is a high risk of propagation of the disease may order that the owner or custodian slaughter the infected animal and dispose of the carcass according to the instructions he specifies. The designated veterinary surgeon shall give notice to this effect by means of minutes delivered personally to the owner or custodian.

The slaughter and disposal of the animal shall be carried out under the supervision of a designated veterinary surgeon, an inspector authorized by the Minister under this Act or a veterinary surgeon conducting a sanitary inspection in a slaughterhouse.

Upon failure by the owner or custodian of an animal to comply with a slaughter and disposal order under the first paragraph, the animal shall be confiscated by the designated veterinary surgeon, slaughtered and its carcass disposed of at the expense of the owner or custodian. The costs shall bear interest at the rate determined under section 28 of the Act respecting the Ministère du Revenu."

5. Section 4 of the said Act is repealed.

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

"6. The Minister may develop a financial aid program for the benefit of any owner who has complied with an order issued by a designated veterinary surgeon.

However, the carrying out of any measure prescribed by a designated veterinary surgeon or by the Minister shall not give rise to any claim in respect of any damage which may result therefrom, except in cases of bad faith."

7. Section 8 of the said Act is replaced by the following section:

"8. It is forbidden for the owner or custodian of an animal affected with a contagious or parasitic disease to keep the animal for sale purposes, offer it for sale or deposit, or sell, exchange, donate, transport the animal or cause it to be transported.

Such prohibition ceases when a designated veterinary surgeon is of the opinion that the risk of propagation of the disease has reached an acceptably low level. In such a case, he shall deliver a written certificate to the owner or custodian of the animal."

8. Section 10 of the said Act is amended by striking out the third paragraph.

9. The said Act is amended by inserting, after section 11, the following sections:

"11.1 Where, within a sector determined by the Minister, the presence of a chemical, physical or biological agent may constitute a health risk for animals or for persons who come in contact with them or consume them or their products, the Minister may, in an emergency or in the public interest, order the owners or custodians of animals to segregate, treat, mark or immunize the animals or to slaughter them and dispose of their carcasses within the time and according to the conditions he specifies.

The Minister may also order measures to be taken to reduce the health risk for the animals or for persons who come in contact with them or consume them or their products. He may also prohibit keeping the animals for sale purposes, offering them for sale or deposit, or selling, exchanging, donating or transporting them.

The order shall contain a statement of the Minister's reasons and refer to any minutes, analysis, study or other technical report that he has taken into consideration.

A certified copy of the order shall be served upon each owner or custodian of animals. The order takes effect on the date of its service.

"11.2 Upon failure by an owner or custodian of animals to comply with an order of the Minister, a designated veterinary surgeon

may personally carry out the order or cause it to be carried out at the expense of the owner or custodian.

Where the order contains a slaughter and disposal order with which the owner or custodian does not comply, the designated veterinary surgeon may confiscate the animals so that they may be slaughtered and their carcasses disposed of at the expense of the owner or custodian.

The costs payable by the owner or custodian of the animals shall bear interest at the rate determined under section 28 of the Act respecting the Ministère du Revenu."

10. Section 28 of the said Act is amended by striking out subparagraph 11 of the first paragraph.

11. Section 45 of the said Act is amended by striking out subparagraph *m* of the first paragraph.

12. Section 55.1 of the said Act is amended by inserting, before the definition of the words "medicinal premix", the following definition:

"'premix' means a combination which may include minerals, vitamins, amino acids, trace elements or other substances and which, mixed with various foodstuffs, is used in the preparation of food for animals;"

13. Section 55.2 of the said Act is replaced by the following section:

"55.2 Every person who

(1) keeps for sale purposes, offers for sale, sells or supplies a medicinal premix or a medicinal food,

(2) prepares medicinal food for his own animals or animals in his custody,

(3) prepares medicinal food or a medicinal premix for his own animals or animals in his custody, or

(4) keeps for sale purposes, offers for sale, sells, supplies or prepares a medicinal premix or a medicinal food,

must hold a permit issued for such purpose by the Minister.

The holder of a permit issued for one of the activities referred to in subparagraph 1 or 4 may sell, offer for sale or supply a medicinal premix only to another holder of a permit issued under this section.

This section does not apply to a person authorized to prepare, sell or supply medication under the Pharmacy Act (R.S.Q., chapter P-10) or the Veterinary Surgeons Act (R.S.Q., chapter M-8)."

14. Section 55.3 of the said Act is replaced by the following section:

"55.3 Any person may prepare a medicinal food for his own animals or animals in his custody without holding a permit if he prepares no more than one kilogram or one litre of the medicinal food or if the medicinal food is prepared for animals which are not and whose products are not intended for human consumption, unless the animals are bred for their fur."

15. Section 55.5 of the said Act is amended by replacing the words "referred to in" in the first line by the words "issued for the carrying on of an activity referred to in the first paragraph of".

16. The said Act is amended by inserting, after section 55.5, the following section:

"55.5.1 Food intended for the feeding of animals and premises that are prepared, offered for sale, kept for sale purposes, sold or supplied by the holder of a permit issued for the carrying on of an activity referred to in the first paragraph of section 55.2 must be free of medicinal residues."

17. Section 55.7 of the said Act is amended

(1) by replacing the word "person" in the first line by the words "owner or custodian of an animal";

(2) by replacing the words ", to his knowledge, has been administered such a product" in the fifth and sixth lines by the words "is the carrier of a medication or the metabolite of a medication".

18. Section 55.8 of the said Act is amended

(1) by adding the words "or to be used in the places where they are kept" at the end of the first paragraph;

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

"Every program shall indicate the veterinary diagnosis or the reasons for the development of the program; the diagnosis must be confirmed by the veterinary surgeon in attendance upon application of the program. Every program shall also specify the nature of the medications, the category of animals concerned, the persons authorized to sell or administer the medications and whether or not the prescription of a veterinary surgeon is required."

19. Section 55.9 of the said Act is amended

(1) by inserting, after subparagraph 2 of the first paragraph, the following subparagraph:

"(2.1) determine classes of permits among the permits that the Minister may issue under the first paragraph of section 55.2 and the rights, conditions and restrictions relating to each class;"

(2) by replacing the words "and registers to be kept" in the first line of subparagraph 3 of the first paragraph by the words ", registers and other documents to be maintained and kept";

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

"(4.1) prescribe standards respecting the composition, quality and medication or substance content of medicinal premixes or medicinal food. With regard to medication content, the standards may vary according to the type of medication used and the medication content prescribed in the veterinary prescription or, in the absence of a prescription, in another document designated in the regulation; with regard to substance content, the standards may vary according to the weight of the medicinal premix or medicinal food;"

(4) by striking out subparagraph 9 of the first paragraph.

20. Section 55.10 of the said Act is amended by replacing what precedes paragraph 1 by the following:

"55.10 Every veterinary surgeon designated by the Minister for the purpose of the carrying out of Division I or person authorized by the Minister to act as an inspector or analyst under this Act, who believes, on reasonable grounds, that there is an animal, a product or equipment to which this Act applies in a vehicle or in premises where an animal is kept or sold or in premises where the activities referred to in section 12, 24 or 55.2 are carried on may, in the performance of his duties,"

21. Section 55.11 of the said Act is amended

(1) by replacing the word "an" in the third line of the first paragraph by the words "a veterinary surgeon,";

(2) by replacing the word "An" in the first line of the second paragraph by the words "A veterinary surgeon,".

22. Section 55.12 of the said Act is amended by replacing the word "an" in the first line by the words "a veterinary surgeon,".

23. Section 55.13 of the said Act is replaced by the following section:

"55.13 In no case may the Minister, a veterinary surgeon, an inspector or an analyst be prosecuted for acts done in good faith in the performance of his duties."

24. Section 55.14 of the said Act, amended by section 718 of chapter 4 of the statutes of 1990, is replaced by the following section:

"55.14 A veterinary surgeon, an inspector or an analyst may, in the performance of his duties, seize any animal, product or equipment to which this Act applies if he believes, on reasonable grounds, that an offence against this Act or the regulations has been committed in relation to or by means of such animal, product or equipment or where the owner or custodian of an animal has failed to comply with an order."

25. Section 55.15 of the said Act is replaced by the following section:

"55.15 The Government may, by regulation, prescribe the terms and conditions of inspection, sample and specimen taking and analysis, seizure and confiscation and establish a model for any certificate, report or minutes drawn up by a veterinary surgeon, an inspector or an analyst."

26. Sections 55.16 and 55.17 of the said Act are repealed.

27. Section 55.18 of the said Act is amended

(1) by inserting the word ", custodian" after the word "owner" in the first line of the first paragraph;

(2) by inserting the words "veterinary surgeon, analyst or" after the word "The" in the second line of the first paragraph.

28. Section 55.19 of the said Act is replaced by the following section:

"55.19 No person may use or remove what has been seized or allow it to be used or removed without the authorization of the veterinary surgeon, inspector or analyst."

29. Section 55.20 of the said Act is amended

(1) by inserting the word ", custodian" after the word "owner" in the second line of the first paragraph;

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

"(2) if the veterinary surgeon, inspector or analyst is satisfied, after verification within that time, that no offence against this Act, the regulations or an order has been committed or that the owner, custodian or possessor of what has been seized has since complied with the provisions of this Act, the regulations or an order."

30. Section 55.21 of the said Act is amended by inserting the word ", custodian" after the word "owner" in the first line of the first paragraph.

31. Section 55.22 of the said Act is amended by inserting the word ", custodian" after the word "owner" in the first line.

32. Section 55.43 of the said Act, amended by section 720 of chapter 4 of the statutes of 1990 and by section 110 of chapter 33 of the statutes of 1991, is again amended by replacing the first three lines of the first paragraph by the following:

"55.43 Every person who contravenes section 3.1, 8, 9, 10, 55.2, 55.4, 55.5, 55.5.1, 55.6, 55.7, 55.11, 55.12, 55.18, 55.19 or any regulation made under paragraph 3 of section 3 or subparagraph 11 of the first paragraph of section 55.9 or any provision of an".

33. Section 55.50 of the said Act, amended by section 722 of chapter 4 of the statutes of 1990, is again amended by replacing the word "an" in the fourth line by the words "a veterinary surgeon,".

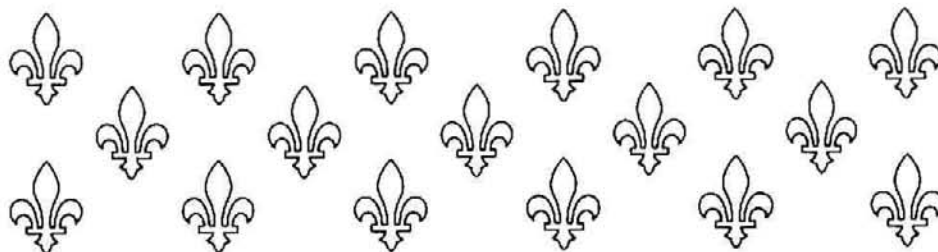
34. The said Act is amended by adding, after section 55.50, the following section:

"55.51 In the absence of any evidence to the contrary, a person who keeps a medicinal premix or a medicinal food in a quantity that

exceeds the needs of his animals or those in his custody, is presumed to intend such product for sale or supply."

35. This Act comes into force on 12 December 1991.





NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 189
(1991, chapter 62)

**An Act to amend the Act respecting
the Société d'habitation du Québec
and other legislation**

**Introduced 13 November 1991
Passage in principle 20 November 1991
Passage 10 December 1991
Assented to 12 December 1991**

**Québec Official Publisher
1991**

EXPLANATORY NOTES

The primary object of this bill is to amend the Act respecting the Société d'habitation du Québec so as to prohibit the alienation of a low-rental housing immovable operated under an agreement between the Corporation and the owner of the immovable, and the institution of a hypothec or servitude on such an immovable, except with the authorization of the Corporation. It also provides for the establishment of an administrative encumbrance to ensure that the social function of such an immovable is maintained.

In addition, the bill specifies certain regulatory powers relating to rental conditions and grants persons authorized to sign in the name of the Corporation the power to authorize another person to sign certain deeds or documents.

Finally, the bill releases the Corporation from the obligation to renew hypothecs held by it on certain immovables, and provides that, in the event of the public sale of a low-rental housing immovable, the administrative encumbrance affecting the immovable will subsist.

ACTS AMENDED BY THIS BILL:

- Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8)
- Civil Code of Lower Canada
- Code of Civil Procedure (R.S.Q., chapter C-25)

Bill 189

An Act to amend the Act respecting the Société d'habitation du Québec and other legislation

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 15.1 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is amended

(1) by adding the words "adopted under subparagraph 1 of the first paragraph of section 86" after the word "Corporation" in the fifth line of the first paragraph;

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

"The president and chief executive officer, the secretary or a member of the personnel of the Corporation authorized to sign under the first paragraph may, by special written commission, authorize another person to sign a specified deed, document or writing in the name of the Corporation."

2. Section 62 of the said Act is amended by replacing the words "paragraphs *c* and *d* of section 60" in the fifth line by the words "paragraph *b* of section 60 or the subsidies granted under paragraph *c* of that section."

3. The said Act is amended by inserting, at the end of Division IV, the following subdivision:

“§ 6.—*Effects of financial assistance*

“68.1 No low-rental housing immovable operated under an agreement between the Corporation and the owner of the immovable may be alienated, and no hypothec or servitude may be instituted on such an immovable, except with the authorization of the Corporation. This prohibition shall subsist, even after the expiration of the operating agreement, until the Corporation grants release of the administrative encumbrance established under section 68.6.

“68.2 An owner who intends to alienate a low-rental housing immovable or to encumber it with a hypothec or servitude must, beforehand, give a notice of intention to the Corporation by registered mail.

The notice shall state the name of the owner of the immovable and his address, the name of the acquirer, assignee or future beneficiary, as the case may be, and his address, and shall include a description of the immovable that meets the requirements of article 2168 of the Civil Code of Lower Canada; in the case of a sale by licitation, the notice shall include the date and the place of the sale. In addition, the notice shall indicate the nature of the right in question, the conditions of the alienation, hypothec or servitude and the prestation agreed upon, if any. In the case of a sale, the price of the immovable shall not be greater than its market value.

“68.3 The Corporation may acquire the low-rental housing immovable in preference to any other acquirer, on the conditions and for the prestation indicated in the notice given under section 68.2, less the amount of the subsidies paid by the Corporation for the construction and operation of the immovable.

Within sixty days of receipt of the notice, the Corporation must, by registered mail, inform the owner of its intention to exercise its right of pre-emption on the conditions and for the prestation indicated in the notice; if the Corporation fails to do so, it is deemed to have waived its right of pre-emption.

The Corporation must, where a hypothec or servitude is to be instituted, inform the owner, by registered mail, of its decision as regards the request for authorization, within sixty days of receipt of the notice.

“68.4 Within sixty days after the expiration of the period provided for in section 68.3, the owner may, without the Corporation's authorization, alienate the immovable in favour of the person mentioned in the notice given to the Corporation on the same

conditions and for the prestation required of that person or, with the Corporation's authorization, encumber the immovable with a hypothec or servitude. In the case of a transfer by onerous title, the proceeds of alienation must first be applied to the repayment of the amount of the subsidies paid by the Corporation for the construction and operation of the immovable.

The owner must forward a copy of the deed of alienation or of the deed instituting a hypothec or servitude to the Corporation within fifteen days after registration.

The Corporation may, on request, extend the time limit provided for in the first paragraph to permit the completion of the alienation or the institution of the hypothec or servitude.

"68.5 The alienation of a low-rental housing immovable and any hypothec or servitude instituted on such an immovable in contravention of sections 68.1 to 68.4, are deemed null.

The Corporation may, if a low-rental housing immovable has been alienated or encumbered with a hypothec or servitude in violation of its right of pre-emption or without its authorization, apply to the Superior Court within one year from the time it becomes aware of the alienation, hypothec or servitude to demand that it be declared null.

"68.6 Every low-rental housing immovable within the meaning of section 68.1 is, by operation of law, encumbered with an administrative encumbrance for the protection of low-rental housing which shall subsist after the expiration of the operating agreement between the owner and the Corporation. The administrative encumbrance imposes on the owner the obligation to retain the immovable and prohibits him from changing its destination; it is subject to publicity and may be set up against third parties by the registration of a notice to that effect in the index of immovables. The Corporation may, however, grant release of the administrative encumbrance by means of a notice.

The filing of a notice granting release of the encumbrance removes the owner's obligation to obtain the authorization required by section 68.1 and extinguishes the Corporation's right of pre-emption.

"68.7 The Corporation may apply to the Superior Court for an injunction ordering any person not fulfilling his obligations under section 68.6 to take the steps required to restore the immovable to its former destination or to cease the commission of acts which are inconsistent with such destination.

The Corporation is dispensed from the obligation to furnish security to obtain an injunction under this section.

"68.8 The fifth paragraph of article 2131 of the Civil Code of Lower Canada does not apply to notices filed under section 68.6.

"68.9 The provisions of sections 68.1 to 68.8 take precedence over any stipulation to the contrary contained in an operating agreement between the Société d'habitation du Québec and a non-profit organization or a housing cooperative, even prior to 13 November 1991.

"68.10 The provisions of sections 68.1 to 68.8 cease to apply to an owner of a low-rental housing immovable who holds a right of emphyteusis granted by a municipality or a public body on the land on which the immovable is situated, on the date on which that right is extinguished."

4. Section 86 of the said Act is amended

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

"(1) adopt by-laws for its internal management and the conduct of its affairs and, if necessary, delegate certain powers conferred upon it by this Act to the president and chief executive officer, the secretary or another member of its personnel;"

(2) by inserting the letter "g," after the word "subparagraphs" in the first line of the second paragraph.

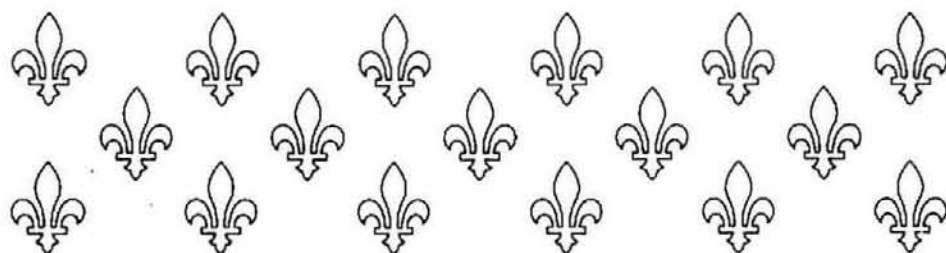
5. Article 2081a of the Civil Code of Lower Canada is amended by inserting the words "or the Société d'habitation du Québec" after the words "Québec Farm Credit Bureau" in the second paragraph.

6. Article 696 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by adding, after paragraph 4, the following paragraph:

"(5) the administrative encumbrance affecting a low-rental housing immovable."

7. Section 3 has effect from 13 November 1991.

8. The provisions of this Act shall come into force on 12 December 1991 except sections 3, 6 and 7, which will come into force on the later date fixed by the Government.



NATIONAL ASSEMBLY

FIRST SESSION

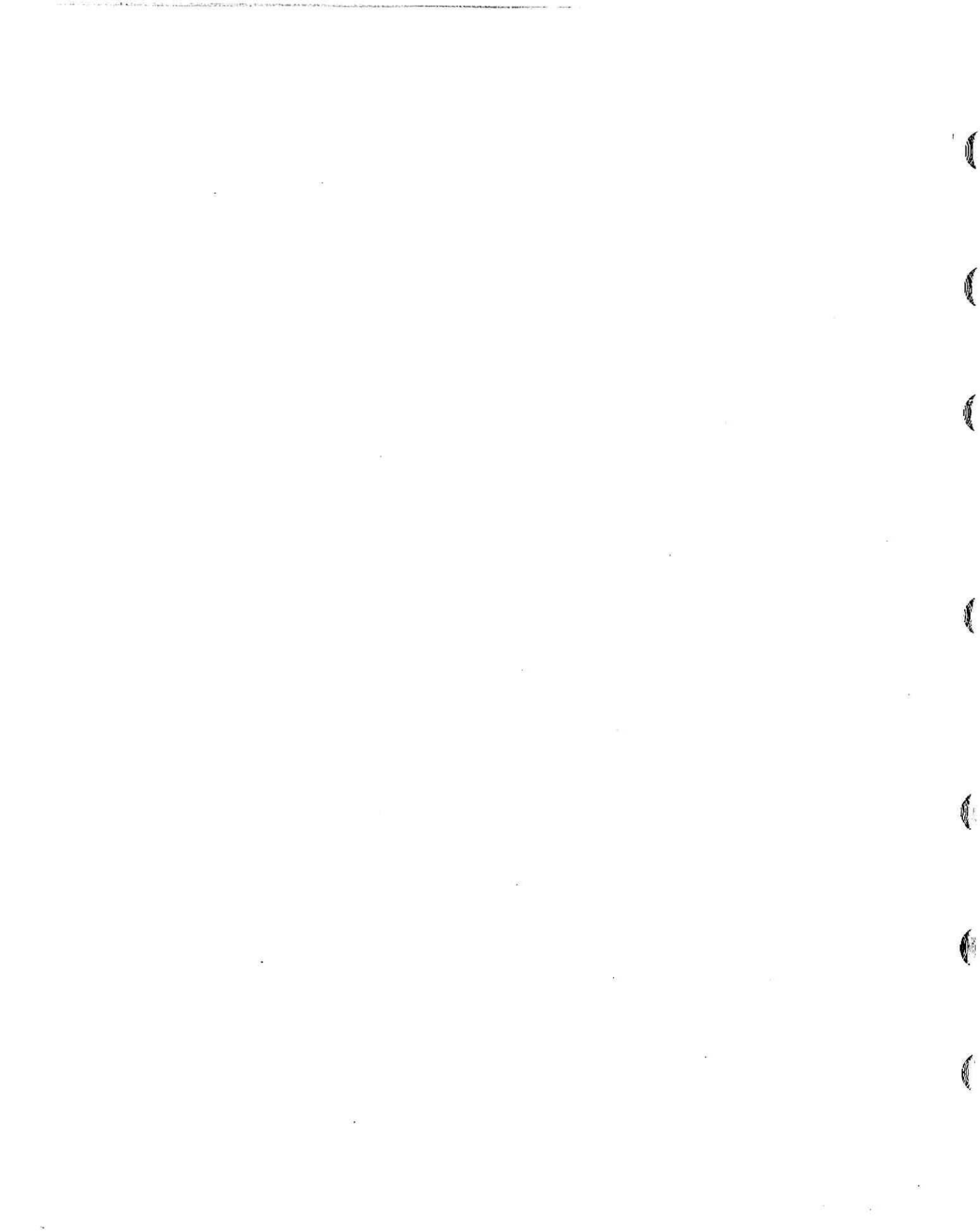
THIRTY-FOURTH LEGISLATURE

Bill 284
(Private)

**An Act to amend the Act to
incorporate the "Sainte-Marguerite
Salmon Club"**

**Introduced 14 November 1991
Passage in principle 5 December 1991
Passage 5 December 1991
Assented to 12 December 1991**

**Québec Official Publisher
1991**



Bill 284

(Private)

An Act to amend the Act to incorporate the "Sainte-Marguerite Salmon Club"

WHEREAS the Corporation de pêche Ste-Marguerite Inc. was incorporated by chapter 70 of the statutes of 1886 under the name of the Sainte-Marguerite Salmon Club;

Whereas its name was changed to that of "Club de pêche Sainte-Marguerite" on 22 September 1977 and to that of "Corporation de pêche Ste-Marguerite Inc." on 29 May 1990;

Whereas on 11 July 1950 letters patent were issued to it by the Lieutenant Governor, subdividing the 30 shares of \$1 000 each which constituted its capital stock into 3 000 shares of \$10 each;

Whereas its authorized capital stock now consists of the sum of \$30 000 divided into 3 000 shares of \$10 each, of which 1 709 have been issued;

Whereas it is in the interest of the Corporation that its constituting instrument be amended;

Whereas its members have unanimously approved such amendments;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act to incorporate the "Sainte-Marguerite Salmon Club" (1886, chapter 70) is amended by replacing section 2 by the following section:

"2. The purposes and powers of the Corporation are:

(a) to assume fishing management operations on a part of the Sainte-Marguerite River, in particular with respect to the protection and utilization of the wildlife and its habitat;

(b) to foster the preservation and growth of the salmon population in the Sainte-Marguerite River and provide favourable fishing conditions for members and their guests as well as lodging and food services."

2. Section 5 of the said Act is replaced by the following section:

"5. The shares are the personal property of members and are assignable only in the manner and subject to the conditions and restrictions prescribed in the by-laws. However, no share may be assigned until paid in full and until all amounts owed to the Corporation have been paid, and no share, even if assigned, shall entitle the assignee to any rights or privileges as a member, or to the right to vote at meetings of the Corporation, until he has been duly elected a member.

Any person who assigns all his shares shall cease to be a member of the Corporation."

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

"7. At all meetings of the Corporation, every member is entitled to one vote for every share he holds, and all votes may be given in person or by proxy."

4. Section 9 of the said Act is replaced by the following section:

"9. The affairs of the Corporation shall be administered by a board of thirteen directors, each of whom must be a member of the Corporation."

5. Section 10 of the said Act is amended by replacing the first and second paragraphs by the following paragraph:

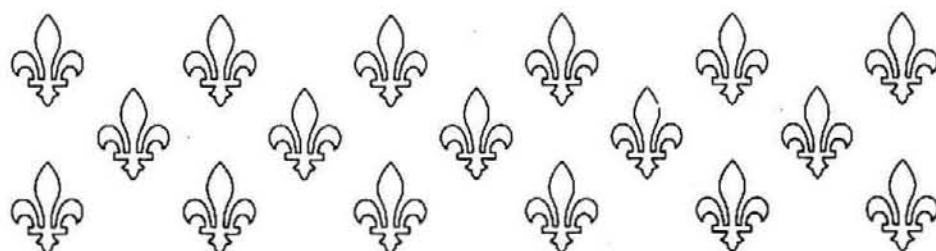
"10. The directors shall elect from among themselves a chairman, a secretary and a treasurer (these three offices may be filled by one person). The board of directors may, where applicable, fix the annual subscription to be paid by members of the Corporation."

6. The said Act is amended by replacing the word "club" wherever it appears by the word "Corporation", and, in the French

text, by replacing the words "bureau" and "directeurs" wherever they appear by, respectively, the words "conseil d'administration" and "administrateurs".

7. This Act comes into force on 12 December 1991.





NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 411

(1991, chapter 63)

Appropriation Act No. 4, 1991-92

Introduced 6 December 1991**Passage in principle 6 December 1991****Passage 6 December 1991****Assented to 12 December 1991**

**Québec Official Publisher
1991**

EXPLANATORY NOTES

The object of this bill is to authorize the Government to pay out of the consolidated revenue fund the sum of \$527 666 400 being the appropriations to be voted for each of the programs of the Departments set forth in the Schedule.

The authorized sum appears in the supplementary estimates of expenses of Québec for the fiscal year 1991-92.

Bill 411

Appropriation Act No. 4, 1991-92

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Government may take out of the consolidated revenue fund a sum not exceeding \$527 666 400 to defray a part of the expenses of Québec proposed in the supplementary estimates for the fiscal year 1991-92 as laid before the National Assembly, not otherwise provided for, being the amount of each of the estimates to be voted for various programs set forth in the Schedule to this Act.

2. This Act comes into force on 12 December 1991.

SCHEDULE

AGRICULTURE, PÊCHERIES ET ALIMENTATION

PROGRAM 07

Farm Land Management

3 000 000

3 000 000

ÉDUCATION

PROGRAM 03

Private Education

290 700

PROGRAM 04

Public Elementary and Secondary Education

114 821 400

115 112 100

ENSEIGNEMENT SUPÉRIEUR ET SCIENCE

PROGRAM 03

Financial Assistance to Students

55 805 400

PROGRAM 05

College Education

19 303 000

75 108 400

ENVIRONNEMENT

PROGRAM 03

Debt Service under the Sewage Treatment Program	9 010 000	
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PROGRAM 04

Advisory Bodies	<u>1 385 600</u>	10 395 600
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FINANCES

PROGRAM 04

Contingency Fund	<u>45 845 200</u>	45 845 200
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INDUSTRIE, COMMERCE ET TECHNOLOGIE

PROGRAM 02

Financial Support for the Development and Growth of Manufacturing, Commercial and Cooperative Sectors	<u>29 945 300</u>	29 945 300
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MAIN-D'OEUVRE, SECURITE DU REVENU ET
FORMATION PROFESSIONNELLE

PROGRAM 02

Delegated Administration of Income Security Programs	663 800
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PROGRAM 04

Income Security	87 808 200
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PROGRAM 07

Manpower Adaptation and Occupational Training	27 085 900
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PROGRAM 08

Job Development and Labour Market Integration	<u>25 841 600</u>
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	141 399 500
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SANTÉ ET SERVICES SOCIAUX

PROGRAM 01

Community Services	1 738 100
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PROGRAM 03

Services Provided by Short-term Care Hospital Centres	41 072 900
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PROGRAM 04

Services Provided by Social Service Centres	1 634 500
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PROGRAM 05

Services Provided by Rehabilitation Centres	2 624 800
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PROGRAM 06

Services Provided by Reception and Lodging Centres and by Extended Care Hospital Centres	14 382 400
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PROGRAM 07

Coordination of Research	73 900
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PROGRAM 08

Administration and Regional Coordination	4 146 600
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65 673 200

SÉCURITÉ PUBLIQUE

PROGRAM 04

Safety and Prevention	1 829 400	
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PROGRAM 06

Sûreté du Québec	<u>18 060 000</u>	19 889 400
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TOURISME

PROGRAM 01

Promotion and Development of Tourism	<u>7 700 000</u>	7 700 000
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TRAVAIL

PROGRAM 07

Financial Assistance to the Commission de la santé et de la sécurité du travail	<u>13 597 700</u>	<u>13 597 700</u>
		527 666 400

Coming into force of Acts

Gouvernement du Québec

O.C. 12-92, 8 January 1992

An Act to amend the Act respecting liquor permits and the Act respecting the Société des alcools du Québec (1991, c. 51)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting liquor permits and the Act respecting the Société des alcools du Québec

WHEREAS the Act to amend the Act respecting liquor permits and the Act respecting the Société des alcools du Québec (1991, c. 51) was assented to on 5 December 1991;

WHEREAS under section 36 of the Act, its provisions will come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 15 January 1992 as the date for the coming into force of the provisions of that Act, except sections 1 to 3, subparagraph 3 of section 5, sections 8, 9 and 11, subparagraph 3 of section 13, sections 16, 19 and 20, paragraphs 2 and 3 of section 22, section 23, paragraphs 1 and 2 of section 26 and sections 29 and 35;

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

THAT 15 January 1992 be fixed as the date for the coming into force of section 4, subparagraphs 1 and 2 of section 5, sections 6, 7, 10 and 12, subparagraphs 1 and 2 of section 13, sections 14, 15, 17, 18 and 21, paragraph 1 of section 22, sections 24 and 25, paragraph 3 of section 26 and sections 27, 28 and 30 to 34 of the Act to amend the Act respecting liquor permits and the Act respecting the Société des alcools du Québec.

BENOÎT MORIN,
Clerk of the Conseil exécutif



Regulations

Gouvernement du Québec

O.C. 3-92, 8 January 1992

An Act respecting the service des achats du gouvernement
(R.S.Q., c. S-4)

Signing of certain deeds, documents or writings

Regulation respecting the signing of certain deeds, documents or writings of the Service des achats du gouvernement (Amendment)

WHEREAS under section 3.3 of the Act respecting the Service des achats du gouvernement (R.S.Q., c. S-4), no deed, document or writing is binding on the Director unless it is signed by the Minister, by the Director or by a public servant in the service but in the case of the public servant, only to the extent determined by regulation of the Government;

WHEREAS under Order in Council 1509-90 dated 24 October 1990, the Regulation respecting the signing of certain deeds, documents or writings of the Service des achats du gouvernement was made;

WHEREAS it is expedient to amend the Regulation to better meet the current administrative realities of the Department;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Supply and Services:

THAT the Regulation respecting the signing of certain deeds, documents or writings of the Service des achats du gouvernement (Amendment), attached hereto, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting the signing of certain deeds, documents or writings of the Service des achats du gouvernement (Amendment)

An Act respecting the Service des achats du gouvernement
(R.S.Q., c. S-4, s. 3.3)

1. The Regulation respecting the signing of certain deeds, documents or writings of the Service des achats du gouvernement, made by Order in Council 1509-90 dated 24 October 1990, is amended by striking out the words "et des spécifications" in the third and fourth lines of section 2.

2. Section 3 is amended by substituting the amount "\$500 000" for the amount "\$250 000" in the third line and the amount "\$100 000" for the amount "\$50 000" in the fourth line.

3. Section 4 is amended by substituting the amount "\$200 000" for the amount "\$100 000" in the third line and the amount "\$40 000" for the amount "\$20 000" in the fourth line.

4. Section 5 is revoked.

5. Section 6 is amended by substituting the amount "\$50 000" for the amount "\$25 000" in the fourth line and the amount "\$10 000" for the amount "\$5 000" in the fifth line.

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

6215

Notice of approval

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Constitution of the Comité paritaire de l'industrie de l'automobile de la Mauricie

The Minister of Labour, Mr. Normand Cherry, hereby gives notice that, in accordance with section 19 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the "Regulation amending the Regulation respecting the constitution of the Comité paritaire de l'industrie de l'automobile de la Mauricie", adopted by the parity committee at its meeting held on 11 September 1991, was approved, upon his recommendation, by Order in Council 15-92 dated 8 January 1992.

Therefore, this Regulation comes into force on the date of its approval by the government.

PIERRE GABRIÈLE,
Deputy Minister

Gouvernement du Québec

O.C. 15-92, 8 January 1992

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Automobile

- Mauricie
- Constitution of the Parity Committee
- Amendment

CONCERNING the Regulation amending the Regulation respecting the constitution of the Comité paritaire de l'industrie de l'automobile de la Mauricie

WHEREAS, in accordance with section 16 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the parties to a collective agreement rendered obligatory must form a parity committee to supervise and ensure the carrying out of the decree, its amendments as renewals;

WHEREAS, in accordance with section 18 of this Act, the committee shall adopt regulations for its formation, the number of its members, their admission, their replacing, the appointing of substitutes and the administration of funds; fix its corporate seat; determine the name under which it shall be designated and, generally, draw up regulations for its internal management and the exercise of the rights conferred upon it by law;

WHEREAS the Comité paritaire de l'industrie de l'automobile de la Mauricie adopted, at its meeting held on 11 September 1991, the Regulation amending the Regulation respecting the Constitution of the Comité paritaire de l'industrie de l'automobile de la Mauricie;

WHEREAS, in accordance with section 19 of this Act, this Regulation shall be approved, with or without amendment, by the government;

WHEREAS there is reason to approve this Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Regulation amending the Regulation respecting the constitution of the Comité paritaire de l'industrie de l'automobile de la Mauricie, attached hereto, be approved.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation amending the Regulation respecting the constitution of the Comité paritaire de l'industrie de l'automobile de la Mauricie

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 18)

1. The Regulation respecting the constitution of the Comité paritaire de l'industrie de l'automobile de la Mauricie, approved by Order in Council 403-85 of 27 February 1985 and amended by the regulations approved by Orders in Council 977-90 of 4 July 1990 and 787-91 of 5 June 1991, is further amended by replacing paragraph 6° of section 2 by the following:

"6° one member by "Syndicat national des employés de garage de Québec Inc. (CSD)";"

2. This Regulation comes into force on the date of its approval by the government.

6218

Draft Regulations

Draft Regulation

Professional Code

(R.S.Q., c. C-26, s. 93, par. c)

Architects

— Equivalence standards for a permit to be issued — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Regulation respecting equivalence standards for a permit to be issued by the Ordre des architectes du Québec (Amendment)", made by the Bureau of the Ordre des architectes du Québec, the text of which appears below, may be submitted to the Government, which may approve it with or without amendment, upon the expiry of 45 days following this publication.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to the professional corporation that made the Regulation as well as to the persons, departments and agencies concerned.

THOMAS J. MULCAIR,
*Chairman of the Office
des professions du Québec*

Regulation respecting equivalence standards for a permit to be issued by the Ordre des architectes du Québec (Amendment)

Professional Code

(R.S.Q., c. C-26, s. 93, par. c)

1. The Regulation respecting equivalence standards for a permit to be issued by the Ordre des architectes du Québec (R.R.Q., 1981, c. A-21, r. 7) is amended by adding the following after paragraph *d* of section 2.01:

"(e) or, as the case may be, the certificate issued by the Canadian Architectural Accreditation Board."

2. Section 3.01 is amended by adding the following after the first paragraph:

"Notwithstanding the first paragraph, a candidate who holds a diploma issued by an educational establishment situated outside Québec shall be granted a diploma equivalence if the Bureau, by resolution, ratifies the certificate issued by the Canadian Architectural Accreditation Board attesting that the candidate has acquired sufficient knowledge in the following fields:

(a) history of architecture, human behaviour and environmental context;

(b) architectural design;

(c) structural systems;

(d) environmental control and communication systems;

(e) construction materials and assemblies;

(f) safety and accessibility;

(g) project process;

(h) project finance and economics;

(i) business and practice management."

3. This Regulation comes into force on the 15th day following the date of its publication in the *Gazette officielle du Québec*.

6199

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Architects

— Keeping of records, offices and consulting offices — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Regulation respecting the keeping of records, offices and consulting offices by architects (Amendment)" made by the Bureau of the Ordre des architectes du Québec, the text of which appears below, may be submitted for approval by the Government upon the expiry of 45 days following this publication.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to the Order that made the Regulation as well as to the persons, departments and agencies concerned.

THOMAS J. MULCAIR,
*Chairman of the Office des
professions du Québec*

Regulation respecting the keeping of records, offices and consulting offices by architects (Amendment)

Professional Code
(R.S.Q., c. C-26, s. 94, pars. c and d)

1. The Regulation respecting the keeping of records, offices and consulting offices by architects (R.R.Q., 1981, c. A-21, r. 14) is amended by substituting the following for the title: "Regulation respecting the keeping of records, the register and offices of architects".

2. The following is substituted for sections 3.01 to 3.09:

"3.01 In the practice of his profession, an architect may keep:

(1) offices where any work related to the practice of his profession is carried out;

(2) consulting offices used only to conduct consultations personally, to advise clients or to carry out personally any work related to the practice of his profession;

(3) field offices located on a construction site for the duration of the work and used only for activities related to supervision of the work.

3.02 Every office referred to in section 3.01 must have on its facade a sign bearing the firm name used by the architect.

The consulting or field offices must be explicitly designated as such whenever they are advertised.

3.03 Where an architect keeps more than one office referred to in paragraph 1 of section 3.01, each of them must be headed by an architect.

3.04 An architect who keeps an office or a consulting office must, within 30 days of beginning to practise his profession, so inform the Order by sending notice in writing to the secretary of the Order. The notice shall include the address of his office. He must also notify the secretary of any change in that regard within 30 days following the change.

3.05 An architect must post a copy of his permit in public view in any office or consulting office at which he practises his profession.

3.06 An architect must display for public consultation, in his office or consulting office, a copy of the Code of ethics of architects (R.R.Q., 1981, c. A-21, r. 3) and of the Regulation respecting the procedure for conciliation and arbitration of accounts of architects (R.R.Q., 1981, c. A-21, r. 8), as amended.

3. This Regulation comes into force on the 15th day following the date of its publication in the *Gazette officielle du Québec*.

6198

Draft Regulation

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Garage employees

— Lanaudière-Laurentides — Amendments

Notice is hereby given, in accordance with the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of Labour received from the

parties governed by the Decree respecting garage employees in the Lanaudière-Laurentides region (R.R.Q., 1981, c. D-2, r. 44), namely La Corporation des concessionnaires d'automobiles des Laurentides, L'Association des industries de l'automobile, division du Québec, Le Syndicat National des Employés de Garage de Joliette-Montcalm, L'Assomption, Berthier (CSD), La Fraternité canadienne des cheminots, employés des transports et autres ouvriers, local 511, a petition requesting him to recommend to the government the amendments to the abovementioned Decree which are contained in the draft decree, the text of which appears below.

Notice is also given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that this draft decree may be made by the government at the expiry of 45 days from this publication.

All comments concerning this draft decree must be forwarded in writing, before the expiry of this period, to the undersigned, ministère du Travail, 425, rue Saint-Amable, 2^e étage, Québec (Québec), G1R 5M3.

PIERRE GABRIÈLE,
Deputy Minister of Labour

Decree amending the Decree respecting garage employees in the Lanaudière-Laurentides region

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 8)

1. The Decree respecting garage employees in the Lanaudière-Laurentides region (R.R.Q., 1981, c. D-2, r. 44), amended by Orders in Council 2573-82 of 10 November 1982, 1025-83 of 18 May 1983, 556-89 of 12 April 1989 and 762-89 of 17 May 1989, extended by Orders in Council 1630-90 of 21 November 1990 and 1559-91 of 13 November 1991, is further amended by replacing its title by the following:

"Decree respecting the automotive services industry in the Lanaudière-Laurentides region".

2. Section 1.01 of this Decree is amended:

1° by replacing, in subsection *d*, the words "necessary or useful to the efficient operation of" by the word "on";

2° by replacing, in paragraph *f*, the words "temporary employee 2 000 hours of experience, in one of the classes of employment" by the words "part-time

employee 2 000 hours of experience, in one of the occupations";

3° by replacing paragraph *h* by the following:

"(h) "serviceman": any employee whose duties consist mainly in performing any of the following tasks:

- i. lubricating motor vehicles and draining lubricants;
- ii. installing belts, hoses, windshield wipers, headlights, filters, mufflers or other parts and accessories of the same nature;
- iii. applying antirust compounds;
- iv. transporting customers;
- v. changing or repairing tires;
- vi. driving motor vehicles.

This employee may also perform one or several of the following duties:

- i. washing, polishing or cleaning motor vehicles;
- ii. selling belts, hoses, windshield wipers, headlights, filters, mufflers or other parts and accessories of the same nature;
- iii. cleaning his employer's establishment and the area around it;
- iv. towing;
- v. selling gasoline or lubricants";

4° by replacing, in paragraph *i*, the words "and breakdown services" by the words "or breakdown services";

5° by replacing, in paragraph *j*, the words "temporary employee": any employee who is hired for" by the words "part-time employee": any employee who performs a task for";

6° by replacing paragraph *l* by the following:

"(l) "regular hourly rate": hourly wage actually paid by an employer or a professional employer to an employee during the hours of regular work, excluding the differential provided for in section 3.03 and the advantages governed by section 9.05";

7° by replacing paragraph *n* by the following:

"(n) "watchman": employee whose duties are primarily to guard or to clean the establishment where work governed by the Decree is carried out;"

8° by inserting, in paragraph *o*, after the words "being cancelled", the words "and the period during which fixed-duration contracts follow one another without an interruption that would allow, given the circumstances, to conclude that the contract has not been renewed;"

9° by adding, after paragraph *q*, the following:

"(r) "consort": a man and a woman who

- i. are married and cohabiting;
- ii. are living together as husband and wife and are the father and the mother of the same child;
- iii. have been living together as husband and wife for at least one year;"

3. Section 2.01 of this Decree is amended:

1° by replacing the text preceding paragraph *a* of subsection 1 by the following:

"2.01 Industrial and professional jurisdictions

(1) The Decree applies to the following work:"

2° by adding, in paragraph *a* of subsection 1, after the word "accessories", the words "or any other work related to installing, adjusting, putting in, aligning parts, accessories or tires of motor vehicles;"

3° by inserting, in paragraph *c* of subsection 1, after the word "remaking", the word "retooling;"

4° by striking out, in paragraph *d* of subsection 1, the words "new or used parts";

5° by replacing paragraphs *f* to *h* of subsection 1 by the following:

"(f) surveillance work, cleaning the establishment where other work governed by the Decree is carried out;

(g) selling, handling, classifying, receiving, shipping or delivering parts, accessories or new or used tires for motor vehicles;

(h) towing motor vehicles or giving breakdown services.";

6° by replacing subsection 2 by the following:

"(2) The Decree does not apply to work mentioned in subsection 1 when performed exclusively for the personal needs or service of the employer; however, such work performed on motor vehicles rented out to an individual or a corporation, on a short or long term basis, is not considered as being performed for the personal needs or service of the employer."

4. Section 2.02 of this Decree is replaced by the following:

"2.02 Territorial jurisdiction: The Decree applies to the territory of the municipalities listed in Schedule 1."

5. Sections 3.01 and 3.02 of this Decree are replaced by the following:

"3.01 For servicemen, pump attendants, washers, watchmen and tow truck drivers, the standard workweek is 44 hours, scheduled over 5 or 6 continuous days. The standard workday is 9 hours, scheduled over a maximum of 10 hours.

3.01.1 For part-time employees working in one of the following occupations, that is pump attendant, serviceman, washer, watchman and tow truck driver, the standard workday is 9 hours, scheduled over a maximum of 10 hours.

3.02 For 1st class or 2nd class servicemen, apprentices, parts clerks, journeymen, wreckers, messengers and any other employee not governed by section 3.01, the standard workweek is 41 hours, scheduled from Monday to Friday. The standard workday is 9 hours, scheduled over a maximum of 10 hours.

3.02.1 For part-time employees working in one of the following occupations, that is 1st class or 2nd class serviceman, apprentice, parts clerk, journeyman, wrecker, messenger and any other part-time employee not governed by section 3.01.1, the standard workweek is scheduled from Monday to Friday. The standard workday is 9 hours, scheduled over a maximum of 10 hours."

6. Section 3.03 of this Decree is amended by replacing paragraph *b* by the following:

"(b) the standard workday is 9 hours scheduled over a maximum of 10 hours;"

7. This Decree is amended by adding, after section 4.02, the following:

"4.03 Notwithstanding any other provision of this section, the employer shall grant the employee conditions at least equal to those provided for in the Act respecting labour standards (R.S.Q., c. N-1.1)."

8. Section 5.01 of this Decree is amended by replacing the words "at his usual hourly wage rate except when he is entitled to a higher amount because of overtime hours" by the words "at his regular hourly rate, except when he is entitled to a higher amount because of the application of Division 4.00."

9. Section 5.02 of this Decree is replaced by the following:

"5.02 The journeyman, apprentice, parts clerk or wrecker who has completed his 3 months trial period and who works during a week shall be guaranteed a minimum of 33 hours at his regular hourly rate.

However, an employee who is away from work during the week, without a valid reason, loses his entitlement to such guarantee for this week.

Moreover, when one of the general holidays provided for in Division 6.00 occurs during a given week, the weekly wage guarantee is reduced by the same number of hours paid the employee's regular hourly wage rate as there are in such general holiday.

When a special leave, with or without pay, provided for in Division 8.00 or when part of the annual vacation with pay provided for in Division 7.00 occurs during a given week, the weekly wage guarantee is reduced by the same number of hours paid the employee's regular hourly wage rate as provided for in the employee's work schedule for those days, whether such hours are actually paid or not."

10. Section 6.01 to 6.06 of this Decree are replaced by the following:

"6.01 The following days are general holidays with pay notwithstanding the day of the week on which they fall: 1 and 2 January, Easter Monday, 1 July, Labour Day, Thanksgiving Day and 25 and 26 December. The employer also grants each of his employees as general holidays with pay, the equivalent of 4 hours of work on 24 and 31 December.

When a statutory general holiday, except for 1 July, falls on a Saturday, it is changed to the preceding working day and when it falls on a Sunday, it is postponed to the following working day.

When a holiday, except for 1 July, falls on a Tuesday, Wednesday or Thursday, it may be celebrated on the

following Friday or Monday after agreement between the parties, provided that a notice of such agreement be transmitted to the parity committee at least one month before the date of the holiday.

When 1 July falls on a Tuesday, Wednesday or Thursday, this holiday is changed to the preceding Monday and when it falls on a Friday, a Saturday or Sunday, it is postponed to the Monday following 1 July.

When a holiday is thus changed or postponed, it is deemed to be the statutory general holiday for the purposes of this Division.

6.02 1° To benefit by a statutory general holiday contemplated in section 6.01, the employee must be credited with 60 days of uninterrupted service in the undertaking and not be absent from work on the first working day provided for in his work schedule preceding or following such holiday. Moreover, in the case of a part-time employee, such holiday must fall on a working day for him.

2° However, an employee is deemed not to have been absent from work on the first working day provided for in his work schedule preceding or following a general holiday, if:

(a) his absence is authorized by the employer or the Decree, and the employee receives for such day no indemnity from the Commission de la santé et de la sécurité du travail or from any private compensation plan for accident, sickness or disability;

(b) the employee was laid off less than 30 days before such holiday.

3° This section does not confer any benefit on an employee who would not have been entitled to remuneration on a day provided for in section 6.01, except so far as section 6.05 applies.

6.03 The employer shall pay to the employee who is entitled to a general holiday provided for in section 6.01, an indemnity equal to his wages for his regular workday on such day. In the case of 24 and 31 December, the indemnity for each of these days is equal to his wages for 4 hours of work.

6.04 An employee who works on one of the holidays provided for in this Division shall be paid his regular hourly rate in addition to receiving the holiday pay.

6.05 When an employee is on annual vacation during one of the holidays provided for in section 6.01, the employer shall pay him the holiday pay provided for in section 6.03, or grant him a compensatory holiday of

one day on a date agreed upon between the employer and the employee.

6.06 When an employee is on his weekly rest period during one of the holidays provided for in section 6.01, except for 24 and 31 December, the employer shall pay him an indemnity equal to the average of his daily wages for his regular workweek, if the employee also meets all the other conditions provided for in section 6.02. In the case of 24 and 31 December, the indemnity, for each of these days, is equal to his wages for 4 hours of work."

11. Section 7.02 and 7.03 of this Decree are replaced by the following:

"7.02 The employee who, at the end of the qualifying year, has less than one year's continuous service with the same employer or in the same undertaking, receives a continuous vacation whose duration is equal to as many days as he has months of service up to a maximum of 2 weeks.

7.03 The employee who, at the end of the qualifying year, has one year's continuous service with the same employer or in the same undertaking, receives a minimum vacation of 2 continuous weeks."

12. Section 7.04 of this Decree is amended:

1° by replacing "10 years of continuous service with the same employer," by "8 years of continuous service with the same employer or in the same undertaking,";

2° by adding the following paragraph:

"The requested length of uninterrupted service provided for in the first paragraph is 7 years as of 1 January 1993, 6 years as of 1 January 1994 and 5 years as of 1 January 1995."

13. Section 7.06 of this Decree is amended by adding the following paragraph:

"Notwithstanding the first paragraph, the annual leave indemnity shall not exceed the indemnity to which the employee would have been entitled if he had not been absent or on leave owing to a reason mentioned in the first paragraph."

14. Section 7.15 of this Decree is replaced by the following:

"7.15 Notwithstanding any other provision of this Division, the employer shall grant the employee conditions at least equal to those provided for in the Act respecting labour standards."

15. Section 8.01 to 8.03 of this Decree are replaced by the following:

"8.01 An employee may be absent from work for one day without reduction of wages by reason of the death or the funeral of his consort, his child or the child of his consort, or of his father, mother, brother or sister. He may also be absent from work, without pay, for 3 more days on such occasion.

8.02 An employee may be absent from work for one day, without pay, by reason of the death or the funeral of a son-in-law, daughter-in-law, one of his grandparents or grandchildren, or of the father, mother, brother or sister of his consort.

8.03 In the circumstances referred to in sections 8.01 and 8.02, the employee must advise his employer of his absence as soon as possible.

8.04 An employee may be absent from work for one day without reduction of wages, on his wedding day.

An employee may also be absent from work, without pay, on the wedding day of one of his children, of his father, mother, brother or sister or of a child of his consort.

The employee must advise his employer of his absence not less than one week in advance.

8.05 Notwithstanding any other provision of this Division, the employer shall grant the employee conditions at least equal to those provided for in the Act respecting labour standards."

16. Section 9.01 of this Decree is replaced by the following:

"9.01 The minimum hourly wage rates are as follows:

Occupations	As of (insérer ici la date d'entrée en vigueur du présent décret)
1° journeyman:	
Class A	12,10
Class B	11,35
Class C	9,90
Class D	9,35
2° apprentice:	
1 st grade	6,85
2 nd grade	7,80
3 rd grade	8,60

3 ^o serviceman:	
2 nd class	9,90
1 st class	11,10
4 ^o serviceman:	
1 st grade	6,05
2 nd grade	6,70
3 rd grade	7,50
4 th grade	8,15
5 ^o parts clerk:	
1 st grade	6,05
2 nd grade	6,60
3 rd grade	7,40
4 th grade	8,05
4 th class	8,70
3 rd class	9,60
2 nd class	10,25
1 st class	10,80
6 ^o watchman	7,05
7 ^o washer, pump attendant	6,05
8 ^o tow truck driver	8,15
9 ^o messenger	6,05
10 ^o wrecker	6,05
11 ^o other employee performing other work	6,05."

17. Section 9.03 of this Decree is replaced by the following:

"9.03 Wages higher than the minimum rates stipulated in the Decree shall not be reduced provided that the employee continues to hold the same occupation for which such wage rate has been granted."

18. Section 9.04 of this Decree is amended by replacing the words "his class of employment" by the words "his occupation".

19. Section 9.05 of this Decree is replaced by the following:

"9.05 No advantage having pecuniary value may be taken into account in computing the wages provided for in the Decree. Moreover, the employer shall pay to the employee the regular hourly rate before paying any other advantage such as a commission, bonus or work premium."

20. Section 9.11 of this Decree is replaced by the following:

"9.11 No employer may make deductions from wages unless he is required to do so pursuant to an act, a regulation, a court order, a collective agreement, a decree or a compulsory supplemental retirement plan or when authorized by a document signed by the employee.

The employee may at any time revoke that authorization, except where it pertains to membership in a group insurance plan, or a supplemental pension plan. The employer shall remit the sums so withheld to their intended receiver."

21. Section 9.13 of this Decree is amended by replacing "the Regulation respecting labour standards (c. N-1.1, r. 3) or according to any further regulation that could amend or replace it." by "the Act respecting labour standards or any regulation under this Act."

22. Sections 10.01 and 10.02 of this Decree are replaced by the following:

"10.01 **Prior notice:** The employer must give written notice to an employee before terminating his contract of employment or laying him off for 6 months or more.

The notice shall be of one week if the employee is credited with less than one year of uninterrupted service, 2 weeks if he is credited with one year to 5 years of uninterrupted service, 4 weeks if he is credited with 5 years to 10 years of uninterrupted service and 8 weeks if he is credited with 10 years or more of uninterrupted service.

A notice of termination of employment given to an employee during the period when he is laid off is null, except in the case of employment that usually lasts for not more than 6 months each year due to the influence of the seasons.

10.01.1 Section 10.01 does not apply to an employee

1^o who has less than 3 months of uninterrupted service;

2^o whose contract for a fixed term or for a specific undertaking expires;

3^o who has committed a serious fault;

4^o for whom the end of the contract of employment or the layoff is a result of a fortuitous event.

10.02 An employer who does not give the notice prescribed by section 10.01, or who gives insufficient notice, must pay the employee a compensatory indem-

nity equal to his regular wage excluding overtime for a period equal to the period or remaining period of notice to which he was entitled.

The indemnity must be paid at the time the employment is terminated or at the time the employee is laid off for a period expected to last more than 6 months, or at the end of a period of 6 months after a layoff of indeterminate length, or a layoff expected to last less than 6 months but which exceeds that period."

23. Sections 10.04 and 10.05 of this Decree are replaced by the following:

"**10.04** Sections 3.01 and 6.06 shall not apply to part-time employees working in one of the following occupations, that is pump attendant, serviceman, washer, watchman or tow truck driver.

10.05 Sections 3.02, 3.03, 5.02 and 6.06 shall not apply to part-time employees working in one of the following occupations, that is 1st class or 2nd class serviceman, apprentice, parts clerk, journeyman, wrecker, messenger and any other employee not governed by section 10.04."

24. This Decree is amended by adding, after section 10.07, the following:

"**10.08** Where an employer requires the wearing of a uniform, he may make no deductions from wages for the purchase, use or upkeep of this uniform."

25. Section 12.01 of this Decree is replaced by the following:

"**12.01** The Decree remains in force until 30 May 1993. It is then automatically renewed from year to year thereafter, unless one of the contracting parties opposes it through a written notice sent to the Minister of Labour and to the other contracting parties during the month of March of 1993 or during the month of March of any subsequent year."

26. Schedule 1 of this Decree is replaced by the following:

"SCHEDULE 1
(s. 2.02)

Administrative region 14 — Lanaudière

Ville de Berthierville, ville de Charlemagne, canton de Chertsey, village de Crabtree, ville de Joliette, ville et paroisse de L'Assomption, ville et paroisse de L'Épiphanie, La-Visitation-de-L'Île-Dupas, paroisse de Lac-Paré, ville de Lachenaie, Lanoraie-d'Autray,

paroisse de La Plaine, ville des Laurentides, village de Lavaltrie, ville de Le Gardeur, ville de Mascouche, Notre-Dame-de-la-Merci, paroisse de Notre-Dame-de-Lourdes, paroisse de Notre-Dame-des-Prairies, village et canton de Rawdon, ville de Repentigny, paroisse de Sacré-Cœur-de-Crabtree, village et paroisse de Saint-Alexis, Saint-Alphonse-Rodriguez, paroisse de Saint-Ambroise-de-Kildare, paroisse de Saint-Antoine-de-Lavaltrie, paroisse de Saint-Barthélemy, Saint-Calixte, Saint-Charles-Borromée, Saint-Charles-de-Mandeville, paroisse de Saint-Cléophas, paroisse de Saint-Côme, paroisse de Saint-Cuthbert, paroisse de Saint-Damien, paroisse de Saint-Didace, Saint-Donat, paroisse de Saint-Esprit, village et paroisse de Saint-Félix-de-Valois, ville de Saint-Gabriel, paroisse de Saint-Gabriel-de-Brandon, paroisse de Saint-Gérard-Majella, paroisse de Saint-Ignace-de-Loyola, village et paroisse de Saint-Jacques, paroisse de Saint-Jean-de-Matha, paroisse de Saint-Joseph-de-Lanoraie, paroisse de Saint-Liguori, paroisse de Saint-Lin, Saint-Michel-des-Saints, paroisse de Saint-Norbert, Saint-Paul, village de Saint-Pierre, paroisse de Saint-Roch-de-l'Achigan, Saint-Roch-Ouest, paroisse de Saint-Sulpice, paroisse de Saint-Thomas, paroisse de Saint-Viateur, paroisse de Saint-Zénon, paroisse de Sainte-Béatrix, paroisse de Sainte-Élisabeth, paroisse de Sainte-Émélie-de-l'Énergie, paroisse de Sainte-Geneviève-de-Berthier, paroisse de Sainte-Julienne, Sainte-Marcelline-de-Kildare, paroisse de Sainte-Marie-Salomé, paroisse de Sainte-Mélanie, ville de Terrebonne.

Administrative region 15 — Laurentides

Canton de Arundel, paroisse de Bellefeuille, ville de Blainville, ville de Bois-des-Filion, ville de Boisbriand, paroisse de Brébeuf, village de Brownsburg, village de Calumet, village de Carillon, Chute-Saint-Philippe, Des-Ruisseaux, ville de Deux-Montagnes, Entrelacs, ville de l'Estrel, village et paroisse de Ferme-Neuve, canton de Gore, village et canton de Grenville, Huberdeau, Ivry-sur-le-Lac, canton de Kiamika, village de L'Annonciation, paroisse de L'Ascension, La Conception, La Macaza, canton de La Minerve, Labelle, village du Lac-Carré, village du Lac-des-Écorces, Lac-des-Seize-Îles, Lac-du-Cerf, Lac-Nominingue, village de Lac-Saguay, Lac-Saint-Paul, Lac-Supérieur, Lac-Tremblant-Nord, ville de Lachute, village de Lafontaine, Lantier, ville de Lorraine, Mille-Isles, ville de Mirabel, canton de Montcalm, ville de Mont-Laurier, village de Mont-Rolland, Mont-Saint-Michel, Mont-Tremblant, Morin Heights, village de New Glasgow, Notre-Dame-de-Pontmain, Notre-Dame-du-Laus, Oka, paroisse de Oka, Piedmont, village de Pointe-Calumet, Prévost, ville de Rosemère, Saint-Adolphe-d'Howard, paroisse de Saint-André-d'Argenteuil, village de Saint-André-Est, ville de Saint-Antoine, paroisse de Saint-Colomban, ville de Saint-Eustache, Saint-Faustin, paroisse de Saint-

Hippolyte, ville de Saint-Jérôme, paroisse de Saint-Joseph-du-Lac, ville et paroisse de Saint-Jovite, village et paroisse de Saint-Placide, paroisse de Saint-Sauveur, village de Saint-Sauveur-des-Monts, ville de Sainte-Adèle, Sainte-Agathe-Nord, ville de Sainte-Agathe-des-Monts, village de Sainte-Agathe-Sud, paroisse de Sainte-Anne-des-Lacs, Sainte-Anne-du-Lac, ville de Sainte-Anne-des-Plaines, Sainte-Lucie-des-Laurentides, paroisse de Sainte-Marguerite-du-Lac-Masson, ville de Sainte-Marthe-sur-le-Lac, Sainte-Sophie, ville de Sainte-Thérèse, village de Sainte-Véronique, village de Val-Barrette, village de Val-David, Val-des-Lacs, Val-Morin, canton de Wentworth, Wentworth-Nord".

27. Once it is adopted by the government, this Decree shall come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

6214

Draft Regulation

An Act to preserve agricultural land
(R.S.Q., c. P-41.1; 1989, c. 7)

Rules of evidence, procedure and practice of the Tribunal d'appel en matière de protection du territoire agricole

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the By-law respecting the rules of evidence, procedure and practice of the Tribunal d'appel en matière de protection du territoire agricole, the text of which appears below, may be submitted for approval by the Government upon the expiry of 45 days following this publication.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to Judge Richard Beaulieu, President of the Tribunal d'appel en matière de protection du territoire agricole, 3175, chemin des Quatre-Bourgeois, bureau 385, Sainte-Foy (Québec), G1W 2K7.

YVON PICOTTE,
Minister of Agriculture,
Fisheries and Food

By-law respecting the rules of evidence, procedure and practice of the Tribunal d'appel en matière de protection du territoire agricole

An Act to preserve agricultural land
(R.S.Q., c. P-41.1, ss. 19.1 and 21.0.3)

DIVISION 1 PRELIMINARY

1. This By-law applies to any appeal contemplated in section 21.0.4 of the Act to preserve agricultural land (R.S.Q., c. P-41.1).

2. The Tribunal d'appel en matière de protection du territoire agricole shall adjudicate in accordance with the fundamental rules of justice.

DIVISION 2 APPEAL

3. An appeal shall be brought by means of an application in writing duly signed and presented by the appellant or his representative.

The application may state the grounds alleged in support of the appeal and shall be accompanied by a copy of the decision or order of the Commission de protection du territoire agricole du Québec.

ENTRY ON THE ROLL

4. The appeal application shall be entered on the general roll upon payment of the duties determined by the Regulation respecting the tariff of duties, fees, expenses and costs, made by Order in Council 128-91 dated 6 February 1991.

5. Upon receipt of an appeal application, the secretary of the tribunal shall:

(1) open a file, number it and file all documents and exhibits accompanying the application therein;

(2) transmit an acknowledgment of receipt to the appellant;

(3) give notice of the appeal to the applicant before the commission if he is not the appellant and if the appeal is an appeal from a decision authorizing an application;

(4) inform the commission of the appeal application and request the file be forwarded;

(5) upon receipt of the file from the commission, inform the impleaded parties whose names appear on the decision or order.

6. The general roll shall comprise the following, in order of the date of receipt:

(1) appeals from orders and motions pertaining thereto;

(2) appeals from decisions and motions pertaining thereto.

7. Appeals and motions shall be heard in order of their entry on the roll unless the president decides, for cause, on a different order.

APPEAL BROUGHT AFTER THE APPEAL PERIOD

8. Any appeal brought after the appeal period fixed in the first paragraph of section 21.0.5 of the Act shall be brought by means of an application in writing stating the grounds therefor and filed at the record office established at the head office of the tribunal under section 15 of the Act.

The tribunal shall rule on the application after giving notice of the hearing to the commission and the parties.

For the purposes of this By-law, the word "party" means the appellant, the applicant before the commission if he is not the appellant, the impleaded party or the intervener.

REPRESENTATION

9. No person is required to be represented by an advocate, except for corporations and groups of persons formed in furtherance of a common goal.

Notwithstanding the foregoing, corporations and groups of persons are entitled to be represented by their officers, except for purposes of presenting oral arguments.

10. An advocate representing a party shall file an appearance in writing indicating his name, the name of his law office, if any, his address, his telephone number, the appearance date, the name of the party that he represents and the number of the decision appealed from.

11. The tribunal shall communicate directly with the advocate representing a party.

12. An advocate who ceases to represent a party shall file at the record office a declaration to that effect indicating the termination date of his terms of reference.

13. A party wishing to revoke the terms of reference of the advocate shall file at the record office a notice to that effect.

INTERVENTION

14. A person may submit to the tribunal an application for intervention in writing stating the grounds for intervention and asserting his interest. A group of persons formed in furtherance of a common goal may do likewise.

Such application may be presented orally at the hearing.

DISCONTINUANCE

15. A party may discontinue its application or its proceeding at any time before it is decided.

16. Discontinuance is effected by a simple declaration submitted by the party or by the party's advocate.

17. The tribunal shall take note of and record any such discontinuance presented during a sitting.

The secretary of the tribunal shall give notice of such discontinuance to the commission and to the parties.

He shall do likewise for any discontinuance submitted at the record office.

DIVISION 3 HEARING

18. The tribunal shall give at least 30 days' advance notice of a hearing in a writing addressed to the commission and to the parties. That period may be reduced with the consent of the commission and the parties.

It may also give such notice to any other person or group of persons that may be interested.

19. The notice shall contain:

(a) identification of the commission's decision or order appealed from;

(b) the date, time and place of the hearing.

POSTPONEMENT

20. A hearing may be postponed upon application by the commission or by a party, in writing and stating the grounds, presented to the president at least 8 days before the date fixed for the hearing. An application for a postponement may be presented within a shorter period where reasonable grounds so justify.

21. The decision of the president shall be communicated to the commission and to the persons having received notice of the hearing.

PRE-HEARING CONFERENCE

22. If he considers it useful or if he is required to do so by the commission or the parties, the president of the tribunal or another member designated by him may call a pre-hearing conference; in such case, he shall convoke the advocates to discuss ways of simplifying the hearing of the appeal and, in particular, the advisability of defining the actual questions of law and of fact at issue, of admitting any facts or documents and of supplying a list of the authorities that will be cited.

HEARING BY PREFERENCE AND JOINT APPEAL

23. An application for a hearing by preference or an application to join several appeals shall be submitted to the president of the tribunal by means of a motion in writing stating the grounds. The president shall decide the motion.

DIVISION 4
EVIDENCE AND HEARING

24. The hearings of the tribunal shall be public.

25. The tribunal shall decide the appeal in accordance with section 21.0.10 of the Act, and it may proceed notwithstanding the absence of the commission or the parties.

26. Any relevant evidence is admissible before the tribunal. The tribunal is empowered to accept any mode of evidence that it believes best serves the purposes of justice.

It may require the production of any document or writing that it judges necessary.

27. Upon application, the tribunal may, without rising, grant a party a postponement or adjournment of the hearing.

It may of its own authority postpone or adjourn the hearing upon such terms as it considers appropriate.

No postponement may be granted on the sole fact that the commission or the parties consent thereto.

WITNESSES

28. The tribunal may, by a notice, call any person to appear before it and may require him to testify under oath or solemn affirmation and to produce any document that it considers useful for the purposes of the appeal.

29. Where the tribunal considers it advisable to do so, it may subpoena any person to appear before it and require him to testify under oath or solemn affirmation and to produce any document that it considers useful for the purposes of the appeal.

30. The commission and the parties may apply to the tribunal to have witnesses called.

In such case, the secretary of the tribunal shall issue a subpoena and remit it to the person having applied for it, and the latter shall be responsible for having the subpoena served at his own expense. The other expenses related to the appearance of a witness shall be assumed by the person having applied to have the witness called.

31. A summons to appear shall be served on a witness at least 8 days before his appearance. The president of the tribunal may allow service within a shorter period if reasonable grounds so justify, but that period may not be less than 12 hours.

32. Any person called to testify shall first take oath or make a solemn affirmation.

The members of the tribunal, the commission and the parties may examine a witness subject to section 9 for corporations and groups of persons.

33. The tribunal may order that a witness testify in the absence of the other witnesses.

34. The appellant, the commission and the parties may call witnesses, give information and produce documents in support of the evidence.

INTERPRETER

35. Any party may be assisted by an interpreter at his own expense if he does not understand the language used at the hearing or if he is deaf.

STENOGRAPHY

36. The depositions may be taken by stenotypy, stenography or mechanical recording. The costs for tran-

scription or reproduction of the depositions shall be borne by the person requiring them.

37. The tribunal is not required to take down depositions by stenotypy, stenography or mechanical recording. It may nevertheless authorize anyone to do so, and in such case, that person shall provide the tribunal with a copy where the tribunal so requires.

REOPENING OF A HEARING

38. At any time, even after having taken the matter under advisement, the tribunal may order the hearing reopened and require any additional evidence that it considers useful. For that purpose, it may call any witness and, subject to section 21.0.9 of the Act, examine any fact, document or report after having duly informed the commission and the parties in writing, at least 8 days in advance.

EXPERT'S REPORT

39. A party that intends to invoke or use an expert's report shall submit 3 copies thereof to the tribunal and shall also transmit a copy to the appellant, to the applicant if he is not the appellant, and to the commission, not later than 8 days before the date fixed for the hearing.

40. The tribunal may, notwithstanding the preceding section, allow a party to produce an expert's report during the hearing; in such case, it shall, upon application, grant the commission and the other parties a period of 15 days in which to challenge or comment on the content of the report. That period may be reduced with the consent of the commission and the parties.

41. Any document authorized to be produced at the hearing may be consulted by the commission and the parties present.

42. The tribunal may require an expert's report and, in such case, it shall transmit a copy of the report to the commission and the parties.

The commission and the parties shall have a period of 15 days to challenge or comment on the report. That period may be reduced with the consent of the commission and the parties.

43. The tribunal may base its decision on a document of a scientific or technical nature that has not been adduced as evidence; in such case, it shall inform the commission and the parties that the document is on file at the record office and allow it to be consulted for the purposes of challenging it or commenting on it.

FIELD VISIT

44. The tribunal may visit the site contemplated in the appeal, before or after the hearing. It shall inform the commission and the parties at the hearing if the visit has already taken place, and it shall inform them prior to any such visit if it is to take place after the hearing.

MINUTES

45. Minutes of the hearing shall be kept by the clerk. The minutes shall contain, in particular:

- (1) The date and time of the hearing;
- (2) the full name of the president of the sitting;
- (3) the full name of the other members of the tribunal;
- (4) the full name of the person acting as clerk;
- (5) the full name of the official stenographer;
- (6) the full name of the advocates representing the commission and the other parties;
- (7) the full name of the appellant, if he is a natural person;
- (8) the full name of the other parties, if they are natural persons;
- (9) the full name, address and occupation of the witnesses;
- (10) the exhibits produced, identified by a letter and sequential numbers;
- (11) the list of documents to be filed at the record office;
- (12) the decisions and judgments filed.

DIVISION 5 DECISION

46. Only the members of the tribunal who have heard the appeal shall take part in the decision.

47. The tribunal's decision shall be signed by the members who delivered it.

48. The secretary of the tribunal shall keep the original of the decision at the record office and shall transmit a true copy to the commission and the parties.

PROVISIONAL EXECUTION

49. Provisional execution of a decision contemplated in section 21.0.7 of the Act may be allowed by the tribunal on a motion by the commission or by a party, in writing and stating the grounds, supported by an affidavit and filed at the record office.

50. The secretary of the tribunal shall give at least 15 days' advance notice to the commission and to the parties of the presentation of a motion.

DIVISION 6
GENERAL AND FINAL

51. Each member of the tribunal shall act with full independence and impartiality.

52. Where the means for exercising a right has not been provided for in this By-law or in the Act, any proceeding not inconsistent with this By-law or the Act may be used.

53. In calculating any time period, the day on which the period begins is not counted, but the day on which it ends is counted.

54. A time period expiring on a Saturday, a Sunday or a holiday shall be extended to the next following juridical day.

55. Where a person shows that he was unable to act within a time period prescribed by this By-law and that no harm has resulted, the tribunal may extend that period or exonerate a person of his failure to comply with it.

56. The transmission of a writing, including a subpoena, may be made by registered mail, certified mail,

bailiff or any other means that establishes the date of its receipt.

The report of service, the receipt card or the delivery notice, as the case may be, is proof of service.

57. A person may consult a file at the record office on working days between 9:00 a.m. and 4:00 p.m.

58. The tribunal shall keep the depositions taken according to section 36 or supplied according to section 37 for a period not to exceed 6 months following the decision.

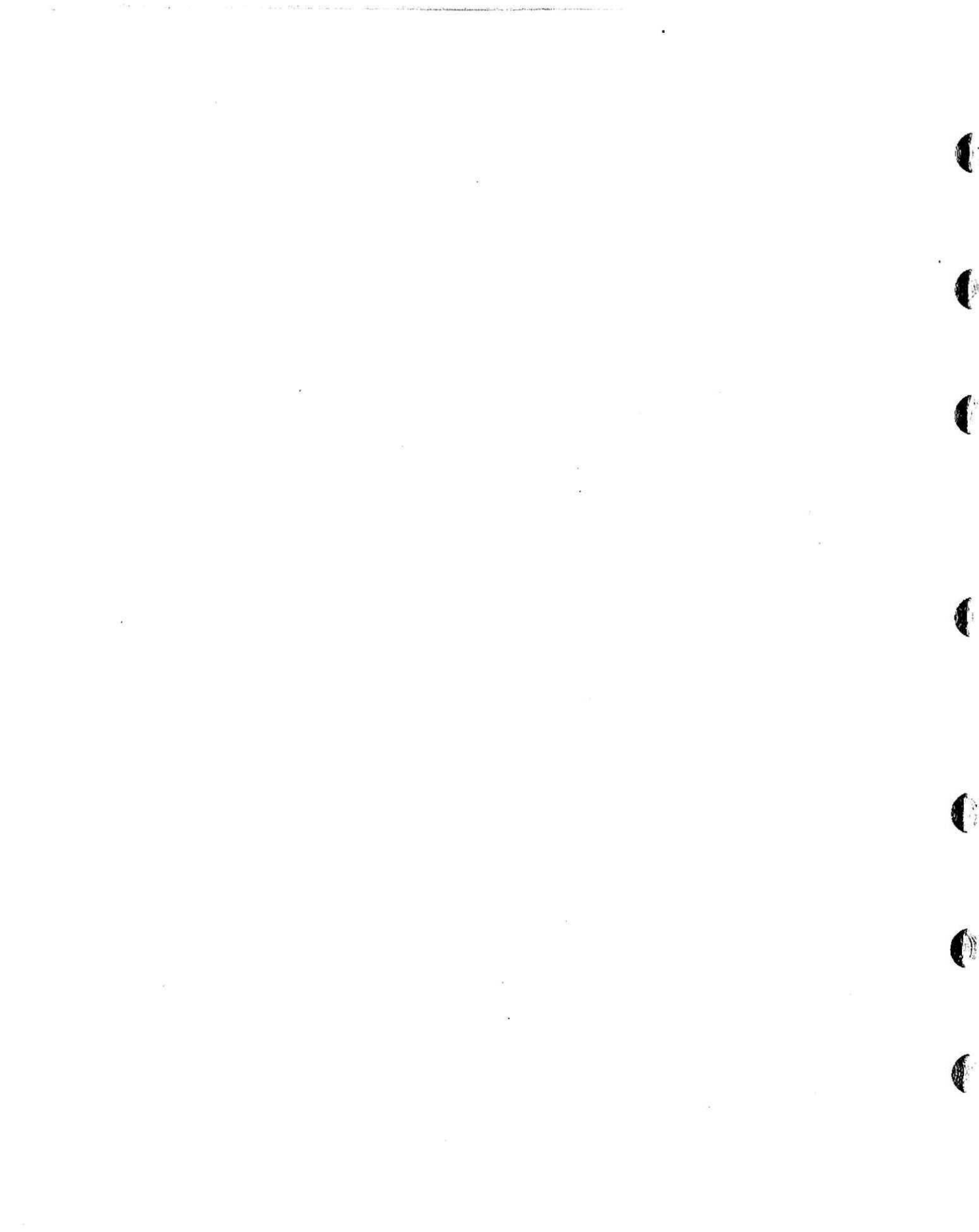
59. No exhibit may be withdrawn from a file before the expiry of 6 months following the decision except with the authorization of the president of the tribunal.

60. Only the commission or the party that produced an exhibit may withdraw it by signing a receipt filed in the record.

61. A person may obtain a photocopy of the documents in a record of the tribunal upon payment of the fees fixed by the Regulation respecting fees for the transcription, reproduction or transmission of documents or nominative information, made by Order in Council 1856-87 dated 9 December 1987.

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

6217



Erratum

An Act respecting the conservation and development of
wildlife
(R.S.Q., c. C-61.1)

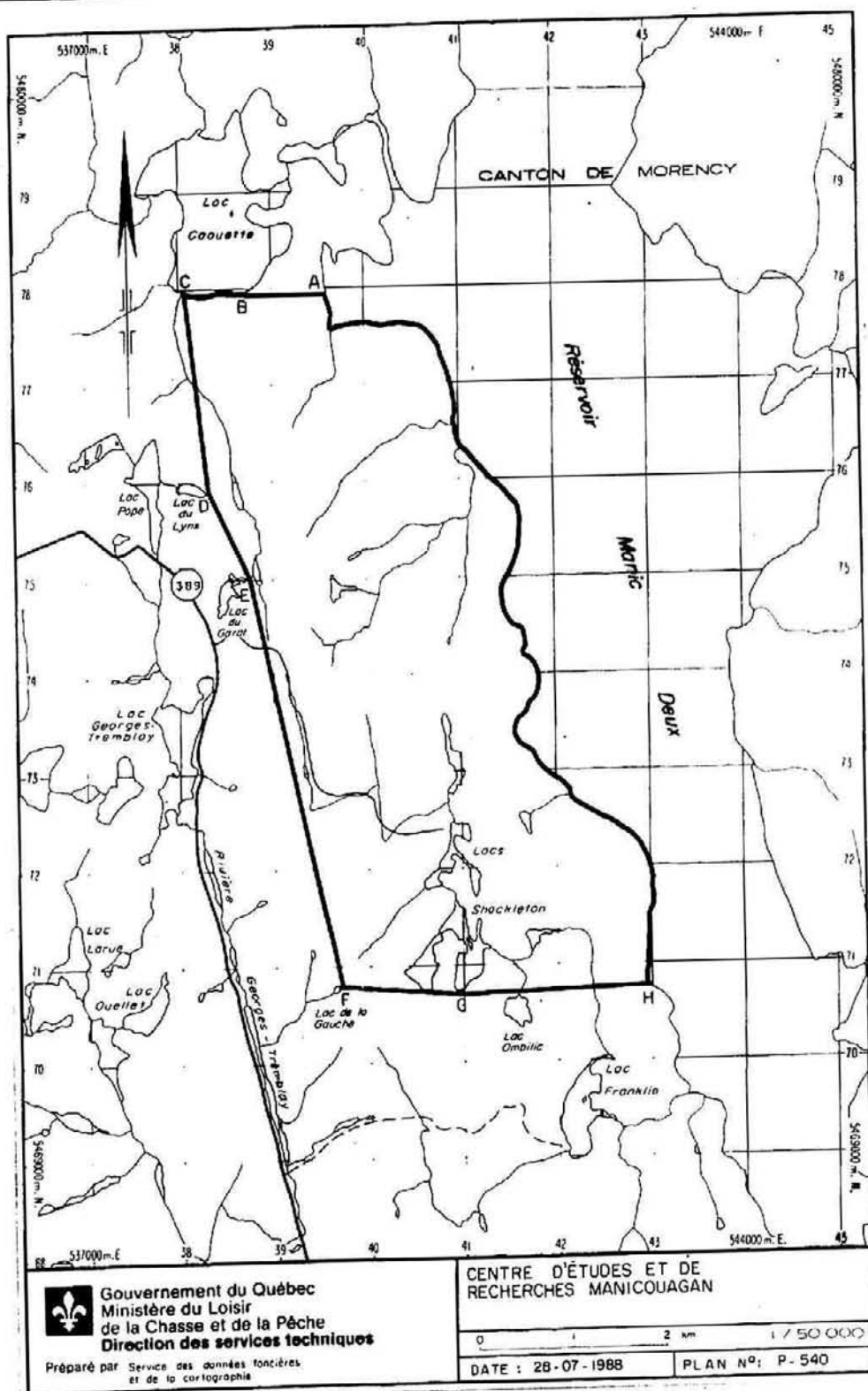
Regulation

- Amendments
- Erratum

Gazette officielle du Québec, Part 2, March 21,
1990, Vol. 122, No. 12

“Prohibition of hunting and trapping in certain terri-
tories – Amendments”
(O.C. 290-90, 7 March 1990)

On page 610, substitute Plan No. P-540 dated 28 July
and which appears below for Plan No. P-622 dated
12 January 1990.

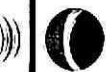


Index Statutory Instruments

Abbreviations: A: Abrogated, N: New, M: Modified

Regulations — Statutes	Page	Comments
"Sainte-Marguerite Salmon Club", An Act to amend the Act to incorporate the (1991, Bill 284)	207	
Agricultural land. An Act to preserve... — Rules of evidence, procedure and practice of the Tribunal d'appel en matière de protection du territoire agricole .. (R.S.Q., c. P-41.1)	233	Draft
Animal Health Protection Act, An Act to amend the	189	
(1991, Bill 184)		
Appropriation Act No. 4, 1991-92	213	
(1991, Bill 411)		
Architects — Equivalence standards for a permit to be issued	225	Draft
(Professional Code, R.S.Q., c. C-26)		
Architects — Keeping of records, offices and consulting offices	226	Draft
(Professional Code, R.S.Q., c. C-26)		
Automobile Insurance Act and the Act to amend the Automobile Insurance Act and other legislation. An Act to amend the	159	
(1991, Bill 178)		
Automobile — Mauricie — Constitution of the Parity Committee	224	N
(An Act respecting collective agreement decrees, R.S.Q., c. D-2)		
Civil Code of Lower Canada, amended	201	
(1991, Bill 189)		
Code of Civil Procedure, amended	201	
(1991, Bill 189)		
Collective agreement decrees, An Act respecting... — Constitution of the comité paritaire de l'industrie de l'automobile de la Mauricie	224	N
(R.S.Q., c. D-2)		
Collective agreement decrees, An Act respecting... — Garage employees — Lanaudière-Laurentides	226	Draft
(R.S.Q., c. D-2)		
Conseil médical du Québec, An Act respecting the	147	
(1991, Bill 171)		
Conservation and development of wildlife, An Act respecting the... — Regula- tion	239	Erratum
(R.S.Q., c. C-61.1)		
Crop Insurance Act and the Act respecting farm income stabilization insurance, An Act to amend the	177	
(1991, Bill 183)		
Electric and gas service in certain buildings, An Act to amend the Act respecting the mode of payment	139	
(1991, Bill 165)		
Garage employees — Lanaudière-Laurentides	226	Draft
(An Act respecting collective agreement decrees, R.S.Q., c. D-2)		

Hydro-Québec, An Act to repeal the Act to ensure continuity of electrical service by..... (1991, Bill 158)	135	
Lands in the public domain, An Act to amend the Act respecting the..... (1991, Bill 131)	127	
Liquors permits, An Act to amend the Act respecting... and Act respecting the Société des alcools du Québec..... (An Act to amend the Act respecting liquor permits and the Act respecting the Société des alcools du Québec, 1991, c. 51)	221	
List of Bills sanctioned	125	
Ministère des Transports and the Roads Act, An Act to amend the Act respecting the..... (1991, Bill 177)	155	
Professional Code — Architects — Equivalence standards for a permit to be issued..... (R.S.Q., c. C-26)	225	Draft
Professional Code — Architects — Keeping of records, offices and consulting offices..... (R.S.Q., c. C-26)	226	Draft
Protection du territoire agricole — Rules of evidence, procedure and practice of the Tribunal d'appel..... (An Act to preserve agricultural land, R.S.Q., c. P-41.1)	233	Draft
Service des achats du gouvernement, An Act respecting the... — Signing of certain deeds, documents or writings..... (R.S.Q., c. S-4)	223	M
Signing of certain deeds, documents or writings..... (An Act respecting the Service des achats du gouvernement, R.S.Q., c. S-4)	223	M
Société des alcools du Québec, An Act to amend the Act respecting liquor permits and the Act respecting the... — Coming into force of certain provisions..... (1991, c. 51)	221	
Société d'habitation du Québec, Act respecting the, amended..... (1991, Bill 189)	201	
Société d'habitation du Québec and other legislation, An Act to amend the Act respecting the..... (1991, Bill 189)	201	
Transport Act, An Act to amend the..... (1991, Bill 179)	169	
Truck transportation and the Highway Safety Code, An Act to amend the Act respecting..... (1991, Bill 167)	143	



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