

Gazette officielle du Québec

Part 2

Laws and
Regulations

Volume 126

12 January

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No 2

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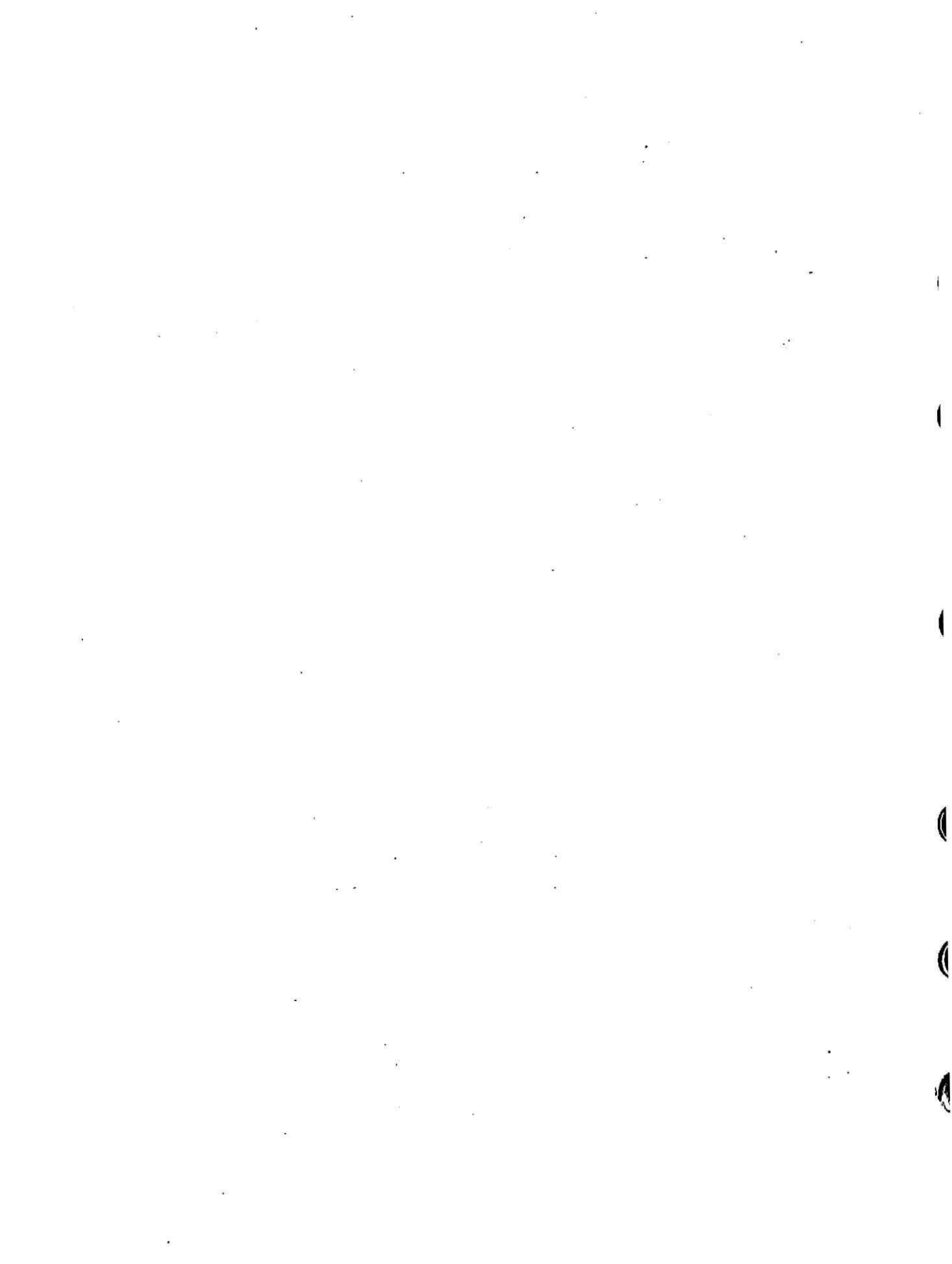
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PROVINCE OF QUÉBEC

2nd SESSION

34th LEGISLATURE

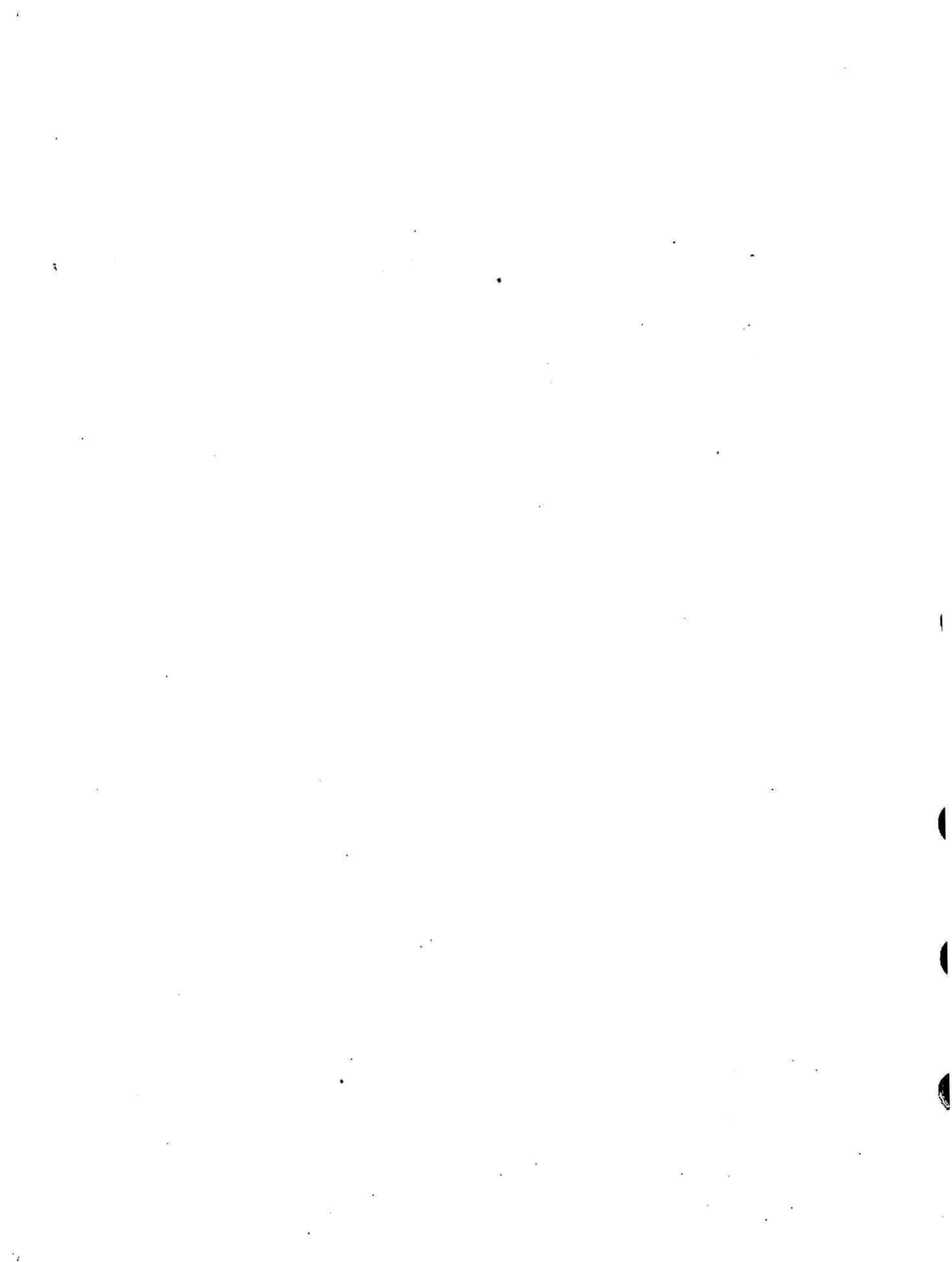
QUÉBEC, 2 DECEMBER 1993

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 2 December 1993*

This day, at fifty minutes past eleven o'clock in the morning, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 109 An Act repealing the Act respecting the Institut québécois de recherche sur la culture and providing for the continuation of the activities of the Institut
- 111 An Act to amend the Act respecting the Ministère de l'Éducation
- 117 An Act to amend various legislative provisions relating to the cadastre
- 120 An Act to amend the Agricultural Products, Marine Products and Food Act

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



PROVINCE OF QUÉBEC

2nd SESSION

34th LEGISLATURE

QUÉBEC, 13 DECEMBER 1993

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 13 December 1993*

This day, at eighteen minutes past eleven o'clock in the evening, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- | | | | |
|-----|--|-----|--|
| 106 | An Act respecting assistance and compensation for victims of crime | 263 | An Act to amend the charter of the Director and Trustees of the Montreal St. Patrick's Orphan Asylum |
| 108 | An Act to amend the Forest Act and to repeal various legislative provisions | 279 | An Act respecting La Compagnie d'Assurance funéraire, Urgel Bourgie, Ltée and its affiliates |
| 113 | An Act to amend the Automobile Insurance Act | 280 | An Act respecting The Royal Trust Company |
| 130 | An Act to amend the Automobile Insurance Act and other legislative provisions | 289 | An Act respecting the Laurentian Group and the Mouvement des caisses Desjardins and amending the Act respecting the Mouvement des caisses Desjardins |
| 136 | An Act to amend the Act respecting health services and social services | 292 | An Act respecting the corporation "Hôpital Laval" |
| 145 | Appropriation Act No. 4, 1993-94 | | |
| 158 | An Act respecting the construction industry | | |
| 207 | An Act respecting the Cora Frances Dunkerley estate | | |
| 231 | An Act respecting the transfer of the property and activities of General Trust of Canada and of the Sherbrooke Trust Company | | |

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



PROVINCE OF QUÉBEC

2nd SESSION

34th LEGISLATURE

QUÉBEC, 14 DECEMBER 1993

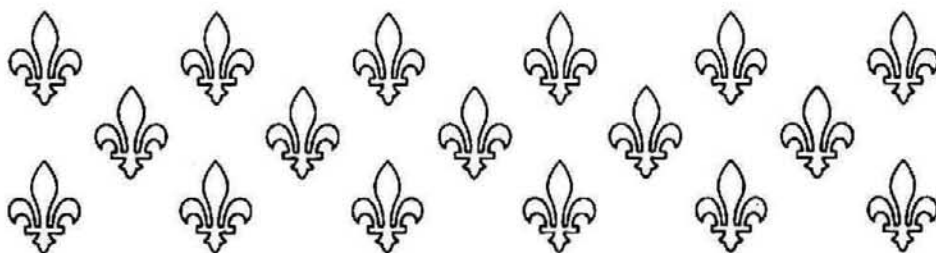
OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 14 December 1993*

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

- 129 An Act to amend the Act respecting municipal courts
- 142 An Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and other legislative provisions
- 256 An Act to amend the Act to incorporate the Order Sons of Italy in Canada

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





NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 108
(1993, chapter 55)

An Act to amend the Forest Act and to repeal various legislative provisions

**Introduced 21 October 1993
Passage in principle 26 October 1993
Passage 10 December 1993
Assented to 13 December 1993**

**Québec Official Publisher
1993**

EXPLANATORY NOTES

The object of this bill is to amend the Forest Act with respect, in particular, to the standards for the protection of forest resources and the implementation of certain measures concerning timber supply and forest management agreements and some permits.

As regards standards for protection of forest resources, the bill introduces provisions to enable the Minister to establish standards of forest management that differ according to the characteristics of the forest in the territorial unit concerned or the project to be carried out. The bill also allows the Minister to order the suspension of a forest management activity not in conformity with the standards in force or with the prescriptions of the management permit.

As regards the performance of the activities set out in timber supply and forest management agreements, the bill provides that an agreement holder will in the future be permitted, with the authorization of the Minister, to harvest timber not allocated by his agreement that cannot be used in the wood processing plant operated by him, and send such timber to the holder of a wood processing plant operating permit. The bill also provides that an agreement holder must consult those interested parties who apply for a consultation with respect to the content of the general and five-year plans before the plans are approved by the Minister. As regards sugar bush management permits, the bill increases their period of validity to five years and grants the Minister a power of revocation.

The bill amends the provisions applicable to management contracts, which will in the future be known as forest management contracts, by extending their scope and providing that local municipalities that are contractors will be exempt from the requirement to pay duties under their contracts. Finally, it specifies the scaling standards for timber harvested in forests in the public domain and contains transitional provisions.

ACT AMENDED BY THIS BILL:

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

ACTS REPEALED BY THIS BILL:

- Act respecting the sales price of pulpwood sold by farmers (R.S.Q., chapter P-25);
- Act respecting the forestry fund (1980, chapter 8).



Bill 108

An Act to amend the Forest Act and to repeal various legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 4 of the Forest Act (R.S.Q., chapter F-4.1) is amended by adding, at the end, the words “, with the exception of a sugar bush management permit for acericultural purposes, which may be granted for a period of five years”.

2. Section 9 of the said Act, amended by section 586 of chapter 57 of the statutes of 1992, is again amended

(1) by replacing the words “harvested on forest land” in the third line of the first paragraph by the words “, even before it is harvested on forest land,”;

(2) by replacing the second and third paragraphs by the following paragraphs:

“The hypothec shall take effect at the time the timber is delivered to the destination indicated in the permit, and it shall rank from the time it is entered in the register of personal and movable real rights.

For the purposes of the publication of rights, the reference to the number of the common area mentioned in the forest management permit is deemed to be a sufficient description of the encumbered property; the issue of a forest management permit to the same agreement holder in respect of the same common area during each of the years following the year of issue of the first forest management permit is a continuance of the first permit, and the permit so issued each year is deemed to have existed continuously from the date of issue of the first permit.”

3. Section 10 of the said Act is amended by inserting the words "or commercial" after the word "domestic" in paragraph 1.

4. The said Act is amended by inserting, after section 11.1, the following section:

"11.2 The Minister may issue a forest management permit for the harvest of firewood for commercial purposes to every person who applies therefor in writing and operates an enterprise the activities of which include the preparation and sale of firewood for commercial purposes.

The permit authorizes its holder to harvest, in the contemplated territorial unit, the volume and species of timber determined by the Minister.

The permit shall be issued by the Minister if forest production is sufficient and so far as salvage of slash and cull promotes the growth of stands in a particular forest area.

Where the permit authorizes harvesting in a forest management unit covered by a timber supply and forest management agreement, the Minister must beforehand have consulted the agreement holder concerned.

Where applicable, the permit shall indicate any condition the Minister may prescribe."

5. Section 16.2 of the said Act is amended

(1) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) he has operated his sugar bush at an average of 50 % or more of its tapping capacity during the last five years or, in the case of renewal of a first permit, during the last four years.";

(2) by striking out the second paragraph.

6. The said Act is amended by inserting, after section 17.2, the following section:

"17.3 The Minister may revoke a sugar bush management permit

(1) if the holder has failed to pay the exigible dues;

(2) if the holder has not submitted a report of his activities to the Minister;

(3) if the holder has failed to comply with the regulatory provisions applicable to his forest management activities or with the prescriptions of his permit;

(4) if the holder has not cultivated and operated the sugar bush for at least three consecutive years.

In the cases described in subparagraphs 1 and 2 of the first paragraph, the Minister must give the permit holder in default a prior notice stating his intention to terminate the permit unless the holder remedies his default before the expiry of the time indicated in the notice."

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

"FOREST CONSERVATION".

8. The said Act is amended by inserting, after section 25, the following sections:

"25.1 The Minister may make an order if he observes that the holder of a forest management permit fails to comply with the conditions set out in the permit or with the standards of forest management prescribed under this Act. The order shall require the offender, for the period and on the conditions established by the Minister, to suspend the carrying out of the forest management activity or, as the case may be, to submit to the conditions set out in the permit or to the legal or regulatory provisions in force.

The order must give reasons and shall take effect on the date on which it is served.

Where the person to whom the order applies refuses or neglects to comply with it, the Minister, in addition to any other recourse, may apply to the Superior Court for an injunction ordering the person to comply with the order.

"25.2 The Minister may, exceptionally and after consulting the departments concerned, prescribe, for a particular territorial unit, standards of forest management that differ from those fixed by regulation where the latter do not provide adequate protection of all the resources in that unit due to the characteristics of the forest in that unit and the nature of the project to be carried out.

“25.3 The Minister, when approving the five-year plan or the general plan, and after the consultation prescribed under section 58.2, may authorize the agreement holder to apply, in a particular territorial unit, standards of forest management that differ from those fixed by regulation where so justified by the characteristics of the forest in that unit and the nature of the project to be carried out.

Such standards must be the subject of prior consultation with the departments concerned.

“25.4 The provisions of sections 25.1 to 25.3 do not apply to the wildlife habitats referred to in Chapter IV.1 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1).”

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

“26. The holder of a forest management permit who harvests timber shall scale it according to the scaling standards prescribed by regulation of the Government. The scaling method selected must first be approved by the Minister.”

10. Section 46.1 of the said Act is amended by adding, at the end, the following paragraph:

“The third paragraph does not apply to agreement holders who hold an operating permit for a wood processing plant with an annual authorized timber consumption of 100 000 cubic metres or less.”

11: The said Act is amended by inserting, after section 58.1, the following sections:

“58.2 The agreement holder shall, during the period prescribed in section 58.1 and in accordance with the procedure established by the Minister, consult the persons or groups who applied therefor in the first 20 days of that period. The application for consultation must be made in writing, give reasons and state the interest of the applicant in the forest to which the plan applies.

The agreement holder shall send a document to the Minister setting out the comments received during the consultation and the action he intends to take in consequence.

The agreement holder shall, regardless of any application, consult the regional county municipality concerned.

“58.3 In the case of a dispute between an agreement holder and a person or group referred to in section 58.2, the Minister may appoint

a conciliator, who shall make recommendations to him within ten days following the appointment."

12. Section 76 of the said Act is amended by inserting the words "pursuant to section 62" after the word "holder" in the second line of the first paragraph.

13. Section 82 of the said Act is amended by adding, after subparagraph 4 of the first paragraph, the following subparagraph:

"(5) if the wood processing plant operated by the agreement holder has not been in operation for one-and-a-half years."

14. Section 86 of the said Act is amended by inserting the words "or up to the volume increased pursuant to section 92.0.1" after the word "agreement" in the fourth line of the first paragraph.

15. The said Act is amended by inserting, after section 92, the following sections:

"92.0.1 Where, for a particular year, an agreement holder does not harvest the full volume of timber allocated under his agreement, he may do so during the subsequent years preceding the end of the five-year period referred to in section 77 after having subtracted the volumes harvested in his forest management unit under section 92.1.

In all cases, the volume harvested by the agreement holder shall not exceed the volume allocated for the year during which harvesting takes place, increased by 15 %, and such an increase shall be authorized only when the agreement holder has harvested the full volume allocated to him for the current year.

"92.0.2 Where an agreement holder, to carry out the silvicultural treatments indicated in his forest management permit, must harvest timber of a species or group of species or timber destined for other uses that is not allocated to him by agreement, and where such timber cannot be used at the wood processing plant of an agreement holder whose agreement is carried out in the same common area, the Minister, on the conditions he determines, may authorize the agreement holder to harvest such timber and to send it to the holder of a wood processing plant operating permit."

16. The said Act is amended by inserting, after section 96, the following section:

"96.1 Where substantial destruction has been caused to timber stands in a forest area by natural disasters, or where a forest area

is required for a hydroelectric development and designated for that purpose by order of the Government, the Minister shall prepare and administer a special forest management plan, notwithstanding sections 25, 27 and 171, for such period and on such conditions as he may determine, to ensure wood salvage.

Every contractor under a forest management contract referred to in section 102 who carries out a contract in the forest area shall comply with the special plan. Upon his failure to comply, the volume of timber allocated in the contract shall be reduced by the volume he is required to salvage under the special plan.

For the implementation of a special plan, the Minister may grant financial assistance to any contractor or any person to whom he entrusts the carrying out of forest management activities who applies therefor in writing. Such assistance may be in the form of a credit on the dues payable under this Act by such contractor or person."

17. Section 97 of the said Act is amended by inserting the word "forest" after the words "under a" in the first line of the third paragraph.

18. The heading of Division II of Chapter IV of Title I of the said Act is replaced by the following heading:

"FOREST MANAGEMENT CONTRACTS".

19. Section 102 of the said Act is replaced by the following section:

"**102.** The Minister may, on such conditions as he may determine, enter into a contract by which he entrusts a person with the management of forest areas to promote economic development."

20. Section 104 of the said Act is replaced by the following section:

"**104.** The contract shall stipulate, in particular,

(1) in cases where the contractor is a local municipality, the form, content and conditions of approval of the forest management plan, the form and content of the reports of activities to be provided and the use the contractor intends to make of the income generated by the carrying out of the activities provided for in the forest management plan;

(2) in other cases, the form, content and conditions of approval of the forest management plan, the form and content of the reports of activities to be provided, the destination of the harvested timber and the conditions governing the marketing of the harvested timber.

For the purposes of this division and section 124, the words "local municipality" do not include a local municipality referred to in section 8 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9)."

21. The French text of section 105 of the said Act is amended by replacing the words "de gestion" in the first line by the words "d'aménagement forestier".

22. The said Act is amended by inserting, after section 105, the following section:

"105.1 The provisions of sections 25.1 to 25.3 apply, adapted as required, to contractors under a forest management contract."

23. Section 106 of the said Act is amended

(1) by replacing the word "method" in the second line of the second paragraph by the word "standards";

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

"The dues payable by the contractor shall be paid in money or in silvicultural treatments in accordance with sections 73.1 to 73.3, adapted as required.

The provisions of this section do not apply in cases where the contractor is a local municipality."

24. Section 119 of the said Act is repealed.

25. Section 124 of the said Act is amended

(1) by inserting the word "forest" after the words "into a" in the first line of paragraph 2;

(2) by adding, at the end of paragraph 2, the words ", with the exception of a local municipality".

26. The said Act is amended by inserting, after section 124, the following section:

124.1 The Minister may require a person to repay all or part of the financial assistance received under section 118 for development work in a forest area where, through that person's act or omission, total or partial destruction of the work occurred in the five years following the granting of the financial assistance."

27. Section 165 of the said Act is amended by replacing the words "annual timber consumption authorized for the various species" in the first and second lines of the second paragraph by the words "class of annual timber consumption authorized for the various species or groups of species, as established by regulation".

28. Section 168 of the said Act is amended

(1) by striking out the last sentence of the first paragraph;

(2) by replacing the words "a certified copy of the part of the register covering the period from the preceding 1 April to 31 March to the Minister" in the first, second and third lines of the second paragraph by the words "to the Minister a certified copy of the part of the register covering the period corresponding to the calendar year in cases where the permit holder is a natural person, and to the last complete fiscal year in all other cases".

29. Section 171 of the said Act is amended by adding, at the end of the first paragraph, the following subparagraph:

"(9) the protection of forest regeneration."

30. Section 172 of the said Act is amended

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

"(4) establish the scaling standards for timber harvested in forests in the public domain, which include, in addition to the techniques for scaling and sampling cut timber, the place where scaling must take place, the time limits for scaling the timber and reporting to the Minister, the time limits for verifying scaling, the content of the applications and other forms established by the Minister and the procedure for completing the forms and sending them to the Minister;"

(2) by inserting the words "the classes of annual timber consumption authorized" after the word "renewal" in the third line of paragraph 17.

31. The said Act is amended by inserting, after section 175, the following sections:

"175.0.1 Every person who contravenes section 32 is liable to a fine of \$500 to \$10 000.

On finding a defendant guilty of an offence under that section, the judge may order him to restore the site at his own expense, within the time and on the conditions fixed by the judge.

Prior notice of the application for an order shall be given by the prosecutor to the defendant, except where the parties are in the presence of the judge.

"175.0.2 Every person who contravenes section 34 is liable to a fine of \$600 to \$6 000."

32. Section 176 of the said Act is amended by replacing the figure "139" in the second line by the figure "140".

33. Section 182 of the said Act is amended by striking out the figure "1," in the second line, and by striking out the words "from the sixth day after the sending to the offender by an authorized representative of the Minister of a notice enjoining him to comply with the applicable rules" in the third, fourth and fifth lines.

34. Section 183 of the said Act is amended by replacing the words "a standard of forest management prescribed under paragraphs 2, 7 or 8 of section 171 or contravenes section 207" in the first, second and third lines by the words "section 28.2 or a standard of forest management prescribed under paragraph 1, 2, 7 or 8 of section 171".

35. The said Act is amended by inserting, after section 183, the following section:

"183.1 Every person who contravenes a standard of forest management prescribed under paragraph 9 of section 171 is liable to a fine of \$10 to \$50 per hectare and, for a subsequent offence, to a fine of \$20 to \$100 per hectare."

36. The said Act is amended by inserting, after section 184.1, the following section:

"184.2 Every person who hinders the work of a person designated under this Act who is acting in his official capacity commits an offence and is liable to a fine of \$100 to \$1 000."

37. Section 207 of the said Act is renumbered 28.2.

38. Management contracts entered into under section 102 of the Forest Act as it read on 12 December 1993 shall remain in force until they expire, and the contractors may, until that date, perform the activities authorized by such contracts, subject to this Act or the regulations thereunder.

39. The holder of a sugar bush management permit issued by the Minister before 13 December 1993 is entitled to renew his permit annually on the conditions prescribed in section 16.2 of the Forest Act as it read on 12 December 1993, for a period of five years from the issue of the permit.

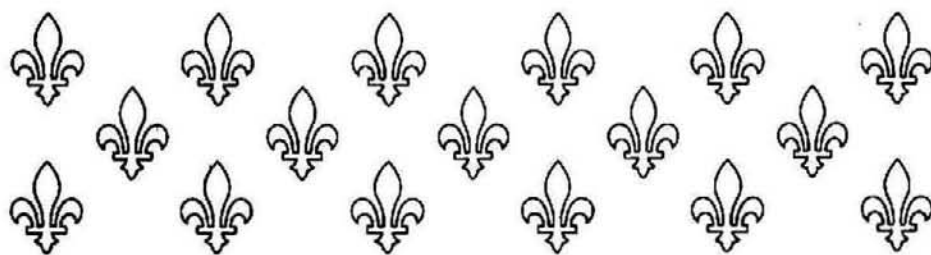
40. The following Acts are repealed:

(1) the Act respecting the sales price of pulpwood sold by farmers (R.S.Q., chapter P-25);

(2) the Act respecting the forestry fund (1980, chapter 8).

41. Section 586 of the Act respecting the implementation of the reform of the Civil Code (1992, chapter 57) is amended by striking out paragraphs 2 to 5.

42. This Act comes into force on 13 December 1993, with the exception of section 2, which will come into force on 1 January 1994 and sections 27 and 30, which will come into force on the date fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 109
(1993, chapter 50)

**An Act repealing the Act respecting
the Institut québécois de recherche
sur la culture and providing for the
continuation of the activities of the
Institut**

Introduced 27 October 1993
Passage in principle 9 November 1993
Passage 1 December 1993
Assented to 2 December 1993

Québec Official Publisher
1993

EXPLANATORY NOTE

This bill transfers to the Institut national de la recherche scientifique, established under the Act respecting the Université du Québec, the functions of the Institut québécois de recherche sur la culture and repeals the Act under which the latter research body was established.

ACT AMENDED BY THIS BILL:

- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10).

ACT REPEALED BY THIS BILL:

- Act respecting the Institut québécois de recherche sur la culture (R.S.Q., chapter I-13.2).

Bill 109

An Act repealing the Act respecting the Institut québécois de recherche sur la culture and providing for the continuation of the activities of the Institut

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the Institut québécois de recherche sur la culture (R.S.Q., chapter I-13.2) is repealed.

2. The rights, obligations, property and records and other documents of the Institut québécois de recherche sur la culture shall become the rights, obligations, property, records and documents of the Institut national de la recherche scientifique, established pursuant to the Act respecting the Université du Québec (R.S.Q., chapter U-1).

3. All business in progress at the Institut québécois de recherche sur la culture shall be continued by the Institut national de la recherche scientifique.

4. The Institut national de la recherche scientifique shall establish, in accordance with the Act respecting the Université du Québec and the letters patent of the Institut, a centre for research whose objects are to carry out, promote and support research and studies on the various aspects of cultural phenomena. The functioning and maintenance of the research centre shall be governed by the same rules as those which apply to the other research centres of the Institut national de la recherche scientifique.

5. The balance of the appropriations granted for the Institut québécois de recherche sur la culture for the fiscal year in progress on 1 January 1994 shall be transferred to the program relating to university education and research.

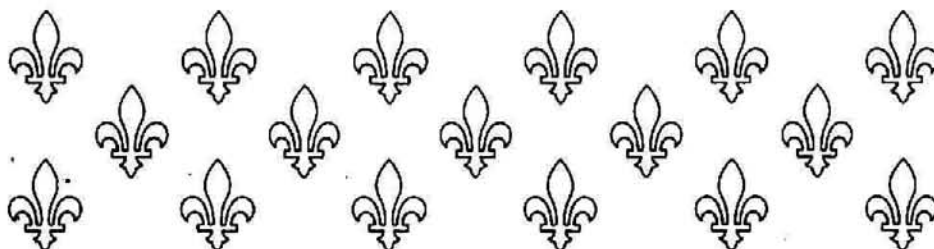
The Minister shall, for the purposes of the program, grant a subsidy to the Université du Québec for the establishment and maintenance of the research centre referred to in section 4, for an amount equal to the balance of the appropriations referred to in the first paragraph.

For every subsequent fiscal year in which the centre is maintained, the sums required for the maintenance of the research centre shall be included in the sums put at the disposal of the Université du Québec.

6. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by orders in council 398-92 and 399-92 of 25 March 1992, 669-92 of 6 May 1992, 1263-92 of 1 September 1992, 1666-92 of 25 November 1992, 327-93 of 17 March 1993 and 1202-93 of 1 September 1993 and by section 293 of chapter 21 of the statutes of 1992, section 71 of chapter 44 of the statutes of 1992, section 53 of chapter 67 of the statutes of 1992, section 153 of chapter 68 of the statutes of 1992, section 65 of chapter 40 of the statutes of 1993 and section 31 of chapter 41 of the statutes of 1993, is again amended by striking out the words "the Institut québécois de recherche sur la culture" in paragraphs 1 and 4.

7. The Minister of Education and Science is responsible for the administration of this Act.

8. The provisions of this Act will come into force on 1 January 1994.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 111
(1993, chapter 51)

An Act to amend the Act respecting the Ministère de l'Éducation

**Introduced 3 November 1993
Passage in principle 16 November 1993
Passage 1 December 1993
Assented to 2 December 1993**

**Québec Official Publisher
1993**

EXPLANATORY NOTES

This bill assigns to the Minister of Education the functions and powers of the Minister of Higher Education and Science in the fields of university, college or postsecondary education and in the fields of research and scientific development. From now on, the Ministère de l'Éducation will be known as the "Ministère de l'Éducation et de la Science".

In addition, the bill ensures concordance with various other legislative provisions and proposes transitional provisions.

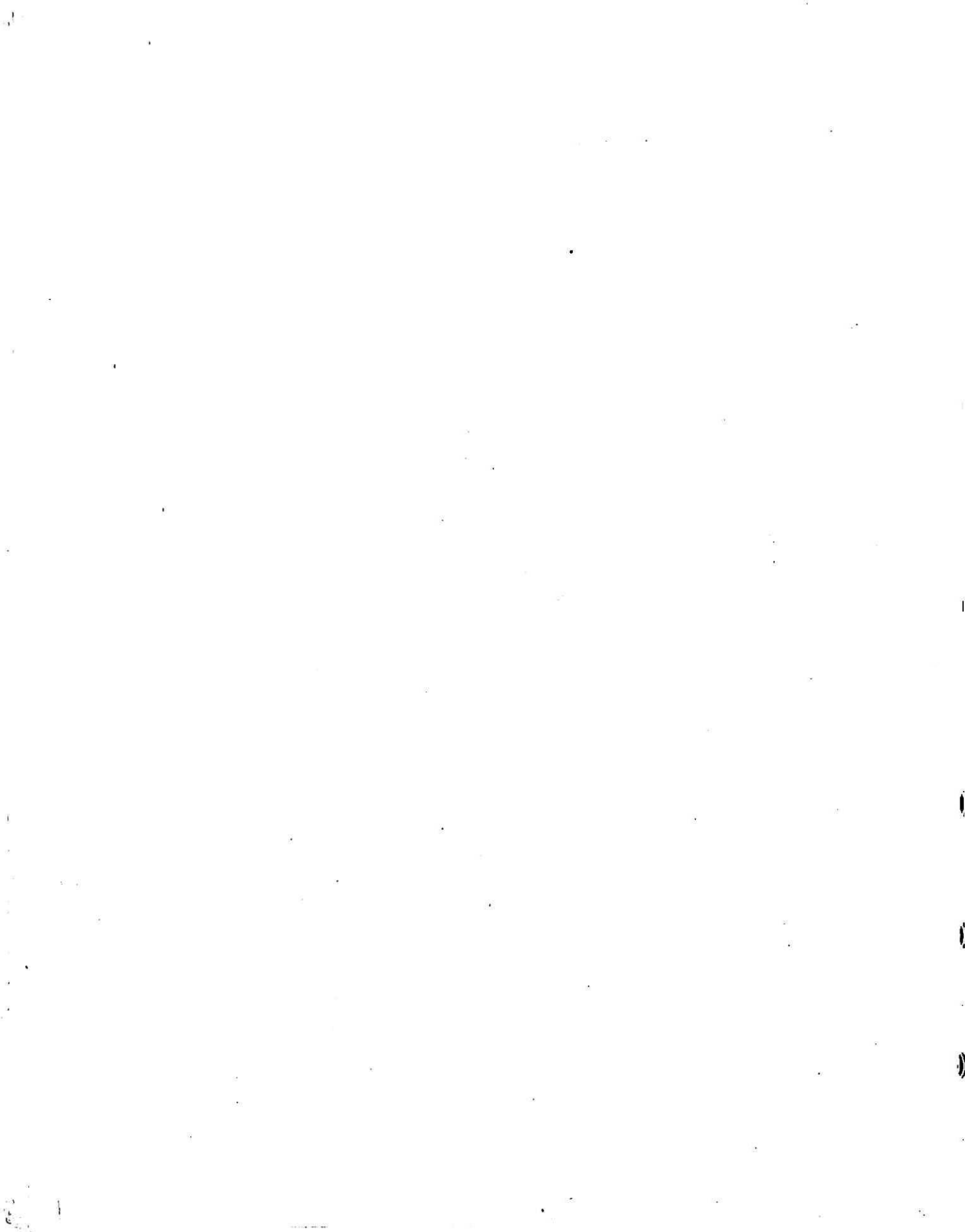
ACTS AMENDED BY THIS BILL:

- Health Insurance Act (R.S.Q., chapter A-29);
- Charter of the French language (R.S.Q., chapter C-11);
- Act respecting the Conseil du statut de la femme (R.S.Q., chapter C-59);
- Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60);
- Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1);
- Executive Power Act (R.S.Q., chapter E-18);
- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- Taxation Act (R.S.Q., chapter I-3);
- Act respecting the Institut de tourisme et d'hôtellerie du Québec (R.S.Q., chapter I-13.02);
- Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15);

- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act respecting educational programming (R.S.Q., chapter P-30.1);
- Youth Protection Act (R.S.Q., chapter P-34.1);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting health services and social services for Cree and Inuit Native persons (R.S.Q., chapter S-5);
- Act respecting the Société québécoise de développement de la main-d'oeuvre (1992, chapter 44);
- Act respecting private education (1992, chapter 68);
- Act respecting the reduction of personnel in public bodies and the accountability of deputy ministers and chief executive officers of public bodies (1993, chapter 35);
- Act respecting the conditions of employment in the public sector and the municipal sector (1993, chapter 37).

ACT REPEALED BY THIS BILL:

- Act respecting the Ministère de l'Enseignement supérieur et de la Science (R.S.Q., chapter M-15.1.1).



Bill 111

An Act to amend the Act respecting the Ministère de l'Éducation

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The title of the Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15) is replaced by the following title:

**"An Act respecting the Ministère de l'Éducation
et de la Science".**

2. The preamble to the said Act is amended by inserting the words "et de la Science" after the word "Éducation" in the second line of the fourth paragraph.

3. Section 1 of the said Act is amended by inserting the words "and Science" after the word "Éducation" in the first line and by inserting the words "et de la Science" after the word "Éducation" in the third line.

4. Section 1.1 of the said Act is replaced by the following section:

"1.1 The Minister shall perform his duties in the fields of preschool, elementary and secondary education and in the fields of university and college or postsecondary education, except a field of education within the competence of another minister.

In addition, his duties shall extend to and include the fields of research and scientific development."

5. Section 1.2 of the said Act is replaced by the following section:

"1.2 The Minister shall devise policies relating to the fields within his competence and propose them to the Government, with a view to, in particular,

- (1) promoting education;
- (2) contributing, by promotion, development and support in those fields, to raising the level of scientific, cultural and professional achievement for the population of Québec and its individual members;
- (3) furthering access to the higher forms of learning and culture for any person who wishes to have access thereto and has the necessary ability;
- (4) contributing to the harmonization of the orientations and activities of his department with general government policy and with economic, social and cultural needs.

The Minister shall be in charge of and coordinate the implementation of the policies.

He shall also be responsible for the administration of the Acts assigned to him."

6. Section 1.3 of the said Act is replaced by the following section:

"1.3 For the carrying out of his duties, the Minister may, in particular,

- (1) provide the services he considers necessary to any person, group or body;
- (2) grant financial assistance out of the sums put at his disposal for that purpose, subject to the conditions he sees fit;
- (3) contribute to the development of educational or research institutions;
- (4) advise the Government, departments and agencies and, where necessary, make recommendations to them;
- (5) participate, with the ministers concerned and within the scope of the policy on Canadian intergovernmental affairs and the policy on international affairs, in devising and implementing programs of external cooperation in sectors in which exchanges further the development of the fields within his competence;
- (6) cooperate in the application of section 24 of the Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1) and section 3.12 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) for any matter relating to the fields within his competence;

(7) obtain the necessary information from departments and agencies;

(8) compile, analyze and publish available information.”

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

“**2.** In the fields within his competence, the duties of the Minister shall include, more particularly,

(1) adopting measures designed to contribute to the training and development of individuals;

(2) ensuring the development of educational institutions and overseeing the quality of the educational services provided by those institutions;

(3) encouraging consultation and cooperation between departments and agencies and interested persons;

(4) encouraging and coordinating the development and diffusion of information, including scientific information and scientific and technological culture;

(5) promoting the analysis, assessment and control of the impacts of scientific and technological development on individuals and on society;

(6) in cooperation with the ministers concerned, evaluating the science-related programs of departments and agencies.”

8. Section 3 of the said Act is amended by replacing the words “cause such studies and investigations to be made” in the first and second lines by the words “carry out or cause to be carried out such studies and investigations”.

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

“**4.** The Minister shall table in the National Assembly a report of the activities of the department for each fiscal year within six months of the end of the fiscal year or, if the Assembly is not sitting, within thirty days of resumption.”

10. Section 5 of the said Act, amended by section 148 of chapter 68 of the statutes of 1992, is again amended by inserting the words “, administer and operate, alone or jointly with others,” after the word “establish” in the second line of the first paragraph.

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

“5.1 The Government may, by letters patent under the Great Seal, constitute legal persons for the development of research and technology.

The Minister shall table in the National Assembly an order authorizing the issue of letters patent referred to in the first paragraph within thirty days of making the order or, if the Assembly is not sitting, within thirty days of resumption.

Within ninety days of the day on which the order is tabled, the competent standing committee of the National Assembly shall be convened for consideration of the order.

The name of a legal person and its organization, the appointment of its members and their terms of office, remuneration, social benefits and other conditions of employment shall be determined by the Government.

Notice of the constitution of such a legal person shall be published in the *Gazette officielle du Québec*.”

12. Section 7 of the said Act is amended by inserting the words “and Science” after the word “Education” in the first line.

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

“8.1 The Deputy Minister may, in writing and to the extent he indicates, delegate the exercise of his duties under this Act to a public servant or to the holder of a position.

He may, in the instrument of delegation, authorize the subdelegation of the duties he indicates; where that is the case, he shall identify the holder of a position or the public servant to whom such duties may be subdelegated.”

14. Section 12.1 of the said Act is amended by striking out the words “of Education” in the second line of the first paragraph.

15. Section 13.3 of the said Act is amended by inserting the words “and Science” after the word “Education” in the first line of paragraph 3.

16. Section 13.4 of the said Act is amended by inserting the words "and Science" after the word "Education" in the fourth line of the second paragraph.

CONCORDANCE AMENDMENTS

17. Section 65 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 6 of chapter 19 of the statutes of 1992 and by section 108 of chapter 21 of the statutes of 1992, is again amended by striking out the words ", the Ministère de l'Enseignement supérieur" in the tenth and eleventh lines of the fourth paragraph.

18. Section 118 of the Charter of the French language (R.S.Q., chapter C-11) is amended by striking out the words "or by the Minister of Higher Education" in the sixth and seventh lines.

19. Section 128 of the said Charter is amended by striking out the words "or by the Minister of Higher Education" in the seventh line.

20. Section 7 of the Act respecting the Conseil du statut de la femme (R.S.Q., chapter C-59) is amended by striking out the words ", the Deputy Minister of Higher Education" in the second line of the third paragraph.

21. The preamble to the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60) is amended by striking out the words "and the Minister of Higher Education" in the second and third lines of the fourth paragraph.

22. Section 4 of the said Act, amended by section 29 of chapter 26 of the statutes of 1993, is again amended by striking out the words ", after consultation with the Minister of Higher Education" in the second and third lines of the second paragraph.

23. Section 7 of the said Act, amended by section 30 of chapter 26 of the statutes of 1993, is again amended

(1) by inserting the words "and Science" after the word "Education" in the first line of the first paragraph;

(2) by striking out the second sentence of the first paragraph.

24. Section 9 of the said Act, amended by section 31 of chapter 26 of the statutes of 1993, is again amended

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

“(a) give its opinion to the Minister of Education and Science on the regulations or draft regulations that the Minister is required to submit to the Council;”;

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

“(b) give its opinion to the Minister of Education and Science on any matter within his competence that he submits to it, in particular as regards the creation of any new general and vocational college or any new university-level educational institution;”;

(3) by striking out the words “and to the Minister of Higher Education” in the first and second lines of subparagraph *c* of the first paragraph;

(4) by inserting the words “and Science” after the word “Education” in the first line of the second paragraph.

25. Section 10 of the said Act is amended by replacing paragraph *b* by the following paragraph:

“(b) make recommendations to the Minister of Education and Science on any matter within his competence relating to education;”.

26. Section 14.1 of the said Act, enacted by section 32 of chapter 26 of the statutes of 1993, is amended by inserting the words “and Science” after the word “Education” in the third line of the first paragraph.

27. Section 19 of the said Act is amended by inserting the words “and Science” after the word “Education” in the first line of the first paragraph.

28. Section 22 of the said Act is amended by replacing the words “, the Minister of Education or the Minister of Higher Education” in the first and second lines of subparagraph *g* of the first paragraph by the words “and to the Minister of Education”.

29. Section 23 of the said Act is amended by inserting the words “and Science” after the word “Education” in the second line of paragraph *a*.

30. Section 30 of the said Act is amended by inserting the words "and Science" after the word "Education" in the first line of the first paragraph.

31. Section 30.1 of the said Act is amended by inserting the words "and Science" after the word "Education" in the first line.

32. Section 6 of the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1) is amended by replacing the fourth paragraph by the following paragraphs:

"Four other members shall be public servants designated in the following manner:

- (1) one by the Minister of Culture;
- (2) two by the Minister of Education and Science;
- (3) one by the Minister of Communications.

The members designated under the fourth paragraph shall take part in the deliberations but are not entitled to vote."

33. The first paragraph of section 4 of the Executive Power Act (R.S.Q., chapter E-18) is amended

- (1) by inserting the words "and Science" after the word "Education" in paragraph 18;
- (2) by striking out paragraph 28.

34. Section 7 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is amended by striking out the words ", the Deputy Minister of Higher Education" in the second line.

35. Section 1029.8.22 of the Taxation Act (R.S.Q., chapter I-3), amended by section 174 of chapter 1 of the statutes of 1992, by section 64 of chapter 44 of the statutes of 1992 and by section 142 of chapter 68 of the statutes of 1992, is again amended in the definition of "recognized educational institution"

- (1) by adding the words "and Science" at the end of paragraph a;
- (2) by striking out the word "Higher" in the second line of paragraph c;

(3) by striking out the words "or the Minister of Higher Education" in the second and third lines of paragraph *d*.

36. Section 5 of the Act respecting the Institut de tourisme et d'hôtellerie du Québec (R.S.Q., chapter I-13.02) is amended by replacing the second paragraph by the following paragraph:

"One of the members of the board, other than the chairman and the director general, shall be appointed upon the recommendation of the Minister of Education and Science."

37. Section 17 of the said Act is amended

(1) by striking out the word "Higher" in the third line of subparagraph 3 of the first paragraph;

(2) by replacing the words "or the Minister of Higher Education and Science, as the case may be" in the sixth and seventh lines of the second paragraph by the words "and Science".

38. Section 18 of the said Act, amended by section 38 of chapter 26 of the statutes of 1993, is again amended by replacing the first paragraph by the following paragraph:

"**18.** The institute may provide the secondary school vocational training programs and the college-level technical studies programs which have been authorized by the Minister of Education and Science."

39. Section 19 of the said Act, amended by section 39 of chapter 26 of the statutes of 1993, is again amended by striking out the word "Higher" in the first line.

40. Section 20 of the said Act, amended by section 40 of chapter 26 of the statutes of 1993, is again amended by inserting the words "and Science" after the word "Education" in the first line of the first paragraph.

41. The Act respecting the Ministère de l'Enseignement supérieur et de la Science (R.S.Q., chapter M-15.1.1) is repealed.

42. Section 1 of the Government Departments Act (R.S.Q., chapter M-34) is amended

(1) by inserting the words "et de la Science" after the word "Education" in the first line of paragraph 17 and by inserting the

words "and Science" after the word "Education" in the second line of the same paragraph;

(2) by striking out paragraph 26.

43. Section 3 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by striking out the words "or the Ministère de l'Enseignement supérieur" in the third and fourth lines of paragraph 5.

44. Section 9 of the Act respecting educational programming (R.S.Q., chapter P-30.1) is amended

(1) by striking out the words ", the Minister of Higher Education and Science" in the first and second lines;

(2) by inserting the words "and Science" after the word "Education" in the third line.

45. Section 23 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended by striking out the words ", the Minister of Higher Education" in the second and third lines of paragraph *e*.

46. Section 31 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended

(1) by striking out the words ", or as the case may be, the Minister of Higher Education" in the second and third lines of the first paragraph;

(2) by striking out the words "or, as the case may be, the Minister of Higher Education" in the sixth and seventh lines of the second paragraph.

47. Section 33 of the said Act is amended by striking out the words "or, as the case may be, to the Minister of Higher Education" in the second and third lines.

48. Section 35 of the said Act is amended by inserting the words "and Science" after the word "Education" in the second line of the second paragraph.

49. Section 43 of the said Act is amended

(1) by striking out the words "the Minister of Higher Education and Science and" in the first and second lines;

(2) by inserting the words "and Science" after the word "Education" in the second line.

50. Section 167 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended

(1) by striking out the words ", or the Minister of Higher Education" in the first and second lines of paragraph 13;

(2) by striking out the words "or the Minister of Higher Education" in the first and second lines of paragraph 14.

51. Section 88 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by striking out the word "Higher" in the first line.

52. Section 89 of the said Act, replaced by section 7 of chapter 21 of the statutes of 1992, is amended by striking out the word "Higher" in the first line.

53. Section 90 of the said Act is amended by striking out the word "Higher" in the first line.

54. Section 91 of the said Act is amended by striking out the word "Higher" in the first line.

55. Section 110 of the said Act is amended

(1) by striking out the words "or the Minister of Higher Education" in the third and fourth lines of the second paragraph;

(2) by replacing the words "or the Minister of Higher Education and Science, according to their respective fields of competence" in the fourth, fifth and sixth lines of the third paragraph by the words "and Science".

56. Section 125 of the Act respecting health services and social services for Cree and Inuit Native persons (R.S.Q., chapter S-5) is amended by striking out the words "or the Minister of Higher Education" in the fourth and fifth lines and in the eighth line of the first paragraph.

57. Section 5 of the Act respecting the Société québécoise de développement de la main-d'oeuvre (1992, chapter 44) is amended by replacing the words "the ministers concerned" in the fourth line of paragraph 3 of the second paragraph by the words "the Minister of Education and Science".

58. Section 1 of the Act respecting private education (1992, chapter 68), amended by section 26 of chapter 25 of the statutes of 1993, is again amended by inserting the words "and Science" after the word "Education" in the third line of paragraph 4.

59. Section 5 of the said Act is repealed.

60. Section 50 of the said Act is amended by replacing the words "Minister of Education" wherever they appear by the words "Minister of Education and Science".

61. Section 91 of the said Act is amended by inserting the words "and Science" after the word "Education" in the sixth line of the first paragraph.

62. Section 96 of the said Act is amended

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

"96. The Commission shall be composed of nine members, including the chairman, appointed by the Government on the recommendation of the Minister of Education and Science.

Five members, of whom at least three shall be chosen from a list of at least six candidates proposed by the groups referred to in the fourth paragraph, shall represent the field of preschool, elementary and secondary education.

Three members, of whom at least two shall be chosen from a list of at least six candidates proposed by the groups referred to in the fourth paragraph, shall represent the field of college education.";

(2) by striking out the words "responsible for making the recommendation" in the second line of the second paragraph.

63. Section 104 of the said Act is replaced by the following section:

"104. The principal function of the Commission is to advise the Minister of Education and Science on any matter coming under his jurisdiction in the field of private education governed by this Act."

64. Section 105 of the said Act is amended by replacing the words "or the Minister of Higher Education and Science on any matter they submit" in the first, second and third lines of the first paragraph by the words "and Science on any matter he submits".

65. Section 107 of the said Act is amended by striking out the words "or the Minister of Higher Education" in the second and third lines of paragraph 1.

66. Section 109 of the said Act is amended

(1) by striking out the words "and to the Minister of Higher Education" in the second line of the first paragraph;

(2) by striking out the words "or the Minister of Higher Education" in the second line of paragraph 3 of the second paragraph.

67. Section 110 of the said Act is amended by inserting the words "and Science" after the word "Education" in the first line.

68. Section 174 of the said Act is replaced by the following section:

"174. Except sections 62, 91, 92 and 127, which are under the administration of the Minister of Transport, the Minister of Education and Science is responsible for the administration of this Act."

69. Section 4 of the Act respecting the reduction of personnel in public bodies and the accountability of deputy ministers and chief executive officers of public bodies (1993, chapter 35) is amended by striking out the words "and the Minister of Higher Education" in the second line of the first paragraph.

70. Section 6 of the said Act is amended by striking out the word "Higher" wherever it appears.

71. Section 23 of the Act respecting the conditions of employment in the public sector and the municipal sector (1993, chapter 37) is amended by striking out the words "the Minister of Higher Education" in the seventh and eighth lines of the second paragraph.

72. In any other Act and in any regulation, order in council, proclamation, order, contract, agreement or other document, any reference to the Minister and Deputy Minister of Education or of Higher Education and Science is, unless the context indicates otherwise, a reference to the Minister and Deputy Minister of Education and Science, and any reference to the Ministère de l'Éducation or to the Ministère de l'Enseignement supérieur et de la Science is, unless the context indicates otherwise, a reference to the Ministère de l'Éducation et de la Science.

73. In any Act, regulation, order in council, proclamation, order, contract, agreement or other document, any reference to the Act respecting the Ministère de l'Enseignement supérieur et de la Science (R.S.Q., chapter M-15.1.1) or to one of its provisions is, unless the context indicates otherwise, a reference to the Act respecting the Ministère de l'Éducation et de la Science (R.S.Q., chapter M-15) or to the corresponding provision of that Act.

TRANSITIONAL AND FINAL PROVISIONS

74. The employees of the Ministère de l'Enseignement supérieur et de la Science become the employees of the Ministère de l'Éducation et de la Science without other formality.

75. The records and other documents of the Ministère de l'Enseignement supérieur et de la Science become the records and other documents of the Ministère de l'Éducation et de la Science.

76. Matters pending at the Ministère de l'Enseignement supérieur et de la Science are continued and decided by the Minister of Education and Science, except in the cases where the Government decides otherwise.

77. Proceedings in which the Minister of Higher Education and Science, the Deputy Minister of Higher Education and Science or any public servant of the Ministère de l'Enseignement supérieur et de la Science is a party are continued, without continuance of suit, by the Minister of Education and Science or, if the Government decides otherwise, by another person designated by the Government.

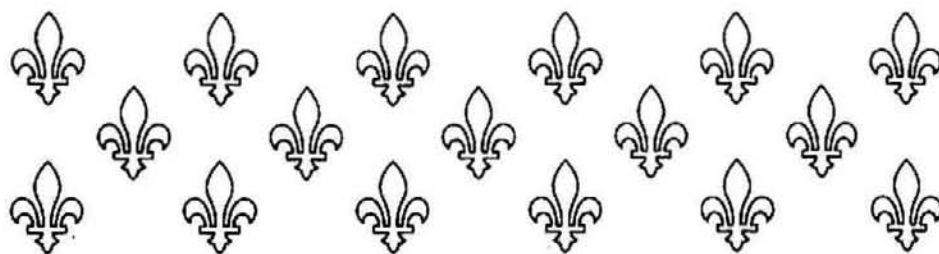
78. The Minister of Education and Science is authorized to use any document or means of identification already prepared in the name of the Minister of Education or the Minister of Higher Education and Science or in the name of the Ministère de l'Éducation or the Ministère de l'Enseignement supérieur et de la Science until he replaces them by documents or means of identification prepared in his name.

79. The regulations, orders or ordinances made by the Minister of Higher Education and Science and in force on 2 December 1993 remain in force until they are replaced or repealed.

Every act performed before 2 December 1993 by the Minister of Higher Education and Science under a provision that is replaced or repealed by this Act retains its effect and is deemed to have been performed by the Minister of Education and Science under a corresponding provision enacted by this Act.

30. The balance of the appropriations granted to the Ministère de l'Enseignement supérieur et de la Science for the fiscal year in progress on 2 December 1993 is transferred to the Ministère de l'Éducation et de la Science.

31. This Act comes into force on 2 December 1993.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 113
(1993, chapter 56)

An Act to amend the Automobile Insurance Act

Introduced 3 November 1993
Passage in principle 17 November 1993
Passage 10 December 1993
Assented to 13 December 1993

**Québec Official Publisher
1993**

EXPLANATORY NOTES

This bill proposes various amendments to the Automobile Insurance Act in order to permit more appropriate compensation for victims. In particular, the bill amends the definition of "dependant" in order that a minor child of a victim be, in all cases, considered to be a dependant of the victim. The bill also provides for the maintenance of the income replacement indemnity payments granted to the victim until the date of the decision of the Société de l'assurance automobile terminating such indemnity, where a medical examination has been required by the Société.

The bill proposes new rules in matters of residual pensions and lump sum indemnity payments on death. The provisions relating to the payment of the indemnity for non-pecuniary damage are also amended with regard to the revalorization of such indemnity. In addition, the bill sets out the conditions applicable with regard to the capitalization of the income replacement indemnity.

Furthermore, the bill authorizes the direct reimbursement, by the Société, of the suppliers of goods and services for all of the expenses referred to in Title II of the said Act and, for this purpose, grants the Société a right of inspection.

Lastly, the bill contains amendments of a technical nature, amendments to ensure concordance and transitional provisions.

ACTS AMENDED BY THIS BILL:

- Automobile Insurance Act (R.S.Q., chapter A-25);
- Act respecting the Société de l'assurance automobile du Québec (R.S.Q., chapter S-11.011).

Bill 113

An Act to amend the Automobile Insurance Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended

(1) by replacing the definition of "spouse" by the following definition:

"spouse" means the man or woman who is married to and living with the victim or who has been living in a *de facto* union with the victim and has been publicly represented as his spouse for at least three years or, in the following cases, for at least one year:

- a child has been born or is to be born of their union;
- they have adopted a child together; or
- one of them has adopted a child of the other;"

(2) by striking out the words ", on the date of the accident," in the fourth line of paragraph 2 of the definition of "dependant";

(3) by replacing paragraph 3 of the definition of "dependant" by the following paragraphs:

"(3) a minor child of the victim and a minor person to whom the victim stands *in loco parentis*;

"(4) a child of full age of the victim and a person of full age to whom the victim stands *in loco parentis*, provided that their basic needs and maintenance costs are borne by the victim to the extent of over 50%;

"(5) any other person related to the victim by blood or adoption and any other person who stands *in loco parentis* to the victim, provided that their basic needs and maintenance costs are borne by the victim to the extent of over 50%."

2. The said Act is amended by inserting, after section 12, the following section:

"12.1 The Société must be impleaded in any action where a determination is to be made as to whether the bodily injuries were caused by an automobile."

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

"49.1 Where, following an examination required by the Société under section 83.12, the victim is no longer entitled to the income replacement indemnity he was receiving on the date of the examination under section 14, 16, 17, 19, 21, 24, 26, 30, 32, 33, 37, 38, 39, 42 or 57, he shall continue to receive the indemnity until the date of the decision of the Société."

However, the first paragraph does not apply where, on the date of the examination, the victim is entitled to an income replacement indemnity under paragraph 4 of section 49 or section 50."

4. Section 55 of the said Act is amended by inserting the words "derives or" after the word "he" in the tenth line.

5. Section 60 of the said Act is amended by striking out subparagraph 1 of the first paragraph.

6. Section 63 of the said Act is amended by replacing the words "deceased victim" in the first line of the first paragraph by the words "victim on the date of the victim's death".

7. Section 65 of the said Act is amended by replacing the words "deceased victim" in the first line by the words "victim on the date of the victim's death".

8. Section 66 of the said Act is amended

(1) by replacing the words "deceased victim" in the first line of the first paragraph by the words "victim on the date of the victim's death";

(2) by replacing the words "the date of his death" in the third line of the first paragraph by the words "that date".

9. Section 68 of the said Act is amended

(1) by replacing the words "child as defined in paragraph 3 of the definition of the word "dependant" in section 2, the child" in the second and third lines by the words "dependant as defined in paragraph 3 or 4 of the definition of the word "dependant" in section 2, the dependant";

(2) by replacing the word "child" in the seventh line by the word "dependant".

10. Section 69 of the said Act is amended

(1) by replacing the words "deceased victim" in the first line of the first paragraph by the words "victim is a minor and";

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

"If the victim is of full age and has no dependant on the date of his death, the indemnity shall be paid to his succession except where the property accrues to the State."

11. Section 77 of the said Act is amended by inserting the words "and revalorized in accordance with section 83.34, on the date on which the Société renders its decision in first instance on the right to the indemnity," after the word "accident" in the third line.

12. Section 83.22 of the said Act is amended by replacing paragraph 2 by the following paragraphs:

"(2) the person entitled to the indemnity was not resident in Québec on the date of the accident and has not been resident therein since that date;

"(3) the person entitled to the indemnity was resident in Québec on the date of the accident or has been resident therein since that date but, at the time of the application for capitalization, has not been resident in Québec for at least three years."

13. Section 83.23 of the said Act is struck out.

14. Section 83.24 of the said Act is amended

(1) by replacing the word and figure "section 83.2" in the first line by the words and figures "sections 79, 83, 83.1, 83.2 and 83.7 and the cost of the medical report referred to in section 83.31";

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

"The Société may appoint any member of its staff to act as an inspector responsible for verifying, with suppliers, the accuracy of the costs and supply of goods delivered or services rendered to the victim by reason of the accident.

An inspector may require the supplier to communicate any information or documents relevant to the carrying out of his assignment including books, accounts, registers or files, and make copies thereof.

Every person who has the custody, possession or charge of such books, registers, accounts, files or other documents must, on request, furnish them to the inspector and facilitate his examination of them.

No person shall hinder the work of an inspector, mislead him by concealment or false information or refuse to supply information or a document he is entitled to require or to examine."

15. Section 83.30 of the said Act, amended by section 89 of chapter 21 of the statutes of 1992, is again amended by inserting the words "on the date of the accident" after the word "dependants" in the second line of the fourth paragraph.

16. Section 83.32 of the said Act is amended by inserting the words "the second paragraph of" after the word "under" in the first line of the second paragraph.

17. Section 83.33 of the said Act is amended by inserting the word and figures ", 46 or 47" after the figure "45" in the second line of the second paragraph.

18. The said Act is amended by inserting, after section 190, the following section:

"190.1 Any person who contravenes the provisions of the fifth paragraph of section 83.24 is liable to a fine of not less than \$300 nor more than \$600."

19. Section 204 of the said Act is replaced by the following section:

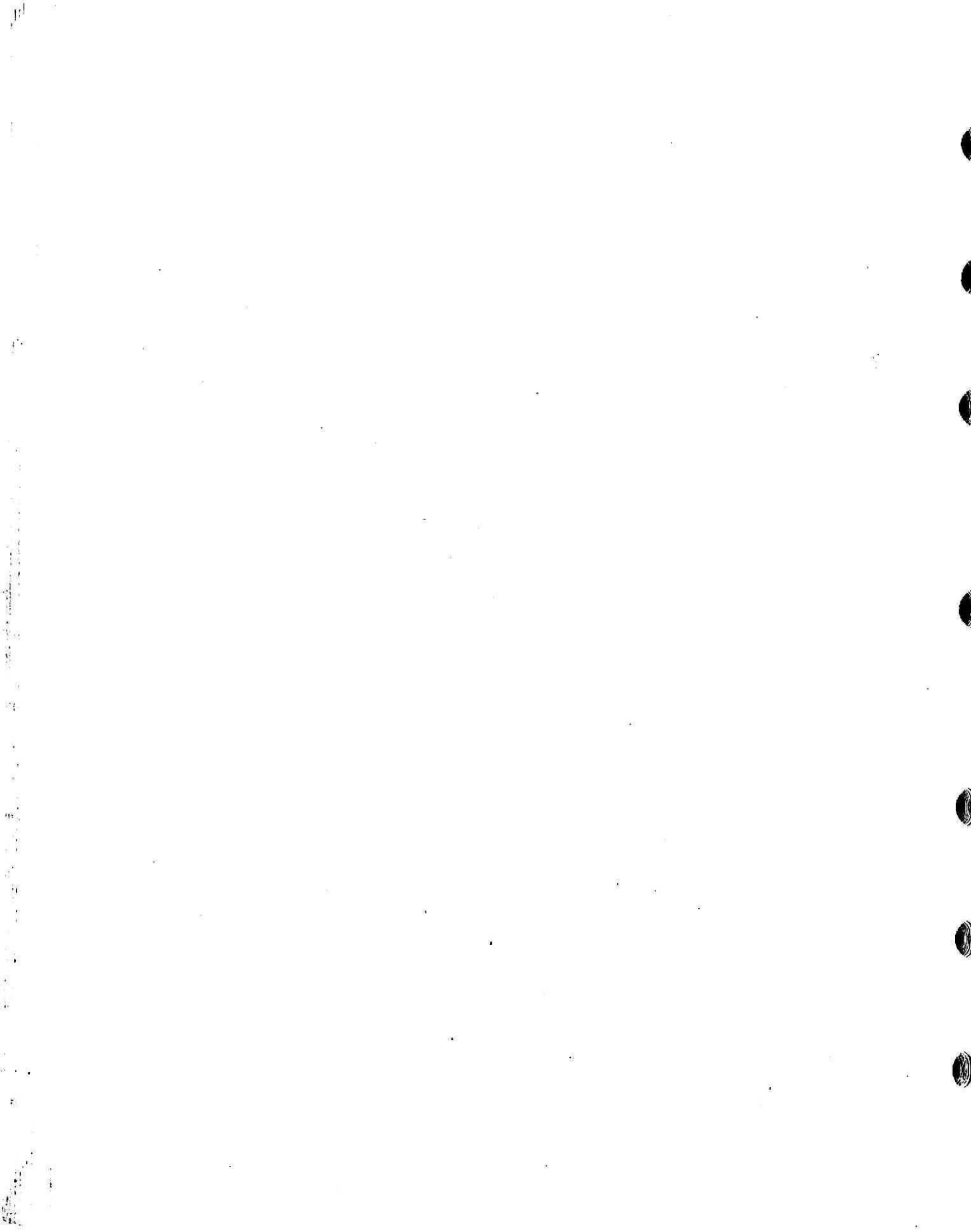
204. The Minister of Transport is responsible for the administration of this Act, except for the provisions of Titles VI and VII, the administration of which falls under the authority of the Minister of Finance."

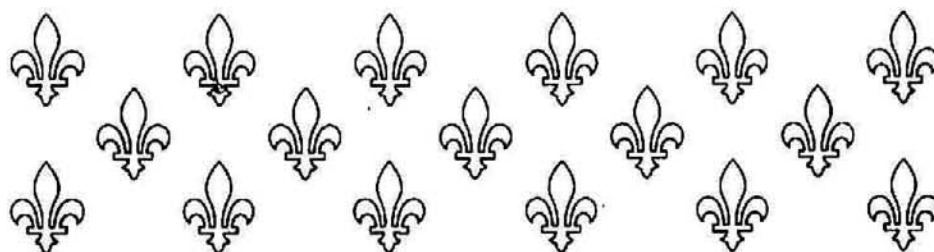
20. Section 2 of the Act respecting the Société de l'assurance automobile du Québec (R.S.Q., chapter S-11.011) is amended by striking out subsection 3.

21. Section 77 of the Automobile Insurance Act, as it read prior to 1 January 1994, shall continue to apply to accidents having occurred before 1 January 1994.

22. Section 83.22 of the Automobile Insurance Act, as it read prior to 1 January 1994, shall continue to apply to applications for capitalization made to the Société before 1 January 1994.

23. This Act will come into force on 1 January 1994.





NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 117
(1993, chapter 52)

An Act to amend various legislative provisions relating to the cadastre

Introduced 9 November 1993
Passage in principle 16 November 1993
Passage 24 November 1993
Assented to 2 December 1993

Québec Official Publisher
1993

EXPLANATORY NOTES

This bill amends the Cadastre Act, the Act to promote the reform of the cadastre in Québec and the Act respecting land titles in certain electoral districts to bring their provisions into line with the new concepts and the new terminology introduced in the Civil Code of Québec in relation to the publication of rights.

The bill provides, in addition, that cadastral plans are to be prepared according to the instructions of the Minister of Energy and Resources and that the computerized version of a plan will have precedence where the law requires that a plan be presented for registration in computerized form.

Finally, the bill gives the Minister the power to require from municipalities that the data which must be furnished regarding cadastral renovation be furnished in the form he indicates where such data is available in that form in the municipalities concerned.

ACTS AMENDED BY THIS BILL:

- Cadastre Act (R.S.Q., chapter C-1);
- Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1);
- Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11).

Bill 117

An Act to amend various legislative provisions relating to the cadastre

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Cadastre Act (R.S.Q., chapter C-1) is replaced by the following section:

"1. The Minister of Energy and Resources shall cause to be prepared, under his superintendence, a cadastral plan for the first immatriculation of an immovable situated in a registration division."

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

"2. A cadastral plan shall mention the name of the cadastre and of the registration division in which the lots are situated, and the name of the local municipality in the territory of which they are included.

The plan shall be established in accordance with the instructions of the Minister, who may take any steps he considers appropriate to ensure the correctness of the plan."

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

"3. The original of the cadastral plans and books of reference, dated and signed by the Minister, shall be kept in his records.

The Minister shall also keep in his records the duplicate of the Schedules made under The Seigniorial Amendment Act of 1859 (22 Victoria, chapter 48) and the other plans, maps and documents of a similar nature."

4. Section 4.1 of the said Act is amended by replacing the words "index of immovables" in the third and fourth lines of the first paragraph by the words "land register".

5. Section 4.4 of the said Act is amended

(1) by replacing, in the French text, the words "division d'enregistrement" in the first line of the first paragraph by the words "circonscription foncière";

(2) by replacing the words "index of immovables" in the first line of the second paragraph by the words "land register";

(3) by striking out the third paragraph.

6. Section 4.5 of the said Act is amended

(1) by replacing, in the French text, the words "division d'enregistrement" in the fifth line of the first paragraph by the words "circonscription foncière";

(2) by replacing the words "registered a notice of address against the lot" in the third and fourth lines of the third paragraph by the words "caused his address to be registered in the land register".

7. Section 4.6 of the said Act is amended

(1) by replacing, in the French text, the words "L'enregistrement" in the first line of the first paragraph by the words "L'inscription";

(2) by replacing, in the French text, the words "division d'enregistrement" in the first and second lines of the first paragraph by the words "circonscription foncière".

8. Section 4.7 of the said Act is amended by inserting the words "a right or of" after the word "of" in the first line of the second paragraph.

9. Section 5 of the said Act is amended

(1) by replacing, in the French text, the word "régistrateur" in the first line by the words "officier de la publicité des droits";

(2) by replacing the words "the corporation of every local or county municipality, city or town" in the fourth and fifth lines by the words "each local municipality";

(3) by replacing the words " , if required by the Minister, furnish him *gratis* with" in the fifth and sixth lines by the words "furnish, free of charge, to the Minister in the form he requires, where it has it in its possession,";

(4) by replacing the words "within its municipality" in the seventh line by the words "included in its territory".

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

"6. The Minister shall, forthwith, note any change in the boundaries or name of a registration division on the plans of the cadastres affected and on the copy of such plans deposited at the registry office. He shall send a copy of the plans to the registry office of the appropriate registration division."

11. Section 7 and Division II of the said Act are repealed.

12. The heading of Division III of the said Act is replaced by the following heading:

"IDENTIFICATION OF LOTS".

13. Sections 14, 15, 17 and 18 of the said Act are repealed.

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

"19. In addition to territories that have been the subject of a cadastral renewal referred to in paragraph 3 of section 155 of the Act respecting the implementation of the reform of the Civil Code (1992, chapter 57), the following lots are subject to the second paragraph of article 2996, the first paragraph of article 3030, the last paragraph of article 3043 and article 3054 of the Civil Code of Québec:

(1) any lot situated in a territory that has been the subject of a revised plan drawn up after 30 September 1985 under the Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11);

(2) any lot situated in part in a territory that has been the subject of a cadastral renewal or a revised plan drawn up after 30 September 1985 under the Act respecting land titles in certain electoral districts;

(3) any lot shown on a plan prepared pursuant to section 1 where the plan is certified to that effect by the Minister.

In the case of a lot referred to in subparagraph 3 of the first paragraph, the registrar shall, when establishing the land file, enter the certificate and its contents under the number of that lot."

15. Sections 19.1, 19.2 and 19.3, Division IV and sections 21.1 and 21.2 of the said Act are repealed.

16. Section 21.3 of the said Act is replaced by the following section:

"21.3 Every renewal plan, every revised plan, every plan showing a lot referred to in section 19, and every subsequent amendment to such a plan must be drawn up in duplicate; one copy shall be computerized and the other shall be the written version of the computerized version.

The computerized copy of the cadastral plan shall be updated regularly by compiling all the data relating to a plan and its amendments; it is deemed to be a duplicate of all the plans concerned.

Where the computerized version and the written version differ, the computerized version shall prevail.

In case of deterioration or loss of one of the versions, the other may serve to reconstitute it."

17. Section 21.4 of the said Act is replaced by the following section:

"21.4 The Minister may replace or reconstitute all or part of any plan or book of reference forming part of his records in order to ensure its conservation and facilitate its consultation.

He shall determine the means to be used for the replacement or reconstitution of the plan or book of reference and the manner in which the replacement or reconstitution is to be carried out in order to ensure the authenticity of the new document.

Where the plan or book of reference is replaced, the Minister shall collate the reproduction with the original and certify in writing that it is true to the original.

Where the plan or book of reference is reconstituted, the Minister shall certify in writing that the reconstituted plan or book has the same force as the original.

Every plan or book of reference that has been so certified has the same authenticity, validity and effect as the plan or book of reference it replaces or reconstitutes."

18. Section 21.5 of the said Act is repealed.

19. Section 21.6 of the said Act is replaced by the following section:

"21.6 The Minister may, when a change is made to a plan or book of reference or when a plan is updated, transmit to the registry office a copy, certified by him, of the plan or book of reference or of the updated plan, to be substituted for the existing copy, which shall be destroyed."

20. Section 4 of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1), amended by section 2 of chapter 29 of the statutes of 1992, is again amended by replacing, in the French text of paragraphs 1.1 and 2, the word "registreurs" by the words "officiers de la publicité des droits".

21. Section 8 of the said Act, amended by section 682 of chapter 57 of the statutes of 1992, is again amended

(1) by replacing, in the French text, the words "les registreurs" in the third and fourth lines by the words "les officiers de la publicité des droits";

(2) by striking out the words "or the Stamp Act (chapter T-10)" in the fourth and fifth lines.

22. Section 8.1 of the said Act, enacted by section 4 of chapter 29 of the statutes of 1992, is amended

(1) by replacing, in the French text, the word "régistres" in the first line of the first paragraph by the words "officiers de la publicité des droits", and by striking out the words ", from 1 January 1993," in the first line of the first paragraph;

(2) by replacing, in the French text, the word "enregistrement" in the first line of subparagraph 1 and subparagraph 2 of the first paragraph by the word "inscription";

(3) by replacing the words "Tariff of fees for registration and other services performed by registrars made by Order in Council 288-89 dated 1 March 1989 and amended by Order in Council 1227-91 dated 4 September 1991" in the second, third, fourth and fifth lines of subparagraph 1 of the first paragraph by the words "Tariff of fees respecting publication by registration in the land register made by order in council 1597-93 of 17 November 1993";

(4) by replacing, in the French text, the word "registreurs" in the first line of the last paragraph by the words "officiers de la publicité des droits".

23. Section 8.3 of the said Act, enacted by section 4 of chapter 29 of the statutes of 1992, is amended by replacing the words "registration fees at the registry office" in the first and second lines by the words "fees for the registration of a right or a document at a registry office".

24. Section 10.1 of the said Act, enacted by section 5 of chapter 29 of the statutes of 1992, is amended

(1) by replacing, in the French text, the words "division d'enregistrement" in the second line of the first paragraph by the words "circonscription foncière";

(2) by replacing the word "concerned" in the third line of the first paragraph by the word "affected";

(3) by replacing, in the French text, the words "division d'enregistrement par le registrateur" in the second and third lines of the second paragraph by the words "circonscription foncière par l'officier de la publicité des droits".

25. Section 12 of the said Act is amended by replacing the words "or a divided co-ownership subdivision plan" in the second and third lines of the first paragraph by the words "a divided co-ownership plan or a co-emphyteusis plan".

26. Section 15 of the said Act is amended

(1) by replacing the words "*inter vivos* of" in the third line of the first paragraph by the words "of a right of ownership in";

(2) by replacing, in the French text, the words "division d'enregistrement" in the second and third lines of the second paragraph by the words "circonscription foncière".

27. Section 16 of the said Act is amended

(1) by replacing, in the French text, the words "au registrateur de la division d'enregistrement" in the second line of the first paragraph by the words "à l'officier de la publicité des droits de la circonscription foncière";

(2) by replacing, in the French text, the words "Le registrateur" in the first line of the second paragraph by the words "L'officier de la publicité des droits".

28. Section 18 of the said Act is amended by replacing the first paragraph by the following paragraph:

18. During the period of prohibition, no right of ownership may be registered in the land register against a lot contemplated by the notice."

29. Section 19 of the said Act is repealed.

30. Section 19.1 of the said Act, enacted by section 7 of chapter 29 of the statutes of 1992, is amended

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

19.1 Upon the deposit of the renewal plan at the registry office of the registration division, the registrar shall establish a land file for each lot shown on the plan.";

(2) by replacing, in the French text, the word "enregistrement" in the fourth line of the second paragraph by the word "inscription".

31. Section 19.2 of the said Act, enacted by section 7 of chapter 29 of the statutes of 1992, is amended

(1) by replacing the word "privileges" in the third line of the first paragraph by the words "prior claims";

(2) by replacing, in the French text, the words "l'enregistrement qui en a été fait" in the first line of the second paragraph by the words "l'inscription qui en a été faite".

32. Section 20 of the said Act is amended

(1) by replacing, in the French text, the word "enregistrement" in the first line by the word "inscription";

(2) by replacing, in the French text, the words "bureau de la division d'enregistrement" in the second line by the words "bureau de la circonscription foncière".

33. Section 2 of the Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11), amended by section 11 of chapter 29 of the statutes of 1992, is again amended by striking out the words ", and the plans come into force on the date of their deposit in the office of the registration division" in the third and fourth lines of the second paragraph.

34. Section 4 of the said Act is amended

(1) by replacing the words "deposit of the plans in the office of the registration division" in the first and second lines of the first paragraph by the words "coming into force of the plans";

(2) by replacing the word "Any" in the seventh line of the first paragraph by the words "The registration of any";

(3) by replacing the words "articles 2172 and 2172a of the Civil Code of Lower Canada" in the ninth and tenth lines of the first paragraph by the words "article 2942 of the Civil Code of Québec";

(4) by replacing the words "or a divided co-ownership subdivision plan" in the eleventh and twelfth lines of the first paragraph by the words ", divided co-ownership plan or co-emphyteusis plan";

(5) by replacing the word "first" in the first line of the second paragraph by the word "initial";

(6) by replacing the word "registered" in the third line of the second paragraph by the word "published".

35. Section 4.1 of the said Act, amended by section 12 of chapter 29 of the statutes of 1992, is repealed.

36. Section 6 of the said Act, amended by section 13 of chapter 29 of the statutes of 1992 and by section 701 of chapter 57 of the statutes of 1992, is replaced by the following section:

6. Upon the coming into force of the plans, the registrar shall send, by registered or certified mail, to every hypothecary creditor who has caused his address to be registered, a notification, over his signature, to renew the registration of the real right of which he appears to be the holder."

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

7. After the expiration of the eight months following the coming into force of the plans, the Minister shall deliver to the registrar a list, which he shall attest, of the lots for which he has received no opposition and the names of persons mentioned therein as occupants.

Publication of the list is effected by the filing of the list itself. The registrar shall enter, under the number of each lot included in the list, the registration number of the list and the name of the occupant. Such entry entails adjudication of the lot to its occupant, as owner."

38. Section 8 of the said Act is amended

(1) by replacing, in the French text, the words "au registrateur" in the second line of the second paragraph by the words "à l'officier de la publicité des droits";

(2) by replacing the words "deposit of the plans in the office of the registration division" in the second and third lines of the third paragraph by the words "coming into force of the plans";

(3) by replacing, in the French text, the words "le régistrateur de la division d'enregistrement" in the fifth line of the third paragraph by the words "l'officier de la publicité des droits de la circonscription foncière";

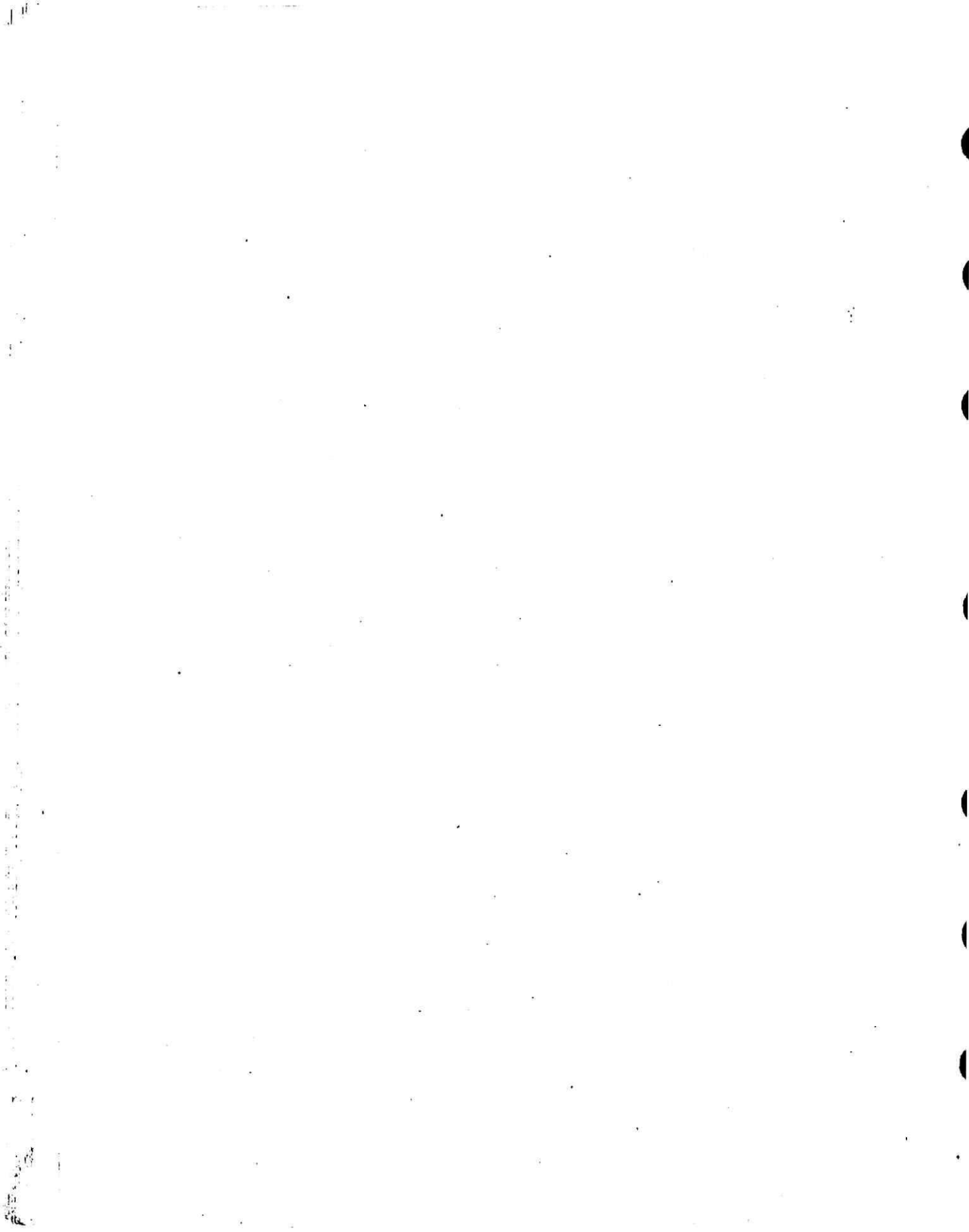
(4) by replacing, in the French text, the words "le régistrateur" in the seventh line of the third paragraph by the words "l'officier de la publicité des droits";

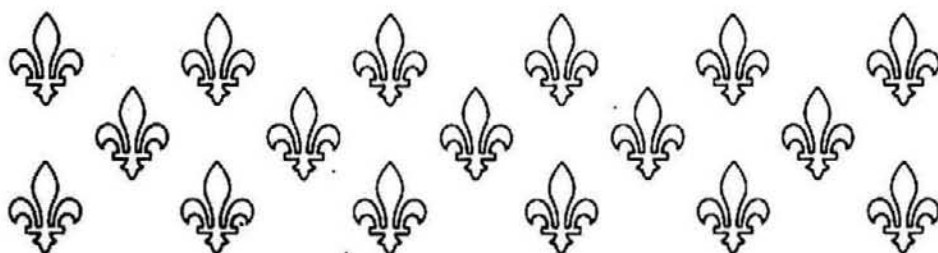
(5) by replacing the last paragraph by the following paragraph:

"The certificates referred to in this section shall be registered by the registrar on the land file of the lot concerned."

39. Section 8.1 of the said Act is repealed.

40. This Act comes into force on 1 January 1994.





NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 120
(1993, chapter 53)

**An Act to amend the Agricultural
Products, Marine Products and Food
Act**

**Introduced 4 November 1993
Passage in principle 11 November 1993
Passage 2 December 1993
Assented to 2 December 1993**

**Québec Official Publisher
1993**

EXPLANATORY NOTES

This bill amends the Agricultural Products, Marine Products and Food Act in order to provide that, in exercising his power of discretion in the assessment of the public interest before issuing prescribed permits for industrial and commercial activities in the bio-food sector, the Minister of Agriculture, Fisheries and Food may take socio-economic factors into account, in addition to health and hygiene-related factors, in the case of a permit for an establishment where marine products or fresh water products, or food containing such products are prepared or stored.

The bill also allows the Minister to exercise his discretionary power by changing or imposing conditions or restrictions upon renewing a permit or by restricting the period of validity of a permit.

In addition, except with respect to cases that are pending, the bill validates the decisions of the Minister of Agriculture, Fisheries and Food and the Minister for Agriculture, Fisheries and Food based on an assessment of the public interest in terms of socio-economic factors and concerning permits for the preparation or storing of marine products, and it also allows this discretionary power to be exercised with respect to applications for the issue or renewal of permits pending before either of the above Ministers.

Finally, the bill reviews a number of penalty provisions.

Bill 120

An Act to amend the Agricultural Products, Marine Products and Food Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 10 of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is amended by adding, at the end, the following paragraph:

"For the application of the third paragraph, in addition to factors related to health and hygiene, the Minister may take into account, in the case of a permit prescribed by subparagraphs *e* and *f* of the first paragraph of section 9, factors of a socio-economic nature, including in particular the sources of supply, the rationalization, stabilization or viability of the industry, technological innovations, regional development, marketing conditions or public investment. This paragraph applies also to any permit prescribed by subparagraph *l* of the first paragraph of section 9 where such permit is required for the preparation or storing of food containing marine products or fresh water products."

2. Section 11 of the said Act, amended by section 1 of chapter 21 of the statutes of 1993, is again amended

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

"When renewing a permit the Minister may take into account the public interest factors referred to in the fourth paragraph of section 10 and change any condition or restriction imposed at the time the permit was issued or impose any necessary condition or restriction that he determines. He shall indicate such change, condition or restriction on the permit.";

(2) by inserting the words "taking into account the factors referred to in the fourth paragraph of section 10" after the word "interest" in the second line of the second paragraph.

3. Section 42 of the said Act is amended by replacing paragraphs *a* and *b* by the following: "to a fine of \$250 to \$750 and, for any subsequent contravention, to a fine of \$750 to \$2 250."

4. Sections 43 to 44.1 and section 45 of the said Act, amended by section 452 of chapter 61 of the statutes of 1992, are replaced by the following sections:

"43. Every person who contravenes a provision of a regulation adopted under paragraph *a*, *a.1* or *d* of section 40, concerning the temperature of products, insects, rodents or their excrements, is liable to a fine of \$250 to \$1 500 and, for any subsequent contravention, to a fine of \$1 500 to \$4 500.

"44. Every person who contravenes section 4, any of subparagraphs *i*, *j*, *l.1* and *m* to *o* of the first paragraph of section 9 or a provision of a regulation adopted under paragraph *h* of section 40 relating to any false or misleading indication or any falsification concerning a product, is liable to a fine of \$500 to \$1 500 and, for any subsequent contravention, to a fine of \$1 500 to \$4 500.

"45. Every person who contravenes the conditions or restrictions indicated on his permit in accordance with section 10 or 11 or with any of sections 33.2, 36 and 37, is liable to a fine of \$1 000 to \$3 000 and, for any subsequent contravention, to a fine of \$3 000 to \$9 000.

"45.1 Every person who contravenes a provision of section 3 with regard to a product unfit for human consumption or deteriorated so that it is unfit for human consumption, either of sections 3.1 and 5, any of subparagraphs *b* to *h*, *k*, *l* and *p* of the first paragraph of section 9, the operating hours fixed in accordance with section 34, a provision of a regulation adopted under paragraph *k* of section 40 and concerning the requirement to record the time of permanent inspection or an order made under section 40.2, is liable to a fine of \$2 000 to \$6 000 and, for any subsequent contravention, to a fine of \$6 000 to \$18 000.

"45.2 Every person who contravenes subparagraph *a* of the first paragraph of section 9, an order made under either of sections 33.10 and 33.11 or a provision of a regulation adopted under section 6 or 7 or under paragraph *a.1*, *c*, *c.1*, *f*, *g* or *j* of section 40, respecting

the stamping or origin of products, the inscription of production lot numbers on packages, meat unfit for human consumption or fishery products unfit for human consumption, is liable to a fine of \$5 000 to \$15 000 and, for any subsequent contravention, to a fine of \$15 000 to \$45 000."

5. Section 46 of the said Act is amended by replacing the words and figures "in sections 44 and 47" in the twelfth line by the words and figures "for in section 44, 45, 45.1 or 45.2".

6. Sections 47 to 49 of the said Act are repealed.

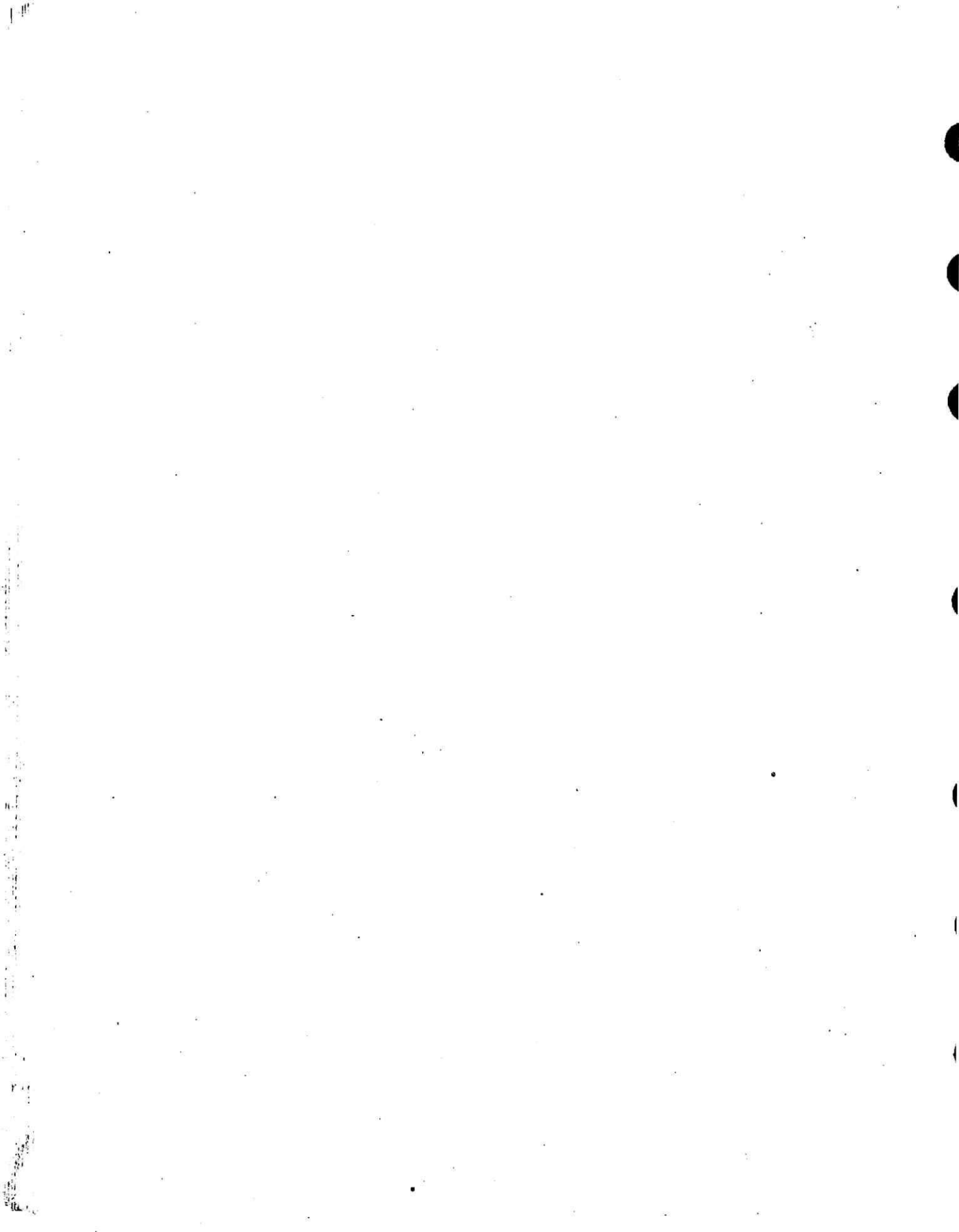
7. In the case of permits prescribed by subparagraph *e* of the first paragraph of section 9 of the Agricultural Products, Marine Products and Food Act, permits issued and renewed by the Minister of Agriculture, Fisheries and Food or the Minister for Agriculture, Fisheries and Food before 2 December 1993 are validated to the extent that their issue or renewal results from an assessment of the public interest in terms of socio-economic factors made by either Minister under the third paragraph of section 10 of the said Act.

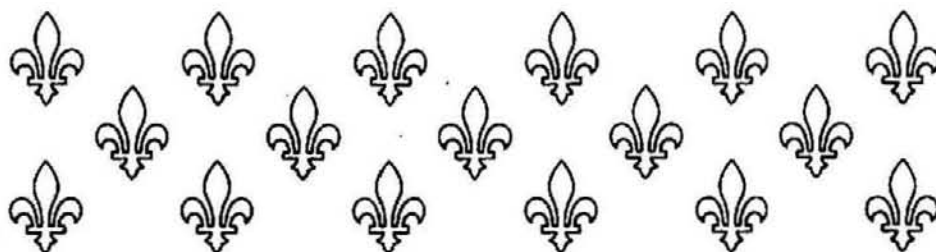
Decisions refusing to issue permits made by either Minister before 2 December 1993 concerning a permit referred to in the first paragraph and resulting from an assessment under that paragraph are also validated.

The second paragraph does not apply to a decision refusing to issue a permit that has been quashed by a court or which is pending before a court on 2 December 1993.

8. The Agricultural Products, Marine Products and Food Act as amended by this Act applies to all applications for issue or renewal of permits pending before the Minister of Agriculture, Fisheries and Food or the Minister for Agriculture, Fisheries and Food on 2 December 1993 and regarding which, as of that date, no decision has been made by the Minister of Agriculture, Fisheries and Food or the Minister for Agriculture, Fisheries and Food.

9. This Act comes into force on 2 December 1993.





NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 129
(1993, chapter 62)

An Act to amend the Act respecting municipal courts

Introduced 11 November 1993
Passage in principle 1 December 1993
Passage 13 December 1993
Assented to 14 December 1993

**Québec Official Publisher
1993**

EXPLANATORY NOTES

This bill amends the Act respecting municipal courts, principally to streamline the procedure for establishing municipal courts when a common court shared by several municipalities or a regional county municipal court is established. A mechanism is introduced to accelerate the processing of applications within the jurisdiction of municipal courts upon an amalgamation of municipal territories.

In addition, the bill removes the obligation for a municipality to establish that no cases are pending when it voluntarily abolishes a municipal court or withdraws its territory from the jurisdiction of a municipal court. The obligation is replaced with provisions which preserve the remedies applied for before the voluntary or forced abolition of a municipal court, while ensuring the execution of previously rendered judgments.

Lastly, the bill makes various amendments of a technical nature to the Act.

Bill 129

An Act to amend the Act respecting municipal courts

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 8 of the Act respecting municipal courts (R.S.Q., chapter C-72.01) is amended by inserting the words "or which intends to abolish the municipal court it has established or to withdraw its territory from the jurisdiction of such a court" after the word "court" in the third line of the first paragraph.

2. Section 9 of the said Act is amended by adding, at the end, the following paragraphs:

"Where only one of the local municipalities which adopt such a by-law has established a local municipal court to serve its territory, the agreement may provide that the court becomes the common municipal court, on the conditions which are provided therein.

Where local municipalities which adopt such a by-law have established a common municipal court which does not exercise its jurisdiction over the territory of any other municipality, the agreement may provide for the transfer of the administration of the common municipal court to the regional county municipality, on the conditions provided in the agreement.

In the cases described in the second and third paragraphs, the clerk and, where applicable, the deputy clerk and the replacement clerk appointed in the chief-place of the municipal court established prior to the agreement become, without any other formality, clerk, deputy clerk and replacement clerk, respectively, in the chief-place of the common municipal court the administration of which is under the jurisdiction of the regional county municipality."

3. Section 11 of the said Act is amended by replacing the words "it establishes" in the last line by the word "established".

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

“11.1 A local municipality may enter into any agreement provided for in this Act with a regional county municipality whose territory is contiguous to that of the regional county municipality in which it is situated if such local municipality cannot, in given circumstances,

(1) establish a local municipal court;

(2) enter into an agreement to establish a common municipal court with a local municipality whose territory is situated in the territory of the same regional county municipality or the same urban community or with the regional county municipality;

(3) join in an existing agreement.

Such an agreement may also be entered into with a local municipality situated in the territory of another contiguous regional county municipality or in a contiguous urban community.

The municipality concerned may also join in an existing agreement.

The provisions of this section do not apply if the other prescriptions contained in this Act are not complied with.”

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

“DIVISION II.1

“APPLICATIONS RELATING TO MUNICIPAL COURTS IN THE EVENT OF THE
AMALGAMATION OR ANNEXATION OF MUNICIPAL TERRITORIES

“18.1 The Minister of Municipal Affairs shall give notice to the Minister of Justice of every joint application for the amalgamation of municipal territories and every annexation by-law received by him.

“18.2 From the coming into force of the order made pursuant to section 108 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9)

(1) the local municipal court which, at the time the joint application for the amalgamation of municipal territories is filed under section 85 of the said Act, has jurisdiction over the territory of only one of the municipalities party to the joint application for amalgamation; or

(2) the common municipal court which, at the time the joint application for the amalgamation of municipal territories is filed under section 85 of the said Act, has jurisdiction over the territory of at least two of the municipalities party to the joint application for amalgamation, provided that that municipal court does not have jurisdiction over the territory of a municipality which is not party to the joint application for amalgamation;

shall become, without any other formality, the municipal court of the municipality resulting from the amalgamation of municipal territories.

This section applies provided that only one local or common municipal court, as the case may be, has been established at the time the joint application for amalgamation of municipal territories is filed.

The Minister of Justice shall inform the public thereof by means of the *Gazette officielle du Québec* or any other means he considers appropriate.

“18.3 In any case other than those described in section 18.2, where one or several municipal courts have jurisdiction over the territory of one or several municipalities party to a joint application for the amalgamation of municipal territories filed under section 85 of the Act respecting municipal territorial organization, the application must include, in accordance with the prescriptions of this Act, provisions relating to such municipal courts.

Where, pursuant to the application, a municipal court, established by one of the municipalities party to the application, is to have jurisdiction over the territory of the municipality resulting from the amalgamation, the said application must be accompanied, in particular, with an agreement providing for the extension of the jurisdiction of that municipal court over the territory of the municipality resulting from the amalgamation.

The clerk or the secretary-treasurer of the applicant municipality with the largest population shall, when forwarding the joint application for the amalgamation of municipal territories to the Minister of Municipal Affairs, send a copy of it to the Minister of Justice accompanied, where applicable, with any by-law or any agreement required by this Act.

No order relating to the municipal court may be made nor come into force before the order made pursuant to section 108 of the Act respecting municipal territorial organization.”

6. The English text of section 55 of the said Act is amended by replacing the words "at least" in the sixth line of the first paragraph and in the second line of the second paragraph by the words "less than".

7. Section 102 of the said Act is amended by replacing the words "of which he had been seized" in the second line by the words "entered on one of the rolls of the court".

8. Section 103 of the said Act is amended by replacing the words "and of which the judge has not been seized" in the fourth and fifth lines of the first paragraph by the words "which have not been entered on one of the rolls of the court before the order took effect".

9. Section 111 of the said Act is amended by striking out subparagraph 2 of the first paragraph.

10. Sections 116 and 117 of the said Act are repealed.

11. The said Act is amended by inserting, before the heading of Chapter VIII, the following headings and sections:

"DIVISION IV

"EFFECTS OF ABOLITION

"117.1 Notwithstanding, where applicable, section 39, the judge of the court retains his jurisdiction to hear and dispose of cases entered on one of the rolls of the court before the date on which the abolition of the municipal court or the withdrawal of the territory of a municipality from the jurisdiction of a municipal court became effective; he shall sit for that purpose at the place indicated in the order.

"117.2 In the month following the date on which the order for abolition or withdrawal becomes effective the clerk of the court is required to transfer all the records relating to the cases pending in the territory served by the court or, as the case may be, in the territory withdrawn from the jurisdiction of the court which had not been entered on one of the rolls of the court before the date on which the abolition or withdrawal became effective, to the offices of the courts of competent jurisdiction.

However, where a municipal court is established following the abolition of a municipal court or the withdrawal of the territory of a

municipality from the jurisdiction of a municipal court, the clerk is required to transfer to the office of the municipal court so established, in the month following the date on which the order to establish the municipal court became effective, the records relating to the cases pending in the territory served by the abolished court or in the territory withdrawn from the jurisdiction of the court which had not been entered on one of the rolls of the court before the abolition or withdrawal became effective.

The clerk shall notify the parties thereof.

“117.3 Execution of the judgments rendered in accordance with the Code of Penal Procedure by the judge of the municipal court before the date on which the abolition of the municipal court or the withdrawal of the territory of a municipality from the jurisdiction of a municipal court became effective, is effected or, as the case may be, continued

(1) from the date on which the order for abolition becomes effective, by the collector designated for the judicial district in which the municipality is situated, where the municipal court is abolished;

(2) from the date on which the order for withdrawal becomes effective, by the collector designated for the judicial district in which the municipality is situated or by the collector designated for the competent municipal court before the date on which the order for withdrawal became effective, where the territory of a municipality is withdrawn from the jurisdiction of the court;

(3) from the date on which the order to establish a municipal court becomes effective, by the collector designated for the competent municipal court after the date on which the order for establishment became effective, where the municipal court is established following the abolition of the court or the withdrawal of the territory from the jurisdiction of the court.

The powers conferred on a judge under Chapter XIII of the said Code for the execution of the judgments shall be, from the date on which the order becomes effective, exercised, as the case may be, by a judge having competent jurisdiction.

“117.4 The forced execution of the judgments rendered in accordance with the provisions of the Code of Civil Procedure by the judge of the municipal court prior to the date on which the order for abolition or withdrawal becomes effective, is effected or, as the case may be, continued,

(1) from the date on which the order for abolition becomes effective, before the court having jurisdiction in the judicial district in which the municipality is situated, where the municipal court is abolished;

(2) from the date on which the order for withdrawal becomes effective, either before the court having jurisdiction in the judicial district in which the municipality is situated or before the municipal court having jurisdiction prior to the date on which the order for withdrawal became effective, where the territory of a municipality is withdrawn from the jurisdiction of the court;

(3) from the date on which the order for the establishment of a municipal court becomes effective, before the municipal court having jurisdiction from the date on which the order for establishment became effective, where a municipal court is established following the abolition of the court or the withdrawal of the territory from the jurisdiction of the court.

117.5 During the period required for the implementation of the provisions of this division,

(1) any regulations concerning costs that the Government may make under section 77 or under the Code of Penal Procedure shall continue, where applicable, to apply, notwithstanding the abolition of a municipal court or the withdrawal of the territory of a municipality from the jurisdiction of a municipal court;

(2) the clerk and, as the case may be, the replacement clerk shall continue to carry out the duties assigned to them by this Act, notwithstanding the abolition of a court, where that is the case;

(3) the municipalities shall continue to pay the cost incurred for maintaining the court and its office and for the remuneration, conditions of employment and fringe benefits of the judge and the necessary court staff."

12. Section 206 of the said Act is repealed.

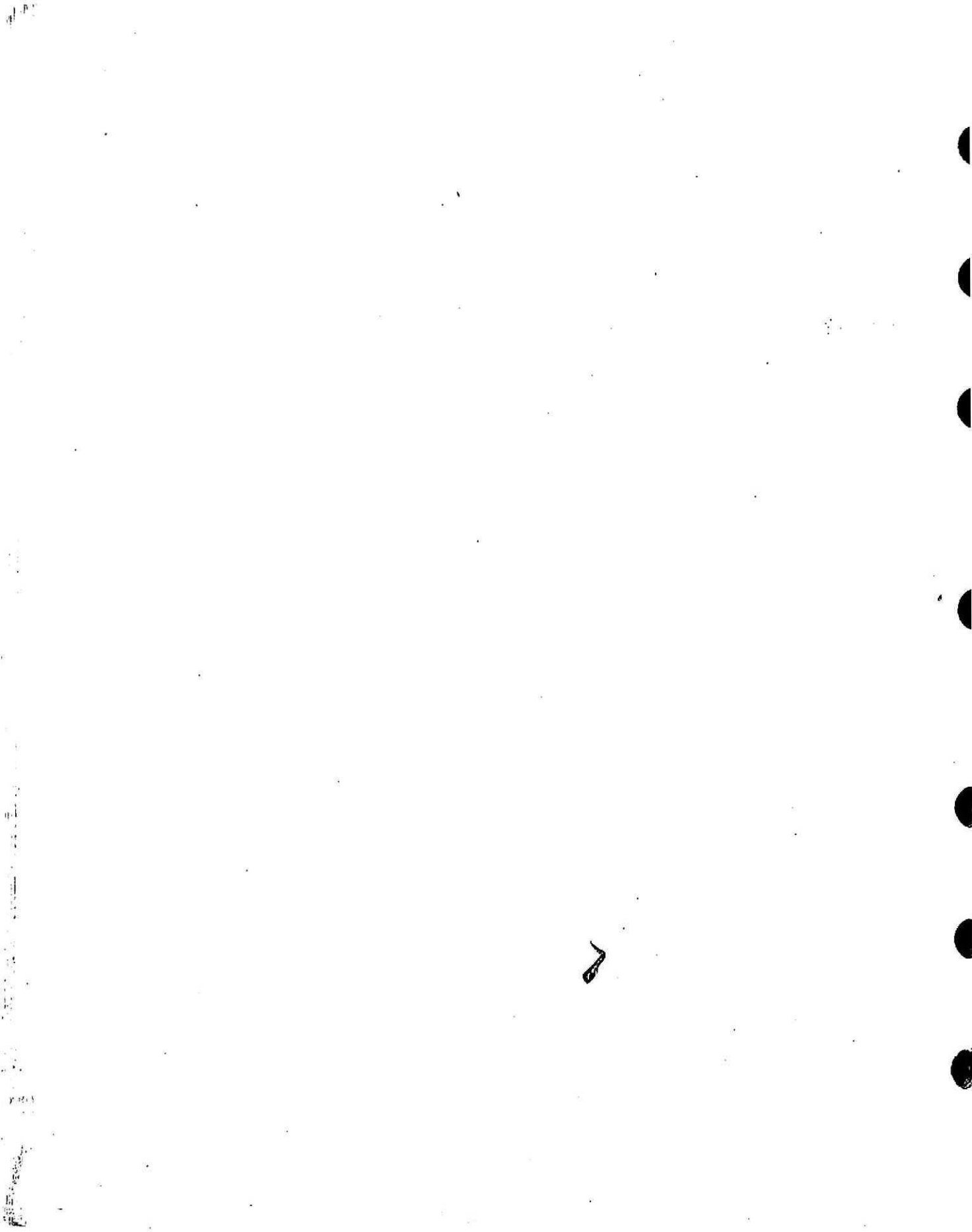
13. Section 208 of the said Act is amended by striking out the second paragraph.

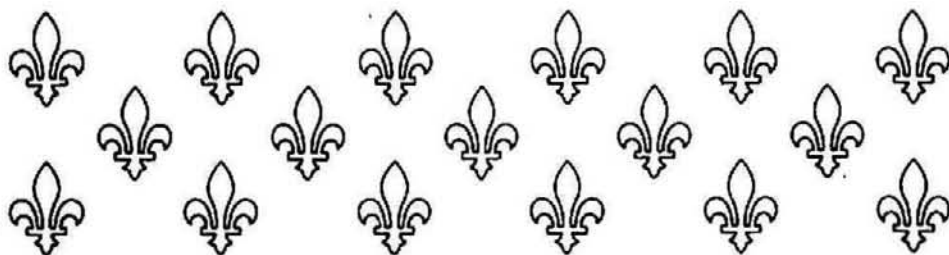
14. Any condition of an agreement for the establishment of a common municipal court, entered into before 14 December 1993, according to which a municipality must establish, in the event it intends to abolish the common municipal court or withdraw its

territory from the jurisdiction of a common municipal court, that no cases are pending in respect of its territory, is deemed never to have been written.

15. Notwithstanding section 13, applications for the withdrawal of the territory of a municipality from the jurisdiction of a municipal court made pursuant to the second paragraph of section 208 of the Act respecting municipal courts and received by the Minister of Justice before 14 December 1993 remain subject to the rules in force on 31 March 1991.

16. This Act comes into force on 14 December 1993.





NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 136
(1993, chapter 58)

An Act to amend the Act respecting health services and social services

Introduced 11 November 1993
Passage in principle 1 December 1993
Passage 6 December 1993
Assented to 13 December 1993

**Québec Official Publisher
1993**

EXPLANATORY NOTES

The aim of this bill is to make the Act respecting health services and social services applicable to the territory served by the Kativik regional health and social services council and presently governed by the Act respecting health services and social services for Cree and Inuit Native persons.

However, to reflect this territory's cultural and geographical characteristics, the bill introduces a number of changes, particularly as concerns the procedure for examining user complaints, the composition of the board of directors of institutions and of the regional board, compensation for loss of income incurred by members when attending meetings of the board of directors and the possibility for such members to participate in the meetings by telephone.

Under the bill, the Centre de référence des directeurs généraux et des cadres will not need to attest to the qualification of executive directors of institutions or of the regional board. In addition, the bill provides that, for the territory, there will be no regional meeting or regional medical board.

Finally, the bill contains a number of transitional provisions to allow for the establishment of the first boards of directors of institutions and of the regional board, and provides that the latter will succeed the Kativik regional health and social services council.

Bill 136

An Act to amend the Act respecting health services and social services

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

1. The Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by inserting, after section 530, the following:

"PART IV.1

"SPECIAL PROVISIONS APPLICABLE TO THE TERRITORY
CONTEMPLATED BY THE ACT RESPECTING NORTHERN
VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

"TITLE I

"GENERAL PROVISIONS

"CHAPTER I

"SCOPE

"530.1 This Part applies to every institution whose head office is situated in the territory defined in section 2 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) and to the regional board established for that territory pursuant to section 530.25.

“530.2 The provisions of this Act apply to the institutions and regional board contemplated by this Part, subject to the special provisions enacted by this Act.

“530.3 The Government may subdivide the territory contemplated by this Part into sectors.

“CHAPTER II

“USERS’ COMPLAINTS

“DIVISION I

“EXAMINATION BY THE INSTITUTION

“530.4 The application of the complaint examination procedure established pursuant to section 29 may, in the manner set out in the said section, be entrusted to a member of the staff of the institution who is not a senior management officer.

“530.5 In addition to what is provided for in section 31, the complaint examination procedure enables the user to file a complaint with an institution referred to in section 530.1 concerning the services that have or should have been provided to him by an institution whose head office is situated outside the territory contemplated by this Part.

Where such a complaint is filed, the person responsible for the application of the complaint examination procedure who receives the complaint shall transmit it with diligence to the senior management officer in charge of the application of the complaint examination procedure in the institution concerned, who shall then examine the complaint in the manner set out in sections 32 to 41 and communicate with the person responsible who shall inform the user with diligence of the action taken following his complaint.

In addition, where the senior management officer of an institution referred to in the first paragraph receives the complaint directly from a user whose place of residence is situated in the territory contemplated by this Part for services that have or should have been provided to him by the institution, he shall, after informing the person responsible referred to in the second paragraph, examine the complaint in the manner set out in sections 32 to 41 and communicate with that person who shall inform the user with diligence of the action taken following his complaint.

"DIVISION II

"EXAMINATION BY THE REGIONAL BOARD

"530.6 The application of the complaint examination procedure established pursuant to section 43 may, in the manner set out in the said section, be entrusted to a member of the staff of the regional board who is not a senior management officer.

"530.7 Where a user having filed a complaint in writing in either of the situations described in section 530.5 disagrees with the conclusions transmitted to him, he may file a complaint with the person responsible for the application of the complaint examination procedure of the regional board referred to in section 530.25.

Where such a complaint is filed, the person responsible shall, with diligence, transmit the complaint to the senior management officer of the regional board concerned who shall then examine the complaint in the manner set out in sections 44 to 52 and communicate with the person responsible who shall inform the user with diligence of the action taken following his complaint.

In addition, where the senior management officer of the regional board referred to in the second paragraph receives the complaint directly from a user whose place of residence is situated in the territory contemplated by this Part on the grounds set out in the first paragraph, he shall, after informing the person responsible referred to in that paragraph, examine the complaint in the manner set out in sections 44 to 52 and communicate with the person who shall inform the user with diligence of the action taken following his complaint.

"530.8 A person whose place of residence is situated in the territory contemplated by this Part and who is the user of a family-type resource referred to in section 310 or of the services of a community organization referred to in section 334, or who is residing in a nursing home accredited for the purpose of subsidies within the meaning of section 454 may, where the head office of the resource, organization or home is situated outside the territory of his residence, file a complaint concerning the services that have or should have been provided to him by such resource, organization or home with the person responsible for the application of the complaint examination procedure of the regional board established for that territory.

Where such a complaint is filed, the person responsible shall, with diligence, transmit the complaint to the senior management officer of the regional board concerned who shall then examine the complaint in the manner set out in sections 73 to 76 and communicate with the

person responsible who shall inform the complainant with diligence of the action taken following his complaint.

In addition, where the senior management officer of the regional board referred to in the second paragraph receives the complaint directly from a person in relation to either of the situations described in the first paragraph, he shall, after informing the person responsible referred to in that paragraph, examine the complaint in the manner set out in sections 73 to 76 and communicate with the person who shall inform the complainant with diligence of the action taken following his complaint.

"DIVISION III

"EXAMINATION BY THE COMPLAINTS COMMISSIONER

"530.9 Where the complaints commissioner examines the complaint of a person who is a beneficiary under the Agreement concerning James Bay and Northern Québec and whose place of residence is situated in the territory contemplated by this Part, he must be assisted by a person appointed by the Government on the recommendation of the Kativik Regional Government. The latter person must be a beneficiary under the Agreement concerning James Bay and Northern Québec. The Government shall fix his salary or fees and other conditions of employment.

"DIVISION IV

"ASSISTANCE BY AN ORGANIZATION

"530.10 Notwithstanding section 54, the Minister must, after consulting the regional board, the users' committees of the institutions and the interested associations of the territory, give one or several organizations or groups of persons of the territory the mandate to assist and accompany, on request, users wishing to file a complaint pursuant to sections 530.5 to 530.9.

"CHAPTER III

"ORGANIZATION OF INSTITUTIONS

"DIVISION I

"BOARDS OF DIRECTORS

"530.11 A board of directors shall be established to administer each institution having its head office in the territory contemplated by this Part.

“530.12 The Minister may permit that a child and youth protection centre be operated by each institution.

“DIVISION II

“COMPOSITION OF THE BOARDS OF DIRECTORS

“530.13 Each board of directors shall be composed of the following persons, who shall be members of the board as and when they are elected or appointed:

(1) one person elected by an assembly of the inhabitants of each northern village municipality whose territory is included in a sector referred to in section 530.3 and in which the head office of the institution is situated;

(2) four persons elected by and from among the persons employed by the institution or practising their professions in any centre operated by the institution, provided, however, the position titles of the elected persons are different and, where applicable, those persons are members of different professional corporations;

(3) one person elected by the members of the users' committee of the institution;

(4) two persons appointed by the members referred to in paragraphs 1 to 3, one chosen after consultation with bodies representing the community sector and the other after consultation with bodies representing the education sector;

(5) the executive director of the institution.

“530.14 The Minister shall determine, by regulation, the procedure for electing the persons referred to in paragraph 1 of section 530.13. The regional board shall, by by-law, determine the procedure for electing the persons referred to in paragraphs 2 and 3 of section 530.13. The regulation and the by-law must provide that the elections will take place every three years, in October.

Once all the members referred to in paragraphs 1 to 3 of section 530.13 have been elected, the elected members must, within the following thirty days, appoint the members referred to in paragraph 4 of section 530.13.

“530.15 Should the election or appointment of a member under section 530.13 not take place, the regional board shall appoint the member not later than 31 December in the year in which the election or appointment was to take place.

“530.16 Any interested person may apply to the Commission des affaires sociales to contest or demand the annulment of any election held pursuant to section 530.13.

The second, third and fourth paragraphs of section 148 apply to an application made under the first paragraph.

“530.17 A person employed by an institution referred to in section 530.1 or practising his profession in a centre operated by the institution may be elected as a member of the board of directors of the institution only in that capacity. The person may, in other capacities, be elected or appointed member of the board of directors of any other institution.

“530.18 Any vacancy occurring after the election or appointment of a member of the board of directors shall be brought to the attention of the regional board and filled in the manner set out in section 156, the reference to sections 129 to 132 in subparagraph 1 of the first paragraph being replaced, however, by a reference to section 530.13.

“DIVISION III

“OPERATION OF THE BOARDS OF DIRECTORS

“530.19 In addition to what is provided for in section 164, the members of a board of directors may, in case of emergency and if two-thirds of the members agree, participate in a sitting of the board by using any means enabling all participants to communicate with each other orally, in particular, by telephone. In such a case, they are deemed to have attended the sitting.

“530.20 The members of a board of directors shall be compensated, in accordance with the by-law passed by the board, for any loss of income resulting from their attending the sittings of the board. They are also entitled to be reimbursed, in accordance with that by-law, for expenses incurred in the performance of their duties.

The by-law must take into account the conditions prevailing in the territory contemplated by this Part as well as the following conditions:

(1) the sittings of the board of directors must be held, so far as possible, on dates fixed so as to avoid interference with the remunerated working hours of the members and to enable them to use convenient and economical means of transportation;

(2) if, despite the provisions of subparagraph 1, a member sustains a loss of income, the board of directors may, on request, compensate him therefor provided the following three conditions are met:

(a) that the territory where the sitting is held is not the territory of the municipality represented by the member pursuant to paragraph 1 of section 530.13 or that of the municipality in which he normally resides;

(b) the member is self-employed or works in conditions which prevent him from receiving a remuneration while absent to attend such sittings;

(c) the loss of income is certain and not merely probable.

The by-law must be submitted to the Minister for approval.

530.21 The board of directors of an institution shall meet at least five times a year.

"DIVISION IV

"EXECUTIVE DIRECTOR

530.22 The second and third paragraphs of section 193 do not apply to the executive director of an institution.

"DIVISION V

"COUNCILS

530.23 The council of nurses established for an institution pursuant to section 219 is not required to establish the nursing assistants committee referred to in section 223.

530.24 The multidisciplinary council established for each institution pursuant to section 226 shall be composed of all the persons who perform duties for the institution which are directly related to health services, social services, research or teaching.

However, physicians, dentists or pharmacists shall not be members of the multidisciplinary council, nor shall nurses where a council of nurses has been established for the institution.

“CHAPTER IV

“REGIONAL BOARD

“DIVISION I

“ESTABLISHMENT OF THE REGIONAL BOARD

“530.25 The Government shall establish a regional board for the territory contemplated by this Part.

“530.26 Sections 418 to 430 respecting the regional assembly do not apply and the references to such an assembly in subparagraph 2 of the second paragraph of section 340, in subparagraph 2 of the first paragraph of section 343 and in the first paragraph of sections 346 and 347 do not apply.

Sections 367 to 370 respecting the regional medical commission do not apply and the references to such a commission in subparagraph 3 of the second paragraph of section 340, in section 359 and in the first paragraph of section 361 do not apply.

“DIVISION II

“OPERATION

“530.27 The regional board shall, once a year, hold a public information meeting to which the population shall be invited and at which every institution convened by the regional board shall answer questions it raises regarding its management.

At the meeting, the board shall also present to the population its regional priorities in the field of health services and social services as well as its annual report of activities.

“530.28 In addition to what is provided for in section 411, the members of the board of directors may, in case of emergency and if two-thirds of the members agree, participate in a sitting of the board by using any means enabling all participants to communicate with each other orally, in particular, by telephone. In such a case, they are deemed to have attended the sitting.

“530.29 Section 530.20 applies to the members of the board of directors of a regional board.

"DIVISION III

"BOARD OF DIRECTORS

"530.30 The board of directors of the regional board shall be composed of the following persons as and when they are appointed:

(1) one representative appointed by each Northern village municipality included in the territory referred to in section 530.1;

(2) the executive director of each institution and another person appointed by the members of the board of directors of each institution, chosen from among the persons referred to in paragraph 1 of section 530.13;

(3) a regional councillor appointed by the board of directors of the Kativik Regional Government;

(4) the executive director of the regional board.

"530.31 The Minister shall, by regulation, determine the procedure for appointing the members referred to in paragraphs 1 to 3 of section 530.30. The regulation must provide that appointments will take place every three years, in November.

"DIVISION IV

"EXECUTIVE DIRECTOR

"530.32 The second and third paragraphs of section 414 do not apply to the executive director of the regional board.

"TITLE II

"CONTINUANCE OF LEGAL PERSONS

"CHAPTER I

"INSTITUTIONS

"530.33 Every establishment that constitutes a legal person pursuant to the Act respecting health services and social services for Cree and Inuit Native persons (R.S.Q., chapter S-5) and whose head office is situated in the territory contemplated by this Part is continued and is deemed, from *(insert here the date of coming into force of this section)*, to be an institution constituting a legal person under this Act.

The rights, obligations and acts of such an institution are not affected by the continuance. They remain in force and retain their effects to the extent that they are consistent with this Act.

“530.34 If a continued institution operated a hospital centre belonging to the class of short-term care centres, it is deemed to have as its object, from the date of continuance, the carrying on of activities inherent in the mission of a hospital belonging to one of the classes listed in section 85 and determined by the Minister.

“530.35 If a continued institution operated a hospital centre belonging to the class of long-term care centres, it is deemed to have as its object, from the date of continuance, the carrying on of activities inherent in the mission of a residential and long-term care centre.

“530.36 If a continued institution operated a reception centre belonging to the class of reception and rehabilitation centres, it is deemed to have as its object, from the date of continuance, the carrying on of activities inherent in the mission of a rehabilitation centre belonging to one or several of the classes listed in section 86 and determined by the Minister.

“530.37 If a continued institution operated a social service centre, it is deemed to have as its object, from the date of continuance, the carrying on of activities inherent in the mission of a child and youth protection centre.

“530.38 In order to effect the modifications consequent upon the application of sections 530.34 to 530.37, supplementary letters patent shall be issued in accordance with section 322.

“530.39 From the coming into force of sections 530.33 to 530.37, the institutions referred to in section 530.33 shall cease to be administered by the boards of directors established under the Act respecting health services and social services for Cree and Inuit Native persons and begin to be administered by the first boards of directors formed under section 3 of the Act to amend the Act respecting health services and social services (1993, chapter 58).

“CHAPTER II

“REGIONAL BOARD

“530.40 The regional board, together with the Kativik Regional Government, shall establish a plan for the transfer and integration of the officers of the Kativik Regional Government assigned to the functions which devolve upon the regional board, in

conformity with the conditions and procedure determined by the Minister. The plan shall be submitted to the Minister for approval.

“530.41 The Minister shall ensure that the regional board receives the information and assistance necessary for the implementation and execution of the plan referred to in section 530.40.

The Minister shall rule on any dispute between the regional board and the Kativik Regional Government, except disputes relating to the transfer and integration of employees who are members of a certified association within the meaning of the Labour Code or of employees for whom a government regulation already provides for a specific recourse.

“530.42 The health and social services council established for the territory contemplated by this Part under the Act respecting health services and social services for Cree and Inuit Native persons, in existence on (*insert here the date of the day preceding the date of coming into force of this section*), ceases to exist in that territory from (*insert here the date of coming into force of this section*). From the latter date, the rights and obligations of the health and social services council shall become, without other formality, the rights and obligations of the regional board which shall carry out all the functions devolved on it by this Act.

On the same date, the officers of the Kativik Regional Government who were assigned to the functions devolved upon the regional board shall become members of the personnel of the regional board, in conformity with the transfer and integration plan established for that purpose, subject, as regards employees within the meaning of the Labour Code and the certified associations representing them, to the provisions of that Code.”

2. Section 620 of the said Act is amended by striking out the words “and the territory of the Kativik health and social services council” in the third and fourth lines.

CHAPTER II

TRANSITIONAL PROVISIONS

DIVISION I

ESTABLISHMENT OF THE FIRST BOARDS OF DIRECTORS OF PUBLIC INSTITUTIONS

3. The first boards of directors of the institutions referred to in section 530.1 of the Act respecting health services and social services

shall be formed in accordance with the provisions of the Act respecting health services and social services, subject to the special provisions of this division.

The Minister is responsible for taking the necessary steps to ensure that those boards are formed as soon as possible after the establishment of the regional board pursuant to section 530.25 of the Act respecting health services and social services.

4. The election procedure for electing the persons referred to in paragraphs 2 and 3 of section 530.13 of the Act respecting health services and social services shall be determined by regulation of the Minister. The Minister may, in the regulation, entrust the health and social services council referred to in section 530.42 of the Act respecting health services and social services with the functions related to the election procedure that would normally be exercised by the regional board referred to in section 3.

A regulation made under this section is not subject to sections 8 and 17 of the Regulations Act as regards its publication and date of coming into force. The same applies to the first regulation made by the Minister under the first paragraph of section 530.14 of the Act respecting health services and social services.

5. The Minister shall determine on what day of what month the elections referred to in section 4 must take place.

6. The Minister shall appoint a person considered to be the person elected by the users' committee pursuant to paragraph 3 of section 530.13 of the Act respecting health services and social services. Such appointment must take place on or before the date determined by the Minister under section 4.

7. The Minister shall exercise the power of appointment conferred on the regional board in the cases described in section 530.15 of the Act respecting health services and social services.

8. The term of office of the members of the first boards of directors is extended, notwithstanding section 149 of the Act respecting health services and social services, to the month of October of the year following the year of the second anniversary of the forming of the boards of directors.

9. Any interested person may apply to the Commission des affaires sociales to contest or demand the annulment of any election held pursuant to this division.

The Commission has exclusive jurisdiction over the hearing of such an application.

An application filed under this section to contest or demand the annulment of an election is deemed to be an application filed under paragraph *f* of section 21 of the Act respecting the Commission des affaires sociales.

The second, third and fourth paragraphs of section 148 of the Act respecting health services and social services apply to an application filed under this section.

DIVISION II

ESTABLISHMENT OF THE FIRST BOARD OF DIRECTORS OF THE REGIONAL BOARD

10. The first board of directors of the regional board referred to in section 3 shall be formed in accordance with the provisions of the Act respecting health services and social services, subject to the special provisions of this division.

The Minister is responsible for taking the necessary steps to ensure that the board is formed as soon as possible after the establishment of the regional board.

11. The first regulation made by the Minister under section 530.31 of the Act respecting health services and social services is not subject to sections 8 and 17 of the Regulations Act as regards its publication and date of coming into force.

12. The term of office of the members of the first board of directors of the regional board is extended, notwithstanding section 530.31 of the Act respecting health services and social services to the month of November of the year following the year of the second anniversary of the forming of the board of directors.

DIVISION III

EXECUTIVE DIRECTORS

13. The person who, on the date of coming into force of section 530.39 of the Act respecting health services and social services, holds the office of executive director of an institution referred to in section 530.1 of the Act respecting health services and social services continues to hold office until the expiration of his contract.

The person who, on the date of coming into force of section 530.42 of the Act respecting health services and social services, holds the

office of executive director of the health and social services council referred to in the said section 530.42 becomes, on that date, the executive director of the regional board referred to in that section, until the expiration of his contract.

14. The standards prescribed by government regulation made under section 507 of the Act respecting health services and social services to be applied for the selection, appointment, engagement, remuneration and other terms of employment applicable to executive directors apply, adapted as required, where the office of executive director of an institution or of the regional council referred to in section 13 becomes vacant.

DIVISION IV

MISCELLANEOUS PROVISIONS

15. The Government may, by regulation, adopt any other transitional provisions to remedy any omission to ensure the application of this chapter as soon as possible after the establishment of the regional board under section 530.25 of the Act respecting health services and social services.

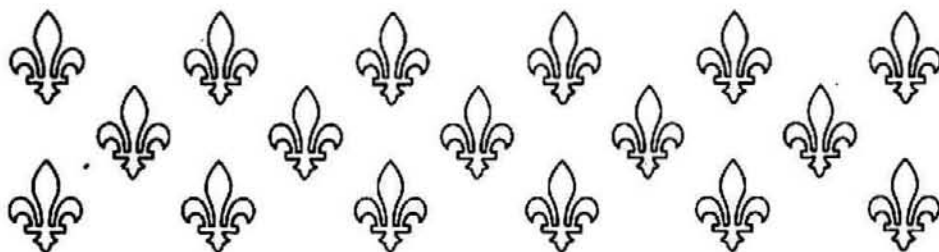
A regulation made under this section is not subject to section 8 of the Regulations Act as regards publication and, notwithstanding section 17 of the said Act, comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein. However, such a regulation may, if it so provides, apply from any date not prior to the date of the establishment of the regional board.

16. The sums required for the carrying out of this chapter shall be determined by the Minister of Health and Social Services and must be taken out of the revenues appearing in the budget of each existing public institution and health and social services council, in the manner determined by the Minister.

CHAPTER III

FINAL PROVISION

17. The provisions of this Act will come into force on the dates fixed by the Government, with the exception of the provisions of sections 530.11 to 530.15, 530.17, 530.19, 530.25, 530.26 and 530.30, enacted by section 1, and the provisions of sections 2 to 16, which will come into force on 13 December 1993.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 142
(1993, chapter 61)

**An Act to amend the Act respecting
labour relations, vocational training
and manpower management in the
construction industry and other
legislative provisions**

**Introduced 11 November 1993
Passage in principle 30 November 1993
Passage 14 December 1993
Assented to 14 December 1993**

**Québec Official Publisher
1993**

EXPLANATORY NOTES

The object of this bill is to establish a new process for negotiations in the construction industry.

The bill divides the industry into four sectors so as to allow the determination of the collective agreement applicable to construction work in a particular sector. In that regard, it provides for the making of sector-based collective agreements that will include a number of common provisions and provides for the expiry of those agreements on a set date every three years.

Moreover, the bill identifies the parties authorized to negotiate the collective agreements and provides that the Association of Building Contractors of Québec will receive its mandates to that effect from the sector-based employers' associations identified in the bill.

Under the bill, a mechanism is established for the ratification of agreements and strike or lock-out votes based on the representativeness of union and employers' associations, which ratification will extend, by operation of law, the application of the clauses of the agreements to all the employees in one sector or to the employees of all the sectors, depending on the matters covered by the clauses. The bill also prescribes mandatory mediation before any strike may be called or any lock-out imposed in a sector.

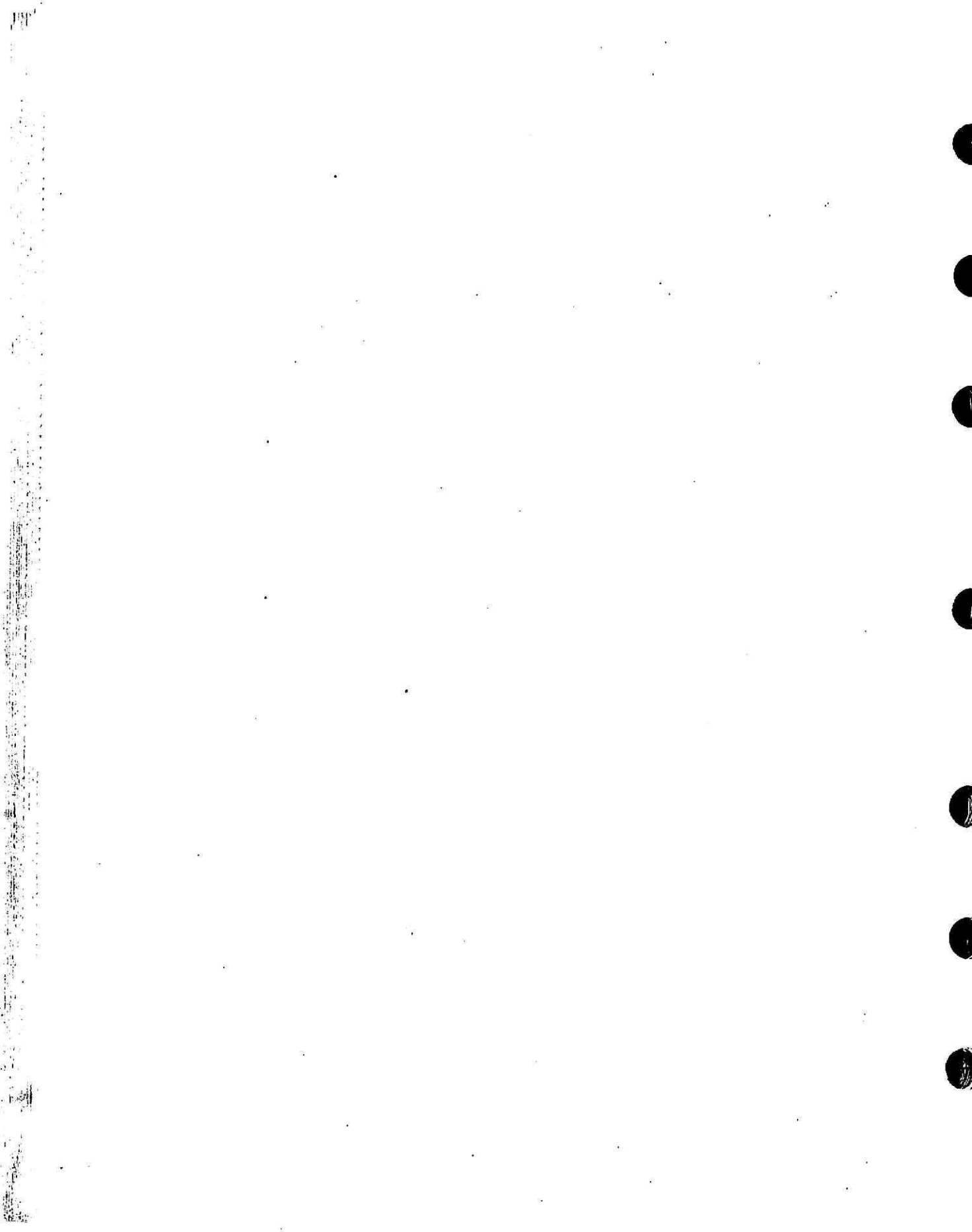
In another connection, the bill modifies the scope of the Act by excluding certain construction work in the residential sector and by including the installation, repair and maintenance of production machinery, except where the work is carried out by permanent employees of the user or the manufacturer or by the habitual employees of a person who is charged with that work by the manufacturer.

Furthermore, the bill does away with the obligation of having a place of business in Québec as a requirement for obtaining a contractor's licence.

Finally, the bill contains provisions of a technical nature or for concordance as well as transitional and final provisions, pertaining in particular to the mobility of workers and the maintenance, in respect of the employees performing work excluded from the application of the Act in the residential sector, of participation in the supplementary fringe benefits plans in force.

ACTS AMENDED BY THIS BILL:

- Building Act (R.S.Q., chapter B-1.1);
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);
- Act to establish the Office de la construction du Québec and to again amend the Construction Industry Labour Relations Act (1975, chapter 51);
- Act to incorporate the Association of Building Contractors of Québec (1976, chapter 72).



Bill 142

An Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and other legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20), amended by section 1 of chapter 42 of the statutes of 1992, is again amended

(1) by inserting, after paragraph c.1, the following paragraph:

“(c.2) “sector-based employers’ association”: for the residential sector, the Association provinciale des constructeurs d’habitations du Québec inc., for the institutional and commercial sector and the industrial sector, the Association de la construction du Québec, and for the civil engineering and roads sector, the Association des constructeurs de routes et grands travaux du Québec;”;

(2) by inserting the words “the installation, repair and maintenance of production machinery, as defined by regulation, except where such work is carried out by permanent employees of the user or of the manufacturer or by habitual employees of a person whose principal activity is the carrying out of such work and who is charged therewith on an exclusive basis by the manufacturer and included” after the word “includes” in the first line of the second paragraph of paragraph f;

(3) by replacing paragraph g by the following paragraph:

“(g) “collective agreement”: an agreement in writing respecting the conditions of employment made for a sector between one or more

representative associations of employees and the employers' association mandated for that purpose by a sector-based employers' association;";

(4) by striking out paragraph *h*;

(5) by replacing paragraph *i* by the following paragraph:

"(i) "dispute": a disagreement respecting the negotiation or renewal of a collective agreement or respecting the revision thereof by the parties pursuant to a clause providing expressly therefor;";

(6) by striking out the words "of a decree, or, failing a decree," in the third line of paragraph *k*;

(7) by striking out all of what follows the figure "62" in paragraph *n*;

(8) by replacing the word "decree" in the second line of paragraph *q* by the words "collective agreement";

(9) by replacing the words "decree or a regulation to carry out a decree" in the second line of paragraph *t* by the words "collective agreement or a regulation for the purpose of giving effect to a clause of a collective agreement";

(10) by adding, after paragraph *u*, the following paragraphs:

"(v) "civil engineering and roads sector": the sector of construction of public or private utility works in the general interest, including installations, equipment and buildings physically attached or not to such works, and in particular the construction of roads, waterworks, sewers, bridges, dams, power lines and gas pipelines;

"(w) "industrial sector": the sector of construction of buildings, including installations and equipment physically attached or not to such buildings, reserved primarily for the carrying on of an economic activity involving the development of mineral resources, the processing of raw materials and the production of goods;

"(x) "institutional and commercial sector": the sector of construction of buildings, including installations and equipment physically attached or not to such buildings, reserved primarily for institutional or commercial purposes as well as any construction that cannot be included in the residential, industrial and civil engineering and roads sectors;

"(y) "residential sector": the sector of construction of buildings, including installations and equipment physically attached or not to

such buildings, more than 75 % of the area of which, excluding parking space, is reserved for residential use.”

2. Section 3.2 of the said Act is amended by striking out the words “the employers’ association and” in the first and second lines of subparagraph 1 of the second paragraph.

3. Section 3.11 of the said Act is amended by replacing the words “employers’ association” in the first line of subparagraph 2 of the first paragraph by the words “sector-based employers’ associations”.

4. Section 4 of the said Act, amended by section 3 of chapter 42 of the statutes of 1992, is again amended

(1) by striking out the words “or the decree adopted” in the first and second lines of paragraph 1;

(2) by replacing the words “placement, hiring and mobility” in the third line of paragraph 2 by the word “hiring”;

(3) by adding the words “or make an agreement with any person to entrust him with a mandate for that purpose” at the end of paragraph 4;

(4) by replacing the words “or a decree adopted” in the third and fourth lines of paragraph 7 by the word “made”;

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

“In the performance of its functions, the Commission shall, at the request of the Minister of Revenue, cooperate in the application of the fiscal laws in the construction industry.”

5. Section 11 of the said Act is amended by replacing the words “may administer” in the third line of the second paragraph by the words “administers or causes to be administered”.

6. Section 16 of the said Act is amended by striking out the words “or of a decree” in the second line of the second paragraph.

7. Section 17 of the said Act is amended

(1) by replacing the words “publication of the decree made by order under section 47” in the third and fourth lines of subsection 8 by the words “filing of the collective agreement as provided for in section 48”;

(2) by replacing the word "decree" in the first line of subsection 13 by the words "collective agreement".

8. Section 18.3 of the said Act is amended by replacing the word "fifteen" in the first line by the word "eleven".

9. Section 18.4 of the said Act, amended by section 4 of chapter 42 of the statutes of 1992, is again amended

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

"Each of the contractors' associations shall designate one member.";

(2) by replacing the word "seven" wherever it appears in the third paragraph by the word "five".

10. Section 18.9 of the said Act is amended

(1) by replacing the word "four" in the first and in the second lines by the word "three";

(2) by striking out the words "the employers' association and" in the first and second lines.

11. Section 19 of the said Act, amended by section 298 of chapter 21 and by section 5 of chapter 42 of the statutes of 1992, is again amended

(1) by adding, after subparagraph 9 of the first paragraph, the following subparagraph:

"(10) construction work on buildings reserved exclusively for residential use, including the installations and equipment physically attached or not to such buildings, where the buildings contain a total of 8 dwellings or less.";

(2) by striking out the words "or a decree" in the fourth line of the sixth paragraph;

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

"A person who carries out construction work as an independent contractor or as the designated representative of an independent contractor must have in his possession an attestation of the contractor's membership in the employers' association."

12. Section 20 of the said Act is amended by inserting the words "define production machinery and" after the word "regulation" in the first line.

13. Section 27 of the said Act is amended by striking out the words "by decree, or, failing a decree," in the second line and the words "or ordinance" in the third line of the first paragraph.

14. Sections 28 and 29 of the said Act are amended by replacing the words "original expiry date of the decree made by order" by the words "expiry date of a collective agreement made".

15. Section 30 of the said Act is amended

(1) by inserting the words "in Québec" after the word "hours" in the first line of subparagraph *b* of the first paragraph;

(2) by inserting the words ", according to the monthly reports sent by the employers" after the word "held" in the third line of subparagraph *b* of the first paragraph;

(3) by striking out subparagraph *c* of the first paragraph;

(4) by replacing the words "original expiry date of the decree made by order" in the second and third lines of the second paragraph and in the first and second lines of the fourth paragraph by the words "expiry date of the collective agreement made".

16. Section 31 of the said Act, amended by section 530 of chapter 61 of the statutes of 1992, is again amended by replacing the words "original expiry date of the decree made by order" in the third and fourth lines of the first paragraph by the words "expiry date of the collective agreement made".

17. Section 32 of the said Act is amended

(1) by replacing the words "original expiry date of the decree made by order" in the first and second lines of the first paragraph by the words "expiry date of a collective agreement made";

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

"Such election shall be made by secret ballot held under the supervision of a representative of the Commission, in the manner prescribed by regulation of the Commission. However, the ballot must be held for a period of not less than three consecutive days which ends on the last Saturday of the month.";

(3) by striking out the fifth paragraph.

18. Section 34 of the said Act is amended

(1) by adding the words "and its degree of sectorial representativeness for negotiation purposes in accordance with section 35.1" at the end of the first paragraph;

(2) by inserting the words "its degree of sectorial representativeness as well as" after the word "and" in the third line of the second paragraph;

(3) by replacing the words "original expiry date of the decree made by order" in the second line of the third paragraph by the words "expiry date of a collective agreement made".

19. The said Act is amended by inserting, after section 35, the following section:

"35.1 The sectorial representativeness of an association of employees for negotiation purposes corresponds to the percentage that the result determined in respect of that association under the second paragraph is of the total of the results so determined in that sector in respect of all the associations whose names were published pursuant to section 29.

The degree of representativeness of each association as determined under section 35 is multiplied by the percentage that the number of hours of work declared for each sector in respect of the employees who made an election respecting that association in accordance with section 32 is of the total number of hours of work declared in the industry as a whole in respect of the employees who made an election in respect of that association.

The number of hours of work is the number of hours declared as having been worked, according to the monthly reports sent to the Commission by employers, during the first twelve of the fifteen complete calendar months preceding the month during which the ballot provided for in section 32 is held."

20. Sections 36 and 37 of the said Act are amended by replacing the words "original expiry date of the decree made by order" by the words "expiry date of the collective agreement made".

21. Section 41 of the said Act is amended

(1) by replacing the first two paragraphs by the following paragraphs:

41. The employers' association is in charge of coordinating negotiations in the construction industry and is the sole agent of the employers for the purposes of negotiating and making collective agreements under this Act.

For those purposes, the employers' association receives its mandates from the sector-based employers' associations.”;

(2) by replacing the words “Similarly, a” in the first line of the third paragraph by the word “A”.

22. Section 42 of the said Act is amended

(1) by adding the words “applicable in the sector” at the end of the first paragraph;

(2) by replacing the words “original expiry date of the decree made by order” in the second line of the second paragraph by the words “expiry date of the collective agreement made”;

(3) by inserting the words “in the sector” after the figure “50 %” in the third line of the fourth paragraph.

23. Section 42.1 of the said Act is amended by striking out the words “to the degree of fifteen per cent or more” in the first and second lines.

24. The said Act is amended by inserting, after section 43.3, the following sections:

43.4 Upon application by a party to the negotiations, the Minister shall appoint a mediator to help the parties settle their dispute.

However, mediation may not begin prior to the sixtieth day preceding the expiry of the collective agreement.

43.5 The mediator has sixty days to bring the parties to an agreement. The Minister may, only once and at the request of the mediator, extend the period of mediation by not more than thirty days.

43.6 The parties must attend any meeting to which the mediator convenes them.

43.7 As soon as an agreement in principle on what could become a collective agreement is reached between the employers'

association and one or more associations whose representativeness is 50 % or more in the sector, the mediator shall record the agreement in principle in a report which he shall give to each of the parties and to the Minister.

If there is no such agreement in principle at the expiry of the mediation period, the mediator shall give to the parties a report in which he shall indicate the matters on which there has been agreement between the associations referred to in the first paragraph as well as each association's position with respect to matters which are still in dispute. The mediator shall send to the Minister a copy of the report together with his comments and, ten days later, shall make the report public."

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

"44. In order to be considered as the collective agreement applicable in a sector, an agreement respecting the conditions of employment other than those pertaining to the matters listed in section 61.1 must be made by one or more associations whose representativeness is more than 50 % in that sector and by the employers' association entrusted with a mandate for that purpose by the sector-based employers' association.

As regards the matters listed in section 61.1, the clauses of an agreement made in accordance with the third paragraph or, failing such an agreement, the clauses respecting such matters contained in the last collective agreement applicable in the sector also form part of such a collective agreement. In the latter case, the clauses form part of the new collective agreement until they are renewed or revised in accordance with the law.

In order to form part of the collective agreement applicable in a sector and to have effect therein, an agreement respecting the conditions of employment pertaining to one or several matters listed in section 61.1 must be made by one or more associations whose representativeness is more than 50 % in the sector and by the employers' association entrusted with a mandate for that purpose by one or more sector-based employers' associations whose representativeness is more than 50 %.

An agreement referred to in the second paragraph may be made even in the absence of an agreement as to the conditions of employment specific to a sector, in which case section 48 applies as though it were an amendment to the collective agreement. The filing

may be effected by the employers' association or by a representative association having made the agreement."

26. The said Act is amended by inserting, after section 44, the following sections:

"44.1 A representative association may make a sector-based agreement referred to in the first paragraph of section 44 if it is authorized thereto by the majority of its members exercising their right to vote in a secret ballot.

The sector-based employers' association may entrust the employers' association with a mandate to negotiate such an agreement if it is authorized thereto in a secret ballot that it must hold for the members of the employers' association who, in the monthly reports sent by them to the Commission in the first twelve of the fifteen complete calendar months preceding the month in which the ballot is held, declared hours as having been worked in the sector. It has received authorization if, in the ballot, the employers favourable to the agreement declared, in that twelve-month period, more than 50 % of the hours declared as having been worked in the sector by all employers having sent monthly reports to the Commission in that twelve-month period.

"44.2 A representative association may make an agreement referred to in the second paragraph of section 44 if it is authorized thereto by the majority of its members exercising their right to vote in a secret ballot.

The sector-based employers' association may entrust the employers' association with a mandate to negotiate such an agreement if it is authorized thereto in a secret ballot that it must hold for the members of the employers' association who, in the monthly reports sent by them to the Commission in the first twelve of the fifteen complete calendar months preceding the month in which the ballot is held, declared hours as having been worked in the sector. It has received authorization if, in the ballot, the employers favourable to the agreement declared, in that twelve-month period, more than 50 % of the hours declared as having been worked in the sector by all employers having sent monthly reports to the Commission in that twelve-month period.

Where a representative association or a sector-based employers' association holds a single ballot in respect of an agreement made under this section and an agreement made under section 44.1, it must hold a separate vote for each of the two agreements.

“44.3 During the ninth month preceding the expiry of the collective agreements, the Commission shall ascertain the representativeness of each sector-based employers' association for the purposes of the making of an agreement or an application for arbitration respecting one or several matters listed in section 61.1 and shall issue to each association a certificate establishing its representativeness.

The certificate takes effect on the first day of the eighth month preceding the date of the expiry of the collective agreements.

The representativeness of a sector-based employers' association is the percentage that the number of hours declared by the employers as having been worked in its sector is of the total number of hours declared by the employers as having been worked in the industry as a whole, according to the monthly reports sent by them to the Commission during the complete calendar year preceding the date of expiry of the collective agreements.”

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

“45. A dispute may be referred to an arbitrator on the joint application of the parties.

If the dispute concerns one or several matters listed in section 61.1, the application must be made by one or more associations whose representativeness is 50 % or more in the sector and by the employers' association entrusted with a mandate for that purpose by one or more sector-based employers' associations whose representativeness is 50 % or more. If the dispute concerns other matters, the application must be made by one or more associations whose representativeness is 50 % or more in the sector concerned and by the employers' association entrusted with a mandate for that purpose by the sector-based employers' association in that sector.

Sections 74 to 91.1, the second sentence of section 92 and section 93 of the Labour Code apply to the arbitration of the dispute.”

28. The said Act is amended by inserting, after section 45, the following sections:

“45.1 Only matters not having been the subject of an agreement between the parties may be referred to arbitration.

The arbitrator has exclusive jurisdiction to determine such matters. Where there has been mediation, he shall decide on the basis of the mediator's report.

“45.2 The arbitrator shall record in his award stipulations relating to the matters which were the subject of an agreement evidenced in the mediator's report.

The parties may, at any time, come to an agreement on a matter which is the subject of the dispute, and the corresponding stipulations shall also be recorded by the arbitrator in the award.

The arbitrator shall not amend such stipulations except for the purpose of making such adaptations as are necessary to make the stipulations consistent with a clause of the award.

For the purposes of the award, the arbitrator shall also, where the parties so request, proceed clause by clause using the “best final offer” method.

“45.3 The arbitrator's award may not have retroactive effect.

“45.4 Strikes and lock-outs are prohibited in a sector unless there has been mediation and at least twenty-one days have elapsed since the expiry of the mediation.

A strike is permitted from the expiry of the twenty-one days referred to in the first paragraph, provided that it is called for all the employees working in the sector and that it has been authorized, by secret ballot, by a majority of the voting members of one or more associations whose representativeness is 50 % or more in that sector.

A lock-out is permitted from the same time provided that it is imposed by the employers' association for all the employers performing or causing the performance of construction work in the sector. The employers' association may impose a lock-out where it has been given a mandate for that purpose by the sector-based employers' association authorized for such purpose by secret ballot and on the conditions and according to the procedure applicable to the making of an agreement referred to in the first paragraph of section 44.

However, strikes and lock-outs are prohibited in a sector from the appointment of an arbitrator in charge of the settlement of a dispute in that sector.

They are also prohibited at all times in respect of a matter referred to in section 61.1.”

29. Section 46 of the said Act is amended by replacing the words “construction industry; only one agreement may be made with respect

to such trades and employments" in the third and fourth lines of the first paragraph by the words "sector contemplated therein; only one agreement may be made in respect of a sector".

30. The heading of Chapter VI of the said Act is replaced by the following heading:

"COMING INTO FORCE AND SCOPE OF COLLECTIVE AGREEMENTS".

31. Section 47 of the said Act is replaced by the following section:

47. A collective agreement shall be made for each sector of the construction industry by the negotiating parties of the sector, pursuant to this Act. The agreement shall apply to the whole sector concerned.

The expiry date of a collective agreement shall be 31 December every three years, from 31 December 1994.

For the purposes of Chapter IV and sections 42 and 44.3, a collective agreement is deemed to expire on each of those dates, whether or not a collective agreement has been made."

32. Section 48 of the said Act, amended by section 7 of chapter 42 of the statutes of 1992, is replaced by the following section:

48. Within 10 days after the making of a collective agreement, the employers' association shall file two true copies of the collective agreement and the schedules thereto at the office of the labour commissioner general and shall publish a notice of the filing in two daily newspapers having general circulation in Québec. If the employers' association fails to do so, the filing and publication may be effected by a representative association.

The representative association and the employers' association shall send a copy of the collective agreement to their members.

A collective agreement takes effect only on the date of filing.

The filing has retroactive effect to the date of coming into force of the collective agreement determined in the agreement. However, in no case may such date be prior to the date of the signing of the collective agreement.

This section applies also to any amendment to the collective agreement."

33. Section 49 of the said Act is repealed.

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

“50. From the date of coming into force of the collective agreement determined in the agreement or, failing such a date, from the date of signing of the agreement, the clauses of the collective agreement are executory in respect of all employers and all employees, present or future, where they carry out construction work or cause construction work to be carried out in the sector concerned.”

35. Section 51 of the said Act is repealed.

36. Section 52 of the said Act is replaced by the following section:

“52. A collective agreement filed in accordance with section 48 is deemed to have been made in the manner prescribed in this Act.”

37. Section 53 of the said Act is amended

(1) by replacing the words “adoption of the decree” in the first line by the words “filing in accordance with section 48”;

(2) by striking out the words “; its provisions entail a matter of public order” in the second and third lines.

38. Section 54 of the said Act, amended by section 8 of chapter 42 of the statutes of 1992, is again amended by replacing the word “decree” at the end by the words “collective agreement”.

39. Section 54.1 of the said Act, enacted by section 9 of chapter 42 of the statutes of 1992, is amended by replacing the word “decree” at the end by the words “collective agreement”.

40. Section 55 of the said Act is repealed.

41. Section 56 of the said Act is amended by inserting the words “in a sector” after the word “prohibited” in the first line and by replacing the word “decree” in the second line by the words “collective agreement”.

42. Sections 57 and 58 of the said Act are amended by replacing the word “decree” by the words “collective agreement”.

43. The said Act is amended by inserting, after section 60, the following section:

60.1 From the expiry date of a collective agreement, the conditions of employment contained therein shall be maintained until one of the parties exercises its right to strike or to impose a lock-out.

However, the parties may provide in the collective agreement that the conditions of employment contained in the agreement will continue to apply until the coming into force of the new collective agreement.

The conditions of employment governing matters listed in section 61.1 shall continue to apply until they are renewed or revised in accordance with the law."

44. The heading of Chapter VII of the said Act is replaced by the following heading:

"CONTENTS OF COLLECTIVE AGREEMENTS".

45. Section 61 of the said Act, amended by section 10 of chapter 42 of the statutes of 1992, is again amended

(1) by replacing the words "decree must contain provisions" in the first line of the first paragraph by the words "collective agreement must contain clauses";

(2) by striking out the words ", the term of the decree" in the fourth line of the first paragraph and by replacing the word "decree" in the fifth line of the same paragraph by the words "collective agreement";

(3) by replacing the words "decree must also contain provisions" in the first line of the second paragraph by the words "collective agreement must also contain clauses";

(4) by replacing the words "decree may also contain provisions" in the first line of the third paragraph by the words "collective agreement may also contain clauses";

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

"The collective agreement may also contain any clause not contrary to public order or prohibited by law relating to conditions of employment in a sector."

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

“61.1 Clauses respecting the following matters must be common to the collective agreements of each of the sectors:

- (1) union security, including the advance deduction of union assessments;
- (2) union representation;
- (3) the procedure for settling grievances;
- (4) the exercise of recourses to counter disciplinary measures;
- (5) arbitration;
- (6) the basic supplemental fringe benefit plan;
- (7) any compensation fund considered necessary by the parties to the negotiations in each sector.

“61.2 No clause of a collective agreement may

- (1) give preference to a representative association or a sector-based employers' association;
- (2) infringe on a right of an employee on the basis of discrimination related to his union allegiance;
- (3) concern placement or a placement agency;
- (4) limit the employer's freedom to request the services of an employee directly or through the Commission or a union reference;
- (5) introduce discriminatory provisions towards any employer;
- (6) contain any other provision contrary to the law.

“61.3 Any clause of a collective agreement contrary to the provisions of this Act is deemed not to be written.

“61.4 Upon application by the Attorney General or any interested party, the Labour Court may determine the extent to which a clause of a collective agreement is contrary to a provision of this Act.

The applicant shall serve the application on the other interested parties.”

47. Section 62 of the said Act is amended by striking out the second paragraph.

48. Section 67 of the said Act is amended by striking out the words "or in the decree" in the third line.

49. Section 70 of the said Act is amended by striking out the words "or the decree" in the first line and, in the French text, by replacing the word "disposition" in the second line by the word "clause", and section 71 is amended, in the French text, by replacing the word "disposition" in the second line by the word "clause".

50. Section 74 of the said Act is amended by striking out the words "or in the decree" in the first line of the first paragraph.

51. Section 78 of the said Act is amended by striking out the words "a placement agency or to" in the second and third lines.

52. Section 81 of the said Act is amended

(1) by replacing the words "the decree" in the first line of the first paragraph and in the first line of subparagraph *a* of the first paragraph by the words "a collective agreement";

(2) by replacing the words "provisions of any decree" in the second line of subparagraph *c* of the first paragraph by the words "clauses of a collective agreement";

(3) by replacing the words "provisions of the decree" in the fourth and fifth lines of subparagraph *e* of the first paragraph by the words "clauses of a collective agreement";

(4) by replacing the words "the decree" at the end of subparagraph *h* of the first paragraph by the words "a collective agreement".

53. Section 82 of the said Act, amended by section 11 of chapter 42 of the statutes of 1992, is again amended

(1) by replacing the words "the decree" at the end of subparagraph *a* of the first paragraph and at the end of the second paragraph by the words "a collective agreement";

(2) by replacing the word "decree" at the end of the first paragraph of subparagraph *f* of the first paragraph by the words "collective agreement";

(3) by replacing the word "decree" in the first line of the second paragraph of subparagraph *f* of the first paragraph by the words "collective agreement".

54. Section 86 of the said Act is amended by replacing the word "decree" in the fourth line of subparagraph *b* of subparagraph 3 of the third paragraph by the words "collective agreement".

55. Sections 87 to 89 of the said Act are amended by striking out the words "or in a decree", "or the decree", "or in the decree", and "or of a decree", wherever they appear.

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

"90.1 No person may place workers in the construction industry."

57. Section 92 of the said Act is amended

(1) by replacing the word "decree" by the words "collective agreement" and the word "provision" by the word "clause", wherever they appear in subsection 1;

(2) by replacing the words "the construction decree" in the fifth and seventh lines of subsection 3 by the words "a collective agreement made under this Act";

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

"(5) Subject to section 11 and subsection 2 of this section, the Commission may make an agreement with any person to entrust him with a mandate for the administration of a supplemental fringe benefit plan."

58. Chapter X.1 of the said Act is repealed.

59. Section 110 of the said Act is amended by striking out the words "the decree or" in the third line.

60. Section 120 of the said Act is amended by striking out the words ", of a decree" in the first and second lines.

61. Section 122 of the said Act, amended by section 538 of chapter 61 of the statutes of 1992 and by section 19 of chapter 92 of the statutes of 1992, is again amended

(1) by replacing the words "the decree" in the first line of the first paragraph of subsection 1 by the words "a collective agreement";

(2) by replacing the words "an agreement, a decree" in the second line of paragraph *a* of subsection 2 by the words "a collective agreement, an agreement";

(3) by replacing the words "the provisions of the decree" in the second line of paragraph *c* of subsection 2 by the words "a clause of a collective agreement";

(4) by replacing the words "of a decree" in the third line of subsection 4 by the words "of this Act, a collective agreement or a regulation".

62. Section 123 of the said Act, amended by section 20 of chapter 42 of the statutes of 1992, is again amended

(1) by striking out paragraphs 1 to 7;

(2) by striking out the words ", subsection 7 of this section" in the first and second lines of subsection 8.1.

63. Section 123.1 of the said Act is amended by replacing paragraph 13 by the following paragraph:

"(13) establish rules in matters of manpower hiring;"

64. Section 123.2 of the said Act is amended by inserting the words "or amend" after the word "adopt" in the first lines of the fourth and fifth paragraphs.

65. Section 123.4 of the said Act, enacted by section 21 of chapter 42 of the statutes of 1992, is replaced by the following sections:

"123.4 For the purposes of this Act and the regulations, the Commission may obtain from a body that is subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) any information or document in its possession relating to the carrying out of construction work and to the persons who carry out such work or cause such work to be carried out and the body shall furnish such information or document to the Commission in accordance with that Act.

"123.4.1 The Commission may, according to law, enter into an agreement with a government in Canada or abroad or with a

department or body of such a government for the carrying out of this Act and the regulations or of an Act for the carrying out of which such a government, department or body is responsible.

Such an agreement may permit the exchange of nominative information for the prevention, detection or repression of offences under any such Act."

66. Section 126 of the said Act is repealed.

AMENDING PROVISIONS

67. Section 60 of the Building Act (R.S.Q., chapter B-1.1), amended by section 78 of chapter 61 of the statutes of 1992, is again amended by striking out paragraph 2.

68. Section 64 of the said Act is amended by striking out the second paragraph.

69. Section 129.1 of the said Act is replaced by the following sections:

"129.1 For the purposes of this Act and the regulations, the Board may obtain from a body that is subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) any information or document in its possession relating to the carrying out of construction work and to the persons who carry out such work or cause such work to be carried out and the body shall furnish such information or document to the Board in accordance with that Act.

"129.1.1 The Board may, according to law, enter into an agreement with a government in Canada or abroad or with a department or body of such government for the carrying out of this Act and the regulations or of an Act for the carrying out of which such government, department or body is responsible.

Such an agreement may permit the exchange of nominative information for the prevention, detection or repression of offences under any such Act."

70. The Act to establish the *Officé de la construction du Québec* and to again amend the *Construction Industry Labour Relations Act* (1975, chapter 51), amended by the Act to amend the *Building Contractors Vocational Qualifications Act* and other legislation (1979, chapter 2) is again amended

- (1) by striking out subsections 2 and 3 of section 32;
- (2) by striking out paragraph *a* of section 33;
- (3) by replacing paragraph *c* of section 33 by the following paragraphs:

“(c) for the mode of designation of the persons occupying management posts;

“(c.1) for the mode of determination of the amount of the assessment;

“(c.2) that the association provide for the financing of the costs incurred by the sector-based employers' associations for the purpose of negotiating collective agreements pursuant to the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);”;

(4) by adding, at the end of the first paragraph of section 34, the words “and to the coordination of the negotiation of collective agreements pursuant to the Act respecting labour relations, vocational training and manpower management in the construction industry”.

71. The Act to incorporate the Association of Building Contractors of Québec (1976, chapter 72) is amended

- (1) by adding, at the end of section 2, the following paragraph:

“(d) to act as coordinator and mandatary for the purpose of negotiating collective agreements pursuant to the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);”;

- (2) by striking out paragraph *c* of section 2.

72. The Regulation respecting placement of employees in the construction industry (Order in Council 1946-82 dated 25 August 1982 and amendments), amended by section 42 of chapter 89 of the statutes of 1986, is again amended

- (1) by replacing its title by the following title:

“Regulation respecting the hiring and mobility of employees in the construction industry”;

- (2) by striking out the words ““placement agency or agency”: a placement agency duly licenced under this Regulation;” in section 1;

(3) by repealing Division IV;

(4) by striking out the words "AND PLACEMENT" in the title of Division V;

(5) by striking out the words "and placement" in the first line of the first paragraph of section 35 and by replacing, in the French text, the word "doivent" in the first paragraph of section 35 by the word "doit";

(6) by inserting, after section 35, the following section:

"35.1 Where a person domiciled elsewhere in Canada applies for the issuance or renewal of a competency certificate under the Regulation respecting the issuance of competency certificates, he shall indicate to the Commission the region in which he wishes to be granted job priority. The competency certificate shall mention such designation, which is valid until the expiry of the competency certificate, unless its holder becomes domiciled in Québec.

The person referred to in the first paragraph is deemed to be domiciled in the region indicated by him under the first paragraph for the purposes of paragraph 1 of section 35.;"

(7) by striking out the words "and placement" in section 43;

(8) by striking out paragraph 2 of section 44;

(9) by striking out the words "without a placement agency" in section 45;

(10) by repealing section 52;

(11) by striking out the words ", notwithstanding the section 5 of this regulation" in section 56.3;

(12) by repealing Schedule 1;

(13) by repealing Schedule 2.

73. The Regulation respecting the hiring and mobility of employees in the construction industry ceases to have effect in respect of a sector of the construction industry where a first collective agreement made under the new Act comes into force for that sector.

74. Section 5 of the Regulation respecting the vocational training of manpower in the construction industry (Order in Council 313-93 dated 10 March 1993) is amended by adding, at the end, the following paragraph:

"(3) anyone who demonstrates, by means of a document issued by a body having competence to do so elsewhere in Canada, that he has qualifications equivalent to those of a journeyman in a trade or specialty."

75. The Regulation respecting the keeping of a register and the sending of a monthly report (Order in Council 875-93 dated 16 June 1993) is amended

(1) by adding, at the end of paragraph 4 of section 1, the words " , in respect of each sector of the construction industry";

(2) by adding, at the end of section 5, the words " , in respect of each sector of the construction industry".

TRANSITIONAL AND FINAL PROVISIONS

76. The regulations amended by sections 72 to 75 are deemed to have been made in accordance with the Act respecting labour relations, vocational training and manpower management in the construction industry.

77. In this Act, the words "former Act" mean a provision of the Act respecting labour relations, vocational training and manpower management in the construction industry as it read before the coming into force of a provision of this Act which amends, repeals or replaces it, and the words "new Act" mean a provision of the said Act as amended or replaced by this Act, unless the context indicates otherwise.

78. In any other Act, any regulation, order, proclamation, decree, order in council, contract, agreement or other document, a reference to the Regulation respecting placement of employees in the construction industry becomes a reference to the Regulation respecting the hiring and mobility of employees in the construction industry, adapted as required.

79. In any other Act, any regulation, order, proclamation, decree, order in council, contract, agreement or other document, a reference to the Construction Decree becomes a reference to the collective agreement applicable in the sector concerned, adapted as required, unless the context indicates otherwise.

80. For the purposes of the application, extension, amendment or repeal of the Construction Decree, enacted by Order in Council 172-87 dated 4 February 1987 and the amendments thereto, in force when the new Act comes into force, the former Act continues to apply.

81. For the purposes of section 80, the fourth paragraph of section 51 of the former Act shall read as follows:

"However, the Government may amend the Construction Decree without the consent of the employers' association or the associations of employees and without such associations being invited to a hearing before the Parliamentary Committee on Labour and the Economy."

82. Until a collective agreement takes effect and notwithstanding the expiry of the Construction Decree, the conditions of employment contained therein shall be maintained in a sector until one of the parties exercises its right to strike or to impose a lock-out.

For the purposes of the first paragraph, section 45.4 of the new Act, adapted as required, shall apply.

83. For the purpose of negotiating a first collective agreement under the new Act, the sectorial representativeness of a sector-based employers' association and of a representative association is determined by the Commission de la construction du Québec according to the data at its disposal.

84. The provisions of the Construction Decree respecting the matters referred to in section 61.1 of the new Act are deemed to be the clauses common to the collective agreements of each of the sectors until they are amended, renewed or replaced in accordance with the new Act.

85. For the purposes, in each sector, of negotiating and making a first collective agreement under the new Act, including the arbitration of a dispute as part of such negotiation, the following rules apply:

(1) the degree of representativeness of representative associations is the degree appearing in the certificate issued by the Commission de la construction du Québec following the ballot held in November 1992;

(2) the degree of sectorial representativeness of the representative associations and the degree of representativeness of the sector-based employers' associations are based on the monthly reports relating to the months of March to August 1994;

(3) on or before 15 October 1994, the Commission de la construction du Québec shall issue certificates establishing the degrees of representativeness;

(4) notice of negotiation of the agreement is deemed to have been given on 15 October 1994;

(5) where a sector-based employers' association holds, before June 1995, a ballot for the purpose of obtaining an authorization referred to in section 44.1, 44.2 or 45.4 of the new Act, the monthly reports taken into account for the purposes of the holding of the ballot and of the granting of the authorization shall be those relating to the period between March 1994 and the third month preceding the month in which the ballot is held.

In addition, until the coming into force of a first agreement in the sector, the second paragraph of section 43.4 of the new Act must also read as referring to the decree.

86. The expiry of the Construction Decree does not affect any offences committed, penalties incurred or proceedings instituted; proceedings may be instituted or continued and penalties may be imposed notwithstanding such expiry.

The exercise of a recourse resulting from the former Act remains governed by the former Act where the time limit for exercising the recourse has not expired at the time of the coming into force of the new Act.

87. Proceedings in progress at the time of the coming into force of the new Act remain governed by the former Act.

In such proceedings, the Association of Building Contractors of Québec retains the objects and powers it had under the former Act.

88. A regulation made by the Commission de la construction du Québec under subsection 1 of section 92 of the former Act is deemed to be made to give effect to a clause of a collective agreement made in accordance with the new Act.

In addition, in subsection 3 of section 92 of the new Act, the reference to a collective agreement made under the new Act remains a reference to the Construction Decree, unless the context indicates otherwise.

89. Until 31 December 1994, where the work carried out by an employee ceases to be subject to the Act respecting labour relations, vocational training and manpower management in the construction industry owing to the amendment made under paragraph 1 of section 11 of this Act, the employee shall continue to participate in the supplemental fringe benefit plans in force on 1 January 1994. For that

purpose, the Construction Decree, the Regulation respecting the keeping of a register and the sending of a monthly report and the Regulation respecting complementary social benefit plans in the construction industry, adapted as required, apply to employers, employees and the Commission de la construction du Québec as if such employees continued to carry out work subject to the said Act. For the purposes of this section, the Commission shall retain all its powers in respect of inspection, inquiry and prosecution.

90. The Commission de la construction du Québec may, by regulation, determine the terms and conditions necessary for maintaining, after 31 December 1994 and for the period it fixes, the supplemental fringe benefit plans in favour of the employees referred to in section 89 who were participating in such plans on 31 December 1994. The regulation shall determine the amount of their assessments and contributions to the plans. For the purposes of this section, the Commission shall retain all its powers in respect of inspection, inquiry and prosecution.

Section 15 and the first and third paragraphs of section 123.3 of the new Act apply to that regulation.

91. Notwithstanding section 3.3 of the Act respecting labour relations, vocational training and manpower management in the construction industry, the Government may replace a member of the board of directors of the Commission de la construction du Québec appointed under subparagraph 1 of the second paragraph of section 3.2 of the former Act, in accordance with the method prescribed in subparagraph 1 of the second paragraph of section 3.2 of the new Act. The term of a member of the board of directors thus replaced ends on the date fixed for the entry into office of the member replacing him.

92. The interested parties must, not later than 31 January 1994, send to the Minister of Labour the names of the members and substitutes appointed by them to the Committee on vocational training in the construction industry, notwithstanding section 18.6 of the Act respecting labour relations, vocational training and manpower management in the construction industry.

93. The expiry date of a competency certificate issued or renewed under the Regulation respecting the issuance of competency certificates (Order in Council 673-87 dated 29 April 1987 and amendments) occurring between 1 January and 30 April 1994 is deferred until 1 May 1994. For the purposes of the renewal of the competency certificate, the word "fourteen" in the first paragraph of section 7 is replaced by the word "sixteen".

94. The contractors' associations must, before 10 January 1994, designate members to form a new board of directors of the Association of Building Contractors of Québec to be composed of nine members and two observers, as follows:

(1) three members designated by the Association provinciale des constructeurs d'habitations du Québec (APCHQ);

(2) three members designated by the Association de la construction du Québec (ACQ);

(3) three members designated by the Association des constructeurs de routes et grands travaux du Québec (ACRGTQ);

(4) one observer designated by the Corporation des maîtres mécaniciens en tuyauterie du Québec (CMMTQ);

(5) one observer designated by the Corporation des maîtres électriciens du Québec (CMEQ).

Every contractors' association shall inform the Minister, before 12 January 1994, of the designation it has made under the first paragraph.

Where an association fails to effect such designation and to inform the Minister thereof before 12 January 1994, the Minister may, on behalf of the association, effect such designation for the purpose of forming the board of directors, until the new board is formed in accordance with the constitution referred to in section 96.

The Minister shall give notice, in the *Gazette officielle du Québec*, of any designation effected by him under the third paragraph.

95. The term of office of each member of the present board of directors of the Association of Building Contractors of Québec ends on 15 January 1994 or on any later date fixed at the time of the designation provided for in the third paragraph of section 94, without indemnity or notice, and the new members shall exercise on that date the functions of that board.

However, the members of the existing board of directors shall remain in office, notwithstanding the expiry of their terms, until all the designations provided for in section 94 are effected.

96. Notwithstanding the Regulation respecting the Association of Building Contractors of Québec (Order in Council 2692-85 and amendment), the first board of directors provided for in section 94 must, before 1 April 1994, amend the constitution and by-laws of the

Association of Building Contractors of Québec and send them to the Government for approval.

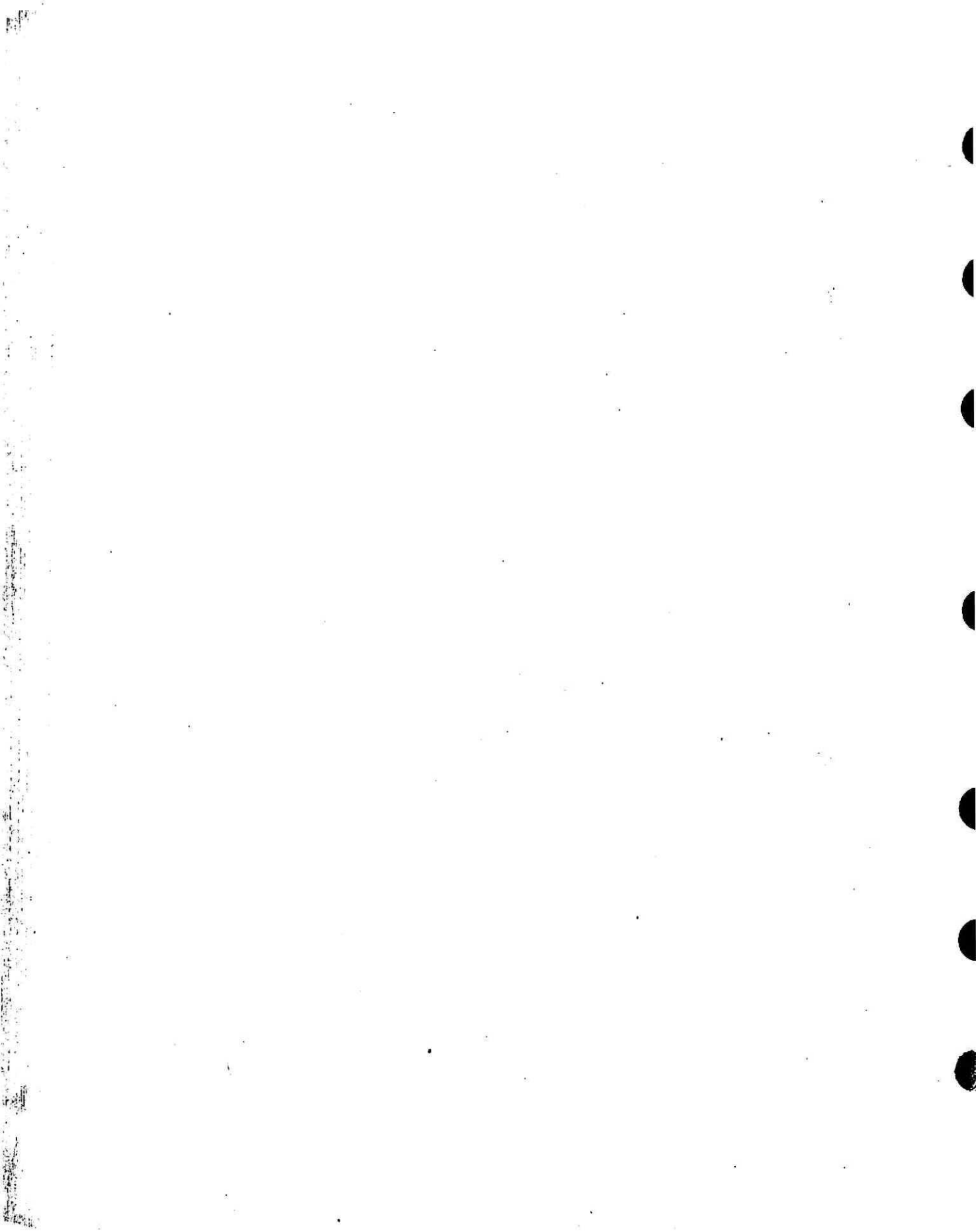
The constitution and by-laws thus amended must provide, in particular, for the composition of a board of directors, the replacement of its members and the determination of the quorum at its sittings.

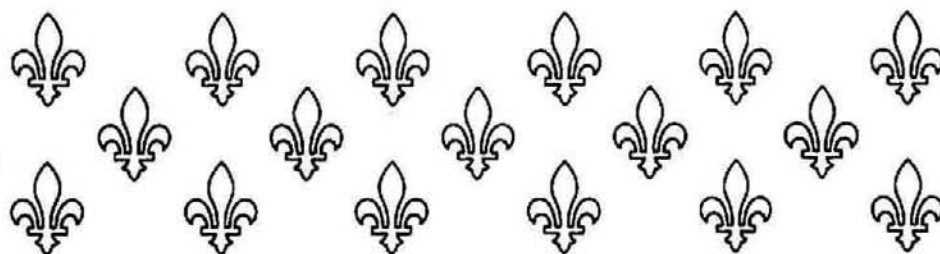
The Government may amend the constitution and by-laws referred to in the first paragraph. If the board of directors fails to amend and send such constitution to the Government before 1 April 1994, the Government may itself amend it.

97. The provisions of this Act will come into force on the date or dates fixed by the Government, except

(1) paragraphs 1 and 10 of section 1, sections 2 and 3, paragraphs 3 and 5 of section 4, sections 7 to 10, sections 56, 70 and 71, sections 72 to 76, section 78 and sections 91 to 96 which come into force on 1 January 1994;

(2) section 5, paragraph 3 of section 57, sections 64 to 69, section 77 and sections 80 to 88 which come into force on 14 December 1993.





NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 145
(1993, chapter 59)

Appropriation Act No. 4, 1993-94

Introduced 8 December 1993
Passage in principle 8 December 1993
Passage 8 December 1993
Assented to 13 December 1993

Québec Official Publisher
1993

EXPLANATORY NOTES

The object of this bill is to authorize the Government to pay out of the consolidated revenue fund the sum of \$230 671 800 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 1993-94.

Bill 145

Appropriation Act No. 4, 1993-94

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Government may take out of the consolidated revenue fund a sum not exceeding \$230 671 800 to defray a part of the expenses of Québec proposed in the supplementary estimates for the fiscal year 1993-94 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 13 December 1993.

SCHEDULE

AGRICULTURE, PÊCHERIES ET ALIMENTATION

PROGRAM 3		
Farm Production Assistance	11 500 000	
PROGRAM 7		
Farm Land Management	<u>10 000 000</u>	21 500 000

CONSEIL EXÉCUTIF

PROGRAM 6		
Technological Development	7 500 000	
PROGRAM 8		
Provision for the Economic Action Plan	<u>30 300 000</u>	37 800 000

ENSEIGNEMENT SUPÉRIEUR ET SCIENCE

PROGRAM 3		
Financial Assistance to Students	8 720 400	
PROGRAM 5		
College Education	<u>5 187 500</u>	13 907 900

ENVIRONNEMENT

PROGRAM 4		
Advisory Bodies	<u>425 000</u>	425 000

FORÊTS

PROGRAM 2

Management of Forest Heritage

6 410 000

6 410 000

MAIN-D'OEUVRE, SÉCURITÉ DU REVENU ET
FORMATION PROFESSIONNELLE

PROGRAM 2

Delegated Administration of Income Security
Programs

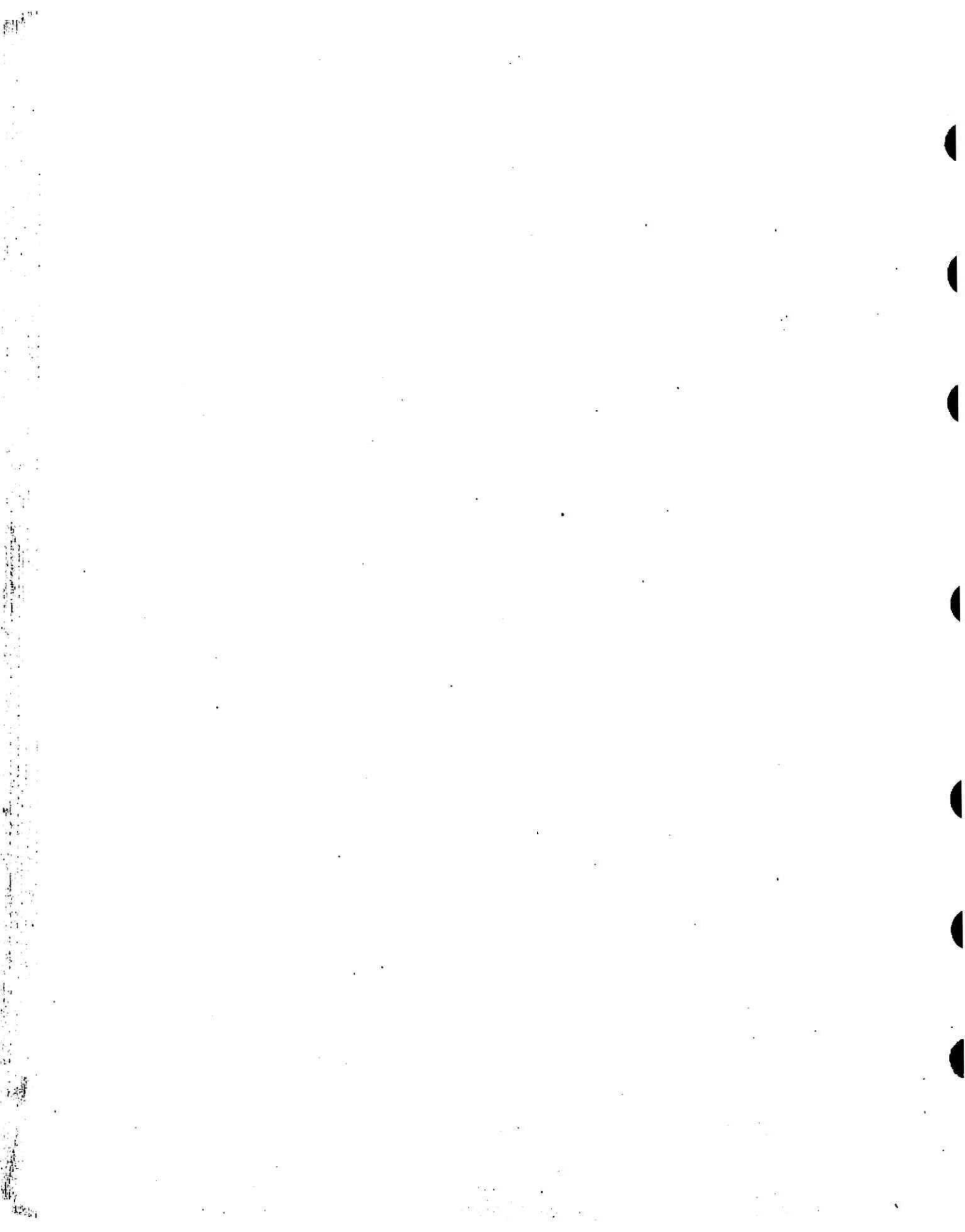
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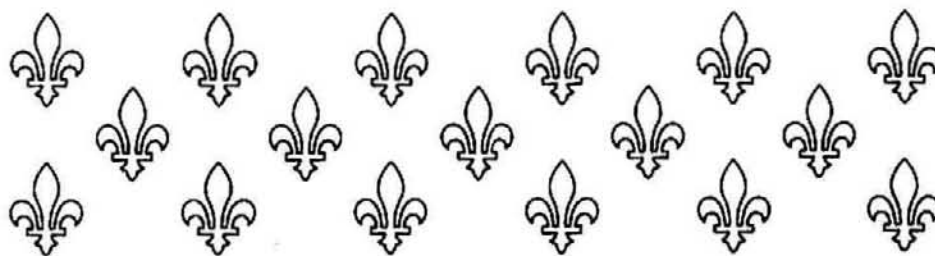
PROGRAM 4

Income Security

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230 671 800





NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 158
(1993, chapter 60)

An Act respecting the construction industry

Introduced 13 December 1993
Passage in principle 13 December 1993
Passage 13 December 1993
Assented to 13 December 1993

Québec Official Publisher
1993

EXPLANATORY NOTES

The aim of this bill is to ensure resumption and normal performance of construction work interrupted by reason of concerted action by employees or a lock-out by employers in the construction industry and to provide for the conditions of employment of the employees governed by the Construction Decree.

For that purpose, it amends the Construction Decree and extends its application to 31 December 1994. It also imposes specific obligations until that date on the employees and employers of the construction industry as well as on their associations.

Finally, the bill introduces a number of administrative, civil and penal sanctions for failure to fulfil such obligations.

Bill 158

An Act respecting the construction industry

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

INTERPRETATION AND SCOPE

1. In this Act, unless the context indicates a different meaning,

“representative association” has the same meaning as in the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) and **“association of employees”** has the same meaning as the term **“association”** in that Act;

“employee” means a person who, on 13 December 1993, is authorized to perform construction work for an employer pursuant to that Act or subsequently becomes so authorized.

2. This Act applies, until 31 December 1994, in respect of construction work to which the Act respecting labour relations, vocational training and manpower management in the construction industry applies on 13 December 1993 and in respect of construction work to which the latter Act is subsequently made applicable.

DIVISION II

PERFORMANCE OF CONSTRUCTION WORK

3. Every employee shall, from 7:00 a.m. on 14 December 1993, report for work according to his regular schedule and the other conditions of employment that are applicable to him.

4. Every employee shall, from 7:00 a.m. on 14 December 1993, perform all the duties attached to his functions, according to the conditions of employment that are applicable to him, without any stoppage, slowdown, reduction or alteration of his normal activities.

No employee may refuse, as a party to concerted action, to provide his services to an employer.

5. Every employer shall take the appropriate measures to ensure that all construction work interrupted by reason of concerted action is resumed from 7:00 a.m. on 14 December 1993.

From the same time, every employer shall, in accordance with the law, carry on his normal operations in respect of construction work.

6. No association of employees may call or continue a strike or participate in concerted action if the strike or concerted action involves a contravention of section 3 or section 4 by employees.

7. Every representative association shall, before 7:00 a.m. on 14 December 1993, communicate the content of this Act publicly to the employees whom it represents or who are members thereof and shall send an attestation of such communication to the Minister of Labour.

The Association of Building Contractors of Québec shall, within the same time limit, do likewise in respect of the employers who are members of that association.

8. Every association of employees shall take the appropriate measures to induce the employees whom it represents or who are members thereof to comply with section 3 or section 4, as the case may be.

Every employers' association and every contractors' association within the meaning of the Act respecting labour relations, vocational training and manpower management in the construction industry shall do likewise in order to induce the employers they represent to comply with section 5.

9. No person may, by act, omission or otherwise, prevent or impede in any manner the resumption of construction work or the performance of construction work by employees or contribute directly or indirectly to slowing down or delaying the performance of construction work.

10. No person may hinder a person's access to a job site to which he has a right of access to perform his duties.

DIVISION III

CONDITIONS OF EMPLOYMENT

11. The Construction Decree, enacted by Order in Council 172-87 dated 4 February 1987, and the amendments thereto, in force on 13 December 1993, is hereby extended until 31 December 1994. However, the Construction Decree is amended so as to give effect to the provisions of the Schedule.

DIVISION IV

PENALTIES

§ 1. — *Administrative measures*

12. If the Government is of the opinion that, in a region within the meaning of the Regulation respecting placement of employees in the construction industry (Order in Council 1946-82 dated 25 August 1982) and the amendments thereto, the employees are not complying with section 3 or section 4 in sufficient number to ensure adequate performance of construction work, it may, by order, suspend the union checkoff in respect of the construction work performed in that region.

From the date fixed in the order, no employer may deduct, in respect of the construction work performed in the region, any union assessment or dues, contribution or amount in lieu thereof from the wages paid to employees. The suspension and prohibition are effective for a period equal to twelve weeks per day or part of a day during which the Government is of the opinion that the employees are not complying with section 3 or section 4 in sufficient number to ensure adequate performance of construction work in the region.

13. During the period of suspension of the union checkoff in respect of a representative association, the exercise of the right of any association of employees which is a member of, belongs to or is affiliated with the representative association to be represented by a job-site steward on a job site in the region covered by the order is also suspended. The position of job-site steward is deemed vacant during the period of suspension.

No employer may recognize or continue to recognize a job-site steward as the representative of an association of employees to which a suspension under the first paragraph applies.

§ 2.—*Civil liability*

14. An association of employees and any representative association which it is a member of, belongs to or is affiliated with are solidarily liable for any damage caused during a contravention of section 3 or section 4 by employees represented by the association of employees unless it is proved that the damage is not a result of the contravention or that the contravention is not part of any concerted action.

Any person who sustains damage by reason of an act performed in contravention of section 3 or section 4 may apply to the competent court to obtain compensation.

§ 3.—*Penal provisions*

15. Every person who contravenes or incites or encourages a person to contravene a provision of section 3, 4 or 5 or of the second paragraph of section 12 or 13 is guilty of an offence and is liable to a fine

(1) of \$100 to \$500 in the case of a natural person not referred to in paragraph 2 or \$1 000 to \$5 000 in the case of a legal person not referred to in paragraph 2 or 3;

(2) of \$10 000 to \$50 000 in the case of an employer or a person who is an officer or representative of an employer, an employers' association or a contractors' association referred to in section 8 or who is an officer, job-site steward, business agent or representative of an association of employees or of any group which an association of employees is a member of, belongs to or is affiliated with;

(3) of \$25 000 to \$125 000 in the case of an employers' association or a contractors' association referred to in section 8, an association of employees or a group which an association of employees is a member of, belongs to or is affiliated with.

16. Every person who contravenes section 9 or section 10 is guilty of an offence and is liable to a fine of \$1 500 to \$15 000.

In the case of a person referred to in paragraph 2 of section 15, the fine prescribed in the first paragraph is \$15 000 to \$75 000.

17. Every association which does not comply with any provision of section 6, 7 or 8 that is applicable to it is guilty of an offence and is liable to the fine prescribed in paragraph 3 of section 15.

18. Every person who, by act or omission, assists another person in committing an offence under a provision of this Act may be convicted of the offence as if he had committed it himself if he knew or should have known that his act or omission would probably result in aiding in the commission of the offence.

19. Every person who abets, counsels or commands another person to commit an offence under a provision of this Act may be convicted of the offence and of any other offence committed by the other person as a result of the abetment, counsel or command if he knew or should have known that his action would probably result in the commission of the offence.

20. No person convicted of an offence under a provision of this Act may hold a management position in an association of employees or be elected or appointed as a job-site steward, business agent or union representative of such an association or hold such a position. Nor may such a person hold a management position in an employers' association or a contractors' association referred to in section 8.

The disqualification of a person pursuant to the first paragraph is effective for five years from the date of the conviction or until he obtains a pardon.

21. The competency certificate or licence held by a person under the Act respecting labour relations, vocational training and manpower management in the construction industry or the Building Act (R.S.Q., chapter B-1.1) is suspended if the person is convicted of an offence under a provision of this Act; one to three months of suspension shall be incurred for each offence that resulted in conviction. The same applies to the right of a person so convicted to obtain or renew such a certificate or licence.

The judge, in imposing the sentence, shall determine the duration of the suspension and order the confiscation of the competency certificate or the licence so that it may be returned to the Commission de la construction du Québec or to the Régie du bâtiment du Québec, as the case may be. The judge may not suspend the passing of that part of the sentence.

22. A judge having jurisdiction in respect of an offence against this Act may admit the proof made in another trial relating to an offence against this Act to serve as proof in a trial relating to an offence against this Act, without any requirement that a witness heard in support of the proof be heard again.

A person against whom this mode of proof is used may, with leave of the judge, summon a witness whose testimony is adduced as proof in order to cross-examine him. The person may be required to pay the costs, as though he had summoned the author of an offence report, if, in the opinion of the judge, the presence of the witness served no purpose.

23. Every peace officer and every person authorized on 13 December 1993 to issue statements of offence under the Act respecting labour relations, vocational training and manpower management in the construction industry shall be authorized to issue statements of offence under this Act.

24. The signature of an Attorney General's prosecutor on a statement of offence in respect of any offence under this Act may be affixed by means of an automatic device or in the form of an engraved, lithographed or printed facsimile. Any such signature has the same force and effect as an original signature.

DIVISION V

FINAL PROVISIONS

25. This Act shall not be construed as maintaining the applicability of the Construction Decree in respect of construction work which ceases to be subject to the Act respecting labour relations, vocational training and manpower management in the construction industry.

Nor shall this Act be construed as preventing, in respect of such work, the exercise of the right to strike or to impose a lock-out acquired in accordance with the law.

26. The provisions of this Act which extend or amend the Construction Decree are deemed to form part of the Decree.

27. This Act comes into force on 13 December 1993.

SCHEDULE

AMENDMENTS TO THE CONSTRUCTION DECREE

1. Section 20.01 of the Construction Decree is amended

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

“(1) **Summer:** All construction job sites must be closed during the last 2 full calendar weeks in July and more specifically as follows:

from 0:01 a.m. on 17 July 1994 to 12:00 midnight on 30 July 1994;”;

(2) by replacing paragraph 3 by the following paragraph:

“(3) **Winter:** All construction job sites must be closed for 2 full weeks during the Christmas and New Year Holidays and more specifically as follows:

(a) from 0:01 a.m. on 19 December 1993 to 12:00 midnight on 1 January 1994;

(b) from 0:01 a.m. on 25 December 1994 to 12:00 midnight on 7 January 1995;”;

(3) by replacing subparagraph *a* of paragraph 6 by the following subparagraph:

“(a) **Summer:** All construction job sites must be closed during the last 2 full calendar weeks in July and more specifically as follows:

from 0:01 a.m. on 17 July 1994 to 12:00 midnight on 30 July 1994.”

2. Section 20.05 of the said Decree is amended

(1) by replacing subparagraph *b* of paragraph 1 by the following subparagraph:

“(b) For the term of this Decree, the general holidays which do not correspond to the annual compulsory vacation periods are taken on the following dates:

i. Good Friday: 1 April 1994;

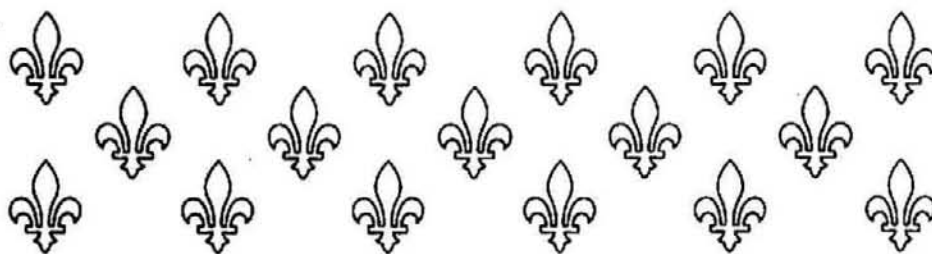
ii. Easter Monday: 4 April 1994;

iii. Queen's Birthday (Fête de Dollard): 23 May 1994;

- iv. Canada Day: 1 July 1994;
- v. Labour Day: 5 September 1994;
- vi. Thanksgiving Day: 10 October 1994;
- vii. Remembrance Day: 11 November 1994.”;

(2) by replacing the second paragraph of paragraph 4 by the following paragraph:

“In accordance with the said Act, the National Holiday on 24 June 1994 is a paid general holiday for all employees.”



NATIONAL ASSEMBLY

SECOND SESSION

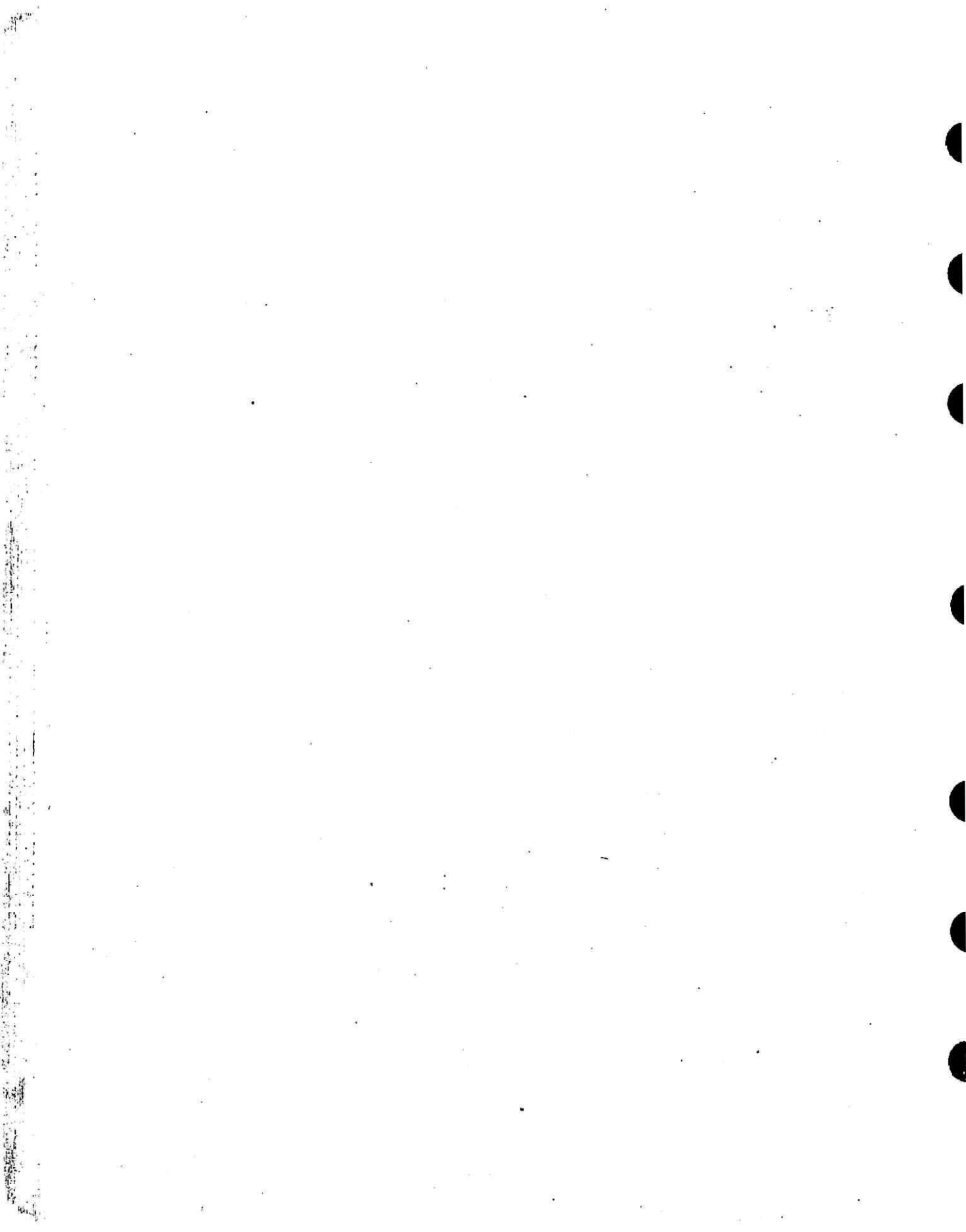
THIRTY-FOURTH LEGISLATURE

Bill 207
(Private)

An Act respecting the Cora Frances Dunkerley estate

Introduced 12 May 1992
Passage in principle 10 December 1993
Passage 10 December 1993
Assented to 13 December 1993

Québec Official Publisher
1993



Bill 207
(Private)

An Act respecting the Cora Frances Dunkerley estate

WHEREAS, by her will made on 10 October 1959, probated by the Superior Court on 17 January 1962 (number 1155 of the records of the Superior Court for the district of Arthabaska) and registered in the registry office of the registration division of Richmond under number 73164, Cora Frances Dunkerley, having died on 31 December 1961, bequeathed all her property to her trustees, J. Gordon Smith and Ralston M. Graham, on condition that they use the income of her estate for the purposes and in the manner described in the will;

Whereas Ralston M. Graham, one of the fiduciary legatees, died on 1 January 1963, leaving J. Gordon Smith as the sole fiduciary legatee of the Cora Frances Dunkerley estate;

Whereas following a petition filed by J. Gordon Smith, the current petitioner, Richard Eugène Saint-Dizier, by virtue of a judgment dated 26 January 1976 and bearing number 450-14-000038-76 of the records of the Superior Court for the district of Saint-François, replaced J. Gordon Smith;

Whereas the property bequeathed in trust by Cora Frances Dunkerley includes an immovable situated in Ulverton, Québec;

Whereas the will of Cora Frances Dunkerley contains a clause stipulating that the immovable and the house erected thereon must not be sold since the house can be converted into a two-dwelling income-producing immovable;

Whereas the clause prohibiting the sale seems to have been included only to ensure the "Stewards of the Ulverton United Church" of an income;

Whereas the income derived from the lease of the immovable is insufficient to cover the high cost of the maintenance and repairs constantly needed by the immovable;

Whereas it is expedient and in the interest of the executor of the Cora Frances Dunkerley estate and of the beneficiaries of the income of the estate that the fiduciary executor of the estate be authorized to sell the immovable and to use the income derived from the proceeds of the sale according to the provisions of the will;

Whereas it has been impossible to find persons related to Cora Frances Dunkerley;

Whereas the beneficiaries of the income, the "Stewards of the Ulverton United Church", have been informed of the introduction of this bill and they consent to both its introduction and passage;

Whereas for the past several years, residents of Ulverton and the surrounding area have used a part of the immovable bequeathed by Cora Frances Dunkerley and an adjacent immovable for recreational purposes and whereas at a general meeting held on 14 June 1990, the congregation of the Ulverton United Church agreed to donate to the municipality of Ulverton the part of the land bequeathed by Mrs. Dunkerley that is so used on the condition, however, that the municipality assume the legal costs entailed by the gift;

Whereas the municipality of Ulverton, by a resolution of its council passed on 8 September 1992, declared that it did not oppose the passage of this Act provided that it could acquire by gratuitous title the part of the bequeathed land used for recreational purposes;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Notwithstanding the prohibition to sell stipulated in the will of Cora Frances Dunkerley, dated 10 October 1959, probated by the Superior Court on 17 January 1962 (number 1155 of the records of the Superior Court for the district of Arthabaska) and registered in the registry office of the registration division of Richmond under number 73164, the fiduciary executor of the estate is authorized to sell the immovable concerned and hereinafter described:

"A certain immovable situated in the municipality of Ulverton, known and designated as lots number 106 and number 107 in the official plan and book of reference for the township of Durham, excluding, however, the part of the immovable already sold to James

Mills by virtue of a deed of sale registered in the registry office of the registration division of Richmond under number 29945 of Volume B-41, and also excluding the strips of land acquired by expropriation by the municipal corporation of Ulverton and described in the deeds registered in the registry office of the registration division of Richmond under numbers 157769 and 169640.

With constructions erected thereon, buildings and appurtenances.”

2. The municipality of Ulverton may, on or before 31 December 1995, acquire the following immovable for the sum of one dollar:

“An immovable comprising, in reference to the cadastre for the township of Durham, part of lot 107, of irregular shape and bounded on the northeast over 76.62 m by a former public road, on the southeast over 75.57 m by lot 113, on the southwest over 76.83 m by another part of lot 107 and on the northwest over 72.37 m by part of lot 119.”

The professional fees and registration costs shall be borne by the municipality.

3. Section 2 ceases to apply and any interested person may apply for the cancellation of its registration in either of the following events:

(1) if the municipality consents thereto;

(2) if the time limit fixed in section 2 expires without the municipality having acquired the immovable referred to in that section.

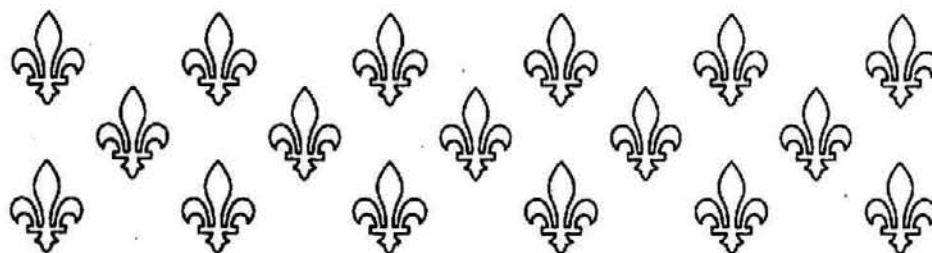
4. The fiduciary executor of the Cora Frances Dunkerley estate shall use the income derived from the proceeds of the sale of the immovable contemplated by section 1 in accordance with the provisions of the will.

5. Registration of a certified copy of this Act shall be made by deposit; however, if such document is not registered before 1 January 1994, publication thereof shall be effected by means of a summary pursuant in particular to articles 2982 and 3005 of the Civil Code of Québec.

6. The fiduciary executor may be reimbursed, out of the proceeds of the sale of the immovable contemplated by section 1, for

any expenses he incurs for the passage of this Act, the obtaining of a certified copy thereof, the registration of the document and the carrying out of the sale.

7. This Act comes into force on 13 December 1993.



NATIONAL ASSEMBLY

SECOND SESSION

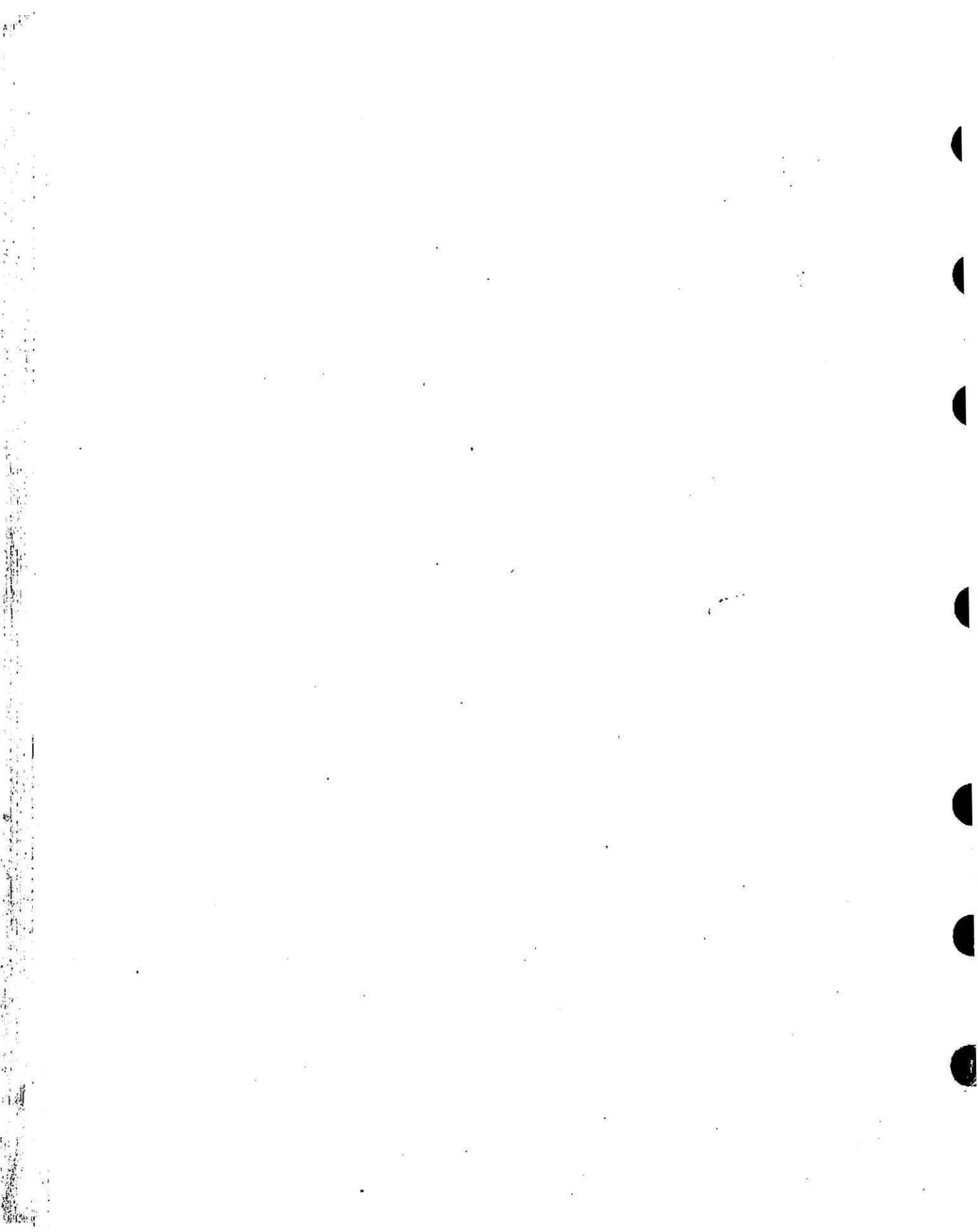
THIRTY-FOURTH LEGISLATURE

Bill 231
(Private)

**An Act respecting the transfer of the
property and activities of General
Trust of Canada and of the
Sherbrooke Trust Company**

Introduced 11 November 1993
Passage in principle 10 December 1993
Passage 10 December 1993
Assented to 13 December 1993

Québec Official Publisher
1993



Bill 231

(Private)

An Act respecting the transfer of the property and activities of General Trust of Canada and of the Sherbrooke Trust Company

WHEREAS General Trust of Canada is a trust company incorporated by chapter 80 of the statutes of 1970 amended by chapter 96 of the statutes of 1988;

Whereas the Sherbrooke Trust Company is a trust company incorporated by chapter 66 of the statutes of 1886 amended by chapter 76 of the statutes of 1894-95, by chapter 123 of the statutes of 1915, by chapter 92 of the statutes of 1926 and by chapter 106 of the statutes of 1929;

Whereas General Trust of Canada and the Sherbrooke Trust Company wish to transfer, in particular, their trust activities to one or more new Québec trust companies affiliated with the National Bank of Canada;

Whereas General Trust of Canada and the Sherbrooke Trust Company wish to transfer the remainder of their property and activities to the National Bank of Canada in order to be able to apply for dissolution;

Whereas the provisions of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) which govern the sale of the property or enterprise of a Québec trust company do not allow the transfer of the activities of a trust company to an interested person such as a new trust company affiliated with the National Bank of Canada and do not allow the transfer of all of the property and activities of a trust company to a financial institution, such as the National Bank of Canada, which is not a Québec trust company or savings company;

Whereas the sizeable volume of hypothecary loans and of the rights to be transferred to one or more new trust companies and to the National Bank of Canada warrants facilitating the transfer of the hypothecary loans and the rights, particularly in relation to the registration and publication of rights;

Whereas it is expedient to pass an Act to protect the rights of the persons who do business with General Trust of Canada and with the Sherbrooke Trust Company, and whose rights will be assumed by one or more new trust companies or by the National Bank of Canada, as the case may be;

Whereas the directors and shareholders of General Trust of Canada and of the Sherbrooke Trust Company, including the National Bank of Canada as the sole shareholder of General Trust of Canada, have agreed to the passing of this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. In this Act, unless the context indicates otherwise,

“companies” means General Trust of Canada and the Sherbrooke Trust Company;

“new trust company” means any new trust company affiliated with the National Bank of Canada to be incorporated under the Act respecting trust companies and savings companies and under the Companies Act (R.S.Q., chapter C-38);

“transfer agreement” means any transfer agreement referred to in section 2;

“transferee” means any new trust company or the National Bank of Canada, as the case may be.

2. The companies may transfer all of their property and activities to one or more new trust companies and to the National Bank of Canada. The transfer must be the subject of agreements covering the terms and conditions of the transactions, which must be authorized by the Inspector General of Financial Institutions who may, for the purpose, impose any conditions and restrictions he considers advisable. Sections 64, 120 and 154 to 160 of the Act respecting trust companies and savings companies do not apply to transfer agreements or to any incidental agreement authorized by the Inspector General of Financial Institutions pursuant to this section.

3. In every notarial deed or deed under private signature, in every judgment or court order, or in any other document involving or naming one of the companies and pertaining to the property or the rights transferred under a transfer agreement, the name of the transferee is substituted by operation of law for the name of the company, with the same effects as if it appeared therein.

4. Where a transferee acquires property or activities from one of the companies under a transfer agreement, no suit, action, appeal, application, motion or other proceeding brought and no power or recourse exercised or that could have been brought or exercised by or against one of the companies before a court of justice, an administrative tribunal or a government body in Québec in respect of property or activities thus transferred shall be suspended, interrupted or cancelled, and may be continued, brought or exercised in the name of or against the transferee without continuance of suit on written notice by the latter duly served on all interested parties and filed in the record.

5. Nothing in this Act affects the rights of a person having a claim against one of the companies or diminishes, modifies or affects the liability of the company toward such a person. However, all such rights may be exercised against the transferee of the property or right that is the subject of the claim or against any of the new trust companies having acquired the trust activities of the companies.

6. Where a company transfers its property and its rights to a transferee under a transfer agreement,

(a) except for the transfer of the ownership of an immovable, the registration, entry or publication in the name of a transferee of rights, in particular, claims, securities and guarantees, registered or entered in the name of one of the companies in any capacity whatsoever, to vest in the transferee, may be effected by the deposit of a certified copy of this Act and of a notice to the registrar stating that the right has been transferred under the terms of a transfer agreement duly authorized by the Inspector General of Financial Institutions and referring only to the registration number of this Act, to the notice of address of the transferee and to the acts constituting those rights transferred along with their registration numbers without reference to the property concerned;

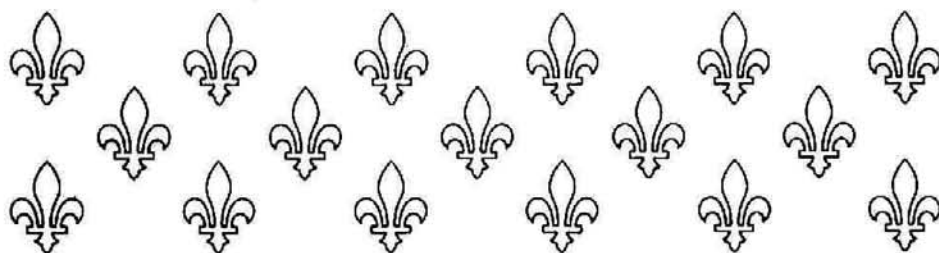
(b) the registrar may accept such a notice signed by a director, the president, a vice-president, the secretary or an assistant secretary of the transferee or by any person authorized by resolution of the board of directors of the transferee and shall register or enter the

notice in order to give effect thereto, without the notice being subject to proof of signature or proof of the signatory's authority, or being subject to any attestation or any other document or without having to be accompanied with any other document, whether under the current system of registration or under any future system of publication.

7. This Act shall not be interpreted as denying, to any person who has entrusted to one of the companies any trust activities or deposits, that person's right, where applicable, to entrust those trust activities or deposits to any person other than the transferee.

8. From 13 December 1993 the firm names "General Trust of Canada" and "Sherbrooke Trust Company" may be assigned to any of the new trust companies.

9. This Act comes into force on 13 December 1993.



NATIONAL ASSEMBLY

SECOND SESSION

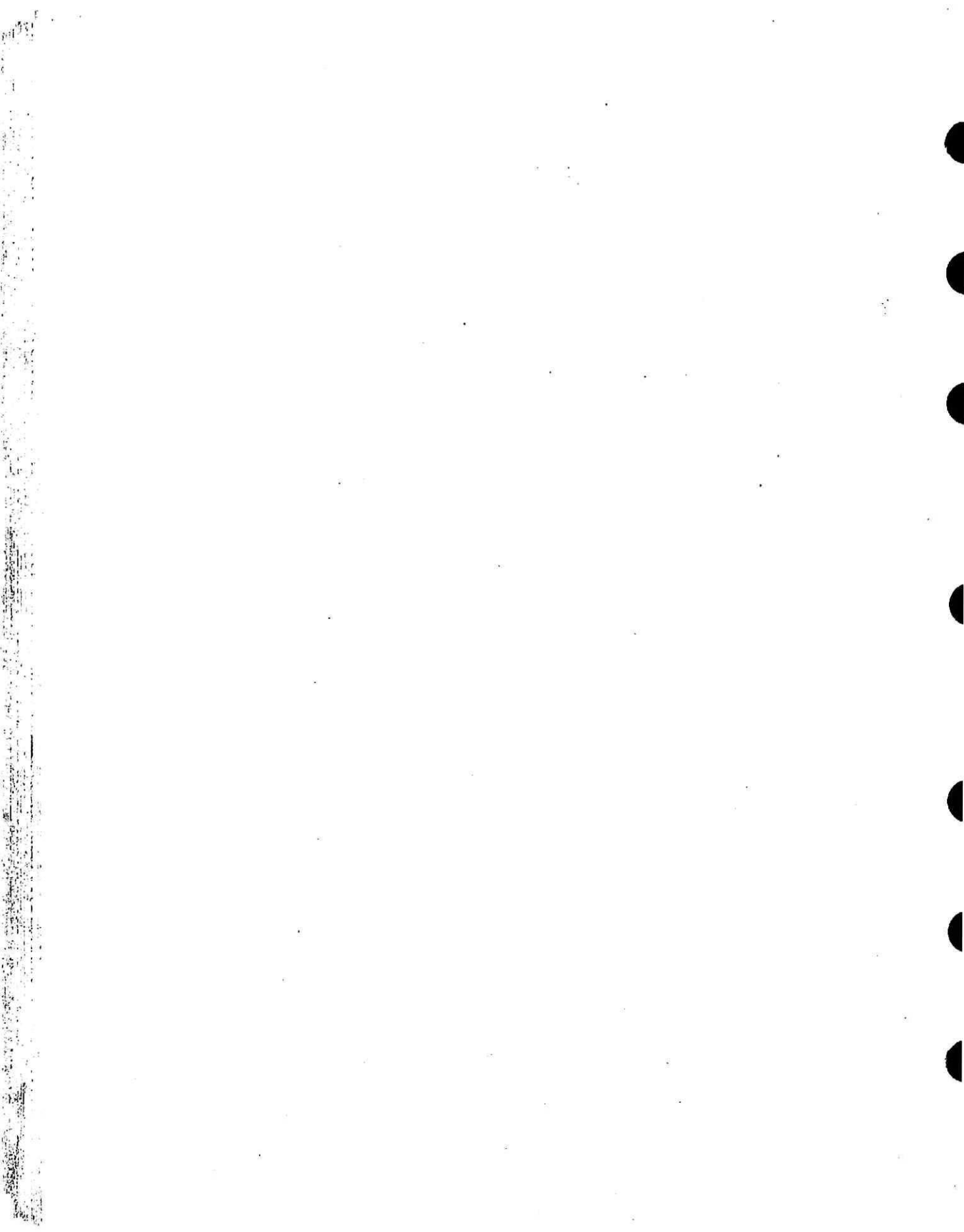
THIRTY-FOURTH LEGISLATURE

Bill 256
(Private)

**An Act to amend the Act to
incorporate the Order Sons of Italy
in Canada**

**Introduced 15 May 1993
Passage in principle 13 December 1993
Passage 13 December 1993
Assented to 14 December 1993**

**Québec Official Publisher
1993**



Bill 256
(Private)

**An Act to amend the Act to incorporate the Order Sons of Italy
in Canada**

WHEREAS the Ordre des Fils d'Italie au Canada was incorporated as the "Order Sons of Italy in Canada" (1937, chapter 139);

Whereas on 15 September 1979, under the Act respecting insurance (R.S.Q., chapter A-32), the "Order Sons of Italy in Canada" changed its corporate name to the "Ordre des Fils d'Italie au Canada";

Whereas the Ordre des Fils d'Italie au Canada is a mutual benefit association governed by the Act respecting insurance;

Whereas furthermore, the Order is a non-profit corporation formed for cultural, social and sporting purposes;

Whereas the Order wishes to end its insurance activities while continuing to pursue its other objects;

Whereas the Order has provided for the protection of its insured members by taking out a group insurance policy for their benefit;

Whereas it is expedient to allow the Order to end its insurance activities while continuing to pursue its other objects;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

I. Section 4 of the Act to incorporate the Order Sons of Italy in Canada (1937, chapter 139) is replaced by the following section:

4. The object of the Association is the promotion, advancement, well-being and development of its members in the cultural, social and sporting areas, without any aim of pecuniary gain."

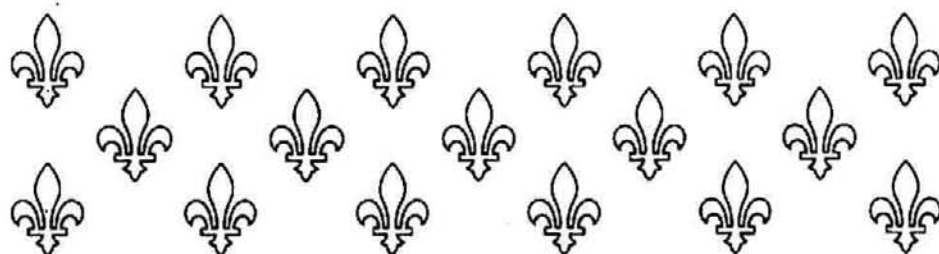
2. Section 5 of the said Act is amended

(1) by striking out the words "mutual and" in the second line of paragraph *b* of subsection 1;

(2) by striking out subsection 2.

3. Sections 9 and 10 of the said Act are repealed.

4. This Act comes into force on 14 December 1993.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

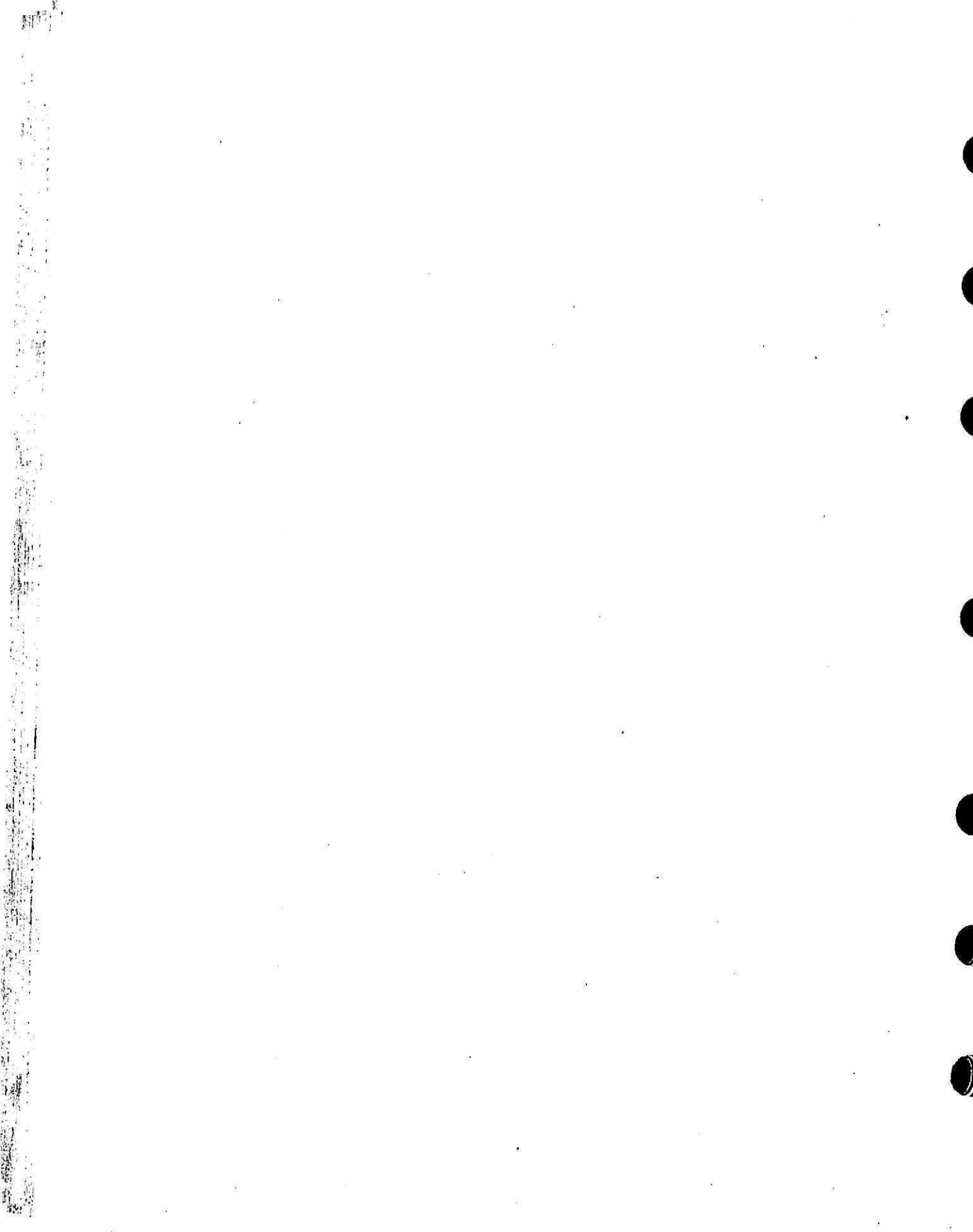
Bill 263

(Private)

**An Act to amend the charter of the
Director and Trustees of the
Montreal St. Patrick's Orphan
Asylum**

Introduced 17 June 1993**Passage in principle 10 December 1993****Passage 10 December 1993****Assented to 13 December 1993**

**Québec Official Publisher
1993**



Bill 263

(Private)

**An Act to amend the charter of the Director and Trustees of the
Montreal St. Patrick's Orphan Asylum**

WHEREAS the corporation known as the Director and Trustees of the Montreal St. Patrick's Orphan Asylum was incorporated by chapter 235 of the statutes of 1855, amended by chapter 188 of the statutes of 1857 (3rd Session), chapter 47 of the statutes of 1883, chapter 86 of the statutes of 1892 and chapter 114 of the statutes of 1963 (1st Session);

Whereas it is expedient to modify the objects and powers of the Corporation, the name of the Corporation, and certain other general rules of the Corporation to reflect changes in the nature of the activities of the Corporation;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The name of the Corporation is hereby changed to "Montreal St. Patrick's Foundation".

2. The said Act is amended by inserting, after section I, the following sections:

"**Ia.** The Corporation shall carry on its activities without pecuniary gain to its Director and Trustees, and any profits or other increases accruing to the Corporation shall be used to further its objects.

"**Ib.** The objects and powers of the Corporation shall be:

(i) To collect and keep funds and to allocate from time to time all or part of such funds or pay income out of such funds, or both, for any of the purposes hereinafter mentioned;

(ii) To distribute from time to time any part of its funds or the income therefrom to charities carrying on activities consistent with the following purposes: the relief of poverty, the advancement of religion, the advancement of education, health care and any other purpose of a charitable nature; and

(iii) To use, apply, give, devote or accumulate the funds of the Corporation or the income therefrom for or to the aforementioned purposes in such manner as may from time to time be considered appropriate by the Director and the Trustees.

"1c. Upon the dissolution or liquidation of the Corporation and after payment of all its debts and obligations, its residual assets shall be distributed to registered charities."

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

"IIIa. The Director and the Trustees shall be responsible for the management and administration of the Corporation and they shall act in such capacity without being remunerated, and no Director or Trustee shall receive or derive any profit in such capacity; however, the Director and the Trustees may be reimbursed for any reasonable expenses incurred by them in the performance of their duties."

4. Section V of the said Act, replaced by section 3 of chapter 114 of the statutes of 1963 (1st Session), is replaced by the following section:

"V. The said Corporation shall have perpetual succession and may have a common seal, with power to break, change and renew the same, when and as often as it shall think proper; and may contract and be contracted with, sue and be sued, implead and be impleaded, and prosecute and be prosecuted, as provided by the applicable Acts; and the said Corporation, at all times hereafter, shall be able and capable to have, take, receive, purchase and acquire, hold, possess, enjoy and maintain for the use of the said Corporation, all lands and property, moveable, and immoveable, which may hereafter be sold, ceded, exchanged, given, bequeathed, devised or granted to the said Corporation, and to sell, alienate, convey or lease the same, if need be."

5. Section VI of the said Act, replaced by section 4 of chapter 114 of the statutes of 1963 (1st Session), is replaced by the following section:

"VI. The Director and five of the said Trustees shall constitute a quorum at any meeting of the said Trustees, but if the Director be absent, then the quorum shall consist of a majority of the Trustees then in office. The said Trustees may act by majority vote of those present and shall constitute a quorum at any meeting."

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

"VIa. The annual meeting of the Director and the Trustees shall be held at the head office of the Corporation or at any other place in Québec on such day in each year and at such time as the Director and the Trustees may determine. At the annual meeting, the Director shall present or cause to be presented a report concerning the activities of the Corporation for the previous fiscal year, the financial statements of the Corporation, the auditors' report and such other information or reports concerning the activities of the Corporation as the Director and the Trustees may determine.

"VIb. Other meetings of the Director and the Trustees (to be known as "general meetings") may be convened at the request of the Director or of two Trustees, to be held on any date and at any time, and in any place in Québec.

"VIc. Any meeting of the Director and the Trustees may be convened by means of a notice of meeting to be delivered, mailed or sent by facsimile device to the Director and to each Trustee not less than seven days prior to the meeting if the notice is mailed, and not less than two days prior to the meeting if the notice is delivered or sent by facsimile device (exclusive of the day on which such notice is delivered, mailed or sent by facsimile device, but inclusive of the day for which such notice is given); however, meetings of the Director and the Trustees may be held at any time without formal notice if the Director and all the Trustees are present or if those absent have waived their right to receive the notice of meeting or have given written notice of their consent to the holding of such a meeting in their absence. A trustee may waive the right to receive a notice of meeting or any irregularity during a meeting or in respect of the notice of meeting.

"VId. If present, the Director shall act as Chairman and preside over all meetings of the Director and the Trustees. In the absence of

the Director, the Trustees shall choose one of the Trustees to act as Chairman.

“VIe. A resolution in writing, signed by the Director and by all the Trustees entitled to vote at a meeting of the Director and the Trustees, shall be as valid as if it had been adopted at such a meeting.”

7. Paragraph *a* of section VIII*a* of the said Act, enacted by chapter 114 of the statutes of 1963 (1st Session), is repealed.

8. The said Act is amended by inserting, after section VIII*a*, the following section:

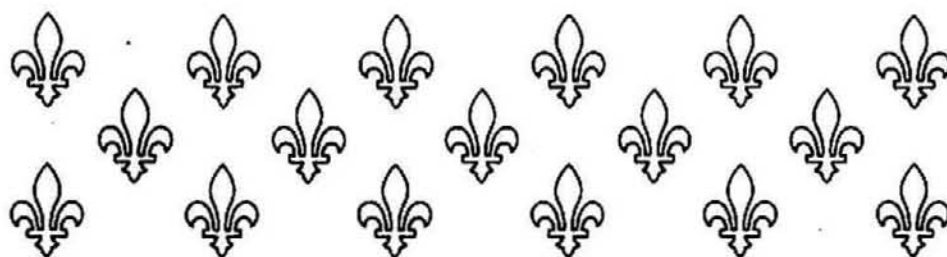
“VIII*b*. The Director and every Trustee and every other person who in good faith has entered into or is about to enter into a commitment on behalf of the Corporation, and their heirs, executors and administrators, shall at all times be indemnified and saved harmless out of the funds of the Corporation, from and against:

(*a*) all costs, charges and expenses which such Director, Trustee or other person sustains or incurs by reason of any action, suit or proceeding that may be instituted, commenced or brought against him for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by such person in the performance of his duties; and

(*b*) all other costs, charges and expenses which he sustains or incurs within the scope or in respect of the affairs of the Corporation, except such costs, charges or expenses as are occasioned by his own negligence or wilful default.”

9. Sections IX, X, XI and XII of the said Act are repealed.

10. This Act comes into force on 13 December 1993.



NATIONAL ASSEMBLY

SECOND SESSION

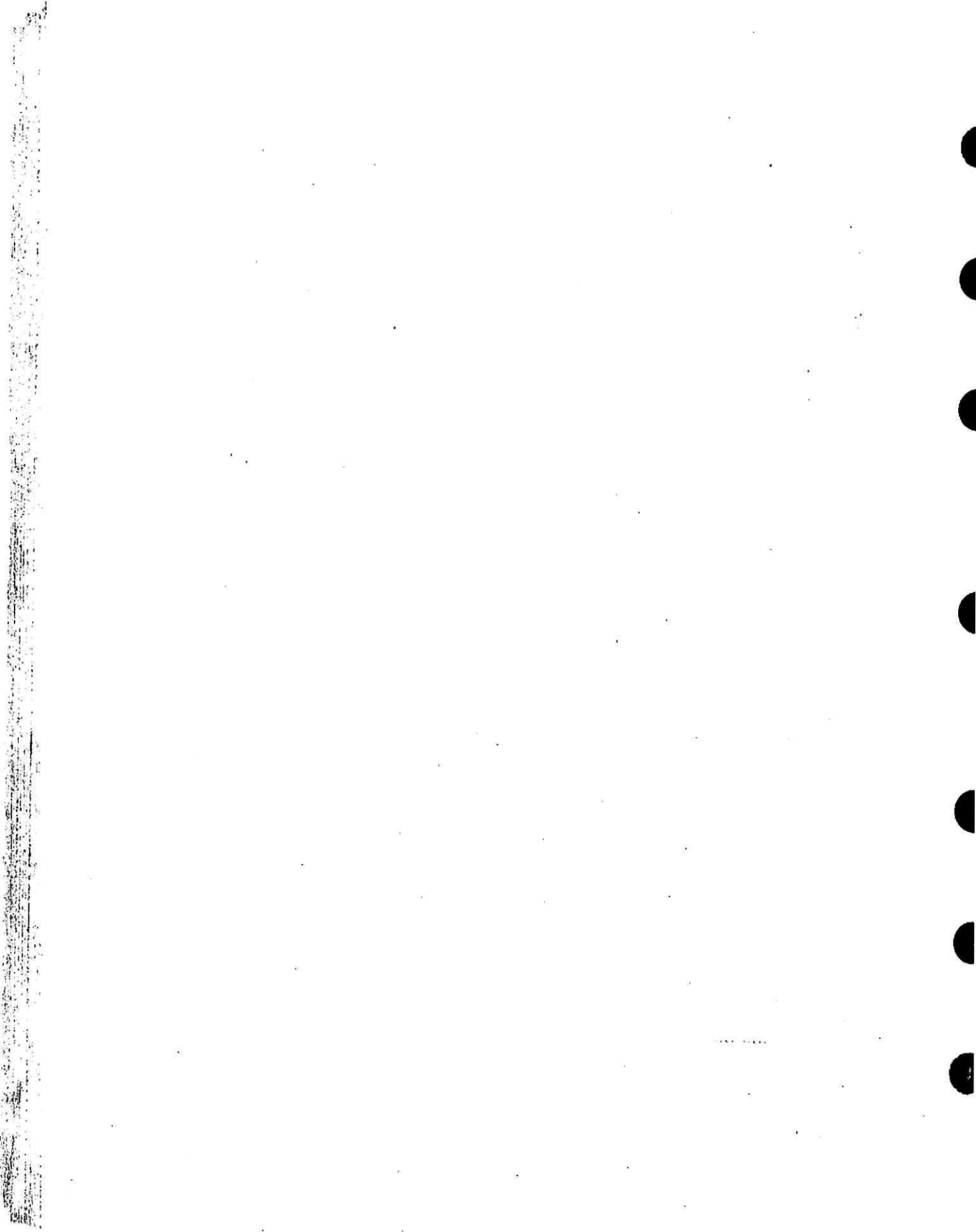
THIRTY-FOURTH LEGISLATURE

Bill 279
(Private)

**An Act respecting La Compagnie
d'Assurance funéraire, Urgel
Bourgie, Ltée and its affiliates**

Introduced 23 November 1993
Passage in principle 10 December 1993
Passage 10 December 1993
Assented to 13 December 1993

Québec Official Publisher
1993



Bill 279

(Private)

An Act respecting La Compagnie d'Assurance funéraire, Urgel Bourgie, Ltée and its affiliates

WHEREAS the Société coopérative de frais funéraires incorporated under the Joint-Stock Companies Incorporation Act (1868, chapter 25) on 16 August 1895, La compagnie d'Assurance Funéraire de Montréal, Limitée incorporated under the Act to amend the Quebec Insurance Act respecting funeral insurance (1916, chapter 47) on 31 July 1918, and La Compagnie Générale de Frais Funéraires, limitée incorporated under that Act on 30 March 1917 are affiliates of La Compagnie d'Assurance funéraire, Urgel Bourgie, Ltée incorporated under that Act on 2 August 1917;

Whereas the companies are governed by the Act respecting insurance (R.S.Q., chapter A-32);

Whereas since 20 October 1976, they have issued no funeral expenses insurance contracts, their operations now being limited, by operation of law, to meeting the obligations arising from contracts entered into before that date;

Whereas for administrative purposes, it would, in particular, be advisable for the companies to be able to amalgamate under the Act respecting insurance;

Whereas the companies are unable to amalgamate by reason of the fact that the company resulting from the amalgamation would not fulfil the conditions prescribed by Chapter I of Title III of the Act respecting insurance for the incorporation of an insurance company, as required by section 177 of the Act respecting insurance;

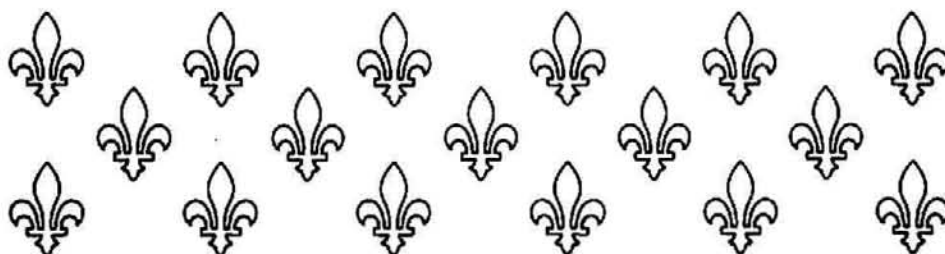
Whereas it is expedient, given the special nature of the operations of the abovementioned insurance companies, to exempt the company

resulting from the amalgamation from the requirement to fulfil those conditions;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The insurance company resulting from the amalgamation of the Société coopérative de frais funéraires, La compagnie d'Assurance Funéraire de Montréal, Limitée, La Compagnie Générale de Frais Funéraires, limitée and La Compagnie d'Assurance funéraire, Urgel Bourgie, Ltée is not subject to section 177 of the Act respecting insurance.

2. This Act comes into force on 13 December 1993.



NATIONAL ASSEMBLY

SECOND SESSION

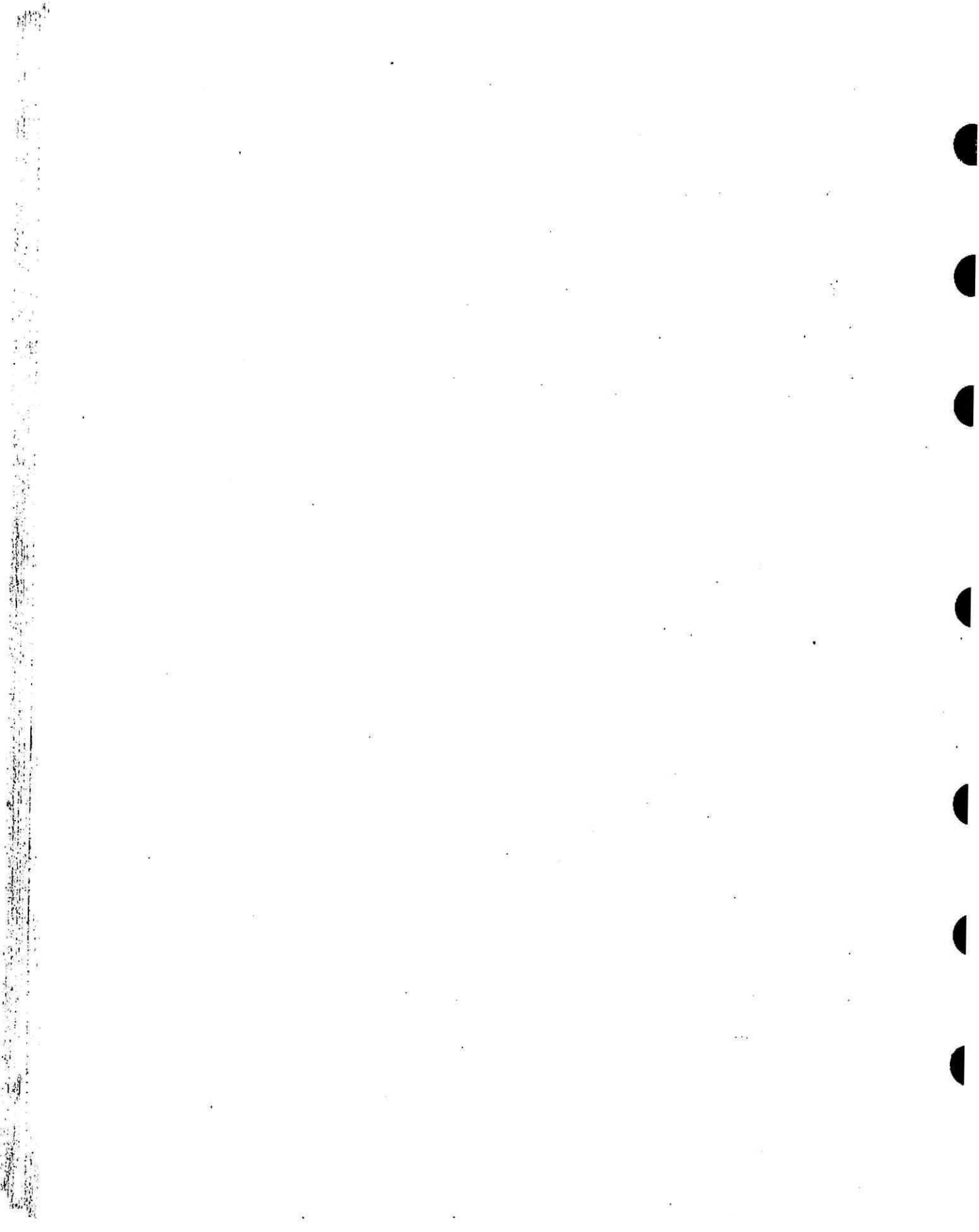
THIRTY-FOURTH LEGISLATURE

Bill 280
(Private)

An Act respecting The Royal Trust Company

Introduced 10 November 1993
Passage in principle 10 December 1993
Passage 10 December 1993
Assented to 13 December 1993

**Québec Official Publisher
1993**



Bill 280

(Private)

An Act respecting The Royal Trust Company

WHEREAS The Royal Trust Company (hereinafter called the "Company") is a trust company which was incorporated by the Act to incorporate "The Royal Trust and Fidelity Company" (1892, chapter 79);

Whereas the incorporating Act of the Company was subsequently amended by chapter 80 of the statutes of 1892, chapter 67 of the statutes of 1895, chapter 76 of the statutes of 1900, chapter 73 of the statutes of 1906, chapter 96 of the statutes of 1927, chapter 104 of the statutes of 1929, chapter 145 of the statutes of 1952-53, chapter 169 of the statutes of 1956-57, chapter 110 of the statutes of 1964, chapter 133 of the statutes of 1966-67 and chapter 108 of the statutes of 1969;

Whereas in accordance with the Act respecting The Royal Trust Company (1990, chapter 99), letters patent of continuance were issued to the Company on 27 December 1990;

Whereas the Company is now governed by the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);

Whereas the Company wishes to be continued as a company under the Trust and Loan Companies Act (S.C. 1991, chapter 45);

Whereas the Trust and Loan Companies Act provides for the issue of letters patent of continuance to a body corporate incorporated otherwise than by or under an Act of Parliament if the laws of the jurisdiction where it is incorporated authorize the body corporate to apply therefor;

Whereas legislative provisions authorizing a trust company governed by the laws of Québec to apply for the issue of such letters patent do not presently exist;

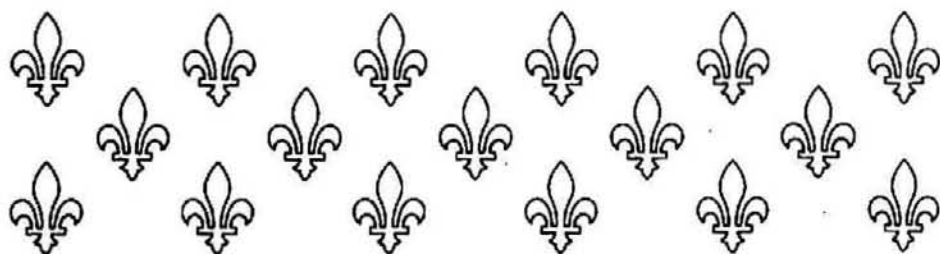
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Company is authorized to apply to the Minister of Finance for letters patent of continuance under the Trust and Loan Companies Act (S.C. 1991, chapter 45).

2. From the date indicated in the letters patent of continuance, the Company shall cease to be governed by the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) and shall become a company as if it had been incorporated under the Trust and Loan Companies Act.

3. Upon failure by the Company to make an application for letters patent of continuance under the Trust and Loan Companies Act within 60 days following the passage of this Act, it shall be required to obtain the consent of the Inspector General of Financial Institutions in writing in order to do so.

4. This Act comes into force on 13 December 1993.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

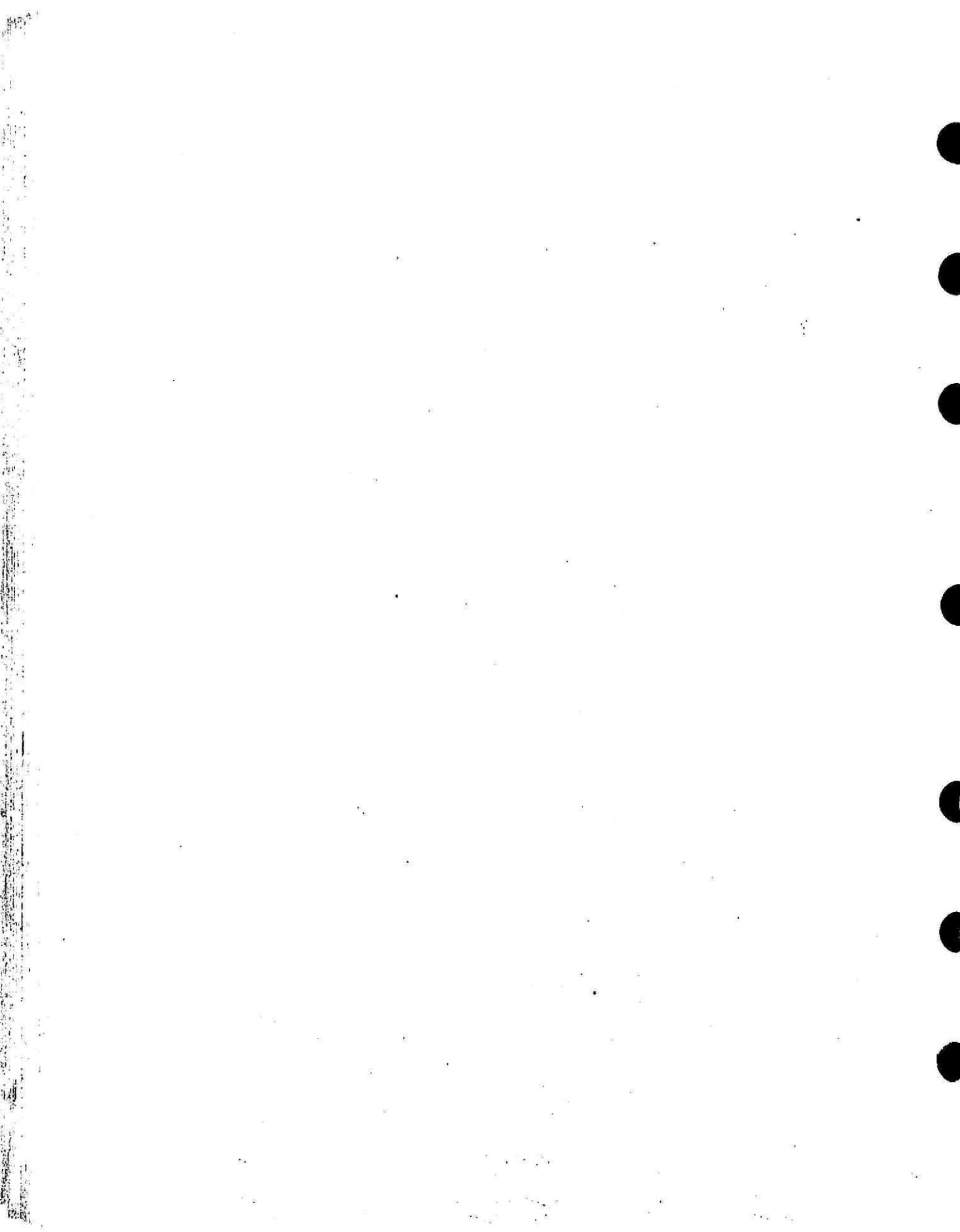
Bill 289

(Private)

**An Act respecting the Laurentian
Group and the Mouvement des
caisses Desjardins and amending
the Act respecting the Mouvement
des caisses Desjardins**

Introduced 11 November 1993**Passage in principle 10 December 1993****Passage 10 December 1993****Assented to 13 December 1993**

**Québec Official Publisher
1993**



Bill 289

(Private)

**An Act respecting the Laurentian Group and the Mouvement
des caisses Desjardins and amending the Act respecting the
Mouvement des caisses Desjardins**

WHEREAS The Laurentian Mutual Management Corporation (the "Mutual Management Corporation") and The Laurentian Life and Health Insurance Corporation ("Former Laurentian Life") result from the conversion and division of Laurentian Mutual Insurance pursuant to the Act respecting Laurentian Mutual Insurance (1988, chapter 95);

WHEREAS the Mutual Management Corporation, through Laurco Inc., a wholly-owned holding company referred to in section 1 of the Act respecting The Laurentian Mutual Management Corporation (1990, chapter 98), holds all of the outstanding shares of Former Laurentian Life;

WHEREAS Former Laurentian Life, through The Laurentian Group Corporation, its downstream holding within the meaning of the Act respecting insurance (R.S.Q., chapter A-32), controls legal persons carrying on business primarily in the area of financial services;

WHEREAS since 1 January 1991, following the transfer of certain of its assets to Laurentian Life Inc. ("Laurentian Life") as permitted by the Act respecting The Laurentian Mutual Management Corporation, Former Laurentian Life has been liquidating its existing portfolio in an orderly manner;

WHEREAS the Confédération des caisses populaires et d'économie Desjardins du Québec (the "Confédération") is a legal person founded and operated in accordance with cooperative principles, governed by the Savings and Credit Unions Act (R.S.Q.,

chapter C-4.1) and the Act respecting the Mouvement des caisses Desjardins (1989, chapter 113), comprising eleven federations and more than 1 300 local credit unions affiliated to the said federations;

WHEREAS the Confédération offers financial services through legal persons controlled by La société financière des caisses Desjardins inc., a holding company referred to in section 470 of the Savings and Credit Unions Act;

WHEREAS a merger has been proposed between the legal persons controlled by the Mutual Management Corporation (collectively the "Laurentian Group") and certain legal persons controlled by the Confédération;

WHEREAS Desjardins Laurentian Financial Corporation, a new Confédération holding company, has been incorporated specifically with a view to the said merger;

WHEREAS the merger was approved by the directors of the Mutual Management Corporation and Former Laurentian Life at meetings held on 9 November 1993, and by more than ninety per cent of the members of the Mutual Management Corporation, in attendance or represented by proxy, at a special meeting duly called and held on 30 November 1993;

WHEREAS the merger was approved by the directors of the Confédération at a meeting held on 18 October 1993;

WHEREAS Laurco Inc., as sole shareholder of Former Laurentian Life, approved the merger as of 9 November 1993;

WHEREAS for the purposes of the said merger, it is necessary to amend the Act respecting the Mouvement des caisses Desjardins, to enact particular legislative measures which derogate from certain laws of general application and to replace the Act respecting The Laurentian Mutual Management Corporation;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

FORMER LAURENTIAN LIFE AND LAURENTIAN LIFE

1. Former Laurentian Life may, by by-law requiring only the approval of the directors, continue its existence as a capital stock insurance company governed by the Act respecting insurance (R.S.Q., chapter A-32).

2. Sections 200.3, 200.5, 200.6, 200.8 and 200.9 of the Act respecting insurance, adapted as required, shall apply to the continuance of Former Laurentian Life.

However, the continuance by-law of Former Laurentian Life may be confirmed only after the Inspector General of Financial Institutions has declared that he is satisfied with the various reports relating to the proposed merger between the legal persons controlled by the Mutual Management Corporation and certain legal persons controlled by the Confédération.

3. As of and from the date of its letters patent of continuance, Former Laurentian Life shall be deemed to be an insurance company incorporated pursuant to the Act respecting insurance.

4. The fees due by Former Laurentian Life for the issuance of letters patent of continuance shall be those set forth in the Regulation respecting the application of the Act respecting insurance (R.R.Q., 1981, chapter A-32, r.1) for the issuance of supplementary letters patent to an insurance company.

5. The objects provided for in section 5 of the Act respecting The Laurentian Mutual Management Corporation (1990, chapter 98) with regard to Former Laurentian Life and Laurentian Life shall be maintained and inserted in the letters patent of continuance issued pursuant to this Act and the Act respecting insurance or in the supplementary letters patent issued pursuant to the Act respecting insurance and the Companies Act (R.S.Q., chapter C-38), as the case may be.

Any insurance company which, as a result of one or several mergers, derives its existence from Former Laurentian Life or Laurentian Life, shall benefit from the same objects as Former Laurentian Life and Laurentian Life.

CHAPTER II

CHANGES OF CONTROL AND ACCESSORY PROVISIONS

6. La société financière des caisses Desjardins inc. may hold shares of Desjardins Laurentian Financial Corporation.

The authorization provided for in section 471 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1) shall not be required for the purposes of the shareholding referred to in the first paragraph hereof.

7. Notwithstanding section 471 of the Savings and Credit Unions Act, Desjardins Laurentian Financial Corporation may acquire shares of the holding companies set forth below, which shall have the effect of granting it control of said holding companies and, *ipso facto*, control of the legal persons which said holding companies control:

1. The holding company of the groupe Desjardins, assurances générales inc; and

2. Desjardins Trustco Inc.

Section 43 of the Act respecting insurance and section 69 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) shall not apply to the registration of a share transfer which gives effect to a transaction referred to in the first paragraph hereof.

8. Section 43 of the Act respecting insurance shall not apply to the registration of the transfer of shares of Desjardins Life Assurance Company Inc. to Desjardins Laurentian Financial Corporation which has the effect of granting the latter control of Desjardins Life Assurance Company Inc.

9. Notwithstanding sections 470 and 471 of the Savings and Credit Unions Act, Desjardins Laurentian Financial Corporation may acquire shares of The Laurentian Group Corporation, which shall have the effect of granting it control of the latter and, *ipso facto*, control of the legal persons which the latter controls.

Further, The Laurentian Group Corporation or a holding company controlled by it on (*insert here the date of coming into force of this section*), may maintain a minority investment held on that date.

The Laurentian Group Corporation or a holding company controlled by the latter on (*insert here the date of coming into force of this section*) shall, no later than 5 years from that same date, divest itself of its shares of legal persons other than those carrying on the activities referred to in subparagraph 1 or 2 of the first paragraph of section 470 of the Savings and Credit Unions Act.

Section 43 of the Act respecting insurance and section 69 of the Act respecting trust companies and savings companies shall not apply to the registration of a share transfer which gives effect to a transaction referred to in the first paragraph hereof.

10. Notwithstanding subparagraph 2 of the first paragraph of section 285.21 of the Act respecting insurance, Former Laurentian Life may invest in shares or debt securities of Desjardins Laurentian Financial Corporation.

11. Notwithstanding subparagraphs *a* and *g* of the first paragraph of section 245 of the Act respecting insurance, Former Laurentian Life may acquire shares or debt securities of Desjardins Laurentian Financial Corporation in exchange for shares granting it control of The Laurentian Group Corporation.

Notwithstanding subparagraphs *a* and *g* of the first paragraph of section 245 of the Act respecting insurance and for the purposes of section 273 of that Act, the percentage of Former Laurentian Life's assets on 15 March 1991 represented by the total of the investments it held on that date in The Laurentian Group Corporation shall constitute the limit of its investments in Desjardins Laurentian Financial Corporation.

12. From the time that Former Laurentian Life ceases to control The Laurentian Group Corporation, Laurco Inc. shall transfer all of the outstanding shares of Former Laurentian Life to La société financière des caisses Desjardins inc.

Section 43 of the Act respecting insurance shall not apply to the registration of a share transfer giving effect to the first paragraph hereof.

13. The transfer by Laurco Inc. of all of the outstanding shares of Former Laurentian Life shall result, by the operation of law, in the dissolution of the Mutual Management Corporation and Laurco Inc.

The notice of dissolution of the Mutual Management Corporation and Laurco Inc. shall be published by the Inspector General of Financial Institutions in the *Gazette officielle du Québec*.

CHAPTER III

ACT RESPECTING THE MOUVEMENT DES CAISSES DESJARDINS

14. Section 1 of the Act respecting the Mouvement des caisses Desjardins (1989, chapter 113) is amended by adding, at the end, the following paragraph:

"The Confédération shall also offer services, in particular to its members, through the legal persons it is permitted to control by virtue of the Savings and Credit Unions Act."

15. Section 10 of the said Act is amended by adding, after the second paragraph, the following paragraphs:

"The Confédération may guarantee the financial liabilities of The Desjardins Commercial Assets Management Corporation Inc. and of the legal persons controlled by the latter.

For purposes of the computation of the limit provided for in the second paragraph, a guarantee given by the Confédération in relation to financial liabilities of La société financière des caisses Desjardins inc. towards The Laurentian Life and Health Insurance Corporation shall not be taken into account."

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

"**11.1** The Confédération may, in accordance with the Act respecting the Laurentian Group and the Mouvement des caisses Desjardins (*insert here the chapter number of the said Act in the volume of the statutes of Québec for 1993*), maintain the holding companies which it controls through Desjardins Laurentian Financial Corporation."

17. Section 42 of the said Act is amended by inserting, after paragraph 6, the following paragraph:

"(6.1) subscribe for debt securities issued by The Laurentian Life and Health Insurance Corporation;"

18. The said Act is amended by inserting, after section 50, the following section:

"**50.1** Notwithstanding section 406 of the Savings and Credit Unions Act, the Caisse centrale may acquire preferred shares of The Laurentian Life and Health Insurance Corporation."

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

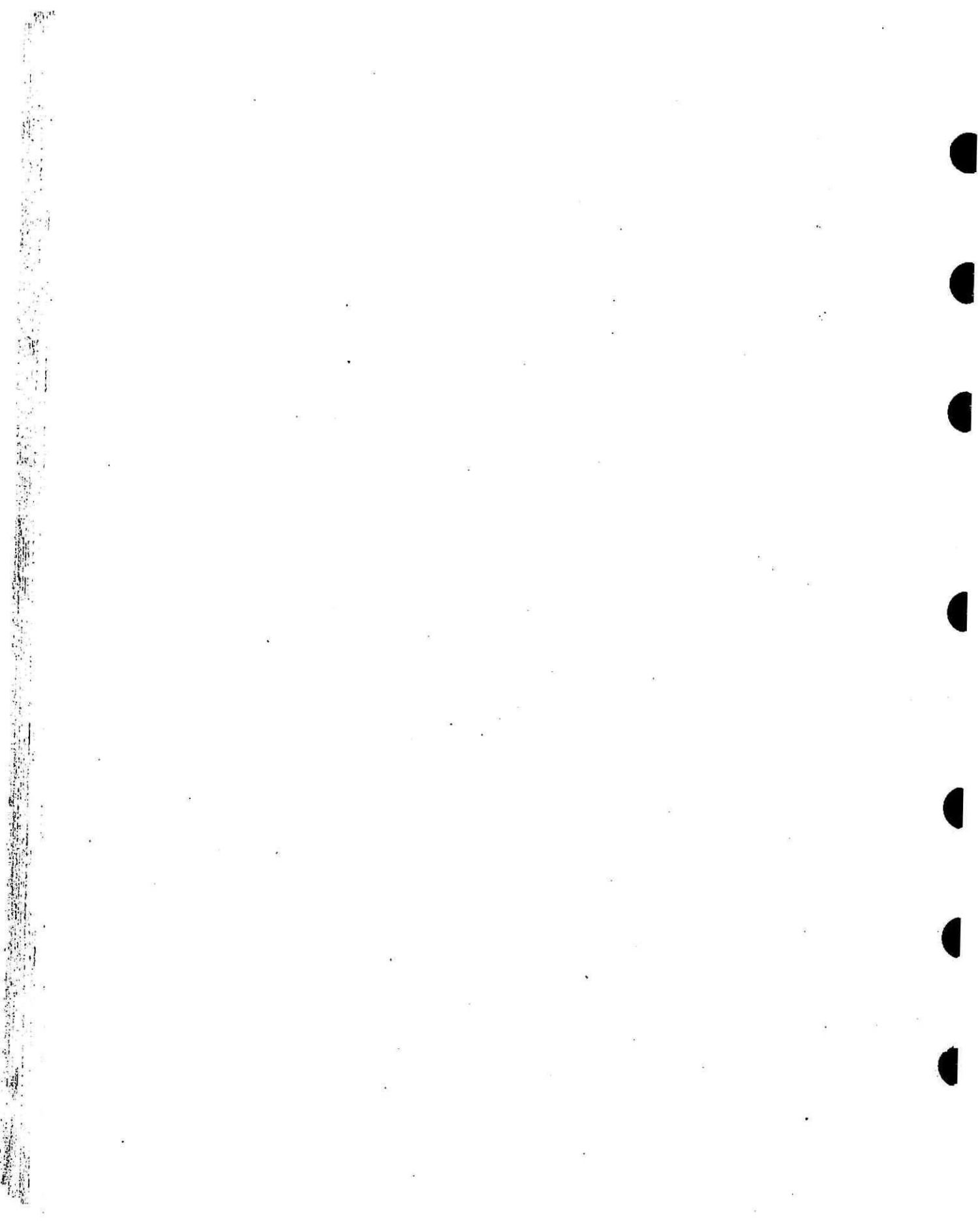
19. This Act replaces the Act respecting the Laurentian Mutual Management Corporation.

Sections 12, 13 and 14, the second paragraph of section 15, as well as sections 17, 18, 19, 24, 25, 28 and 29 of the said Act shall nonetheless remain in force, adapted as required, until the dissolution of the Mutual Management Corporation.

20. The objects referred to in section 5 shall be maintained with regard to Former Laurentian Life only for the purposes of the carrying on of limited activities under a restricted licence issued by the Inspector General of Financial Institutions and to which restrictions on the orderly liquidation of its portfolio are attached.

21. This Act may be cited as the Act respecting the Laurentian Group and the Mouvement des caisses Desjardins.

22. This Act comes into force on 13 December 1993, with the exception of sections 6 to 13 and sections 15 to 19, which will come into force on the date of the letters patent of continuance referred to in section 3.





NATIONAL ASSEMBLY

SECOND SESSION

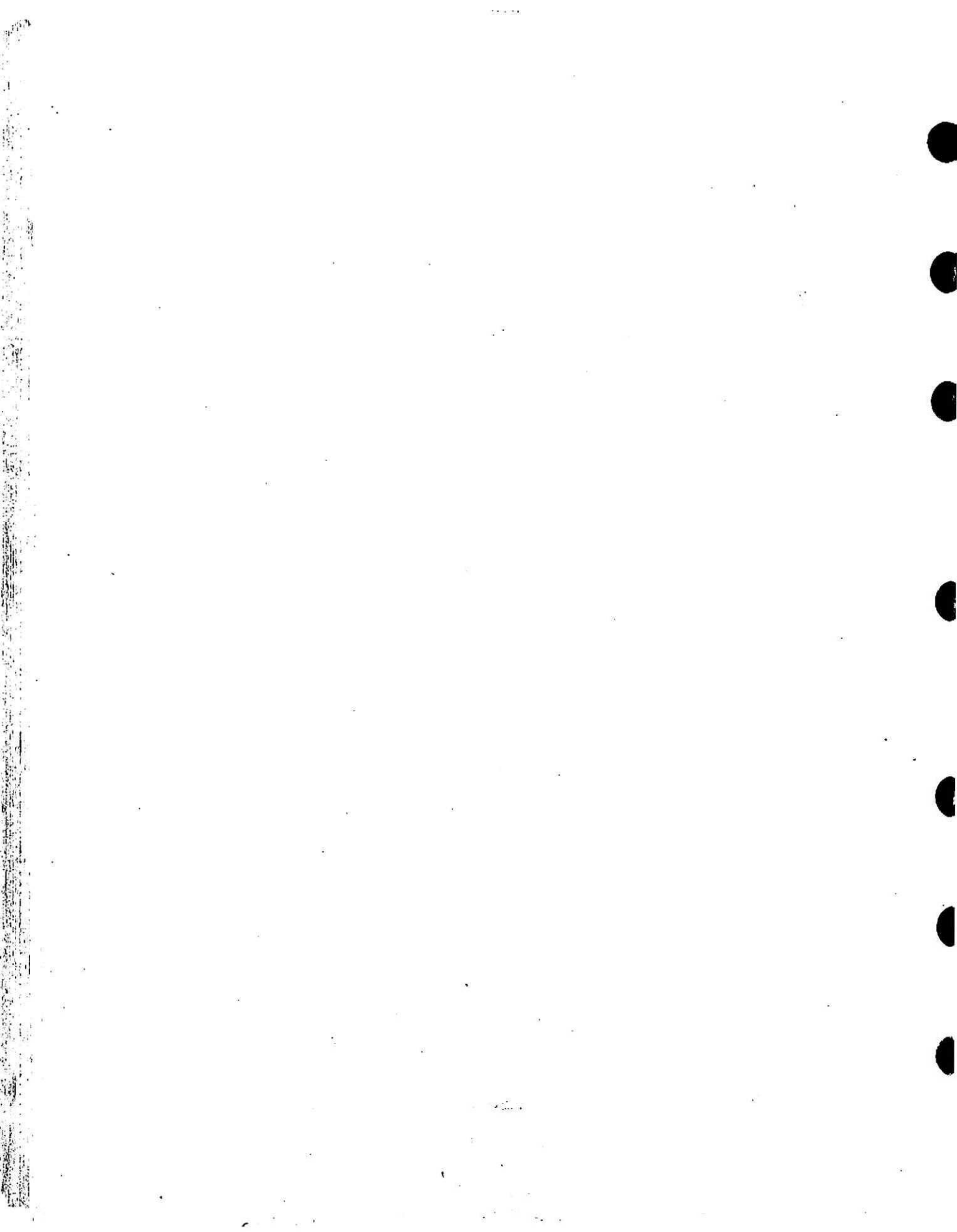
THIRTY-FOURTH LEGISLATURE

Bill 292
(Private)

**An Act respecting the corporation
"Hôpital Laval"**

Introduced 11 November 1993
Passage in principle 10 December 1993
Passage 10 December 1993
Assented to 13 December 1993

Québec Official Publisher
1993



Bill 292

(Private)

An Act respecting the corporation "Hôpital Laval"

WHEREAS the corporation "Hôpital Laval" was incorporated by the Act to incorporate L'Hôpital Laval (1950-51, chapter 127), and whereas the said Act was amended by chapter 115 of the statutes of 1963;

Whereas, by Order in Council 2380-75 dated 11 June 1975, a public establishment was set up under the name "Hôpital Laval (1975)";

Whereas, by Order in Council 3825-75 dated 13 August 1975, the corporation "Hôpital Laval" was authorized to cease operating its establishment and to transfer certain of its immovables to the corporation "Hôpital Laval (1975)" and certain others to the corporation "Les Soeurs de la Charité de Québec";

Whereas the immovables referred to in that Order in Council constituted all the immovable property of the corporation "Hôpital Laval", and whereas the said corporation availed itself of the authorizations given in the Order in Council and, since so doing, has not exercised any significant powers;

Whereas the corporation "Hôpital Laval" now no longer has any assets or liabilities;

Whereas no general Act provides for a method of dissolution applicable to the corporation "Hôpital Laval";

Whereas it is therefore advisable to dissolve the corporation "Hôpital Laval";

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** The corporation "Hôpital Laval" incorporated by the Act to incorporate L'Hôpital Laval (1950-51, chapter 127) is dissolved.
- 2.** The Act to incorporate L'Hôpital Laval (1950-51, chapter 127) is repealed.
- 3.** This Act comes into force on 13 December 1993.

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