



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 46

An Act to amend the Act respecting the Régie des télécommunications

Introduction

**Introduced by
Madam Liza Frulla-Hébert
Minister of Communications**



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EXPLANATORY NOTES

This bill amends the Act respecting the Régie des télécommunications, particularly by extending the notion of “user” to include all persons who avail themselves of telecommunications services.

It also empowers the Régie to award certain costs to persons whose participation in its proceedings it considers expedient.

The bill specifies that the Régie, in exercising its powers, is to favour conciliation.

It empowers the Régie to give instructions respecting the procedure it intends to follow in conducting a case.

Lastly, this bill makes provisions respecting the transfer of property of an operating company, the service of certain notices, and the information to be filed by all operating companies.

Bill 46

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Act respecting the Régie des télécommunications (R.S.Q., chapter R-8.01) is amended by striking out the definition of the word “user”.

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

“7.1 The president shall coordinate and distribute the work of the controllers.”

3. Section 12 of the said Act is amended by adding, at the end, the following paragraph:

“The Régie may award costs, including representation expenses and expert’s fees, to persons whose participation in its proceedings it considers expedient. It may also order the parties to pay, on the terms and conditions it fixes, such proportion of the costs as it determines.”

4. Section 13 of the said Act is amended by inserting the words “secretary and the other” before the word “employees” in the first line.

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

“In the exercise of its powers, the Régie shall favour conciliation.”

6. Section 24 of the said Act is amended by adding, after the second paragraph, the following paragraphs:

“An application shall also be filed with the Régie for an authorization to assign, transfer, exchange or allot securities of an operating company or to carry out any other transaction in respect of such securities if the transaction directly or indirectly results in conferring on a single person or on a group of related persons within the meaning of the Taxation Act (R.S.Q., chapter I-3) securities or rights to acquire securities

(1) which permit the election of a majority of directors of that operating company, in the case of securities exempt from the application of the Securities Act (R.S.Q., chapter V-1.1);

(2) which represent over 20% of the voting securities of that operating company, in the case of securities not exempt from the application of the said Act;

(3) which represent over 50% of the shares of the company or, in the case of a limited partnership, of the shares allowing the holder to act as general partner.

Any interested person may apply to a court of competent jurisdiction for the annulment of an act performed in contravention of this section.”

7. Section 25 of the said Act is amended

(1) by adding, at the end of the first paragraph, the words “or serve the notice on the interested persons by such means as it considers most appropriate”;

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

“The Régie may order the applicant to pay the cost of the publication or service, on the terms and conditions it determines.”

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

“26.1 Every operating company shall every year, at the time fixed by the Régie, file a report with the Régie containing the following information:

(1) its name, its capital stock, the various security issues made since its establishment or since the last report, the names of its directors and, where applicable, its corporate name;

- (2) its assets, liabilities, expenditures and income for the year;
- (3) any other information the Régie may require.”

9. Section 48 of the said Act is repealed.

10. Section 51 of the said Act is repealed.

11. The heading of Chapter IV of the said Act is replaced by the following heading:

“REGULATIONS, DIRECTIVES AND INSTRUCTIONS”.

12. The said Act is amended by inserting, after section 65, the following division:

“DIVISION III

“INSTRUCTIONS

“65.1 Subject to any contrary provisions of the regulations, the Régie may give instructions to the interested persons respecting the procedure it intends to follow in conducting a case.

Before any public hearing, however, the Régie must give instructions indicating, in particular, the time available to the interested persons to make representations to it, and the place and date of the hearing.

The Régie shall publish its instructions or serve notice of them on the interested persons by such means as it considers most appropriate. It may also order the parties to pay, on the terms and conditions it fixes, such proportion of the costs of the publication or service as it determines.”

13. Section 68 of the said Act is amended by inserting the words and figure “, fails to file the report prescribed in section 26.1 or produces false information in the report” after the word and figure “section 53” in the first line.

14. This Act comes into force on (*insert here the date of assent to this Act*).