

NATIONAL ASSEMBLY

FIFTH SESSION

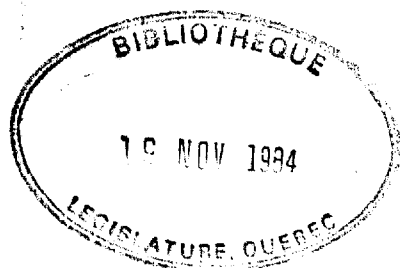
THIRTY-SECOND LEGISLATURE

Bill 15

An Act to amend various legislation

Introduction

**Introduced by
Mr Pierre Marc Johnson
Minister of Justice**



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EXPLANATORY NOTES

This bill amends legislation in several fields.

In the field of manpower and income security, amendments are made to the Social Aid Act to permit the Minister to continue paying social aid to single-parent families where the parent participates in a training program designated by regulation. Other amendments are made to eliminate a restriction that excluded work programs not prescribed by the Minister of Manpower and Income Security from recovery plans.

In the field of municipal affairs, section 256.1 of the Act respecting land use planning and development is amended to fix a new time limit before which the owner of an undivided parcel of land was required to fulfil certain conditions precedent to having his land cadastered, even if the land does not, at the time of effecting the cadastre, meet the prescriptions of the regulations then in force. Other amendments are also made to erect the town of Mirabel into a county municipality.

In the field of social affairs, amendments to the Health Insurance Act are made; one of these prohibits persons from enacting any payment for providing any accessory thing otherwise than as prescribed in the regulations or in an agreement. Other amendments are intended to allow the health insurance board to disclose to the Minister of Manpower and Income Security, not only the cost of goods and services supplied to persons entitled to social aid, but also the nature of the goods and services and the date on which they were supplied.

In the same field, amendments are made to the Public Health Protection Act, in particular to transfer to the Minister of Social Affairs all the regulatory powers of the Government concerning ambulance service, and provides for the delegation of his powers to a regional council. Other amendments concern the verbal authorization given by a physician to take possession of a body unclaimed by the family. Furthermore, the bill provides that henceforth, the expenses of burial or cremation of certain dead bodies will be assumed by the Government only so far as the property left by the deceased is insufficient to cover these expenses.

Continuing in the field of social affairs, the Act respecting health services and social services is amended to provide, in particular, that an emergency coordinating centre may impose registration requirements on holders of ambulance operating permits. The holders of such permits will also be required to provide service at service points and according to a schedule determined by the regional council. Other proposed amendments include pharmacists on the council of physicians and dentists of an establishment and cause them to share the responsibilities of the council. The Act respecting the Commission des affaires sociales is amended to empower the Commission to hear appeals brought by pharmacists.

In the field of transportation, amendments are made to the Railway Act and to other Acts governing private railway companies to replace the existing formalities for the approval of rates, tariffs or tolls by that of filing them with the Commission des transports du Québec. Other amendments are made to the Acts governing urban communities and transit corporations to require them to obtain the authorization of the Minister of Transport before disposing of certain property. Finally, the Automobile Insurance Act is amended to empower the Régie de l'assurance automobile to establish its tariffs as needed rather than on an annual basis.

In the field of education, the General and Vocational Colleges Act is amended, to confer on the Minister rather than on the Government the power to make decisions concerning the leasing of immovables or the creation of a servitude.

In the field of housing and consumer protection, the Real Estate Brokerage Act is amended to require applicants for a brokerage permit or registration certificate to take out professional liability insurance. The Act is also amended to increase the fines prescribed in cases of contravention, and to allow the Court to weigh the economic harm done by the offence and the benefit derived by the offender in determining the fine.

In the same field, the Consumer Protection Act is amended to regulate undertakings offering additional warranty in the automobile sector, requiring them to hold a permit and to furnish security while continuing to maintain a sufficient reserve fund and to appoint a provisional administrator to manage or wind up the business of the undertaking. The Act respecting insurance is amended so as to exclude undertakings offering additional warranty contracts.

The Act respecting the Société d'habitation du Québec is also amended to provide that the bonds issued by the corporation are to be considered guaranteed by the Government of Canada for the purposes of various legislation governing Québec financial institutions.

In the field of international relations and Canadian intergovernmental affairs, the Act respecting the Ministère des Affaires intergouvernementales

becomes the Act respecting the Ministère des Relations internationales. In addition, that Act and the Act respecting the Ministère du Conseil exécutif are amended with regard to the organization of the departments, to take account of the changes made to the composition of the Cabinet and to comply with recent amendments made to the Public Service Act.

In the field of energy and resources, the bill repeals the Unwrought Metal Sales Act.

Other amendments included in the transitional provisions allow the Corporation professionnelle des inhalothérapeutes du Québec established by letters patent to acquire the property and rights of the Corporation des techniciens inhalothérapeutes du Québec.

Finally, the bill proposes other amendments that are mainly technical and are designed to facilitate the administration of the Acts amended.

ACTS AMENDED BY THIS BILL:

- Social Aid Act (R.S.Q., chapter A-16);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Archives Act (R.S.Q., chapter A-21.1);
- Automobile Insurance Act (R.S.Q., chapter A-25);
- Deposit Insurance Act (R.S.Q., chapter A-26);
- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting insurance (R.S.Q., chapter A-32);
- Railway Act (R.S.Q., chapter C-14);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- General and Vocational Colleges Act (R.S.Q., chapter C-29);
- Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);
- Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);
- Act respecting the conservation and development of wildlife (1983, chapter 39);
- Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);
- Real Estate Brokerage Act (R.S.Q., chapter C-73);
- Deposit Act (R.S.Q., chapter D-5);
- Engineers Act (R.S.Q., chapter I-9);
- Mining Act (R.S.Q., chapter M-13);
- Act respecting the Ministère de l'Habitation et de la Protection du consommateur (R.S.Q., chapter M-15.3);
- Act respecting the Ministère des Affaires intergouvernementales (R.S.Q., chapter M-21);
- Act respecting the Ministère des Communautés culturelles et de l'Immigration (R.S.Q., chapter M-23.1);
- Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);
- Pharmacy Act (R.S.Q., chapter P-10);
- Public Health Protection Act (R.S.Q., chapter P-35);
- Consumer Protection Act (R.S.Q., chapter P-40.1);
- Act respecting the collection of certain debts (R.S.Q., chapter R-2.2);
- Act respecting the Régie de l'assurance automobile du Québec (R.S.Q., chapter R-4);
- Act respecting the Régie du logement (R.S.Q., chapter R-8.1);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);

- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Watercourses Act (R.S.Q., chapter R-13);
- Act respecting safety in sports (R.S.Q., chapter S-3.1);
- Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4);
- Act respecting health services and social services (R.S.Q., chapter S-5);
- Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8);
- Act respecting the Société de développement industriel du Québec (R.S.Q., chapter S-11.01);
- Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.21);
- Unwrought Metal Sales Act (R.S.Q., chapter V-5);
- Act to incorporate the Thurso and Nation Valley Railway Company (1925, chapter 113);
- Act to incorporate Cartier Railway Company (1957-58, chapter 186);
- Manpower Vocational Training and Qualification Act (1969, chapter 51);
- Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98);
- Act respecting the Société du port ferroviaire de Baie-Comeau — Hauterive (1975, chapter 48);
- Act respecting the Compagnie de gestion de Matane Inc. (1975, chapter 105);
- Act to amend the Mining Act (1977, chapter 31);
- Act respecting the Société immobilière du Québec (1983, chapter 40);
- Public Service Act (1983, chapter 55).

Bill 15

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

SOCIAL AID ACT

1. Section 11 of the Social Aid Act (R.S.Q., chapter A-16), amended by section 1 of chapter 5 of the statutes of 1984, is again amended by striking out the words "by the Minister" in the third line of the second paragraph.

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

"11.0.1 Notwithstanding section 7, the Minister may continue to grant social aid to a family that includes only one adult where that adult is attending an educational institution at the college or university level as a full time student under a training program designated by regulation."

3. Section 12 of the said Act, amended by section 3 of chapter 5 of the statutes of 1984, is again amended by replacing the word and figure "section 11.1" in the second line of the third paragraph by the words and figures "section 11.0.1 or 11.1".

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

4. Section 256.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by inserting, after the figure "1982" in the second line, the words "or on the date of the day preceding that of the coming into force of the first interim control by-law of the regional county municipality, when that date is later than 30 November 1982."

5. The said Act is amended by inserting, after section 264, the following section:

“264.01 For the purposes of this Act, the town of Mirabel is a regional county municipality within the meaning of Chapter I of Title II; the powers and responsibilities conferred by this Act on the warden, the council of the regional county municipality and the secretary-treasurer shall be exercised, respectively, for the town of Mirabel, by the mayor, the municipal council and the clerk or any other officer designated for that purpose.

Except section 170, this Act applies, *mutatis mutandis*, to the town of Mirabel, with the following changes:

(1) Chapter I of Title I, rather than Chapter III of Title I, applies, *mutatis mutandis*, to the town of Mirabel, with the following restrictions:

(a) sections 103 to 108 apply, rather than sections 36 to 46, to the conformity of by-laws with the development plan;

(b) paragraph 6 of section 84 and section 85 apply to the optional content of the plan;

(c) the master plan of the town of Mirabel remains in force and becomes the development plan of the regional county municipality; the plan must, however, be revised before (*insert here the date occurring two years after the date of the coming into force of this section*);

(2) Chapters IV and V of Title I apply, *mutatis mutandis*, to the town of Mirabel except that subparagraph 2 of the second paragraph of section 113 is amended by adding, at the end, the following:

“where the development plan specifies development areas regrouping one or more zones for which a special planning programme has come into force, a development area may be a polling unit for the purposes of sections 132, 133, 135, 144 and 145; the registration procedure provided in section 132 applies in each of the development areas contemplated by the amendment.”

ARCHIVES ACT

6. Section 50 of the Archives Act (R.S.Q., chapter A-21.1) is amended by replacing the word and figures “21 June 1985” in the second line by the word and figures “1 January 1986”.

AUTOMOBILE INSURANCE ACT

7. Section 151 of the Automobile Insurance Act (R.S.Q., chapter A-25) is replaced by the following section:

“151. The Régie shall fix, after actuarial valuation and with the approval of the Government, the sums exigible from a date determined by the Régie for the issue or renewal of licences and road vehicle registration certificates for the purposes of the first paragraph of section 150.”

8. Section 152 of the said Act is amended by replacing the first paragraph by the following paragraph:

“152. The sums fixed by the Régie under section 151 and the sums allocated, where such is the case, by the Government in accordance with section 564 of the Highway Safety Code must be sufficient to allow the payment of all the indemnities resulting from accidents that have occurred during the period for which such amounts are fixed or appropriated, the payment of the cost of highway safety promotion, the payment of the liabilities of the Régie under Title IV of this Act and the payment of the administration expenses of the Régie.”

DEPOSIT INSURANCE ACT

9. The Deposit Insurance Act (R.S.Q., chapter A-26) is amended by inserting, after paragraph *a* of section 43, the following paragraphs:

“(a.1) determining, among the conditions required for the issue of a permit, the conditions respecting the control of an institution by non-resident persons and their associates, and prescribing a period within which any registered institution that is not in compliance with such conditions on the date of their coming into force shall comply therewith;

“(a.2) defining, for the purposes of application of paragraph *a.1*, the expressions “control of an institution by non-resident persons”, “non-resident persons” and “associates”;

HEALTH INSURANCE ACT

10. Section 22 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing the seventh paragraph by the following paragraph:

“No person may exact or receive any payment from any beneficiary for a service, the supplying of something or costs accessory to an insured service furnished by a professional subject to the application of an agreement or by a professional who has withdrawn, except in the cases prescribed or provided for in an agreement and on the conditions mentioned therein.”

11. Section 67 of the said Act is amended by replacing the third paragraph by the following paragraph:

"Neither does it prohibit the disclosure to the Minister of Manpower and Income Security of the nature of the services, medications, prostheses, orthopedic devices, apparatus or other equipment the cost of which is assumed by the Board under subparagraph *c* of the first paragraph, of the second paragraph, of the third paragraph and of the fifth paragraph of section 3, the date on which such things or services were supplied and their cost with respect to each person entitled to social aid under the Social Aid Act (R.S.Q., chapter A-16) holding a valid claim booklet issued under section 70 or 71.1."

ACT RESPECTING INSURANCE

12. Section 1 of the Act respecting insurance (R.S.Q., chapter A-32) is amended

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

"(a) "insurer": any person who directly or indirectly advertises or acts as an insurer, issues or undertakes to issue an insurance contract, receives premiums, assessments or other amounts under such a contract or to pay mutual benefits, or undertakes to pay insurance benefits or mutual benefits, excluding any professional syndicate authorized to exercise the powers provided in subparagraph 1 of section 9 of the Professional Syndicates Act (R.S.Q., chapter S-40) or any merchant who offers or enters into a contract of additional warranty within the meaning of section 321 of the Consumer Protection Act (R.S.Q., chapter P-40.1) and who must hold a permit pursuant to that section;"

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

"(i) "insurance agent": every person who, on behalf of another and for remuneration or on behalf of his employer, excluding any merchant holding the permit required pursuant to paragraph *d* of section 321 of the Consumer Protection Act, transacts the business of insurance by negotiating for or placing risks, soliciting or obtaining applications for insurance, issuing policies or collecting premiums, including a special broker contemplated in section 346 and an insurance broker within the meaning of the Insurance Brokers Act (R.S.Q., chapter C-74);"

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

"(j) "claims adjuster": every person who, in insurance matters, on behalf of another and for remuneration or on behalf of his employer, excluding any merchant holding the permit required pursuant to paragraph *d* of section 321 of the Consumer Protection Act, investigates a loss, assesses damage arising from it or negotiates settlement of the claim, subject to the Act respecting the Barreau du Québec;"

RAILWAY ACT

13. Section 123 of the Railway Act (R.S.Q., chapter C-14) is replaced by the following section:

"123. Tolls and tariffs shall be fixed and regulated by the by-laws of the company, by resolution of the board of directors if they are thereunto authorized by the by-laws, or by the shareholders at a general meeting.

Where freight traffic is to pass over any continuous route operated by two or more companies, the railway companies over whose lines such traffic will pass may agree upon joint tolls and tariffs for such continuous route.

The tolls and tariffs shall be filed with the Commission des transports du Québec. They shall not come into force before the date of filing or, if they include an increase compared to an existing rate, before twenty days after the date of filing.

The date of filing of a toll or tariff is the date on which it is received by the Commission des transports du Québec.

Subparagraph *d.1* of the first paragraph of section 32 of the Transport Act (R.S.Q., chapter T-12) applies to the tolls and tariffs contemplated in this section."

14. Section 124 of the said Act is amended by replacing subsection 1 by the following subsection:

"124. (1) No tolls or money shall be charged or collected by a company as a common carrier except in accordance with the tolls and tariffs in force under section 123."

15. Sections 138 to 140 of the said Act are repealed.

MUNICIPAL CODE OF QUÉBEC

16. Section 7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out the word "local" in the first line of the first paragraph.

GENERAL AND VOCATIONAL COLLEGES ACT

17. Section 6 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) is amended by replacing the second paragraph by the following paragraphs:

"No college may, however, except within the financial limits fixed by regulation, acquire, build, enlarge, convert or alienate an immovable without the authorization of the Government.

Nor may it exercise the powers mentioned in subparagraphs *b* to *e* of the first paragraph or lease an immovable or create a servitude on any of its immovables without the authorization of the Minister."

18. Section 18 of the said Act is amended by replacing subparagraph *d* of the first paragraph by the following subparagraph:

"(*d*) the financial limits within which a college may acquire, build, enlarge, convert or alienate an immovable without the authorization of the Government;"

19. Section 24 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

"The regulations made under the third paragraph come into force ten days after their publication in the *Gazette officielle du Québec* or on any later date fixed therein."

ACT RESPECTING THE COMMISSION DES
AFFAIRES SOCIALES

20. Section 21 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34) is amended by replacing paragraph *g* by the following paragraph:

"(*g*) the appeals brought by physicians, dentists or pharmacists under section 132 of the Act respecting health services and social services;"

ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE
DE L'OUTAOUAIS

21. The Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended by adding, after section 171.1, the following section:

"**171.2** Notwithstanding sections 82 and 171, the Commission shall not alienate without the authorization of the Minister of Transport any property of a value of \$25 000 or more for which it has specifically been awarded a grant.

The Commission shall inform the Minister of Transport of the alienation of any other property for which it has specifically been awarded a grant within 15 days after the alienation."

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE
MONTREAL

22. The Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by adding, after section 253.1, the following section:

“253.2 Notwithstanding sections 119 and 253, the Commission shall not alienate without the authorization of the Minister of Transport any property of a value of \$25 000 or more for which it has specifically been awarded a grant.

The Commission shall inform the Minister of Transport of the alienation of any other property for which it has specifically been awarded a grant within 15 days after the alienation.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE
DE QUÉBEC

23. The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by adding, after section 188.1, the following section:

“188.2 Notwithstanding paragraph *h* of section 188, the Commission shall not alienate without the authorization of the Minister of Transport any property of a value of \$25 000 or more for which it has specifically been awarded a grant.

The Commission shall inform the Minister of Transport of the alienation of any other property for which it has specifically been awarded a grant within 15 days after the alienation.”

ACT RESPECTING INTERMUNICIPAL BOARDS OF
TRANSPORT IN THE AREA OF MONTREAL

24. Section 7 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended by replacing the second paragraph by the following paragraph:

“The municipalities shall transmit the resolutions within 15 days of passage to the municipality they wish brought into the agreement. The latter municipality, within 30 days after receiving the resolution of the municipalities, may apply to the Government, by a resolution setting out the reasons for the application, not to be brought into the agreement. It shall then transmit the resolution within 15 days of passage to the municipalities party to the agreement.”

25. Section 18 of the said Act is amended by adding the following paragraph:

“The board may, by by-law, enter into a contract with the Government so as to ensure the operation of a public transport railway service on the conditions determined between the Government and a railway company.”

ACT RESPECTING THE CONSERVATION AND
DEVELOPMENT OF WILDLIFE

26. Section 1 of the Act respecting the conservation and development of wildlife (1983, chapter 39) is amended by inserting, in the definition of “to trap”, after the word “capture”, the words “or attempt to capture”.

27. Section 15 of the said Act is amended

(1) by adding, at the end of the second line of subparagraph 1 of the first paragraph, the words “or any other Act or regulation assigned to his administration,”;

(2) by adding, at the end of the second line of subparagraph 2 of the first paragraph, the words “or any other Act or regulation assigned to his administration.”

28. Section 16 of the said Act is amended

(1) by inserting after the words “under it” in the fourth line of the first paragraph the words “or against any other Act or regulation assigned to his administration”;

(2) by adding, at the end of the second paragraph, the words “or any other Act or regulation assigned to his administration.”

29. Section 24 of the said Act is amended by inserting, after the figure “34” in the third line, the figure “, 38”.

30. Section 35 of the said Act is amended by inserting, after the figure “24” in the first line, the figure “, 42”.

31. The French text of section 56 of the said Act is amended by replacing the word “et” in the second line of subparagraph 2 of the third paragraph by the word “ou”.

32. Section 59 of the said Act is amended by inserting, after the words “he has killed” in the second line, the words “while hunting”.

33. The French text of section 67 of the said Act is amended by replacing the word “des” in the second line of paragraph 1 by the word “ses”.

34. Section 71 of the said Act is amended by inserting, after the figure "41" in the sixth line, the figure ", 42".

35. The French text of section 95 of the said Act is amended by replacing the words "aux prix équivalents" in the sixth and seventh lines by the words "au prix équivalent".

36. Section 108 of the said Act is amended by adding, at the end of the first paragraph, the words "and the manner in which such person shall dispose of the buildings at the expiration of the licence."

37. Section 110 of the said Act is amended by replacing the words "for access to the territory" in the fourth line of paragraph 6 by the words "to circulate in the territory".

38. Section 122 of the said Act is amended by adding, after the second paragraph, the following paragraph:

"Where a wildlife sanctuary comprises private lands, a copy of the regulation to create the wildlife sanctuary and a copy of the agreement contemplated in the second paragraph shall be registered by deposit in the registry office of the registration division where the land is located and an entry of the registration shall be made in the index of immoveables."

39. Section 162 of the said Act is amended by inserting, after the word "replacement" in the second line of paragraph 10, the words "and renewal".

40. Section 165 of the said Act is replaced by the following section:

"165. Every person who contravenes a provision of sections 30, 38, 59, 67, 71, of subparagraph 2 of section 57 in the case of a vehicle, or of the regulations made pursuant to subparagraph 4 or 5 of section 56 in the case of big game, a provision of section 27, of the first paragraph of section 69 or of the regulations made pursuant to subparagraph 1, 2 or 3 of section 56 and the first paragraph of section 56 in the case of animals other than big game, or a provision of section 42, 43, 46, 48, 49, 50, 52, 53, 55, 99 or 101, is guilty of an offence and liable, in addition to costs, for a first offence, to a fine of not less than \$200 nor more than \$600 and, for any subsequent offence within two years of a conviction for the same offence, to a fine of not less than \$600 nor more than \$1 000."

41. Section 168 of the said Act is replaced by the following section:

“168. A judge who imposes a penalty for an offence committed against a provision of section 27, 28, 34, 38 or 60 in the case of big game, or a provision of section 31 or 32, of the third paragraph of section 47, of the regulations made pursuant to section 56, of the first paragraph of section 56, of the first paragraph of section 69 or of section 71, must, where a seizure has been made pursuant to section 16 or section 8 of the Summary Convictions Act (R.S.Q., chapter P-15), declare the confiscation of the seized property.

A judge who imposes a penalty for an offence committed against a provision other than a provision referred to in the first paragraph, may, where a seizure has been made pursuant to section 16, or section 8 of the Summary Convictions Act, declare the confiscation of the seized property. However, he must declare the confiscation of any animal, pelt or fish that has been seized.”

42. Section 171 of the said Act is amended by inserting, after the figure “12” in the fourth line, the figure “, 22”, and, after the figure “72” in the same line, the figure “, 96”.

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL
TRANSIT CORPORATIONS

43. Section 38 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended

- (1) by striking out paragraph *e*;
- (2) by striking out the second paragraph.

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

“44. The corporation may alienate for valuable consideration any moveable or immoveable property.

If the alienation is not made at auction or by public tender, the secretary shall publish each month, if necessary, in a newspaper circulated in the territory of the corporation, a public notice indicating any property the corporation has alienated in any other manner during the preceding month, in favour of whom it was alienated and for what consideration; he shall forward a copy of the notice to the Minister.

“44.1 Notwithstanding section 44, the corporation shall not alienate, without the authorization of the Minister, any property of a value of \$25 000 or over for which it has specifically received a grant.

The corporation shall inform the Minister of the alienation of any other property for which it has specifically received a grant within 15 days after the alienation.”

REAL ESTATE BROKERAGE ACT

45. Section 6 of the Real Estate Brokerage Act (R.S.Q., chapter C-73) is amended by replacing subsections 1 and 2 by the following subsections:

“6. (1) Every applicant for a permit or registration certificate or its renewal shall send his application to the Superintendent in the form prescribed by regulation. The application must be accompanied with the documents and security prescribed by the Act and the regulations.

Every applicant for a broker’s permit or a registration certificate or its renewal shall also send with his application

(a) his financial statement in the form prescribed by regulation;

(b) an insurance contract establishing, on the terms and conditions prescribed by regulation, a guarantee against any professional liability he may incur by reason of a fault, error or omission committed by himself or his employees in the discharge of their duties.

“(2) The security is a guarantee against the liability a broker, registered builder or real estate agent might incur by reason of fraud, a fraudulent transaction or embezzlement of funds or other property that must be deposited in a trust account in accordance with this Act.

The amount of the security shall be \$5 000 for a broker or registered builder and \$1 000 for a real estate agent.”

46. Section 13 of the said Act is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“(a) any person who contravenes this Act or the regulations;”.

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

“16.1 The bankruptcy of a person holding a broker’s permit or a registration certificate entails, by operation of law, the cancellation of the permit or registration certificate, as the case may be.

The bankruptcy of a person acting as the representative of a firm or corporation holding a broker’s permit or a registration certificate makes such person unable to act as a representative and suspends, by operation of law, the broker’s permit or the registration certificate of the firm or corporation. The Superintendent may revive the broker’s permit or the registration certificate if the firm or corporation designates a new representative in accordance with this Act.”

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

“17. Any person found guilty of an offence against this Act or a regulation thereunder is liable, in addition to costs, to a fine of \$200 to \$5 000 in the case of an individual and \$400 to \$20 000 in the case of a corporation.

In the case of a subsequent offence within two years after conviction for the same offence, the fines provided for in the first paragraph shall be \$400 to \$10 000 in the case of an individual and \$800 to \$40 000 in the case of a corporation.

In determining the amount of the fine, the court shall take into account the economic harm, if any, caused by the offence to the individuals dealing with the offender, and the benefit the offender derived from committing the offence.”

49. Section 20 of the said Act is amended

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

“(a) the qualifications required of any person applying for a permit or registration certificate or a renewal, the conditions he must comply with, the financial statements and information and documents he must produce, the terms of the security he must furnish or the deposit that may be made in lieu thereof, the professional training courses or programs he shall follow, the examinations he must undergo and the fees he must pay;”;

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

“(a.1) classes of broker’s permits and of registration certificates, in order to determine the amount, the form, the terms and conditions of the professional insurance contract to be supplied by every applicant for a broker’s permit or registration certificate or its renewal;”;

(3) by replacing subparagraph *g* of the first paragraph by the following subparagraphs:

“(g) the advertising and representations of brokers, registered builders and agents;

“(g.1) the obligations of brokers, registered builders and agents with respect to the truthfulness of their representations;”.

DEPOSIT ACT

50. Section 7 of the Deposit Act (R.S.Q., chapter D-5) is replaced by the following section:

"7. The moneys deposited under this Act are under the management of the Minister of Finance. They shall be advanced by him to the Government without interest, shall be repayable on request and shall be a charge on the consolidated revenue fund.

The Minister of Finance shall repay on demand any part of the deposited moneys to the persons entitled to them unless he is prevented from so doing by a garnishment, an opposition or any other legal impediment or is entitled to withhold them."

51. Section 27 of the said Act is amended by striking out the third paragraph.

ENGINEERS ACT

52. Section 5 of the Engineers Act (R.S.Q., chapter I-9) is amended by adding, at the end, the following paragraph:

"(k) prevent the holder of a diploma awarded by the Université du Québec on the completion of the program of studies for a bachelor's degree at the École de technologie supérieure, or the holder of an equivalent diploma from the Université du Québec, from executing works for which he has been prepared by the education he has received."

MINING ACT

53. Section 14 of the Mining Act (R.S.Q., chapter M-13) is amended by replacing the words "ten dollars" in the first line of the first paragraph by the figure "\$25".

54. Section 63 of the said Act is amended by replacing the words "sixty cents" in the second line by the figure "\$0.75".

ACT RESPECTING THE MINISTÈRE DE
L'HABITATION ET DE LA PROTECTION
DU CONSOMMATEUR

55. Section 3 of the Act respecting the Ministère de l'Habitation et de la Protection du consommateur (R.S.Q., chapter M-15.3) is amended by striking out the second paragraph.

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

"5. The staff of the department consists of the public servants required for the discharge of the Minister's duties; they are appointed and remunerated in accordance with the Public Service Act."

57. Section 26 of the said Act is repealed.

ACT RESPECTING THE MINISTÈRE
DES AFFAIRES INTERGOUVERNEMENTALES

58. The title of the Act respecting the Ministère des Affaires intergouvernementales (R.S.Q., chapter M-21) is replaced by the following title:

"Act respecting the Ministère des Relations internationales".

59. Sections 1 to 8 of the said Act are replaced by the following sections:

"1. The Ministère des Relations internationales is under the direction of the Minister of International Relations appointed under the Executive Power Act (R.S.Q., chapter E-18).

"2. The Government, in accordance with the Public Service Act (1983, chapter 55), shall appoint a person as Deputy Minister of International Relations.

"3. Under the direction of the Minister, the Deputy Minister shall administer the department.

He shall, in addition, perform any other duty assigned to him by the Government or the Minister.

"4. In the discharge of his duties, the Deputy Minister has the authority of the Minister.

"5. The staff of the department consists of the public servants required for the discharge of the Minister's duties; they are appointed and remunerated in accordance with the Public Service Act.

"6. The Minister shall determine the duties of the public servants of his department where they are not determined by law or by the Government.

"7. No deed, document or writing shall bind the Minister or be attributed to the Minister unless it is signed by him, by the Deputy Minister or by a public servant and only, as regards the public servant, to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*.

“8. The Government may, by a regulation published in the *Gazette officielle du Québec*, upon the conditions it fixes, allow the required signature to be affixed by means of an automatic device to such documents as it determines.

The Government may also allow a facsimile of the required signature to be engraved, lithographed or printed on such documents as it determines; in such a case, the document must be countersigned by a person authorized by the Minister.

“9. Any document or copy of a document emanating from the department or its records, signed or certified by a person contemplated in section 7, is authentic.”

60. Section 9 of the said Act is amended by replacing the word “during” in the last line by the word “for”.

61. The French title of Chapter II of the said Act is replaced by the following title:

“RESPONSABILITÉS DU MINISTRE”.

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

“10. The Minister shall elaborate and propose to the Government an international relations policy, and shall implement such policy.

The Minister shall advise the Government on any question relating to international relations.

The Minister shall establish and maintain such relations with foreign governments and their departments or agencies as the Gouvernement du Québec considers it expedient to have with them.

The Minister shall coordinate foreign activities of the Government as well as those of its departments and agencies.”

63. Section 11 of the said Act is amended by replacing the word “intergovernmental” in the last line by the word “international”.

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

“12. The Minister is responsible for official communications between the Gouvernement du Québec, foreign governments and international organizations; he shall, for that purpose, maintain, in particular, the necessary liaison with their representatives in the territory of Québec.”

65. Section 13 of the said Act is amended

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

“**13.** The Minister, in conducting international affairs, shall see that the constitutional jurisdiction of Québec is respected.”;

(2) by inserting, after the word “implementation” in the second line of the second paragraph, the word “abroad”.

66. Section 14 of the said Act is amended by replacing the second line by the following line: “Government for the implementation abroad of policies”.

67. The heading of Chapter III of the said Act is replaced by the following heading:

“INTERNATIONAL AND OTHER AGREEMENTS”.

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

“**16.** The Minister shall oversee the negotiation of international agreements and their implementation and administer the programs of international exchanges resulting therefrom, except as provided by the Government.

The programs of exchanges contemplated in the first paragraph shall be elaborated, in agreement with the Minister, by the departments and agencies in the fields of their jurisdiction.

In this chapter, the words “international agreement” mean an agreement made between the Government or one of its departments or agencies and a foreign government, one of its departments or agencies or an international organization.”

69. Section 17 of the said Act is amended

(1) by replacing the word “intergovernmental” in the second line by the word “international”;

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

“The Minister may authorize a person, in writing, to sign an international agreement in his name. The signature has the same effect as the signature of the Minister.”

70. Section 18 of the said Act is amended by replacing the word “intergovernmental” in the second line by the word “international”.

71. Section 19 of the said Act is amended by replacing the word “intergovernmental” in the second line by the word “international”.

72. Section 20 of the said Act, replaced by section 80 of chapter 27 of the statutes of 1984, is again replaced by the following section:

“20. Except to the extent expressly provided for by law, no school board, regional school board, municipal corporation, urban community or regional community nor any agency to which it appoints a majority of the members or contributes over one half of the financing shall

(1) negotiate or enter into an agreement with a foreign government or a department or agency of any such government or an international organization;

(2) circumvent the prohibition enacted by subparagraph 1 by permitting or tolerating that it be affected by an agreement made between a third person and a government, a department, an agency or an organization contemplated in the said subparagraph.

Contravention of subparagraph 1 of the first paragraph entails the nullity of the agreement. Contravention of subparagraph 2 of the said paragraph entails the nullity of any provision of the agreement affecting the board, corporation, community or agency; where the effects of the clause are divisible, the clause is null only in respect of the board, corporation, community or agency.”

73. Section 21 of the said Act is amended by replacing the first paragraph by the following paragraph:

“21. No public agency shall, on pain of nullity, without prior approval of the Government, enter into agreements with a foreign government or with a department or agency of such a government.”

74. Section 22 of the said Act is amended by striking out the words “outside Québec” in the second and third lines of the second paragraph.

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

“REPRESENTATION OF QUÉBEC ABROAD”.

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

“23. The Minister has the management of Québec representation abroad.”

77. Section 24 of the said Act is amended by adding, at the end of the section, the following paragraph:

“The Government shall fix the salary of the *délegates-general*.”

78. Section 26 of the said Act is repealed.

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

“**27.** The Minister may, according to law, make with the Government of Canada agreements permitting Québec representatives to act, in the sectors of activities where Québec shares its constitutional jurisdiction with Canada, within Canadian diplomatic or consular missions established in countries where Québec has no delegate.”

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

“**28.** Notwithstanding sections 18 and 19 of the Act respecting the *Société immobilière du Québec* (1983, chapter 40), the Minister shall provide persons assigned abroad with the premises, the staff and the services necessary for the performance of their duties.

For the purposes of this section, the Minister is responsible, in particular, for the acquisition, leasing and general management of the necessary movable and immovable property.”

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

“**29.** The delegate-general and the delegate shall exercise their functions under the authority of the Deputy Minister.

They shall supervise and manage the personnel of the delegation under their responsibility.”

82. Section 30 of the said Act is replaced by the following section:

“**30.** Only the Minister may assign persons abroad.

The Minister shall assign abroad persons responsible to another minister only with the consent of the minister concerned. Such persons shall perform their duties under the authority of the delegate-general or the delegate in keeping with the guidelines that the minister responsible for them determines in cooperation with the Minister.”

83. Section 31 of the said Act is repealed.

84. Section 33 of the said Act is replaced by the following section:

33. The Conseil du trésor shall determine, after consultation with the Minister, the conditions of employment specifically related to the assignment abroad of any class of persons.

The Conseil du trésor shall also determine the employment plan applicable to persons recruited abroad."

35. The heading of Division II of Chapter IV of the said Act is amended by replacing the word "intergovernmental" by the word "international".

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

34. Every official delegation of Québec to an international conference shall be constituted and commissioned by the Government.

No person shall, at an international conference or meeting, take a position in the name of the Government, unless he has received an express mandate for such purpose given under the authority of the Minister. The same rule applies to every mission sent in the name of the Government to a foreign government or to a department or agency of such a government."

37. Section 35 of the said Act is amended

(1) by inserting, after the word "Québec" in the second line of the first paragraph, the words "with a foreign government";

(2) by inserting, after the word "make" in the second line of the second paragraph, the words ", according to law,".

38. Section 36 of the said Act is amended by replacing the word "external" in the first line by the word "foreign".

ACT RESPECTING THE MINISTÈRE
DES COMMUNAUTÉS CULTURELLES
ET DE L'IMMIGRATION

39. Section 1 of the Act respecting the Ministère des Communautés culturelles et de l'Immigration (R.S.Q., chapter M-23.1) is replaced by the following section:

1. The Ministère des Communautés culturelles et de l'Immigration is under the direction of the Minister of Cultural Communities and Immigration appointed under the Executive Power Act (R.S.Q., chapter E-18)."

90. Section 3.3 of the said Act is amended by inserting, after the word "issue" in the second line of subparagraph *d*, the words "or cancel".

91. Sections 10 to 12 of the said Act are replaced by the following sections:

“10. The Government, in accordance with the Public Service Act (1983, chapter 55), shall appoint a person as Deputy Minister of Cultural Communities and Immigration.

“11. Under the direction of the Minister, the Deputy Minister shall administer the department.

He shall, in addition, perform any other duty assigned to him by the Government or the Minister.

“12. In the discharge of his duties, the Deputy Minister has the authority of the Minister.”

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

“13. The staff of the department consists of the public servants required for the discharge of the Minister’s duties; they are appointed and remunerated in accordance with the Public Service Act.”

93. Section 14 of the said Act is amended by replacing the first paragraph by the following paragraph:

“14. The Minister shall determine the duties of the public servants of the department where they are not determined by law or by the Government.”

ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

94. The Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) is amended by inserting, after the title of the Act, the following headings:

“DIVISION I

“ORGANIZATION OF THE DEPARTMENT”.

95. Section 1 of the said Act is amended by striking out the second paragraph.

96. The said Act is amended by inserting, after section 1, the following sections:

“1.1 The Secretary General of the Conseil exécutif is *ex officio* the Deputy Minister of the Ministère du Conseil exécutif.

“1.2 Under the direction of the Prime Minister, the Deputy Minister shall administer the department.

He shall, in addition, perform any other duty assigned to him by the Government or the Prime Minister.

“1.3 In the discharge of his duties, the Deputy Minister has the authority of the Prime Minister.

“1.4 The Deputy Minister may, in writing, on the conditions, to the extent and for the period he indicates, delegate or subdelegate all or part of the responsibilities vested in him pursuant to this Act.

“1.5 The staff of the department consists of the public servants required for the discharge of the Prime Minister’s duties; in virtue of this Act, they are appointed and remunerated in accordance with the Public Service Act.

The Prime Minister shall determine the duties of his public servants where they are not determined by law or by the Government.”

97. The said Act is amended by inserting, after section 3, the following division and sections:

“DIVISION II

“CANADIAN INTERGOVERNMENTAL AFFAIRS

“§ 1.—*General provisions*

“3.1 The Prime Minister or the Minister designated by the Government in accordance with section 9 of the Executive Power Act (R.S.Q., chapter E-18), hereinafter called “the Minister”, is responsible for the administration of this division.

“3.2 The Minister shall elaborate and propose to the Government a policy on Canadian intergovernmental affairs, and shall implement it.

The Minister shall advise the Government on any question relating to Canadian intergovernmental relations.

The Minister shall establish and maintain such relations with other governments in Canada and their departments or agencies as the Gouvernement du Québec considers it expedient to have with them.

The Minister shall coordinate all activities of the Government in Canada outside Québec as well as those of its departments and agencies.

“3.3 It is the duty of the Minister, in agreement with the interested departments and agencies, to promote the cultural, economic and social development of the people of Québec by the establishment of intergovernmental relations in Canada.

“3.4 The Minister is responsible for official communications between the Gouvernement du Québec and other governments in Canada; he shall, for that purpose, maintain the necessary liaison with their representatives in the territory of Québec.

“3.5 The Minister, in conducting Canadian intergovernmental affairs, shall see that the constitutional jurisdiction of Québec is respected.

The Minister shall furthermore ensure the participation of the Government in the preparation and implementation in Canada of federal policies and programs affecting the development of Québec and, for that purpose, favour intergovernmental cooperation.

“3.6 The Minister shall cooperate with the other departments of the Government for the implementation in Canada, outside Québec, of policies for which they are responsible, namely, in the sectors of immigration, education, industry and commerce, communications and cultural affairs.

“§ 2.—Canadian intergovernmental and other agreements

“3.7 The Minister shall oversee the negotiation of Canadian intergovernmental agreements and their implementation and administer the programs of intergovernmental exchanges resulting therefrom, except as provided by the Government.

The programs of exchanges contemplated in the first paragraph shall be elaborated, in agreement with the Minister, by the departments and agencies in the fields of their jurisdiction.

In this subdivision, the words “intergovernmental agreement” mean an agreement made between the Government or one of its departments or agencies and another government in Canada, one of its departments or agencies.

“3.8 Notwithstanding any other legislative provision, Canadian intergovernmental agreements must, to be valid, be approved by the Government and be signed by the Minister.

“3.9 When a person other than the Minister may, by law, enter into Canadian intergovernmental agreements, the signature of such a person continues to be required to give effect to the agreements unless otherwise ordered by the Government.

“3.10 The Government may authorize the Minister to be sole signatory to a Canadian intergovernmental agreement which another person is empowered by law to conclude. In such a case, the signature

of the Minister shall have the same effect as that of the person empowered.

“3.11 Except to the extent expressly provided for by law, no school board, regional school board, municipal corporation, urban community or regional community nor any agency to which it appoints a majority of the members or contributes over one half of the financing shall

(1) negotiate or enter into an agreement with a government in Canada, or a department or agency of any such government;

(2) circumvent the prohibition enacted by subparagraph 1 by permitting or tolerating that it be affected by an agreement made between a third person and a government, a department or an agency contemplated in the said subparagraph.

Contravention of subparagraph 1 of the first paragraph entails the nullity of the agreement. Contravention of subparagraph 2 of the said paragraph entails the nullity of any provision of the agreement affecting the board, corporation, community or agency; where the effects of the clause are divisible, the clause is null only in respect of the board, corporation, community or agency.

However, a school board may negotiate or enter into an agreement on behalf of the Government with its prior authorization.

“3.12 No public agency shall, on pain of nullity, without prior approval of the Government, enter into agreements with another government in Canada, or with a department or agency of any such a government.

The requirement of the first paragraph applies also to a corporation or agency to which a public agency appoints the majority of the members or contributes over one-half of the financing. The Minister, in agreement with the minister who is responsible for the public agency or who grants the subsidy shall see to the negotiation of the intended agreements.

In this section, “public agency” means a corporation or agency not contemplated in section 3.11 to which the Government or a minister appoints the majority of the members, to which, by law, the officers or employees are appointed or remunerated in accordance with the Public Service Act (1983, chapter 55) or more than half of whose resources are derived from the consolidated revenue fund.

“3.13 The Government may wholly or partly exclude from the application of this Act the classes of agreements that it designates.

Agreements entered into within the scope of relations established by the National Assembly with parliamentary institutions are in particular excluded from this Act.

“§ 3.—Representation of Québec in Canada

“3.14 The Minister has the direction of Québec representation in Canada.

“3.15 The Minister may, with the approval of the Government, establish offices in Canada, outside Québec, and assign the required personnel and appoint heads of post to them.

“3.16 The Minister shall make available to persons assigned in Canada, outside Québec, the offices and services necessary for the performance of their activities.

“3.17 Notwithstanding sections 18 and 19 of the Act respecting the Société immobilière du Québec (1983, chapter 40), the Minister shall provide persons assigned in Canada, outside Québec, with the premises, the staff and the services necessary for the performance of their duties.

For the purposes of this section, the Minister is responsible, in particular, for the acquisition, leasing and general management of the necessary movable and immovable property.

“3.18 The head of post shall exercise his functions under the authority of the Deputy Minister or the Associate Secretary General of the Conseil exécutif that he designates.

The head of post shall supervise and manage the personnel of the office under his responsibility.

“3.19 Only the Minister may assign persons in Canada, outside Québec. The Minister shall assign in Canada, outside Québec, persons responsible to another minister only with the consent of the minister concerned. Such persons shall perform their duties under the authority of the head of post in keeping with the guidelines that the minister responsible for them determines in cooperation with the Minister.

“3.20 The Conseil du trésor shall determine, after consultation with the Minister, the conditions of employment specifically related to the assignment in Canada, outside Québec, of any class of persons.

The Conseil du trésor shall also determine the employment plan applicable to persons recruited outside Québec.

“3.21 Every official delegation of Québec to a federal-provincial or interprovincial ministerial conference shall be constituted and commissioned by the Government.

No person shall, at an intergovernmental conference or meeting in Canada, take a position in the name of the Government, unless he has received an express mandate for such purpose given under the authority of the Minister. The same rule applies to every mission sent in the name of the Government to another government in Canada or to a department or agency of such a government.

“3.22 Within the framework of the agreements or ententes for cooperation made by the Gouvernement du Québec with another government in Canada, the Minister shall in cooperation with the interested departments see to the elaboration and implementation of cooperation programs in sectors where exchanges are most likely to promote the cultural and economic development and influence of Québec.”

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

“4. Within six months following the end of each fiscal year, the Prime Minister shall table a report of the activities of the department for that fiscal year in the National Assembly, except those provided for in Division II, if the Assembly is in session; if it is not sitting, he shall table it within thirty days after the opening of the next session or after resumption.

“4.1 Within six months following the end of each fiscal year, the Minister responsible for the carrying out of Division II shall table a report of the activities of the department that are related to Canadian intergovernmental affairs for that fiscal year in the National Assembly, if it is in session; if it is not sitting, he shall table it within thirty days after the opening of the next session or after resumption.”

PHARMACY ACT

99. Section 4 of the Pharmacy Act (R.S.Q., chapter P-10) is amended by replacing the first paragraph by the following paragraph:

“4. The Order shall be administered by a Bureau formed in accordance with the Professional Code.”

PUBLIC HEALTH PROTECTION ACT

100. Section 2 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended

(1) by adding, after the words “the Minister may” in what precedes subparagraph *a* of the second paragraph, the words “, by regulation,”;

(2) by adding, after subparagraph *e* of the second paragraph, the following subparagraph:

“(f) to determine the remuneration of the holders of ambulance service permits registered at the coordination centre of the Conseil de la santé et des services sociaux for the region of metropolitan Montréal;

“(g) to determine standards regarding the equipment, functioning and inspection of the operations of ambulance services and the qualifications of the staff assigned to those services;

“(h) determine the conditions which must be fulfilled by any person applying for an ambulance service permit;

“(i) determine what document and information a holder of an ambulance service permit must produce, the reports he must make, the records he must keep and the fees he must pay, as well as the conditions and procedure for renewal of permits;

“(j) prescribe any useful measure to ensure the protection and safety of persons transported by ambulance.”;

(3) by replacing the third paragraph by the following paragraphs:

“The Minister may, on the conditions and to the extent he determines, delegate to a regional council the functions and powers provided in subparagraph *g* of the first paragraph and in the second paragraph, except those provided in subparagraphs *b* and *e*; he may also entrust a regional council with the financial management of the funds relating to the carrying out of this section.

The Minister may verify the carrying out of the said delegation or appoint a person to do so. He may revoke such a delegation at any time. If a delegation is revoked, a by-law passed by a regional council under the delegation remains in force until it is replaced or repealed by the Minister.”

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

“2.1 A regulation made by the Minister under section 2 comes into force ten days after the date of its publication in the *Gazette officielle du Québec* or on any later date determined therein.

A regulation made by a regional council under the same section comes into force fifteen days after the date of its approval by the Minister

or on any later date he may determine. The regional council shall transmit to each holder of an ambulance service permit under its jurisdiction a copy of the regulation accompanied with a notice of the date of its coming into force, not later than five days after the date of its approval by the Minister."

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

"31. No person may operate a laboratory or an organ and tissue bank unless he is the holder of a permit issued for that purpose by the Minister.

No person may operate an ambulance service unless he is the holder of a permit issued for that purpose by the Minister or by the regional council, as the case may be."

103. Section 34 of the said Act is amended by replacing the first paragraph by the following paragraph:

"34. A person who applies for a permit must send his application to the Minister or the regional council, as the case may be. The application must be made in accordance with the conditions and procedures prescribed in the regulations made under section 2."

104. Section 36 of the said Act is amended

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

"36. Irrespective of the number of permits in force or the number of applications for permits, the Minister or the regional council, as the case may be, shall issue the permit if the applicant fulfils the conditions and procedures determined by regulation of the Minister or the regional council and pays the duties prescribed by regulation.";

(2) by replacing the word "He" in the first line of the fourth paragraph by the words "The Minister or the regional council, as the case may be,".

105. Section 37 of the said Act is amended by replacing the words "in accordance with the regulations" in the third and fourth lines by the words "in accordance with the regulations of the Minister or the regional council, as the case may be".

106. Section 39 of the said Act is amended by adding, at the end of the section, after the word "regulations", the words "of the Minister or the regional council, as the case may be".

107. Section 40 of the said Act is amended by adding, at the end of the section, after the word "Minister" the words "or one of the regional council who issued it."

108. Section 41 of the said Act is amended by adding, after the word "Minister's" in the second line, the words "or regional council's".

109. Section 58 of the said Act is amended by replacing the second paragraph by the following paragraph:

"The physician in charge may verbally authorize the delivery of an unclaimed body to a person, other than one of the persons contemplated in section 57, who requests it in writing of the funeral or cremation director and who undertakes in writing with one of them to have the body buried or cremated as soon as possible, at his expense."

110. Section 60 of the said Act is replaced by the following section:

"**60.** Bodies that no university agrees to accept and unclaimed bodies that, on the instructions of the physician in charge, are to be buried or cremated, must be buried or cremated as soon as possible. The cost of burial or cremation is at the expense of the Gouvernement du Québec so far as the property left by the deceased is insufficient to cover such cost, unless it has already been paid for pursuant to a contract for a pre-arranged funeral.

However, burial or cremation shall in no case be carried out without the authorization of a coroner in accordance with the regulations."

111. Section 65 of the said Act is amended by adding, after the word "competence" at the end the words "or within what he delegated to a regional council in accordance with section 2."

112. Section 69 of the said Act, amended by section 83 of chapter 27 of the statutes of 1984, is again amended

(1) by striking out the words " of ambulance" in the second line of subparagraph *b* and the comma that follows;

(2) by adding, at the end of subparagraph *c*, after the word "examinations" in the third line, the words "and in that of an ambulance service";

(3) by replacing subparagraph *d* by the following subparagraph:

"(d) determine what documents a permit holder must produce, the kind of operations he must conduct, the reports he must make, the records he must keep and the fees he must pay, as well as the

procedure for renewal of permits except in the case of a holder of an ambulance service permit;”;

(4) by striking out subparagraph s.1;

(5) by striking out the third paragraph.”

113. Section 71 of the said Act is amended by replacing the first three lines of the first paragraph by the following:

“**71.** Whoever contravenes any of the provisions of this Act or the regulations made by the Government, the Minister or the regional council, as the case may be, or refuses to comply with an order given under such Act or regulations is guilty of an offence and is liable, upon summary”.

CONSUMER PROTECTION ACT

114. Section 321 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is replaced by the following section:

“**321.** Subject to the exceptions prescribed by regulation, the following persons must hold a permit:

(a) every itinerant merchant, except the itinerant merchant who makes a contract contemplated in section 57;

(b) every merchant who makes contracts of loan of money governed by this Act;

(c) every merchant who operates a physical fitness studio;

(d) every merchant who offers or makes a contract of additional warranty relating to property or a class of property defined by regulation.

For the purposes of this section, “contract of additional warranty” means a contract under which a merchant undertakes, towards a consumer, to assume directly or indirectly, all or part of the costs of repairing or replacing a property or a part thereof in the event of its defect or malfunction, otherwise than under a basic conventional warranty given gratuitously to every consumer who purchases the property or has it repaired.”

115. The said Act is amended by inserting, after section 323, the following section:

“**323.1** Every merchant who is required to hold a permit under paragraph *d* of section 321 must, in the manner and in accordance with

the norms prescribed by regulation, keep at all times reserves intended to guarantee the obligations arising from the contracts of additional warranty made by him.

The merchant must also provide a statement of his operations to the president at the time and in the manner prescribed by regulation.”

116. Section 329 of the said Act is replaced by the following section:

“329. The president may suspend or cancel the permit of any holder who, during the term of his permit

(a) no longer meets the requirements prescribed by this Act or the regulations for the issuance of a permit;

(b) is unable, owing to his financial position, to assume the obligations arising from his business;

(c) is unable to demonstrate, to the satisfaction of the president, his honesty and competence;

(d) does not comply with an obligation prescribed in section 323.1.”

117. The said Act is amended by inserting, after section 338, the following sections:

“338.1 The president may appoint a provisional administrator to manage temporarily, continue or terminate the current business of a merchant who is required to hold a permit under paragraph *d* of section 321, or in any of the following cases:

(a) where the merchant operates without a permit;

(b) where the merchant no longer meets one of the requirements prescribed by the Act or by regulation for obtaining a permit;

(c) where the merchant’s permit is cancelled or suspended by the president or where the latter refuses to renew the permit;

(d) where the president has reasonable cause to believe that, during the term of his permit, the merchant did not comply with an obligation prescribed in section 323.1;

(e) where the president considers that the rights of consumers could be jeopardized if that measure is not taken.

“338.2 The president must give the merchant an opportunity to be heard before appointing a provisional administrator.

However, in an urgent situation, the president may first appoint the provisional administrator, provided that he gives the merchant an opportunity to be heard within 15 days.

“338.3 The deposition of each person heard at the hearing provided for in section 338.2 must be taken by stenography, stenotyped or recorded by any other means authorized by the Government.

“338.4 The decision to appoint a provisional administrator must be substantiated and the president shall notify the merchant thereof in writing.

“338.5 The provisional administrator shall have the necessary powers to carry out the mandate entrusted to him by the president.

Subject to the restrictions included in his mandate, he may, of his own initiative, in particular,

(a) take possession of the sums of money held, as reserves or otherwise, by or for the merchant;

(b) engage the sums of money contemplated in paragraph *a* to carry out the mandate entrusted to him by the president and enter into the contracts necessary for that purpose;

(c) sue for the purposes of the carrying out of his mandate.

“338.6 Where a provisional administrator is appointed, every document, book, record and other instruments relating to the merchant's business must, on request, be remitted to the provisional administrator.

“338.7 After receiving a notice to that effect from the provisional administrator appointed for a merchant, no financial institution which is the depository of sums of money for the merchant may make any withdrawal or payment from the sums deposited, except with the written authorization of the provisional administrator. The sums of money must, on request, be put in the possession of the provisional administrator according to his directives.

For the purposes of this section, “financial institution” includes a chartered bank, a savings and credit union, a trust company and any other institution authorized by the Deposit Insurance Act (R.S.Q., chapter A-26) to receive deposits.

“338.8 The administration costs and the fees of the provisional administrator shall be charged to the merchant and become payable upon being approved by the president. If the merchant fails to pay the account within 30 days of its presentation, the costs and fees shall be paid, by preference to any other debt, out of the security required from

the merchant where such is the case, and, in the case of a lack or insufficiency of funds, they form part of the costs contemplated in section 338.9 and are payable out of the consolidated revenue fund.

“338.9 The costs incurred for the application of the provisions of this chapter in respect of merchants required to hold a permit under paragraph *d* of section 321 shall be charged to the merchants holding such a permit.

The Government shall determine, each year, the quantum of the costs contemplated in the first paragraph, which are claimed and collected from the merchants, in accordance with the criteria of apportionment and the conditions prescribed by regulation.”

118. Section 339 of the said Act is replaced by the following section:

“339. Every person whose application for a permit has been dismissed by the president or whose permit has been suspended or cancelled by the president and a merchant for whom a provisional administrator has been appointed may appeal to the Provincial Court from the decision of the president.”

119. Section 350 of the said Act is amended by adding, at the end, the following paragraphs:

“(t) establishing, for merchants required to hold a permit under paragraph *d* of section 321, norms relating to the establishment, maintenance and utilization of the reserves that they must keep, and determining the dates when the merchants must provide a statement of their operations to the president and the form and content of the statement;

“(u) determining the criteria of apportionment according to which the costs contemplated in section 338.9 must be assumed by the merchants to whom the costs are charged under that section, and establishing the modalities for claiming, paying and collecting the costs.”

ACT RESPECTING THE COLLECTION OF CERTAIN DEBTS

120. Section 25 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is repealed.

ACT RESPECTING THE RÉGIE DE L'ASSURANCE AUTOMOBILE DU QUÉBEC

121. Section 7 of the Act respecting the Régie de l'assurance automobile du Québec (R.S.Q., chapter R-4) is amended by replacing the word “seven” in the first line by the figure “11”.

122. Section 14 of the said Act is amended by replacing the word "three" in the first line of the first paragraph by the word "five".

123. Section 18 of the said Act is replaced by the following section:

"18. The Régie shall determine its fiscal year with the approval of the Government."

ACT RESPECTING THE RÉGIE DU LOGEMENT

124. Section 88 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended by replacing the second and third paragraphs by the following paragraphs:

"He may make the correction, *ex officio* or on the motion of one of the parties, so long as the decision has not been appealed or reviewed or before the decision becomes executory.

The motion for correction suspends the execution of the decision and interrupts the time allowed for appeal or review until the parties are notified of the decision."

125. Section 89 of the said Act is amended by replacing the third and fourth paragraphs by the following paragraphs:

"The application for revocation must be made in writing within ten days after the decision is known or from the time the cause of prevention ceases, as the case may be, as long as the decision has not been appealed or reviewed.

The application for revocation suspends the execution of the decision and interrupts the time allowed for appeal or review until the parties are notified of the decision."

ACT RESPECTING THE GOVERNMENT
AND PUBLIC EMPLOYEES RETIREMENT PLAN

126. The Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by inserting, after section 198, the following section:

"198.1 Every person contemplated in section 198 who holds a senior position in the civil service to which the Directive concernant la gestion des effectifs d'encadrement supérieur (C.T. 145110 of 21 June 1983) applies may accept to have a smaller number added to the years of service than would otherwise be added under that section."

ACT RESPECTING THE TEACHERS PENSION PLAN

127. Section 9 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11), replaced by section 149 of chapter 55 of the statutes of 1983 and amended by section 87 of chapter 27 of the statutes of 1984, is replaced by the following section:

“9. A teacher who becomes a member of the staff of the Lieutenant-Governor or of a minister or who becomes a member of the staff of a person contemplated in section 124.1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) continues to participate in this plan if his contributions have not been reimbursed to him and if fewer than 180 days have elapsed between the date on which he ceased to be a teacher and that on which he becomes a member of the staff of a minister or of the Lieutenant-Governor or a member of the staff of a person contemplated in section 124.1 of the Act respecting the National Assembly.”

ACT RESPECTING THE CIVIL SERVICE
SUPERANNUATION PLAN

128. Section 55 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 150 of chapter 55 of the statutes of 1983 and by section 88 of chapter 27 of the statutes of 1984, is again amended by replacing paragraph 15 by the following paragraph:

“(15) a member of the staff of the Lieutenant-Governor, a member of the staff of a minister or of a person contemplated in section 124.1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1);”.

129. Section 93 of the said Act is repealed.

WATERCOURSES ACT

130. Section 68 of the Watercourses Act (R.S.Q., chapter R-13) is amended

(1) by replacing the words “of the public domain” in the first line of the first paragraph by the words “in Québec”;

(2) by inserting the word “regular” before the word “power” in the second line of the second paragraph.

131. Section 69 of the said Act is repealed.

132. Section 69.1 of the said Act is repealed.

ACT RESPECTING SAFETY IN SPORTS

133. Section 1 of the Act respecting safety in sports (R.S.Q., chapter S-3.1) is amended by replacing paragraph 4 by the following paragraph:

“(4) “sports body” means a group of natural persons who are individual members of a federation, or a body, association, league or club formed as a legal person to organize or practise a sport;”.

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

“**2.** This Act applies to amateur sports and to sports events contemplated in Chapter V.”

135. Section 3 of the said Act is amended by inserting, after the word “sports” in the first line, the words “du Québec”.

136. Section 17 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“**17.** The financial year of the board ends on 31 March each year.

Not later than 31 July each year, the board shall submit to the Minister of Recreation, Fish and Game a report of its activities for the preceding fiscal year.”

137. Section 22 of the said Act is replaced by the following section:

“**22.** The board, at the request of the Minister or on its own initiative, may inquire or designate a person to inquire into any situation that could endanger the safety of a person practising a sport.

A person carrying out an inquiry, for the purposes of the first paragraph, is vested with the powers and the immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.”

138. Section 23 of the said Act is repealed.

139. Section 26 of the said Act is amended by replacing the words “of the board” in the third line of the first paragraph by the words “of the Government”.

140. Section 27 of the said Act is amended by replacing all that follows the word “board” in the second line by the following: “; the application for approval must be sent within the time, in the form and in accordance with the terms and conditions prescribed by regulation.”

141. Section 34 of the said Act is amended by replacing the first paragraph by the following paragraph:

“34. The board shall issue a licence for a fixed period or a licence for the duration of a specific activity or both, in the name of a natural person or a legal person.”

142. Section 37 of the said Act is amended by adding, at the end of the section, the following paragraph:

“A physician designated by the board may, in the cases prescribed by regulation, immediately suspend the licence of a contestant for medical reasons.”

143. Section 42 of the said Act is amended by striking out the words “paragraph 1 of” in the third line.

144. Section 43 of the said Act is amended by inserting, after the figure “40” in the second line, the following: “or act as an official at a sports event contemplated in paragraph 2 of section 40”.

145. Section 54 of the said Act is amended

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

“(4) determine the amount and nature of the deposit and of the liability-insurance policy to be provided by a person applying for a licence to operate a sports centre or a sports event organizer’s or promoter’s licence or who acts as an official at a sports event, according to the categories of sports centres or sports events it indicates;”;

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

“(5) determine in which cases a licence may be cancelled or suspended and for what duration;”;

(3) by inserting, after paragraph 5, the following paragraph:

“(5.1) determine in which cases a deposit may be confiscated and the use that is to be made of the deposit where such is the case;”.

146. Section 55 of the said Act is amended by adding, after paragraph 8, the following paragraph:

“(9) determine the form, time and the terms and conditions prescribed for sending an application for approval contemplated in section 27.”

ACT RESPECTING THE SERVICE DES
ACHATS DU GOUVERNEMENT

147. The Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4) is amended by inserting, after section 3, the following sections:

“3.1 The staff of the service is composed of the public servants necessary for the carrying out of the functions of the Director; they are appointed and remunerated in accordance with the Public Service Act.

“3.2 The signature of the Director gives authority to any document within the competence of the service.

“3.3 No deed, document or writing is binding on the Director unless it is signed by the Minister, by the Director or by a public servant in the service but in the case of the public servant, only to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*.

“3.4 The Government may, by regulation published in the *Gazette officielle du Québec* allow, on the conditions it determines, that the signature be affixed by means of an automatic device on the documents it determines.

The Government may, similarly, allow that a facsimile of a signature be engraved, lithographed or printed on the documents it determines. The facsimile must be authenticated by the signature of a person authorized by the Minister.

“3.5 Every document or a copy of a document emanating from the service, or from the archives of the service, signed and certified by a person contemplated in section 3.3 is authentic.”

ACT RESPECTING HEALTH SERVICES AND
SOCIAL SERVICES

148. Section 18.1 of the Act respecting health services and social services (R.S.Q., chapter S-5) is replaced by the following section:

“18.1 Hospital centres and reception centres shall submit their criteria on the admission and discharge of recipients and their policies on the transfer of recipients, for approval, to the health and social service council of their region if it is designated by regulation.

Every regional council designated under the first paragraph shall establish, in accordance with the standards determined by regulation, a regional system for the admission, discharge and transfer for recipients

of long-stay care, shelter and rehabilitation, except recipients of services from rehabilitation centres for physically handicapped persons, from rehabilitation centres for persons addicted to drugs and from care and shelter centres for mothers.

Notwithstanding the first paragraph, the Minister may require a hospital centre or a reception centre that he designates for that purpose because of its special vocation to submit to him its criteria on admissions and discharge, and its policies on transfers of recipients. The Minister shall in such a case obtain the opinion of the health and social service council of the region in which the establishment is situated. Once approved by the Minister, such criteria and policies bind the establishments and the regional council concerned."

149. Section 18.3 of the said Act is amended

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

"**18.3** The Conseil de la santé et des services sociaux de la région de Montréal Métropolitain may, to distribute emergency cases, set up a coordinating centre with which the holders of an ambulance operating permit within the meaning of the Public Health Protection Act (R.S.Q., chapter P-35) must register, provided they meet the conditions for registration with the coordinating centre.";

(2) by inserting, after paragraph 5, the following paragraph:

"(5.1) to determine the conditions for registration with the coordinating centre of any holder of an ambulance operating permit;"

(3) by replacing paragraph 6 by the following paragraph:

"(6) to receive calls requesting ambulance service from the persons and establishments of its territory and to distribute the requests among the holders of ambulance service permits who meet the conditions for registration with the coordinating centre.";

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

"The holder of an ambulance operating permit of the Montréal Métropolitain region must put all his ambulances at the exclusive disposal of the coordinating centre at the service points and according to the schedules determined by the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain."

150. Section 70 of the said Act is amended by striking out the fifth paragraph.

151. Section 70.1 of the said Act is replaced by the following section:

“70.1 No hospital centre may offer new services of such a nature as to necessitate teams of professionals or specialized equipment determined by regulation, nor acquire very highly specialized equipment determined by regulation before obtaining authorization in writing from the Minister. The Minister shall consult the regional council concerned before granting such authorization.”

152. Section 71.1 of the said Act is amended

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

“(1) coordinate, subject to section 112, the professional activities of the physicians and dentists of his department;

“(1.1) manage the resources of his department to the extent provided by regulation or, failing that, in the organization plan of the hospital centre;”;

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

“The rules governing the use of the resources must provide, in particular, that no bed may be reserved for a particular physician or dentist for recipients treated by him and that, in case of necessity, the director of professional services or his representative may designate a department or service in which a bed must be put at the disposal of the recipient.

The Government may provide by regulation the cases where the management of all or part of the resources of a clinical department may be entrusted by the director of professional services to a person other than the head of the clinical department.”

153. Section 71.2 of the said Act is amended by replacing the third paragraph by the following paragraphs:

“The rules contemplated in subparagraph 2 of the first paragraph must provide that the professional practise of physicians and dentists of various clinical departments must follow uniform rules of care.

These rules are submitted to the board of directors, which may grant or refuse its approval after obtaining the advice of the council of physicians, dentists and pharmacists.”

154. The said Act is amended by inserting, after section 71.3, the following section:

“71.4 The filling of a prescription of a physician or dentist who is not a member of the council of physicians, dentists and pharmacists is subject to the rules governing care and the rules governing the use of the resources in force at the hospital centre.”

155. Section 79 of the said Act is amended by replacing paragraph *k* by the following paragraph:

“(k) in the case of an establishment affiliated with a university, one person appointed by the university and another person elected by the interns and residents of the centre;”.

156. Section 105 of the said Act is amended by replacing paragraph *d* by the following paragraph:

“(d) unless otherwise provided for by regulation, choose and engage the members of the personnel including the junior managerial personnel and send to the board of directors recommendations on the engagement and appointment of the senior managerial personnel, in accordance with the regulations made under section 154;”.

157. Sections 111 to 113 of the said Act are replaced by the following sections:

“111. A council of physicians, dentists and pharmacists may be constituted in an establishment where at least two physicians and one pharmacist are practising. However, such council shall be constituted in every hospital centre where at least three physicians or dentists are practising and in every local community service centre where at least five physicians or dentists are practising.

Such council shall consist of all the physicians, dentists and pharmacists who practise their profession in the establishment and, in the case of a hospital centre, who enjoy the status required by regulation.

“112. The council of physicians, dentists and pharmacists, in accordance with such standards as may be determined by regulation, shall be responsible to the board of directors for

(1) supervising and appreciating the medical, dental and pharmaceutical acts performed in the establishment;

(2) maintaining the competence of the physicians, dentists and pharmacists practising in the establishment;

(3) making the necessary recommendations to ensure that medical, dental and pharmaceutical services are properly distributed;

(4) making recommendations on the scientific and technical organization of the establishment;

(5) giving its opinion on the rules governing medical and dental care, on pharmaceutical services and on the rules governing the use of the resources devised by the head of a clinical department;

(6) establishing the modalities of a system of continuous duty in the hospital centre.

In carrying out its functions, the council of physicians, dentists and pharmacists shall take into account the necessity of providing adequate services to recipients, the organization of the establishment and the resources available in the establishment.

“113. The powers of the council of physicians, dentists and pharmacists in an establishment having more than five physicians or dentists shall be exercised by an executive committee consisting of five physicians, dentists or pharmacists designated by the council, the general manager of the establishment and the director of professional services. However, the power to elect a member to the board of directors of the establishment shall be exercised by all of the members of the council of physicians, dentists and pharmacists.

The executive committee shall, in particular, carry out the functions prescribed by regulation.”

158. Section 118 of the said Act is amended by replacing paragraph 3 by the following paragraph:

“(3) supervise the operation of the committees of the clinical staff advisory council and of the council of physicians, dentists and pharmacists and satisfy himself that they are performing their functions and, in the case of the council of physicians, dentists and pharmacists, that it is adequately supervising the medical, dental and pharmaceutical acts performed in the establishment;”.

159. Section 129 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“The engagement of a pharmacist by a hospital centre must have previously been recommended by the council of physicians, dentists and pharmacists. The status given to the pharmacist on the council is determined in accordance with the regulation.”

160. Section 129.1 of the said Act is replaced by the following section:

“129.1 The director of professional services, the chairman of the council of physicians, dentists and pharmacists, the head of a clinical department or, in the case of a pharmacist, the head of the pharmacy department may, in case of emergency, temporarily authorize a physician, dentist or a pharmacist to practise his profession in a hospital centre. In that case, the person who gives the authorization must so notify the general manager immediately.

Where there is a risk that the delay involved in obtaining the authorization could be prejudicial to a recipient, any physician, dentist or pharmacist may, without such authorization, give the treatment or services that the condition of the recipient requires.”

161. Section 130 of the said Act is amended by replacing the first four paragraphs by the following paragraphs:

“130. A physician, dentist or pharmacist wishing to practise his profession in a hospital centre must send to the general manager a form of application for appointment in accordance with the regulations.

The committee of examination of titles of the council of physicians, dentists and pharmacists, the composition of which is determined by by-law, shall consider the application of the candidate and shall report to the council of physicians, dentists and pharmacists within 30 days of the receipt of the application by the general manager.

The council of physicians, dentists and pharmacists shall then send a recommendation to the board of directors within the ensuing 30 days in the case of an application for appointment by a physician or a dentist, and to the general manager in the case of an application for appointment by a pharmacist.

The board of directors shall send a written decision to the physician or dentist within 90 days of the receipt of the original application by the general manager.”

162. Section 131 of the said Act is replaced by the following section:

“131. The board of directors of a hospital centre may take disciplinary measures in respect of a physician, dentist or pharmacist. The disciplinary measures that may be taken in respect of a physician or dentist are the following: the non-renewal of status or privileges, a reprimand, a change of status, the deprivation of privileges, the suspension of status or privileges for a specific period, the prohibition from using certain resources of the establishment, and the revocation of status or privileges. The disciplinary measures that may be taken

in respect of a pharmacist are the following: a reprimand or the suspension or revocation of status.

The board of directors of a hospital centre shall consult the council of physicians, dentists and pharmacists before deciding to apply any measure under this section. If the hospital centre is affiliated with a university, the board of directors shall also consult the university in accordance with the terms of the contract of affiliation.

The non-renewal or the revocation of status or privileges must be substantiated and based on a lack of qualification, on scientific incompetence, negligence, misconduct or non-observance of the regulations and the by-laws of the hospital centre or of the council of physicians, dentists and pharmacists, having regard to the particular requirements of the hospital centre.

The application of disciplinary measures must be done in accordance with the procedure prescribed by regulation."

163. Section 132 of the said Act is amended by adding, after the second paragraph, the following paragraph:

"Any pharmacist who is not satisfied with a decision rendered in his regard under section 131 may also appeal to the Commission."

164. Section 137 of the said Act is amended by replacing the third paragraph by the following paragraphs:

"Where an establishment belongs to more than one category, the provisions of the Act and the regulations apply to the various parts or activities of the establishment according to the categories to which it belongs. However, there shall be only one clinical staff advisory council and only one council of physicians, dentists and pharmacists.

Notwithstanding the third paragraph, only the local community service centres designated by regulation may also belong to the category of hospital centre."

165. Section 153 of the said Act is replaced by the following section:

"**153.** The Government shall determine by regulation the supervision that social service centres shall exercise over foster families and fix, by order, the amounts that the social service centres may pay to foster families to take charge of recipients."

166. Section 154 of the said Act is amended by adding, at the end, the following paragraph:

“The Government may establish by regulation a procedure of appeal in cases of dismissal, non-renewal or termination of appointment of the persons contemplated in paragraphs 1 and 2 of the first paragraph. The procedure may prescribe the designation of an arbitrator and the measures that the arbitrator may take following the hearing of the parties.”

167. The said Act is amended by inserting, after section 161, the following section:

“161.1 The Government may, in a regulation made under section 159, 160 or 161, prescribe the automatic indexing of all or part of the amounts fixed in the regulation, in accordance with the Pension Index established in conformity with section 117 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9).”

168. Section 173 of the said Act is amended

(1) by replacing paragraph *a* by the following paragraphs:

“(a) establish, within each category of establishments fixed by this Act, classes of establishments and, within each of those classes, kinds of establishments, and determine the activities that each of such classes or kinds of establishments may carry on and prescribe the by-laws which a regional council or an establishment may or must make;

“(a.1) establish categories of foster families and determine the activities they may carry on;

“(a.2) determine the activities a pavilion and group home may carry on;”;

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

“(b) rule on the establishment of the records of recipients, the essential elements and documents of these records, their examination and their photographic reproduction;”;

(3) by replacing paragraph *i* by the following paragraphs:

“(i) determine, according to the category of establishment indicated by it, the divisions, services and departments to be included in the organization plan of an establishment, the activities that are the concern of these divisions, services and departments, the functions of the head of each such division, service and department, the qualifications required of him, the mode of his appointment and the authority or person who or which appoints him;

“(i.1) identify divisions, services or departments for which the organization plan of an establishment, instead of providing that they be set up, may provide for the designation of a person responsible for the activities that would be carried on in such a division, service or department;

“(i.2) determine the functions and required qualifications of the person responsible contemplated in paragraph i.1, his mode of appointment and the person or authority who or which appoints him;

“(i.3) designate the hospital centres the organization plan of which must include the establishment of a community health department;”;

(4) by replacing paragraphs *j* and *j.1* by the following paragraphs:

“(j) determine the status that the board of directors of hospital centres may grant to physicians, dentists and pharmacists, the conditions upon which the status is granted, the powers related to the status and the standards relating to the granting of privileges to a physician or a dentist;

“(j.1) determine the committees that the council of physicians, dentists and pharmacists of a hospital centre is to establish, the functions of these committees, standards relating to their composition, the mode of appointment of their members and the operation of the committees, and standards relating to the establishment, keeping and transmission of the records of the committees;

“(j.2) determine the procedure according to which disciplinary measures may be taken by the board of directors of a hospital centre in respect of a physician, a dentist or a pharmacist, and the circumstances in which such measures may be imposed;

“(j.3) determine the person or authority who or which may suspend the privileges of a physician or a dentist, or the status of a pharmacist, in case of emergency, and the procedure applicable for such a suspension;”;

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

“(l) prescribe the obligation for the board of directors of an establishment to establish an auditing committee and, in the case of a hospital centre, an advisory committee to the general management, and determine the functions and powers of the committees, their operating rules, their composition, the qualifications of their members and the mode of their appointment;”;

(6) by replacing paragraph *q* by the following paragraph:

“(q) determine the categories or classes of establishments that must offer emergency services to recipients who require such services, prescribe the cases where recipients are entitled to receive emergency services and, as the case may be, determine the care these services include, fix the maximum period for the occupancy of a bed by a recipient in an emergency service, and provide for the measures to be taken by an establishment in case of disaster;”;

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

“Any draft regulation made under this section or sections 153, 159, 160 and 161 shall be published by the Minister in the *Gazette officielle du Québec* with a notice that upon the expiry of at least sixty days following such publication, they will be submitted for approval to the Government. However, this paragraph does not apply when the object of the regulation is merely to index the amounts, contributions or allowances contemplated in sections 159, 160 and 161 in accordance with the Pension Index established under section 117 of the Act respecting the Québec Pension Plan.”

169. Section 176 of the said Act is replaced by the following section:

“**176.** The Minister may make a contract with a private establishment contemplated in section 177.1 to remunerate it, for the health services or social services it provides under the contract, at a rate fixed outright by the Government for each category of establishments or of services which it designates.

The Minister may pay instalments in advance to the private establishment on the basis of a provisional estimate of the total sums to be paid for the aggregate of the fiscal year of the establishment, after deducting a sum equal to the estimated revenues derived from the contributions of recipients in accordance with the regulation made under section 159.

Where the private establishment does not have adequate facilities or staff to provide all the services contemplated in its contract, it shall make the necessary arrangements to have the services provided elsewhere, at its expense, and shall itself assume the cost of transportation of the recipients.”

170. Section 177 of the said Act is replaced by the following section:

“**177.** The Minister may also, in all cases where an outright rate is not fixed by regulation in accordance with section 176, agree with a private establishment contemplated in section 177.1 to repay to it

all or part of the expenses incurred by it which are allowable for financing or reimbursement by the Minister in accordance with the regulation established under subparagraph iv of paragraph *m* of the first paragraph of section 173. Such amounts may be paid to the establishment in advance or periodic instalments."

ACT RESPECTING THE SOCIÉTÉ
D'HABITATION DU QUÉBEC

171. The Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is amended by inserting, after section 90, the following section:

"90.1 For the purposes of the Act respecting insurance (R.S.Q., chapter A-32), the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2), the Savings and Credit Unions Act (R.S.Q., chapter C-4), the Trust Companies Act (R.S.Q., chapter C-41), the Cooperatives Act (R.S.Q., chapter C-67.2), the Act respecting security fund corporations (R.S.Q., chapter C-69.1), the Act respecting supplemental pension plans (R.S.Q., chapter R-17), the Act respecting the Sociétés d'entraide économique (R.S.Q., chapter S-25.1), regulations made under the said Acts and article 981^o of the Civil Code of Lower Canada, titles of indebtedness issued by the corporation, and which are covered by a loan insurance issued under the National Housing Act (R.S.C., 1970, chapter N-10) are considered and classified as bonds or other titles of indebtedness issued or guaranteed by Canada, Québec or another province of Canada."

ACT RESPECTING THE SOCIÉTÉ DE
DÉVELOPPEMENT INDUSTRIEL DU QUÉBEC

172. Section 31 of the Act respecting the Société de développement industriel du Québec (R.S.Q., chapter S-11.01) is amended by adding, after the first paragraph, the following paragraph:

"Any person authorized to sign a deed, document or writing under the first paragraph may, in writing and to the extent indicated by him, delegate that power to another person for the signing of a specified deed in the name of the Corporation."

ACT RESPECTING THE SOCIÉTÉ
QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX

173. Section 35 of the Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.21) is replaced by the following section:

“35. All investment interest and other revenues in the form of profit received by the corporation are paid into the consolidated revenue fund upon the request of the Minister of Finance.”

UNWROUGHT METAL SALES ACT

174. The Unwrought Metal Sales Act (R.S.Q., chapter V-5) is repealed.

ACT TO INCORPORATE THE THURSO AND NATION VALLEY RAILWAY COMPANY

175. Section 16 of the Act to incorporate the Thurso and Nation Valley Railway Company (1925, chapter 113) is replaced by the following section:

“16. The company shall have the power to enter into contracts for handling freight, including the fixing of the remuneration or price which the company shall be entitled to charge therefor.

In no case may the rates and tariffs of the company come into force before the date of their filing before the Commission des transports du Québec or, if they involve an increase in an existing rate, before the twentieth day following the date of their filing.

The date of filing of a rate or tariff is the date on which it is received by the Commission des transports du Québec.

Paragraph *d.1* of section 32 of the Transport Act (R.S.Q., chapter T-12) applies to the rates and tariffs contemplated in this section.”

ACT TO INCORPORATE CARTIER RAILWAY COMPANY

176. Section 14 of the Act to incorporate Cartier Railway Company (1957-58, chapter 186) is replaced by the following section:

“14. The railway company shall be entitled to give preference to the transportation of the employees, supplies, equipment, ores and other products of the mining company and of Hart-Jaune Power Company; the railway company may, nevertheless, transport over its lines of railway, other freight, goods and passengers for a remuneration and at conditions in conformity with its rates and tariffs; sections 123 to 141, inclusive, of the Québec Railway Act (R.S.Q., chapter C-14) shall not apply to the railway company insofar as the transportation of the employees, supplies, equipment, ores and other products of the mining company and of Hart-Jaune Power Company are concerned.

In no case may the rates and tariffs of the company come into force before the date of their filing before the Commission des transports du Québec or, if they involve an increase in an existing rate, before the twentieth day following the date of their filing.

The date of filing of a rate or tariff is the date on which it is received by the Commission des transports du Québec.

Paragraph *d.1* of section 32 of the Transport Act (R.S.Q., chapter T-12) applies to rates and tariffs contemplated in this section."

MANPOWER VOCATIONAL TRAINING
AND QUALIFICATION ACT

177. The Manpower Vocational Training and Qualification Act (1969, chapter 51) is amended by adding the words "or repealed" after the word "replaced" in the ninth line of section 56.

ACT TO INCORPORATE THE MONTREAL
SOUTH SHORE TRANSIT COMMISSION

178. Section 38 of the Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98), amended by section 104 of chapter 7 and section 14 of chapter 104 of the statutes of 1978 and section 68 of chapter 45 of the statutes of 1983, is again amended by adding, at the end, the following paragraphs:

"Notwithstanding paragraph *h*, in no case may the Commission alienate, except with the authorization of the Minister of Transport, any property whose value is \$25 000 or more, for which the Commission was granted a specific subsidy.

The Commission shall notify the Minister of Transport of the alienation of any other property for which it was granted a specific subsidy, within fifteen days of the alienation."

ACT RESPECTING THE SOCIÉTÉ DU PORT FERROVIAIRE
DE BAIE-COMEAU-HAUTERIVE

179. Section 21 of the Act respecting the Société du port ferroviaire de Baie-Comeau-Hauterive (1975, chapter 48) is replaced by the following section:

"**21.** In no case may the company claim any remuneration for its services except in accordance with the by-laws made under section 20.

The company may agree upon common rates and tariffs with the Compagnie de gestion de Matane Inc. and with a railway company.

In no case may the by-laws come into force before the date of their filing before the Commission des transports du Québec or, if they involve an increase in relation to an existing rate, before the twentieth day following the date of their filing.

The date of filing of a by-law is the date on which it is received by the Commission des transports du Québec.

Paragraph *d.1* of section 32 of the Transport Act (R.S.Q., chapter T-12) applies to rates and tariffs contemplated in this section."

ACT RESPECTING THE COMPAGNIE
DE GESTION DE MATANE INC.

180. Section 4 of the Act respecting the Compagnie de gestion de Matane Inc. (1975, chapter 105) is amended by striking out paragraph *c*.

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

"8. In no case may the company claim any remuneration for its services except in accordance with the rates and tariffs filed by it with the Commission des transports du Québec.

The company may agree upon common rates and tariffs with the Société du port ferroviaire de Baie-Comeau-Hauterive and with a railway company.

In no case may the rates and tariffs or changes made to them come into force before the date of their filing before the Commission des transports du Québec or, if they involve an increase in relation to an existing rate, before the twentieth day following the date of their filing.

The date of filing of a rate or tariff is the date on which it is received by the Commission des transports du Québec.

Paragraph *d.1* of section 32 of the Transport Act (R.S.Q., chapter T-12) applies to rates and tariffs contemplated in this section."

ACT TO AMEND THE MINING ACT

182. Section 23 of the Act to amend the mining Act (1977, chapter 31) is repealed.

ACT RESPECTING THE SOCIÉTÉ
IMMOBILIÈRE DU QUÉBEC

183. Section 35 of the Act respecting the Société immobilière du Québec (1983, chapter 40) is amended

(1) by replacing that part which precedes paragraph 1 by the following:

“35. The corporation is required to pay into the fund created by section 35.1 an amount equal to the amount of money paid annually by the Government to municipal corporations to stand in lieu of”;

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

“(2) the business taxes in respect of a place of business in which the corporation carries on its ordinary activities in an immovable owned by it;”.

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

“35.1 A fund is hereby created under the name of “compensation fund in lieu of municipal taxes” to allow payment of the sums of money standing in lieu of municipal taxes for immovables owned by the corporation.

“35.2 An amount appropriated from the fund for payment to a municipal corporation stands in lieu of the amount of money paid by the Government under section 254 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in respect of an immovable belonging to the corporation.

“35.3 The fund is managed by the Minister of Finance and accounting is done by the person designated pursuant to subparagraph *d* of paragraph 2 of section 262 of the Act respecting municipal taxation.

PUBLIC SERVICE ACT

185. Section 106 of the Public Service Act (1983, chapter 55) is amended by replacing the third paragraph by the following paragraph:

“The Government shall fix the remuneration, social benefits and other conditions of employment of the members of the Commission.”

TRANSITIONAL AND FINAL PROVISIONS

186. The fourth paragraph of section 24 of the General and Vocational Colleges Act, replaced by section 19, is declaratory.

187. Section 4 of the Executive Power Act is amended by replacing subparagraph 4 by the following subparagraph:

“(4) A Minister of International Relations.”

188. Section 1 of the Government Departments Act (R.S.Q., chapter M-34) is amended by replacing paragraph 3 by the following paragraph:

“(3) the Ministère des Relations Internationales, presided over by the Minister of International Relations;”.

189. Regulations made under subparagraphs *b*, *c* and *d* of section 69 of the Public Health Protection Act respecting applicants for or holders of an ambulance service permit, as the case may be, and regulations made under subparagraph *s.1* of the said section remain in force until they are replaced or repealed by a regulation of the Minister or of a regional health and social service council made under section 2 of the said Act.

190. The Act respecting health services and social services and the regulations made thereunder are amended by replacing, wherever it appears, the expression “council of physicians and dentists” by the expression “council of physicians, dentists and pharmacists”.

191. The Health Insurance Act, the Dental Act (R.S.Q., chapter D-3), the Pharmacy Act and the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) are amended by replacing, wherever it appears, the expression “council of physicians and dentists” by the expression “council of physicians, dentists and pharmacists”.

192. The Medical Act (R.S.Q., chapter M-9) and the regulations made thereunder are amended by replacing, wherever it appears, the expression “council of physicians and dentists” by the expression “council of physicians, dentists and pharmacists”.

193. The provisions of the Organization and Administration of Establishments Regulation (Order in Council 1320-84 dated 6 June 1984) on the preservation of records of recipients in establishments are deemed to be made under the Archives Act and remain in force until they are replaced or repealed under the said Act.

194. The Corporation professionnelle des inhalothérapeutes du Québec, hereinafter called “the Corporation” incorporated by letters patent pursuant to section 27 of the Professional Code (R.S.Q., chapter C-26) acquires the property and the rights of the Corporation des techniciens inhalothérapeutes du Québec, assumes all its obligations and also becomes party to any contract or agreement to which the latter was party.

195. The members of the board of directors of the Corporation des techniciens inhalothérapeutes du Québec in office on (*insert here*

the date of publication by the Government of the letters patent incorporating the Corporation) become members of the Bureau of the Corporation.

The Office des professions du Québec shall appoint three other directors in the manner prescribed in section 78 of the Professional Code.

196. The president of the Corporation des techniciens inhalothérapeutes du Québec in office on *(insert here the date of publication by the Government of the letters patent incorporating the Corporation)* becomes the president of the Corporation.

The term of office of the president and of the other members of the Bureau in office pursuant to this section expires on the date on which the term of the members of the board of directors of the Corporation des techniciens inhalothérapeutes du Québec would have expired according to its by-laws. They shall, however, notwithstanding the expiry of their term, remain in office until the first election of the members of the Bureau, held in accordance with the Professional Code.

197. Subject to section 196, the qualified members in good standing entered on the roll of the Corporation des techniciens inhalothérapeutes du Québec on *(insert here the date of publication by the Government of the letters patent incorporating the Corporation)* are entered on the roll of the Corporation. The Bureau of the Corporation shall issue a permit to each of them.

198. In any regulation, order in council, order, agreement, contract or any other document, the expression "Corporation des techniciens inhalothérapeutes du Québec" is replaced by the expression "Corporation professionnelle des inhalothérapeutes du Québec".

199. The by-laws made by the Corporation des techniciens inhalothérapeutes du Québec and which are in force on *(insert here the date of publication by the Government of the letters patent incorporating the Corporation)* continue to be in force for a period of not more than twelve months or for any other period fixed by the Government to the extent that they are consistent with the provisions of the Professional Code and the regulations made thereunder, unless they are repealed, replaced or amended in accordance with the said Code and become the by-laws of the Corporation.

The extension of time contemplated in the first paragraph may apply to all or part of the by-laws and to one or several of the provisions of any of them.

200. Any matters respecting the discipline of the members of the Corporation des techniciens inhalothérapeutes du Québec which are

pending on (*insert here the date of publication by the Government of the letters patent incorporating the Corporation*) are continued and decided according to the procedure that was in force and by the body to which they were referred before the publication.

The members of the body to which any of the matters contemplated in the first paragraph was referred must terminate it notwithstanding the expiry of their terms of office.

201. Until a resolution is passed to fix an annual assessment in accordance with section 86 of the Professional Code, the amount, methods and date of the payment of the assessment are those provided for the annual assessment exigible by the Corporation des techniciens inhalothérapeutes du Québec in accordance with its regulations for the year in progress on (*insert here the date of publication by the Government of the letters patent incorporating the Corporation*).

202. The Corporation des techniciens inhalothérapeutes du Québec incorporated on 21 October 1969 pursuant to Part III of the Companies Act (R.S.Q., chapter C-38) is dissolved and its letters patent are cancelled.

203. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

204. Sections 127 and 128, to the extent that they contemplate a member of the staff of a minister or a person contemplated in section 124.1 of the Act respecting the National Assembly, have effect from 2 February 1984, sections 58 to 88, 94 to 97, 187 and 188 from 5 March 1984, sections 148, 152 to 154, 156, 157, 159, 161, 168 and 193 from 1 August 1983, section 166 from 4 May 1983 and section 167 from 2 September 1981.

205. This Act comes into force on the day it is assented to, except

(1) section 6 which will come into force on (*insert here the date of introduction of this Act*);

(2) sections 5, 12 to 15, 20, 114 to 119, 175, 176, 179 to 181, 183 and 184, and 194 to 202 which will come into force on the date fixed by proclamation of the Government, except the provisions excluded from the proclamation, which will come into force on any later dates fixed by proclamation of the Government.