
NATIONAL ASSEMBLY

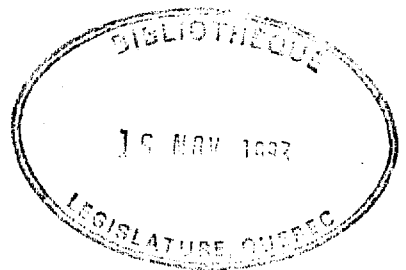
THIRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 50

An Act to amend various legislative provisions

First reading



Introduced by
Mr Marc-André Bédard
Minister of Justice

EXPLANATORY NOTES

This bill amends several legislative provisions. The purpose of those amendments, which are mainly technical, is to facilitate the administration of the Acts contemplated, particularly in the following sectors.

In the cultural affairs sector, the amendments to the Act respecting the development of Québec firms in the book industry are designed to broaden the conditions of eligibility for accreditation to include joint stock corporations.

In the social affairs sector, the amendments to the Health Insurance Act are designed to enable Québec residents to subscribe to an insurance contract providing for the reimbursement of the difference between insured services received outside Québec and the amounts paid for such services by the Régie de l'assurance-maladie du Québec. Under the existing provisions the insurance may be subscribed only for insured services received outside Canada.

In the same sector, the amendments to the Act respecting health services and social services provide for the establishment of a regional system of admissions for recipients in establishments and foster families.

In connection with the professional corporations, the amendments to the Professional Code are designed, in particular, to authorize the Bureau of a corporation to strike off the roll the members who fail to furnish, within the time prescribed, a professional liability guarantee or who have failed to pay the cost of membership in a group professional liability insurance plan; simplify the rules concerning the composition of the Bureau of a professional corporation by allowing the corporations to determine by regulation the number of members of their respective bureaus, subject to the particulars set forth in the Code; provide that the decision of a committee on discipline will be executory either at the expiry of the period for appeal or at another time according to the committee's decision, and not from its being served on the respondent as is actually the case; empower the Bureaus of the professional corporations to prescribe by resolution and not by regulation the fees exigible from candidates for the practice of the profession or for obtaining a specialist's certificate.

In a related field, the Notarial Act is amended so as to enable the Chambre des notaires to determine, by regulation, the criteria according to which, on the recommendation of the administrative committee, it may confer the title of honorary notary on a notary.

In the sector of energy and resources, the amendments to the Forest Resources Utilization Act are designed to enable the Government to authorize, under special permits, the export from Canada of incompletely processed wood from the crown land of Québec.

Finally, in matters connected with the protection of persons and property in the event of disaster, the amendments to the Act are designed to require the person responsible for programs of disaster prevention and emergency measures in any government department, governmental agency or municipal corporation to notify as soon as possible the director of the Bureau de la protection civile of any disaster to allow him to perform his duties effectively including the giving of advice, providing assistance in the event of disaster and making sure that the established plans and programs are effective.

ACTS AMENDED BY THIS BILL

- (1) the Civil Code of Lower Canada;
- (2) the Act respecting assistance for tourist development (R.S.Q., chapter A-13.1);
- (3) the Legal Aid Act (R.S.Q., chapter A-14);
- (4) the Land Surveyors Act (R.S.Q., chapter A-23);
- (5) the Health Insurance Act (R.S.Q., chapter A-29);
- (6) the Act respecting insurance (R.S.Q., chapter A-32);
- (7) the Code of Civil Procedure (R.S.Q., chapter C-25);
- (8) the Professional Code (R.S.Q., chapter C-26);
- (9) the Companies Act (R.S.Q., chapter C-38);
- (10) the Trust Companies Act (R.S.Q., chapter C-41);
- (11) the Chartered Accountants Act (R.S.Q., chapter C-48);
- (12) the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1);
- (13) the Referendum Act (R.S.Q., chapter C-64.1);

(14) the Companies and Partnerships Declaration Act (R.S.Q., chapter D-1);

(15) the Dental Act (R.S.Q., chapter D-3);

(16) the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1);

(17) the Public Officers Act (R.S.Q., chapter E-6);

(18) the Roman Catholic Bishops Act (R.S.Q., chapter E-17);

(19) the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5);

(20) the Engineers Act (R.S.Q., chapter I-9);

(21) the Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1);

(22) the Education Act (R.S.Q., chapter I-14);

(23) the Medical Act (R.S.Q., chapter M-9);

(24) the Mining Act (R.S.Q., chapter M-13);

(25) the Notarial Act (R.S.Q., chapter N-2);

(26) the Optometry Act (R.S.Q., chapter O-7);

(27) the Pharmacy Act (R.S.Q., chapter P-10);

(28) the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1);

(29) the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);

(30) the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);

(31) the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

(32) the Companies Information Act (R.S.Q., chapter R-22);

(33) the Act respecting the salaries of officers of Justice (R.S.Q., chapter S-2);

(34) the Act respecting health services and social services (R.S.Q., chapter S-5);

(35) the Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec (R.S.Q., chapter S-12);

(36) the Act respecting the sociétés d'entraide économique (R.S.Q., chapter S-25.1);

(37) the Professional Syndicates Act (R.S.Q., chapter S-40);

(38) the Courts of Justice Act (R.S.Q., chapter T-16);

(39) the Forest Resources Utilization Act (R.S.Q., chapter U-2);

(40) the Act to amend the Mining Act (1977, chapter 31);

(41) the Act to amend the Companies Act and the Companies and Partnerships Declaration Act (1980, chapter 28).

Bill 50

An Act to amend various legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF LOWER CANADA

1. Article 1979*c* of the Civil Code of Lower Canada, enacted by section 1 of chapter 69 of the statutes of 1940 and amended by section 4 of chapter 79 of the statutes of 1974 and by section 65 of chapter 32 of the statutes of 1982, is again amended by adding, at the end of subparagraph 2 of the first paragraph, the following: “without being required, in the case of publication of the notice in a newspaper, to request the judge or prothonotary to designate the newspaper”.

2. Article 1979*i* of the said Code, enacted by section 2 of chapter 57 of the statutes of 1962 and amended by section 69 of chapter 32 of the statutes of 1982, is again amended by adding, at the end of paragraph 2, the following: “without being required, in the case of publication of the notice in a newspaper, to request the judge or prothonotary to designate the newspaper”.

ACT RESPECTING ASSISTANCE FOR TOURIST DEVELOPMENT

3. Sections 16 to 36 of the Act respecting assistance for tourist development (R.S.Q., chapter A-13.1) are repealed.

4. Section 37 of the said Act is amended by repealing subparagraph *p* of the first paragraph.

5. Section 38 of the said Act is amended

(1) by striking out the words “, with the exception of those required under sections 16 to 36,” in the first and second lines;

(2) by striking out the words “, for the fiscal period 1979/1980, out of the consolidated revenue fund and for subsequent fiscal periods,” in the second, third and fourth lines.

LEGAL AID ACT

6. The Legal Aid Act (R.S.Q., chapter A-14) is amended by striking out before section 11, the heading of subdivision 1 of Division III.

7. The said Act is amended by inserting, before section 22, the following heading:

“§ 1.—*General provisions*”.

LAND SURVEYORS ACT

8. Section 13 of the Land Surveyors Act (R.S.Q., chapter A-23) is amended by repealing paragraph *a*.

HEALTH INSURANCE ACT

9. Section 15 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing the words “outside Canada” in the second line of the fifth paragraph by the words “outside Québec”.

10. The said Act is amended by replacing section 21 by the following section:

“**21.** An agreement under section 19 shall bind all professionals in the field of health who are members of the body which made the agreement and those whose field of professional activities is the same as that of such members and who are contemplated by the agreement.

An agreement under section 19.1 shall bind all the interns and resident physicians who are members of the body which made the agreement and those whose field of professional activities is the same as that of such members and who are contemplated in the agreement.”

ACT RESPECTING INSURANCE

11. Section 109 of the Act respecting insurance (R.S.Q., chapter A-32), amended by sections 79 and 80 of chapter 52 of the statutes of 1982, is amended by replacing the first paragraph by the following paragraph:

“**109.** After requesting the advice of the Inspector General, the Minister may change any corporate name identical to another already existing one, any corporate name resembling another already existing one to such an extent that in his opinion they can easily be confused or again any corporate name likely to mislead the public as to the nature of the activities of the association it designates.”

12. Section 411 of the said Act, amended by section 75 of chapter 52 of the statutes of 1982, is replaced by the following section:

“411. Prosecution of any offence against this Act or a regulation is instituted by the Attorney General or by a person generally or specially authorized by him for that purpose.”

CODE OF CIVIL PROCEDURE

13. Article 4 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the words “in council” in the second and third lines of paragraph *k* by the words “of the Minister of Justice”.

PROFESSIONAL CODE

14. Section 12 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing the word “the” in the first line of paragraph *v* of the third paragraph by the word “certain”.

15. Section 61 of the said Code is amended by replacing the first paragraph by the following paragraph:

“61. A corporation shall be administered by a Bureau consisting of a president and the following number of directors:

(a) eight directors if the corporation has less than 500 members;

(b) eight or sixteen directors as determined by regulation under paragraph *a* of section 94 if the corporation has between 500 and 1 500 members;

(c) sixteen or twenty-four directors as determined by regulation under paragraph *a* of section 94 if the corporation has between 1 500 and 5 000 members;

(d) twenty-four directors if the corporation has more than 5 000 members.”

16. Section 66 of the said Code is replaced by the following sections:

“66. Where the Bureau consists of eight directors, six directors shall be elected in accordance with the regulations made under section 65.

Where the Bureau consists of sixteen directors, thirteen shall be elected in accordance with the regulations made under section 65.

Where the Bureau consists of twenty-four directors, twenty shall be elected in accordance with the regulations made under section 65.

“66.1 Only those members of the corporation who are entered on the roll 45 days or more before the date fixed for the closing of the poll may be candidates.”

17. Section 70 of the said Code is amended by replacing the second paragraph by the following paragraph:

“Each ballot shall contain a small space on the right of the name of each candidate in the form of a square reserved for voting.”

18. Section 71 of the said Code is replaced by the following section:

“71. Only the persons who were members of the corporation 45 days before the date fixed for the closing of the poll may vote.

They shall cast their vote by making a cross, an “X”, a check or a line on the ballot-paper within one or more of the squares reserved for voting, according to whether there are one or more candidates to be elected.”

19. Section 72 of the said Code is amended by replacing the words “Each professional” in the first line by the words “The voter”.

20. Section 78 of the said Code is replaced by the following section:

“78. Where the Bureau consists of eight directors, two directors of whom at least one is not a member of a professional corporation shall be appointed by the Office after consultation with the Interprofessional Council and the different socio-economic groups.

Where the Bureau consists of sixteen directors, three directors of whom at least two are not members of a professional corporation shall be appointed by the Office after a similar consultation.

Where the Bureau consists of twenty-four directors, four directors of whom at least two are not members of a professional corporation shall be appointed by the Office after similar consultation.

The directors appointed by the Office by virtue of this Code or of the incorporating act of a corporation shall be appointed for the same term as the elected directors and shall perform the same duties, have the same powers and be subject to the same obligations as the latter. The directors appointed by the Office shall be entitled, to the extent and on the conditions prescribed by regulation of the Government, to an expense allowance and to the reimbursement of reasonable expenses incurred by them in the performance of their duties.

Notwithstanding any inconsistent provision, the directors appointed by the Office shall form an integral part of the Bureau as when they take office.”

21. Section 86 of the said Code is amended

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

“(l) strike off the roll the members who

i. do not pay within the fixed time limit the assessment owing by them to the corporation;

ii. within the fixed time limit have not furnished security against professional liability or, who within the scope of a collective plan established pursuant to a provision of the constituting Act of any exclusive profession, have not paid the sum prescribed to meet the cost thereof;”;

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

“(o) prescribe the due exigible from candidates wishing to practise the profession or obtain a specialist’s certificate.”

22. Section 94 of the said Code is amended by replacing paragraph *a* by the following paragraph:

“(a) fix in accordance with section 61, the number of members of the Bureau, establish rules for the carrying on of its business, the administration of its property and the remuneration of its elected members, and determine the offices within the corporation whose holders shall not be dismissed except in accordance with section 85;”.

23. Section 156 of the said Code is amended by inserting, after the second paragraph, the following paragraph:

“The committee on discipline may fix the conditions and modalities of the penalties that it imposes.”

24. Section 158 of the said Code is replaced by the following section:

158. The decision of the committee on discipline imposing one or more penalties provided in section 156 shall be executory upon the expiry of the period for appeal in accordance with the conditions and modalities indicated therein, unless the committee orders provisional execution of the decision upon its service on the respondent.

However, the committee may order that the decision be executory at a period other than that referred to in the first paragraph.”

25. Section 182 of the said Code is amended by adding, at the end, the following paragraph:

“It shall also cause a notice of every decision of the Bureau to re-enter on the roll the name of a member who had been permanently struck off the roll, where he applies therefor, to be published in the *Gazette officielle du Québec*.”

COMPANIES ACT

26. Section 219 of the Companies Act (R.S.Q., chapter C-38), amended by sections 137 and 138 of chapter 52 of the statutes of 1982, is again amended by replacing what precedes paragraph *a* of subsection 1 by the following:

“**219.** (1) The applicants for such letters patent, who must be at least eighteen years of age, shall file with the Inspector General an application drawn up according to the form prescribed by him, setting forth.”

TRUST COMPANIES ACT

27. Section 2 of the Trust Companies Act (R.S.Q., chapter C-41) is amended by repealing paragraph 9.

CHARTERED ACCOUNTANTS ACT

28. Section 10 of the Chartered Accountants Act (R.S.Q., chapter C-48) is amended by repealing paragraph *b*.

ACT RESPECTING THE CONDITIONS OF EMPLOYMENT AND THE PENSION PLAN OF THE MEMBERS OF THE NATIONAL ASSEMBLY

29. The English text of section 7 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) is amended by replacing the words “annually” wherever they appear in that section by the words “on an annual basis”.

REFERENDUM ACT

30. Section 97 of Division 2 of Appendix 2 of the Referendum Act (R.S.Q., chapter C-64.1) is replaced by the following section:

“97. Replace the words and figures “45, 54, 62 to 67, 69 to 71 or 73 to 76” by the words and figures “64, 66, 69 to 71 and 73 to 75” in the first and second lines of the first paragraph.

Strike out the second paragraph.”

31. Section 108 of Division 2 of Appendix 2 of the said Act is amended by replacing the figure “2” in the second line of the first paragraph by the figure “3”.

COMPANIES AND PARTNERSHIPS DECLARATION ACT

32. Section 3 of the Companies and Partnerships Declaration Act (R.S.Q., chapter D-1) is amended by repealing the fourth paragraph.

DENTAL ACT

33. Section 21 of the Dental Act (R.S.Q., chapter D-3) is amended by repealing paragraph *a*.

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

“(c) by students within framework of a training program for persons other than dentists and contemplated in the regulation passed under subparagraph *a* of the first paragraph of section 19 or under section 20.”

ACT RESPECTING THE DEVELOPMENT OF QUÉBEC FIRMS IN THE BOOK INDUSTRY

35. Section 16 of the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1) is replaced by the following sections:

“**16.** Every natural person is eligible for accreditation if he is a Canadian citizen and domiciled in Québec.

“**16.1** Every joint stock corporation is eligible for accreditation if all the shares of its capital stock are the property of persons who are Canadian citizens domiciled in Québec and if all its directors and executive officers are Canadian citizens domiciled in Québec.

“**16.2** Notwithstanding section 16.1, every joint stock corporation the shares of the capital stock of which are listed on a Canadian stock exchange is eligible for accreditation if, for the purposes of its activities, its principal establishment is situated in Québec.

“**16.3** For the purposes of section 16.2, “principal establishment” means the place where the centre of decision making and actual management of the undertaking is situated.

In the absence of contrary proof established to the satisfaction of the Minister, the principal establishment of a corporation is deemed to be situated outside Québec

(1) if the majority of the members of the board of directors are not domiciled in Québec; or

(2) if the corporation is controlled in fact or in law by one or several natural persons who are not domiciled in Québec, or by one or several corporations the principal establishment of which is situated outside Québec.

“16.4 Every corporation without capital stock is eligible for accreditation if all its members are Canadian citizens domiciled in Québec.

“16.5 The Minister may refuse accreditation to a legal person if he is of opinion that it is directly or indirectly controlled by one or several persons who are not eligible for accreditation.

“16.6 Where the shares of the capital stock of the person applying for accreditation are held by a legal person, the legal person must be eligible for accreditation in accordance with sections 16.1 to 16.5.”

PUBLIC OFFICERS ACT

36. Section 1 of the Public Officers Act (R.S.Q., chapter E-6) is amended by replacing the second paragraph by the following paragraph:

“Whenever two persons have been appointed jointly by order of the Minister of Justice to hold the office of clerk of appeals, prothonotary of the Superior Court, clerk of the Provincial Court, clerk of the Crown, clerk of the Peace, sheriff or registrar, and one of the two persons ceases to perform his duties, the other shall remain alone in office and shall continue, in his own name, to perform the duties of the office.”

ROMAN CATHOLIC BISHOPS ACT

37. Section 19 of the Roman Catholic Bishops Act (R.S.Q., chapter E-17) is amended

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

“19. The Inspector General of Financial Institutions may also, upon petition by a bishop, grant by letters patent issued over his signature and seal, a charter incorporating, for any of the purposes mentioned in section 9 and upon the conditions contained in the petition, any council, committee, organization or association.”;

(2) by replacing the words “Lieutenant-Governor” in the first line of the fourth paragraph by the words “Inspector General of Financial Institutions”;

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

“The letters patent issued by the Inspector General of Financial Institutions over his signature and seal have the same effect as if they had been issued by the Lieutenant-Governor under the Great Seal.”

ACT RESPECTING MANPOWER VOCATIONAL TRAINING AND QUALIFICATION

38. Section 30 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended by repealing paragraph *f* of the first paragraph.

ENGINEERS ACT

39. Section 11 of the Engineers Act (R.S.Q., chapter I-9) is amended by replacing subparagraph *g* of the first paragraph by the following subparagraph:

“(g) to establish and administer in the interests of the members of the Order a retirement fund and group insurance plans;”.

ACT RESPECTING THE INSPECTOR GENERAL OF FINANCIAL INSTITUTIONS

40. Section 23 of the Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1) is replaced by the following sections:

“23. The Inspector General shall be assisted by superintendents and such other persons as he may require.

The Government shall appoint each of the superintendents for a period of not more than five years and fix his remuneration, social benefits and other conditions of employment.

One of the superintendents shall be called the “Superintendent of Insurance”, and another, the “Superintendent of Deposit Institutions”.

At the end of their term, they remain in office until they are reappointed or replaced.

“23.1 The other members of the personnel of the Inspector General shall be appointed and remunerated in accordance with the Civil Service Act (R.S.Q., chapter F-3.1).

The Inspector General has in their regard the powers conferred by the said Act on the chief executive officer of an agency.”

41. Section 234 of the said Act is repealed.

EDUCATION ACT

42. Section 15.1 of the Education Act (R.S.Q., chapter I-14) is amended by replacing the word "admissibles", in the fourth line of the first paragraph of the French text, by the word "admissible".

The first paragraph has effect from 1 April 1982.

43. Section 657 of the said Act is amended by replacing the sixth and seventh paragraphs by the following paragraphs:

"In Povungnituk and Ivujivuk, if there is no education committee, the parents may establish a school committee and determine its composition and modalities for its implementation and operation.

The school board may, by an ordinance of its Council previously approved by the Minister, make an agreement with a school committee to delegate to the committee the rights, powers and obligations mentioned in the agreement in respect of the management of a school. The agreement may be made for a period not exceeding two years.

At the beginning of the period, a joint committee composed of representatives of the school committee and of the school board is established to find a permanent solution within the jurisdiction of the school board in respect of the educational services in each municipality contemplated."

MEDICAL ACT

44. Section 23 of the Medical Act (R.S.Q., chapter M-9) is amended by repealing paragraph *a*.

MINING ACT

45. Section 129 of the Mining Act (R.S.Q., chapter M-13) is amended by adding, at the end of the second paragraph, the following: "However, the hypothec securing the payment of the sum of money is extinguished. The hypothec is cancelled upon filing of an application therefor, in authentic form en minute, made by any interested person."

46. Section 223 of the said Act is replaced by the following section:

"223. The holder of any mining concession, mining lease, development licence, claim, special exploration licence, exploration licence or operating lease may sell or otherwise transfer his rights.

After the signing of the deed, a certified copy or a duplicate must be transmitted to the Minister who shall summarily register the same in a special register upon payment of the fees fixed by regulation."

47. Section 296 of the said Act is amended by adding the following paragraph:

“(v) fix the duties and fees payable under sections 223 and 332.”

48. Section 303 of the said Act is replaced by the following section:

“**303.** Every person who contravenes this Act or any regulation, or makes a false declaration, is guilty of an offence and, where no other penalty is provided, is liable in addition to costs, for each day on which the offence continues, to a fine of not less than \$100 nor more than \$1 000.

49. The said Act is amended by inserting, after section 305, the following section:

“**305.1** Any claim of the Crown exigible under this Act bears interest at the rate fixed under section 28 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).”

50. Section 332 of the said Act is amended by replacing the words “of twenty-five cents for each entry” in the last line by the words “fixed by regulation”.

NOTARIAL ACT

51. Section 93 of the Notarial Act (R.S.Q., chapter N-2) is amended by adding, after subparagraph 8 of the first paragraph, the following subparagraph:

“(9) determine the criteria according to which, upon the recommendation of the Administrative Committee, it may confer the title of honorary notary on a notary, or withdraw such title from him, and prescribe the conditions and modalities of its use and the rights and privileges related thereto.”

52. Section 127 of the said Act is amended by replacing subparagraphs *a* and *b* of the first paragraph by the following subparagraphs:

“(a) the surname, given name and elected domicile of all practising notaries, in accordance with sections 17 and 18;

“(b) the surname, given name and address of honorary notaries;

“(c) the surname and given name of all notaries who have ceased to practise, with the name of the assignee of their records or the place where they have been deposited.”

OPTOMETRY ACT

53. Section 12 of the Optometry Act (R.S.Q., chapter O-7) is amended by repealing paragraph *a*.

PHARMACY ACT

54. Section 12 of the Pharmacy Act (R.S.Q., chapter P-10) is amended by repealing paragraph *a*.

ACT RESPECTING THE PROTECTION OF PERSONS AND
PROPERTY IN THE EVENT OF DISASTER

55. Section 1 of the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1) is amended by replacing the words “director of the Bureau” in the first line of paragraph *a* by the words “director general of the Bureau”.

56. Section 3 of the said Act is amended by striking out the words “of the Bureau” in the first line.

57. Section 12 of the said Act is amended by replacing paragraph *d* by the following paragraph:

“(d) shall set up or organize training programs in emergency measures or approve training programs prepared and organized by a department, a governmental agency or a municipal corporation and programs prepared and organized by a person from whom a plan or program of disaster prevention and emergency measures has been required;”.

58. The said Act is amended by adding, after section 13, the following section:

“**13.1** The person responsible for carrying out the plan or program of disaster prevention and emergency measures of any department, governmental agency, municipal corporation or any other person from whom such plan or program has been required shall notify the director, as soon as possible, of any disaster that has occurred.”

ACT RESPECTING THE QUÉBEC PENSION PLAN

59. Section 134.4 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) enacted by section 20 of chapter 12 of the statutes of 1983, is replaced by the following section:

“**134.4** The average of the Maximum Pensionable Earnings contemplated in paragraphs *b* of sections 134.1 to 134.3 is adjusted in accordance with section 120.1 to take into account the age of the surviving spouse at the time of retirement.”

ACT RESPECTING THE TEACHERS PENSION PLAN

60. The English text of section 37 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11), enacted by section 2 of chapter 24 of the statutes of 1983, is amended by replacing the words “for its term”, in the second line, by the words “for its duration”.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

61. Section 55 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 220 of chapter 52 of the statutes of 1982 and by section 113 of chapter 24 of the statutes of 1983, is again amended by adding the following paragraph:

“(21) the superintendents appointed under the Act respecting the Inspector General of Financial Institutions (R.S.Q., chapter I-11.1).”

COMPANIES INFORMATION ACT

62. The English text of section 2 of the Companies Information Act (R.S.Q., chapter R-22), amended by section 222 of chapter 52 of the statutes of 1982, is again amended by replacing what precedes paragraph *a* of subsection 1, by the following:

“**2.** (1) A prospectus containing the information mentioned in section 4 and also all other information that may from time to time be required by the Government, verified as the Inspector General may direct, together with the fee prescribed, shall be filed with the Inspector General by every company and syndicate,”.

ACT RESPECTING THE SALARIES OF OFFICERS OF JUSTICE

63. The Act respecting the salaries of officers of justice (R.S.Q., chapter S-2) is amended by replacing the heading of Division I by the following heading:

“DEPUTIES AND CLERKS OF OFFICERS OF JUSTICE”.

64. Section 2 of the said Act is amended by replacing the words, “by the Government”, in the second line of the first paragraph, by the words “by order of the Minister of Justice.”

ACT RESPECTING HEALTH
SERVICES AND SOCIAL SERVICES

65. Section 18.1 of the Act respecting health services and social services (R.S.Q., chapter S-5) is amended by adding, after the first paragraph, the following paragraph:

“Any regional council so designated shall establish, for the categories or kinds of establishments determined by regulation, a regional system of admissions for recipients.”

66. Section 173 of the said Act is amended

(1) by replacing subparagraph *c* by the following subparagraph:

“(c) determine the modalities of registration for hospitalization or for diagnostic purposes, admission, transfer and discharge of recipients in an establishment or of their taking in charge by a foster family, depending, if necessary, on the category, class or kind of establishment or the category of the foster family and the necessity to establish a program of intervention;”;

(2) by inserting, after subparagraph *c*, the following paragraph:

“(c.1) provide for the creation of admissions committees by regional establishments and councils and establish their function and minimum composition requirements;”;

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

“(j) determine the status that the board of directors of hospital centres may grant to physicians, dentists and pharmacists and the privileges that it may grant to a physician or a dentist;”.

67. The said Act is amended by adding, after section 173.1, the following section:

“**173.2** The Minister, in a regulation made under section 173.1, may determine the cases in which the approval of the Minister or regional council is required.

The Minister may also prescribe, for the carrying out of regulations contemplated in section 173.1, the use of standard contract forms or other standard documents issued by the Minister of Social Affairs.”

ACT RESPECTING THE SOCIÉTÉ DE
RÉCUPÉRATION, D'EXPLOITATION ET
DE DÉVELOPPEMENT FORESTIERS
DU QUÉBEC

68. The Act respecting the Société de récupération, d'exploitation et de développement forestiers du Québec (R.S.Q., chapter S-12) is amended by repealing section 18.

ACT RESPECTING THE SOCIÉTÉS
D'ENTRAIDE ÉCONOMIQUE

69. Section 45 of the Act respecting the sociétés d'entraide économique (R.S.Q., chapter S-25.1) is replaced by the following section:

"45. The Government may, by regulation, exempt a company from the application of a provision of Part I of the Companies Act or change the manner in which such provision applies to a company."

70. Section 49 of the said Act is amended by inserting, after the figure "52" in the second line, the following: ", 53.1,".

71. Section 53 of the said Act is replaced by the following section:

"53. In no case, however, may the company pay for shares it has acquired under section 52 if there are reasonable grounds to believe that by reason of that fact

(1) it would not be able to discharge its liabilities when due;

(2) the book value of its assets would be less than the aggregate of its liabilities and the sums representing the consideration for the issued shares of its share capital; and

(3) its deposit liability would no longer be within the limits applicable to the company pursuant to Division II of Chapter XI."

72. Section 53.3 of the said Act is replaced by the following section:

"53.3 In no case, however, may the company pay for shares it has acquired under section 53.1 if there are reasonable grounds to believe that after that payment, it would not be able to discharge its liabilities when due."

73. Section 55 of the said Act is amended by inserting after the figure "33" in the second last line, the following: "and those contemplated in section 36 of the Act respecting certain caisses d'entraide économique".

74. Section 205 of the said Act is amended by repealing the second paragraph.

75. Section 206 of the said Act is amended by repealing the second paragraph.

PROFESSIONAL SYNDICATES ACT

76. The English text of section 9 of the Professional Syndicates Act (R.S.Q., chapter S-40), amended by section 258 of chapter 52 of the statutes of 1982, is amended by striking out the words “on the recommendation of the Superintendent of Insurance” in the last two lines of paragraph 1 of the second paragraph.

COURTS OF JUSTICE ACT

77. Section 4 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended

(1) by striking out the words “in each district of Québec” in the first line of the first paragraph;

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

“The officers of justice shall be appointed by order of the Minister of Justice who may assign them jurisdiction in more than one district.”

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

“**5.** The Minister of Justice shall also, by order, appoint a clerk of appeals for Montréal, a clerk of appeals for Québec, and as many deputy-clerks of appeals as he may deem necessary.”

79. Section 15 of the said Act is amended by replacing the second paragraph of subsection 2 by the following paragraph:

“In case of the death, dismissal, suspension, or resignation of the clerk, the deputy-clerk designated as the first deputy, for Québec, and the deputy-clerk designated in the same manner, for Montréal, shall, at each of such places respectively, discharge the duties assigned to the clerk, until a new clerk is appointed.”

80. Section 54 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**54.** Sheriffs and prothonotaries shall be officers of the Superior Court generally, and not merely of the judges sitting in the districts for which they have jurisdiction, and shall obey the lawful orders of the court and the judges thereof, in whatever district made, provided anything be required to be done under them by such sheriffs or prothonotaries in the district in which they have jurisdiction.”

81. Section 58 of the said Act is amended by replacing the words “Government shall appoint” in the first line by the words “Minister of Justice shall appoint, by order,”.

82. Section 72 of the said Act is replaced by the following section:

“72. Clerks of the Crown are clerks of the Superior Court, as to all things dependent on its jurisdiction in criminal matters.”

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

“73. Any prothonotary, or any clerk of the Provincial Court, may be appointed clerk of the Crown and of the peace.”

84. Section 92 of the said Act is amended by replacing the word “Gouvernement” in the second line of the second paragraph by the words “Minister of Justice”.

85. Section 94 of the said Act is replaced by the following section:

“94. Sheriffs are also officers of the Court of the Sessions of the Peace and shall, in the districts in which they have jurisdiction, obey the orders of that court.”

86. The English text of section 106 of the said Act, amended by section 76 of chapter 17 of the statutes of 1982, is again amended by replacing the words “his surviving spouse” by the words “the surviving spouse” and the words “for her lifetime while she remains a surviving spouse” by the words “throughout the lifetime of the surviving spouse while in widowhood”.

87. Section 118 of the said Act is amended by replacing the first paragraph by the following paragraph:

“118. The Minister of Justice shall appoint, by order, the clerks and deputy-clerks of the Youth Court. The Minister may assign them jurisdiction in more than one district.”

88. Section 121 of the said Act is amended by replacing the first two lines by the words “The Minister of Justice may nevertheless, outside the judicial districts of Montréal and Québec, confer, under the conditions he may”.

89. Section 122 of the said Act is amended by replacing the words “of the district to which he is attached” in the second line by the following words “of a district in which he has jurisdiction”.

90. Section 147 of the said Act is amended by replacing the words “the Gouvernement” in the first and second lines of the second paragraph by the words “order of the Minister of Justice”.

91. Section 176 of the said Act is amended by replacing the words "Government has, by commission under the Great Seal," in the first and second lines by the words "Minister of Justice has, by order,".

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

"177. The Minister of Justice may confer upon any justice of the peace, in addition to the powers he may exercise within the boundaries of the territory under his jurisdiction, the power to administer to any person, in any part of Québec mentioned in the order appointing him, an oath for the making of any affidavit or a declaration in lieu thereof, required or exacted by, or which may be given in virtue of any law, except in criminal matters."

93. Section 178 of the said Act is amended by replacing, at the end, the word "Government" by the words "Minister of Justice".

94. Section 179 of the said Act is replaced by the following section:

"179. The Minister of Justice may, by order, appoint justices of the peace whose jurisdiction shall extend outside the territorial limits assigned to any judicial district, and over such remote parts of Québec, even within those limits."

95. Section 186 of the said Act is replaced by the following section:

"186. The Minister of Justice may, by order, appoint justices of the peace whose jurisdiction shall extend over the whole of Québec or over such districts as he may indicate.

The jurisdiction of any such justice of the peace may be limited to the purposes set forth in the order."

96. Section 195 of the said Act is amended

(1) by replacing the word "Gouvernement" in the second last line of subsection 3 by the words "Minister of Justice";

(2) by replacing the word "Gouvernement" in the first line of subsection 6 by the words "Minister of Justice" and by replacing the word "it" in the third line of the same subsection by the word "he".

FOREST RESOURCES UTILIZATION ACT

97. Section 3 of the Forest Resources Utilization Act (R.S.Q., chapter U-2) is amended by replacing the first paragraph by the following paragraph:

“3. Notwithstanding section 2, the Government may authorize the shipment outside Québec of incompletely processed wood derived from the public domain of Québec if it seems to be contrary to general interest to dispose thereof otherwise.”

ACT TO AMEND THE MINING ACT

98. Section 9 of the Act to amend the Mining Act (1977, chapter 31) is repealed.

99. Section 10 of the said Act is repealed.

100. Section 22 of the said Act is amended by repealing paragraph *a*.

ACT TO AMEND THE COMPANIES ACT AND THE COMPANIES AND PARTNERSHIPS DECLARATION ACT

101. Section 1 of the Act to amend the Companies Act and the Companies and Partnerships Declaration Act (1980, chapter 28) is repealed.

102. Section 2 of the said Act is repealed.

TRANSITIONAL AND FINAL PROVISIONS

103. Notwithstanding section 23.3 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) and section 141 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), the president of the Régie des rentes may hold simultaneously, for a period of not more than three years, his office and that of chairman of the Commission administrative des régimes de retraite et d'assurances.

104. Section 48 of the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2) does not apply from 1 July 1982 to 30 June 1984.

The first paragraph is declaratory.

105. The salary paid from 1 January 1983 to the members of the personnel of the director general of elections including in particular the persons contemplated in section 11 of the Act respecting the integration of the administration of the electoral system (1982, chapter 54), is in conformity with the conditions of employment applicable to them, to the extent that salary is the object of a reduction equivalent

to that applied to the members of the personnel of the civil service under the Act respecting conditions of employment in the public sector (1982, chapter 45).

The first paragraph is declaratory.

106. The Bureau of any professional corporation which on (*insert here the date of the coming into force of this section*), has at least 500 members and not more than 1 500 members may, if constituted under the Professional Code and administered by a president and 16 directors, determine by regulation the conditions and modalities according to which it may reduce the number of directors and, where such is the case, the term of office of the directors already in office.

107. The Bureau of any professional corporation which on (*insert here the date of coming into force of this section*), has more than 1 500 members and not more than 5 000 members may, if constituted under the Professional Code and administered by a president and 16 directors, determine by regulation the conditions and modalities according to which it may reduce the number of its directors and, where such is the case, the term of office of the directors already in office.

108. Every regulation made under section 106 or 107 comes into force in accordance with section 95 of the Professional Code.

109. The regulations made by the Bureau under provisions repealed by sections 8, 28, 33, 44, 53 and 54 of the said Act remain in force until they are repealed by a resolution of the Bureau of the professional corporation passed under subparagraph *o* of section 86 of the Professional Code enacted by paragraph 2 of section 21 of this Act.

110. 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).

111. The said Act comes into force on the day of its sanction, except

(1) section 40 and paragraph 3 of section 53 of the Act respecting the sociétés d'entraide économique enacted by section 71 which will come into force on the date fixed by proclamation of the Government with the exception of the provisions excluded from this proclamation, which will come into force on any later date which to be fixed by proclamation of the Government;

(2) section 59 which will come into force on 1 January 1984.