

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

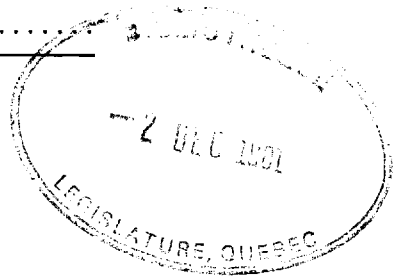
Bill 28

An Act to amend various legislative provisions

First reading

Second reading

Third reading



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QUÉBEC OFFICIAL PUBLISHER

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EXPLANATORY NOTES

This bill amends several legislative provisions. Those amendments are of a technical nature and are designed to facilitate the administration of the Acts affected.

ACTS AMENDED BY THIS BILL

- (1) the Act respecting the establishment of an experimental forest by Laval University (1963, 1st session, chapter 28);
- (2) the Travel Agents Act (R.S.Q., chapter A-10);
- (3) the Labour Code (R.S.Q., chapter C-27);
- (4) the Act respecting electrical installations (R.S.Q., chapter E-4);
- (5) the Master Pipe-Mechanics Act (R.S.Q., chapter M-4);
- (6) the Mining Act (R.S.Q., chapter M-13);
- (7) the Act respecting the Ministère des Communautés culturelles et de l'Immigration (R.S.Q., chapter M-16);
- (8) the Act respecting the Ministère des Affaires intergouvernementales (R.S.Q., chapter M-21);
- (9) the Environment Quality Act (R.S.Q., chapter Q-2);
- (10) the Act respecting the consolidation of the statutes and regulations (R.S.Q., chapter R-3);
- (11) the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);
- (12) the Public Buildings Safety Act (R.S.Q., chapter S-3);
- (13) the Act respecting labour standards (1979, chapter 45);
- (14) the Election Act (1979, chapter 56);
- (15) the Act respecting the Ministère de l'Habitation et de la Protection du consommateur (1981, chapter 10).

Bill 28

An Act to amend
various legislative provisions

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

Act respecting the establishment of an experimental Forest by Laval University

1. Section 3 of the Act respecting the establishment of an experimental forest by Laval University (1963, 1st session, chapter 28) is amended by striking out paragraph *e*.

2. The said Act is amended by adding, after section 3, the following section:

“3.1 The Government may, on the recommendation of the Minister of Recreation, Fish and Game, make for the Forêt Montmorency regulations

(1) determining the conditions under which hunting and fishing are permitted in the forest, or prohibiting either or both of such activities there;

(2) absolutely or partially prohibiting the carrying, transport and possession of hunting gear and fishing tackle in the forest;

(3) fixing the conditions governing any person who, for recreational purposes, enters, stays in, or visits the Forêt Montmorency or partakes in any activity in the forest, and the duties payable therefor;

(4) prohibiting or regulating the presence of dogs in the forest.

Such regulations come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein."

Travel Agents Act

3. Section 1 of the Travel Agents Act (R.S.Q., chapter A-10), amended by section 28 of chapter 77 of the statutes of 1979 and by section 16 of chapter 10 of the statutes of 1981, is again amended by replacing paragraph *d* by the following paragraph:

"(d) "president": the president of the Office de la protection du consommateur;"

4. Sections 9, 11 to 14, 16 to 19, 21, 32, 34.1, 35 and 37 of the said Act are amended by replacing the word "Minister" wherever it is used, by the word "president".

5. The said Act is amended by adding, after section 41, the following division and sections:

"DIVISION VIII

"FINAL PROVISIONS

"42. The Minister of Housing and Consumer Protection is responsible for the carrying out of this Act.

"43. The Office de la protection du consommateur shall supervise the carrying out of this Act."

Labour Code

6. The Labour Code (R.S.Q., chapter C-27) is amended by striking out the second paragraph of section 23.

This section has effect from 1 January 1978.

Act respecting electrical installations

7. Section 2 of the Act respecting electrical installations (R.S.Q., chapter E-4), amended by section 284 of chapter 63 and by section 39 of chapter 75 of the statutes of 1979, is again amended by striking out paragraph 9.

8. Section 7 of the said Act, amended by section 41 of chapter 75 of the statutes of 1979, is again amended by striking out the second paragraph.

9. Section 8 of the said Act, replaced by section 48 of chapter 75 of the statutes of 1979, is again replaced by the following section:

“8. The Government may prescribe the conditions under which the licences provided for by section 20 and the permits provided for by section 4 of this Act shall be issued, as well as their duration and the fees to be exacted, and fix the fees for inspection and approval of the plans contemplated in section 3.”

10. Section 19 of the said Act, amended by section 46 of chapter 75 of the statutes of 1979, is again amended by replacing the second paragraph by the following paragraph:

“Such officers shall keep, in the archives of their offices, a record of each licence issued by them, and draw up reports on the operations of their offices whenever the Minister so requests.”

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

“24. The permits and licences provided for under this Act shall be issued by the board of examiners according to the formalities prescribed by regulation.”

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

“34. No permit or licence issued under this Act or the regulations may be transferred or conveyed; and every such licence or permit may be suspended or cancelled by the board of examiners for sufficient reason. Such suspension or cancellation is, however, subject to appeal to the Minister, and his decision is final.”

Master Pipe-Mechanics Act

13. (1) Section 10 of the Master Pipe-Mechanics Act (R.S.Q., chapter M-4), replaced by section 129 of chapter 53 of the statutes of 1975, is amended by adding the following paragraphs:

“Such a regulation must be approved at a general meeting of the members of the Corporation and published in the *Gazette officielle du Québec*, with a notice that upon the expiry of thirty days after such publication, it will be submitted to the Government for approval. The regulation comes into force only after such notice of approval is published.

Paragraph 4 of section 11 does not apply to such a regulation.”

(2) This section has effect from 1 April 1980.

Mining Act

14. Section 1 of the Mining Act (R.S.Q., chapter M-13), amended by section 20 of chapter 49 of the statutes of 1979, is again amended by replacing the English version of paragraph 36 by the following paragraph:

“(36) “operator”: any person who carries on or directs, or causes to be carried on or directed, mining operations in a mine of which he is the owner, lessee or occupant;”.

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

“**15.** The prospector’s licence shall be issued in a form prescribed by order.”

16. Section 25 of the said Act is repealed.

17. Section 30 of the said Act is amended by replacing subsection 3 by the following subsection:

“(3) Any land which has been the object of a cancelled development licence, of a cancelled claim or of a claim the recording of which has been refused shall not be restaked before the final decision on the cancellation or refusal and in no case before seven o’clock on the day after the last day for appeal.”

18. Section 49 of the said Act is replaced by the following section:

“**49.** When the Minister makes a decision respecting the refusal to record or the cancellation of a claim, he shall give written notice thereof by registered or certified mail to the interested parties, each of whom may, within thirty days of the date of the mailing of such notice, appeal such decision to the Mining Judge, following the procedure set out in sections 313 and 314.”

19. Section 62 of the said Act is amended by replacing the first two lines by the following lines:

“**62.** The application shall be made in the form prescribed by order and shall contain the following information:”.

20. Section 67 of the said Act is amended by replacing the first two lines by the following lines:

“**67.** The application shall be made in the form prescribed by order and shall contain the following information:”.

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

“73. The work required for each hectare or fraction of a hectare comprised in a claim must involve an expenditure of five dollars for the first year and ten dollars for the subsequent years.

For a claim situated north of the 52nd degree of latitude or in the electoral divisions of Bonaventure, Gaspé, Îles-de-la-Madeleine, Kamouraska-Témiscouata, Matane, Matapédia, Rimouski and Rivière-du-Loup, the required work must involve, for the first two years of its duration, an expenditure of fifteen dollars for each hectare or fraction of a hectare.”

22. The English version of section 77 of the said Act is replaced by the following section:

“77. All work concerning prospecting, exploration, valorization and determining economic feasibility and all work of research done on a claim or on contiguous lands under mining lease, mining concession, exploration permit or special permit shall constitute required work with a view to obtaining or renewing a development licence.”

23. Section 305 of the said Act is replaced by the following section:

“305. Actions for the recovery of royalties, fees, rentals or other sums due to the Crown, under this Act or any regulation, shall be brought by the Attorney General or by a person generally or specially authorized by him for that purpose.”

24. Section 338 of the said Act is amended by replacing the first paragraph by the following paragraph:

“338. No officer or employee in the “energy” or “mining” sector of the Department may, directly or indirectly, have any rights or interest in any mine in Québec.”

Act respecting the Ministère des Communautés culturelles et de l’Immigration

25. The English version of subparagraph *e* of section 3.3 of the Act respecting the Ministère des Communautés culturelles et de l’Immigration (R.S.Q., chapter M-16) is amended by adding, after the figure “3.2” in the eighth line, the words “and issue a certificate of acceptance,”.

**Act respecting the Ministère des Affaires
intergouvernementales**

26. Section 20 of the Act respecting the Ministère des Affaires intergouvernementales (R.S.Q., chapter M-21) is amended

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

“The first paragraph applies also to a corporation or agency to which a commission, corporation or community referred to in that section appoints the majority of the members or contributes over one-half of the financing.”;

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

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

27. Section 21 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“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.”

Environment Quality Act

28. (1) The French version of section 110 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by adding the following paragraph:

“Commet également des infractions quotidiennes distinctes celui qui poursuit, jour après jour, l'utilisation d'une construction ou d'un procédé industriel, l'exploitation d'une industrie, l'exercice d'une activité ou la production d'un bien ou d'un service sans détenir le certificat d'autorisation requis par l'article 22 ou par l'article 31.1, dans la mesure où ce certificat est requis. Les pénalités visées à l'article 106 s'appliquent à ces infractions.”

(2) This section has effect from 1 January 1981.

**Act respecting the consolidation
of the statutes and regulations**

29. Section 4 of the Act respecting the consolidation of the statutes and regulations (R.S.Q., chapter R-3) is amended by replacing the second paragraph by the following paragraph:

“The chairman exercises in respect of the personnel, the powers conferred on the chief executive officer of an agency by the said Act.”

Act respecting the Québec Pension Plan

30. Section 15 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is replaced by the following section:

“**15.** The president shall be appointed for a term of not over ten years by the Government, which shall fix his salary.

He shall not be removed except upon an address of the National Assembly of Québec.

If he is temporarily absent or unable to act, he shall be replaced, for his presidential functions, by the vice-president of the board or by a person temporarily appointed by the Government, and, for his functions as general manager, by a person temporarily appointed by the Government.”

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

“**16.** The members of the board of directors other than the president shall be appointed for a term of not over three years.”

32. The said Act is amended by inserting, after section 20, the following section:

“**20.1** Six members of the board including the president or, in the case provided for in section 15, the person replacing the president, are a quorum at meetings of the board. In case of a tie-vote, the president has a casting vote.”

33. Section 22 of the said Act is repealed.

34. The said Act is amended by inserting, after section 23, the following sections:

“**23.1** In addition to the members of the board of directors, the Government may appoint vice-presidents to the Board in such number as it may determine.

Such vice-presidents shall be appointed for a term of not over five years, subject to the contract contemplated in section 23.2; they shall remain in office, notwithstanding the expiry of their term, until they are replaced or re-appointed.

“23.2 The remuneration and the other conditions on which each of the vice-presidents of the board holds office shall be established by a contract binding between each of them individually and the Board. This contract is without effect unless ratified by the Government.

“23.3 The president and the vice-presidents of the Board must attend exclusively to their official duties.

“23.4 If a vice-president of the Board is temporarily absent or unable to act, the president shall designate a person to perform his duties.”

35. Section 24 of the said Act is repealed.

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

“33. The indemnities and allowances provided for in section 19, the salaries of the president, of the vice-presidents of the Board, of the secretary and of the other persons employed by the Board and all the other expenses of the Board shall be paid out of its revenues.”

Public Buildings Safety Act

37. Section 17 of the Public Buildings Safety Act (R.S.Q., chapter S-3) is repealed.

38. Section 18 of the said Act is amended by replacing the words “the buildings mentioned in section 17” in the second line by the words “public buildings”.

Act respecting labour standards

39. The English version of section 63 of the Act respecting labour standards (1979, chapter 45) is amended by replacing the words “an indemnity equal to his wages for a regular day of work” in the fourth and fifth lines by the words “the indemnity provided for in section 62”.

40. The English version of section 69 of the said Act is amended by replacing the word “may” in the fourth line by the word “must”.

41. (1) Section 89 of the said Act is amended by replacing subparagraph *g* of paragraph 4 by the following subparagraph:

“(g) employees working in an isolated area that is inaccessible by motor road and not connected up to the road network of Québec by any regular transport system.”

(2) This section has effect from 16 April 1980.

42. (1) Section 91 of the said Act is amended by adding the following paragraph:

“They may also vary according to whether or not an employee resides with his employer.”

(2) This section has effect from 20 March 1980.

43. The French text of section 128 of the said Act is amended by replacing the word “minimum” in the second line of paragraph 2 of the first paragraph by the word “maximum”.

Election Act

44. The Election Act (1979, chapter 56) is amended by inserting, after section 208, the following section:

“208.1 If a returning officer is absent, incapacitated or if his office is vacant, the director general of elections may appoint a substitute to him to carry out all his powers and duties.

An appointment under this section ceases to have effect immediately upon the termination of the absence or incapacity or the appointment of a new returning officer.”

45. Section 212 of the said Act is amended by adding, at the end, the following words: “, unless the director general exercises his power under section 208.1.”

Act respecting the Ministère de l’Habitation et de la Protection du consommateur

46. Section 27 of the Act respecting the Ministère de l’Habitation et de la Protection du consommateur (1981, chapter 10) is repealed.

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

“28. The appropriations granted to the Ministère du Travail, de la Main-d’oeuvre et de la Sécurité du revenu for the carrying out of the Act respecting building contractors vocational qualifications and those granted to the Ministère des Institutions financières et Coopératives for the carrying out of the Consumer Pro-

tection Act, are transferred to the Ministère de l'Habitation et de la Protection du consommateur, as the Government may determine."

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

"29. The records of the Ministère du Travail, de la Main-d'oeuvre et de la Sécurité du revenu concerning the carrying out of the Act respecting building contractors vocational qualifications devolve to the Ministère de l'Habitation et de la Protection du consommateur."

Final and transitional provisions

49. The personnel of the Ministère de l'Industrie, du Commerce et du Tourisme responsible for the carrying out of the Travel Agents Act (R.S.Q., chapter A-10), in office on (*insert here the date of the coming into force of this section*), become without other formality the personnel of the Office de la protection du consommateur, as the Government may determine.

50. The appropriations granted to the Ministère de l'Industrie, du Commerce et du Tourisme for the carrying out of the Travel Agents Act are transferred to the Office de la protection du consommateur, as the Government may determine.

51. The records of the Ministère de l'Industrie, du Commerce et du Tourisme concerning the carrying out of the Travel Agents Act devolve to the Office de la protection du consommateur.

52. The President of the Office de la protection du consommateur becomes a party to any proceedings relating to the carrying out of the Travel Agents Act and to which the Minister of Industry, Commerce and Tourism was a party, without continuance of suit, from (*insert here the date of the coming into force of this section*).

53. This Act comes into force on the day of its sanction.