

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 98

An Act to amend various fiscal legislation

First reading

Second reading

Third reading



M. ALAIN MARCOUX
Minister of Revenue

QUÉBEC OFFICIAL PUBLISHER

1 9 8 2

EXPLANATORY NOTES

The main object of this bill is to give effect to the various fiscal measures announced by the Minister of Finance in the Budget Speech of 25 May 1982 and in the statement of policy presented by him on 22 June 1982 concerning the participation of banks in the effort to revitalize residential construction. The Succession Duty Act, the Retail Sales Tax Act, the Tobacco Tax Act, the Taxation Act, the Licenses Act and the Telecommunications Tax Act are amended accordingly.

Further, the bill proposes to exempt sales of natural gas from the sales tax, and to extend the time granted to the beneficiary of a registered home-ownership savings plan to acquire a new home.

The bill also proposes several technical amendments to certain fiscal laws to provide for better administration of these laws. To that end, the Retail Sales Tax Act is amended to bring certain definitions into harmony with the new definition of "retail sale" adopted under chapter 4 of the statutes of 1982, and to specify the modalities of imposition of taxes on property brought into Québec and not purchased through retail sale in Québec.

The Taxation Act is amended

(1) to include in the definition of "salary or wages" a reference to new provisions concerning Quebecers employed outside Québec;

(2) to provide that the establishment of a taxpayer also includes a natural gas well;

(3) to correct an inaccuracy regarding the computation of the income of a taxpayer;

(4) to allow the deduction of the costs of an objection or an appeal in respect of contributions under the Act respecting the Régie de l'assurance-maladie du Québec;

(5) to delete a useless reference to subsection 2 of section 702 in section 669; and

(6) to replace the \$24 000 limit prescribed in the tax table provided in Schedule D to the Regulation respecting the Taxation Act by such amount as the Minister may determine.

The Licenses Act is amended to include a definition of "soft drink" which excludes mineral water, in the division dealing with non-returnable containers.

The Act respecting the Ministère du Revenu is amended

(1) to allow the Minister to designate an interim deputy minister from among the Associate Deputy Ministers when the Deputy Minister is absent or unable to act;

(2) to provide that a person who, despite a notice of seizure by garnishment sent by the Minister, refuses to discharge his debt or consideration therefor is liable for the amount owing by the debtor to the Minister;

(3) to provide that any amount deducted or withheld under a fiscal law is deemed to be received by the beneficiary of the payment;

(4) to provide that no interest is exigible from any person who must refund an overpayment made as a result of an error of the department; and

(5) to provide that the service of any proceeding involving the Deputy Minister of Revenue must be made at his office at Montréal or Québec.

The Act respecting the Québec Pension Plan is also amended to correct a clerical error relating to the computation of the refund to which employers are entitled.

Finally, the Fuel Tax Act is amended to validate the reciprocity agreement existing from 1 January 1979 between Québec and Ontario with respect to third parties, to allow the time limit for applying for a refund of the fuel tax to be prescribed by regulation, and to determine the refund of fuel tax to which a person who purchases fuel in Québec and who exports or uses it outside Québec may be entitled.

THE ACTS AMENDED BY THIS BILL

- (1) The Succession Duty Act (R.S.Q., chapter D-13.2);
- (2) The Retail Sales Tax Act (R.S.Q., chapter I-1);
- (3) The Tobacco Tax Act (R.S.Q., chapter I-2);
- (4) The Taxation Act (R.S.Q., chapter I-3);
- (5) The Licences Act (R.S.Q., chapter L-3);
- (6) The Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- (7) The Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);
- (8) The Fuel Tax Act (R.S.Q., chapter T-1);
- (9) The Telecommunications Tax Act (R.S.Q., chapter T-4).

Sec. 1. *These sections are new law.*

Bill 98

An Act to amend various fiscal legislation

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

[[**1.** (1) The Succession Duty Act (R.S.Q., chapter D-13.2), amended by chapter 38 of the statutes of 1982, is again amended by inserting, after section 43, the following sections:

“**43.1** Where cultural property within the meaning of the Cultural Property Act (R.S.Q., chapter B-4) is among the moveable property transmitted owing to death and is of an exceptional nature, the beneficiary may make an offer to the Minister to give the property to the Crown or an establishment prescribed by regulation in payment of all or part of the duties he is bound to pay.

He shall make such offer within the period provided by section 43 and in the manner determined by the Minister.

If there are several beneficiaries, the offer must be made jointly.

“**43.2** The Minister shall forward the offer of giving in payment to the Commission des biens culturels du Québec which shall decide with due dispatch the exceptional nature of the cultural property according to the criteria it shall determine.

The Commission shall also inform the Minister of the cultural objects and the standards of conservation of the establishment and, where necessary, recommend that the property be offered to another establishment.

“**43.3** On receiving the opinion of the Commission des biens culturels du Québec, the Minister shall accept or refuse the offer of giving in payment and forward to the beneficiary a notice informing him of his decision.

Sec. 2. *The proposed amendment is for concordance with the new definition of "retail sale".*

Sec. 3. *The object of the proposed amendment is to fix the rate of the sales tax at 9% for the period from 26 May 1982 to 31 March 1983.*

Sec. 4. *The object of the proposed amendment is to specify that the sales tax on moveable property brought into Québec shall be computed either on the production cost of the property, its purchase price or its market value.*

If the Minister accepts the offer, the beneficiary may deduct from the duties which he is bound to pay, the amount of duties or the market value of the cultural property as established by the Minister for the purposes of computation of the duties, whichever is less.

If the Minister refuses the offer, the beneficiary shall pay the duties within the period prescribed in section 43 or within two months of the mailing of the notice of the Minister.”

(2) This section applies in respect of a succession open after 25 May 1982.

2. Section 2 of the Retail Sales Tax Act (R.S.Q., chapter I-1), amended by section 1 of chapter 4 and section 5 of chapter 38 of the statutes of 1982, is again amended

(1) by striking out paragraph 11;

(2) by replacing paragraph 12 by the following paragraph:

“(12) “vendor” means any person who sells moveable property at a retail sale in Québec;”.

3. Section 6 of the said Act is amended by adding the following paragraph:

“Notwithstanding the first paragraph, the tax is 9% for the period from 26 May 1982 to 31 March 1983.”

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

“**7.** Every person who carries on business or ordinarily resides in Québec and who brings or causes to be brought into Québec any moveable property for use or consumption in Québec by himself or by any person at his expense, shall on the date that he begins to use or consume that property, report the matter to the Minister and forward or produce to him the invoice, where applicable, and any other information required by him and shall at the same time pay the tax contemplated in section 6 on the value of the property, except when such tax has been collected by the retailer.

For the purposes of this section, the value of property means,

(a) in the case of property produced by a person outside Québec and brought into Québec within twelve months of its production, the production cost of the property;

(b) in the case of property acquired at a sale outside Québec and brought into Québec within twelve months of that sale, the purchase price of the property;

(c) in other cases, the market value of the property.”

Sec. 5. *The object of the proposed amendment is to exempt sales of natural gas from the tax imposed by the Retail Sales Tax Act, beginning 1 January 1983.*

Sec. 6. *The object of the proposed amendment is to fix the rate of the tax on tobacco at 50 % of the retail price of the tobacco, from 26 May 1982.*

Sec. 7. *The proposed amendment is for concordance with the amendment provided in section 6 of this bill.*

Sec. 8. *The object of the proposed amendment is to include, in the definition of "salary or wages", a reference to sections 79.1 to 79.3 of the Taxation Act and to strike out a needless reference therein to section 2 of the said Act.*

Sec. 9. *The proposed amendment specifies that the establishment of a taxpayer also includes a gas well.*

5. (1) Section 17 of the said Act, amended by section 3 of chapter 4 and section 6 of chapter 38 of the statutes of 1982, is again amended by adding the following subparagraph:

“(ai) sales of natural gas.”

(2) This section has effect from 1 January 1983.

6. (1) Section 8 of the Tobacco Tax Act (R.S.Q., chapter I-2) is replaced by the following section:

“**8.** Every person must, at the time of a retail sale of tobacco in Québec, for consumption by himself or by any other person at his expense, pay a tobacco consumer tax equal to 50% of the retail price of that tobacco.”

(2) This section has effect from 26 May 1982.

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

“**18.** In view of assisting the financing of the olympic installations, the Minister must pay monthly into the special olympic fund established by the Act to establish a special olympic fund (1976, chapter 14), an amount equal, for each month, from the month of July 1982, to 27 % of the tax collected during the preceding month under this Act.

For the month of June 1982, the amount shall be equal to 30% of the tax collected from 1 May to 25 May 1982, and to 27% of the tax collected from 26 May to 31 May 1982.”

8. (1) Section 1 of the Taxation Act (R.S.Q., chapter I-3), amended by section 1 of chapter 5 and section 47 of chapter 17 of the statutes of 1982, is again amended by replacing the definition of the expression “salary or wages” by the following definition:

“ “salary or wages”, except in section 32 and for the purposes of section 355 when it refers to section 32, means the income of a taxpayer from an office or employment, as computed under sections 32 to 79.3, and includes all fees received by the taxpayer for services not rendered in the course of the taxpayer’s business, but does not include pension benefits or retiring allowances;”.

(2) This section applies to the taxation year 1980 and to subsequent taxation years.

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

“**12.** The establishment of a taxpayer means a fixed place where he carries on his business or, if there is no such place, his main place

Sec. 10. The proposed amendment corrects an inaccuracy concerning the computation of the income of a taxpayer.

Sec. 11. The proposed amendment replaces, in respect of the deduction of the costs of objection and appeal to an assessment in the computation of the income of a taxpayer for a taxation year, a reference to the Health Insurance Act (R.S.Q., chapter A-29) by a reference to the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5).

Sec. 12. The proposed amendment is for concordance with the amendment provided in section 25 of this bill.

Sec. 13. The object of the proposed amendment is to allow a member of a supra-municipal body not to include that part of an allowance received for expenses incidental to his duties that do not exceed one-half of the remuneration received for those same duties.

of business. An establishment also includes an office, a branch, mine, oil or gas well, farm, woodland, factory, warehouse or workshop.”

10. Section 28 of the said Act is amended by replacing subparagraph iii of paragraph *c* by the following subparagraph:

“iii. in the case of an individual, the amount by which the amount determined under subparagraph ii of paragraph *b* exceeds the amount determined under subparagraph i of paragraph *b*, up to \$1 000 but not exceeding the remainder determined under subparagraph ii.”

11. (1) Section 336 of the said Act, amended by section 77 of chapter 5 and section 52 of chapter 17 of the statutes of 1982, is again amended

(1) by replacing subparagraph i of paragraph *e* of subsection 1 by the following subparagraph:

“i. an assessment of tax, interest or penalties under this Act, a similar Act of Canada or of another province ;”;

(2) by adding, at the end of paragraph *e* of subsection 1, the following subparagraph:

“v. a contribution under the Act respecting the Régie de l’assurance-maladie du Québec (R.S.Q., chapter R-5).”

(2) This section applies in respect of expenses incurred after 11 December 1979.

12. Section 339 of the said Act, amended by section 78 of chapter 5 of the statutes of 1982, is again amended by adding the following paragraph:

“(g) any amount deductible under section 961.1.1.”

13. (1) Section 493 of the said Act is replaced by the following section:

“**493.** An elected member of a municipal council, a member of the council or executive committee of an urban or regional community, regional county municipality or other similar body constituted by an Act of Québec or a member of a municipal utilities commission or corporation or any other similar body administering such a service or a member of a public or separate school board or any other similar body administering a school district, is not bound to include in computing his income for the year the allowance which he receives in the taxation year from such municipality or body for expenses incident to the discharge of his duties, to the extent that such allowance does not exceed one-half of the amount that was so

Sec. 14. *The proposed amendment strikes out, in section 669 of the Taxation Act, an inaccurate reference to subsection 2 of section 702 of the said Act.*

Sec. 15. *The object of the proposed amendment is to replace the limit of \$24 000 in the tax table provided by the Regulation respecting the Taxation Act by an amount determined by the Minister.*

Sec. 16. *This section is new law.*

paid to him in the year as salary or other remuneration; the excess must be included in computing his income for the year.”

(2) This section applies to the taxation year 1980 and to subsequent taxation years.

14. (1) Section 669 of the said Act is replaced by the following section:

“**669.** The amount of the deduction which would be determined under section 702 in respect of a trust for a taxation year if that section applied to the trust and no account were taken of the \$1 000 limit nor of the mention of the grossed-up dividends is deemed to be interest for the year in the hands of a particular beneficiary and not of the trust to the extent that such amount, having regard to the circumstances and the terms and conditions of the trust arrangement, may reasonably be considered to be part of the amount included, by virtue of sections 659 or 661 to 663, in computing the income of the particular beneficiary for the taxation year, and subsection 2 of section 668 applies *mutatis mutandis* to such presumption.”

(2) This section applies to the taxation year 1979 and subsequent taxation years.

15. Section 751 of the said Act, amended by section 12 of chapter 38 of the statutes of 1982, is again amended by replacing what precedes paragraph *a* by the following:

“**751.** An individual who does not belong to a prescribed class, whose taxable income for a taxation year does not exceed the amount determined by the Minister may pay, instead of the tax provided for in section 750, a tax computed in accordance with a prescribed table which is prepared in accordance with the following rules:”

16. The said Act is amended by inserting, after section 943, the following section:

“**943.1** For the taxation year 1982, an owner-occupied home also means a particular housing unit situated in Québec that has never been inhabited or occupied for other purposes than its sale and which is owned by an individual alone or jointly with another individual in that year or within the following 120 days and that he inhabits at any time in that year or those 120 days.

If, in 1982, a particular housing unit is owned by a cooperative housing corporation, the expression “owner-occupied home” shall also include a share of the capital stock of such corporation owned by the individual, alone or jointly with another individual in the year or within the following 120 days, if the share was acquired for the

Sec. 17. *The proposed amendment is for concordance with the amendment provided in section 19 of this bill.*

Sec. 18. *The proposed amendment is for concordance with the amendment provided in section 17 of this bill.*

Sec. 19. *The proposed amendment provides that from the taxation year 1983, a deduction will no longer be allowed in respect of a contribution to a registered home ownership savings plan.*

Sec. 20. *The proposed amendment is for concordance with the amendment provided in section 16 of this bill.*

Sec. 21. *The proposed amendment is for concordance with the amendment provided for in section 24 of this bill.*

sole purpose of acquiring the right to inhabit the housing unit and if he inhabits it at any time in that year or during such 120 days.”

17. Section 944 of the said Act, amended by section 164 of chapter 5 of the statutes of 1982, is again amended by replacing subparagraph *a* by the following subparagraph:

“(a) the beneficiary has paid for a taxation year a premium exceeding the lesser of \$1 000 and the excess of \$10 000 over the aggregate of premiums paid by him in respect of previous years and the excess, together with any interest, profits or gains attributable thereto, has not been refunded to the beneficiary out of the plan within 120 days after the end of the year;”.

18. Section 946 of the said Act, replaced by section 165 of chapter 5 of the statutes of 1982, is again replaced by the following section:

“**946.** Where, in accordance with sections 944 and 945, the registration of a plan is revoked at any time, the beneficiary is deemed to have received at that time out of or under a registered home ownership savings plan or under such a plan, an amount equal to the fair market value of the property of the plan at the same time less any premium he has paid after 1982 and, notwithstanding section 955, no part of that amount may be deducted in computing his income in respect of any amount used to purchase an owner-occupied home.”

19. Section 952 of the said Act is replaced by the following section:

“**952.** An individual who, during a taxation year prior to 1983, is a beneficiary under a registered home ownership savings plan, may deduct in computing his income for the year the amount of the premium paid by him to the plan during the year not exceeding the lesser of \$1 000 and the excess of \$10 000 over the aggregate of premiums paid by him in respect of previous years.”

20. Section 953 of the said Act is amended by replacing paragraph *a* by the following paragraph:

“(a) had an owner-occupied home as defined in sections 943 or 943.1 if that section were read without reference to the periods of 60 or 120 days; or”.

21. Section 954 of the said Act is replaced by the following sections:

Sec. 22. The purpose of the proposed amendment is to allow an individual not to include in computing his income a payment made to him by a trust governed by a registered home ownership savings plan if he uses that amount to acquire his owner-occupied home in 1982 or within the following 120 days. The proposed amendment also allows an individual to exclude in computing his income that part of a premium he pays into a RHOSP after 1982.

Sec. 23. The proposed amendment specifies that the amount a beneficiary must include in computing his income at the time of the disposition of any property by a trust governed by a registered home ownership savings plan must be proportional to the premiums he paid into the plan before 1983 over the aggregate of premiums paid.

“954. Where a trust governed by a registered home ownership savings plan disposes in a taxation year of a property that, when acquired, was a non-qualified investment, a beneficiary under the plan may deduct in computing his income for the year, the lesser of the amount included in computing his income under section 957 in respect of the acquisition of the property and the proportion used in section 957 to determine that amount, from the proceeds of the disposition of the property.

“954.1 Where, in a taxation year, a loan for which a property of the trust governed by a registered home ownership savings plan was permitted to be used by that trust as security terminates and where an amount has been included in the income of the beneficiary under section 957, the latter may deduct, in computing his income for the year, the amount remaining after having deducted from the amount so included following the use the proportion used in the said section 957 to determine the amount included, from the net loss of the trust as a result of such use.

The loss does not include, however, any interest paid by the trust or any variations in the fair market value of the property.”

22. Section 955 of the said Act, amended by section 166 of chapter 5 of the statutes of 1982, is again amended by replacing that part preceding paragraph *b* by the following:

“955. A beneficiary under a registered home ownership plan shall include in computing his income for a taxation year that part of each amount he receives in the year out of or under the plan which is not a premium he paid after 1982, except to the extent that such part,

(*a*) is a payment to the beneficiary and is used by him in the year or within the following 60 days, to acquire his owner-occupied home or in the year or within the following 120 days to acquire his particular home contemplated in section 943.1, except that which, immediately preceding such acquisition, is owned by his spouse;”

23. Section 956 of the said Act is replaced by the following section:

“956. Where in a taxation year a trust governed by a registered home ownership savings plan disposes of property for a consideration greater than the fair market value of the property at that time or acquires property for no consideration or for a consideration less than the fair market value of the property at that time, the beneficiary under such plan shall include in computing his income for the year the proportion of the difference between such fair market value and such consideration as is represented by the ratio between the

Sec. 24. The proposed amendment is for concordance with the amendment provided for in section 23 of this bill.

Sec. 25. The purpose of the proposed amendment is to allow an individual to benefit from an additional deduction in respect of a registered home ownership savings plan in 1982 if he acquires a new home.

Sec. 26. The purpose of the proposed amendment is to increase the tax on the capital of banks. It also provides for an exception to that rule in respect of a foreign bank or a bank having entered into an agreement with the Government in connection with a program to stimulate housing construction.

Sec. 27. The purpose of the proposed amendment is to increase duties payable by winners of a bet made under a pari mutuel system at a horse race by 1 %.

premiums paid into the plan before 1983 and the aggregate of the premiums paid.”

24. Section 957 of the said Act is replaced by the following section:

“**957.** Where in a taxation year a trust governed by a registered home ownership savings plan acquires a non-qualified investment or commences to use or permit the use of any property of the trust as security for a loan, a beneficiary under the plan shall include in computing his income for the year the proportion of the fair market value of the investment at the time of the acquisition or of the fair market value of the property at the time it commenced to be so used as is represented by the ratio between the premiums paid into the plan before 1983 and the aggregate of premiums paid.”

25. The said Act is amended by inserting, after section 961.1, the following section:

“**961.1.1** An individual who deducts in computing his income for the 1982 taxation year an amount under section 952 may also deduct in so computing an amount equal to twice the amount he deducts under the said section 952 if he uses the funds accumulated in the plan to acquire a particular home contemplated in section 943.1.”

26.(1) Section 1132 of the said Act is amended,

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

“(a) in the case of a bank, to 1.2% of its paid-up capital;

“(a.1) in the case of a loan corporation, trust corporation or a corporation dealing in securities, to 0.9% of its paid-up capital;”;

(2) by adding the following paragraph:

“Notwithstanding paragraph *a* of the first paragraph, the tax payable by a bank referred to in Schedule B to the Bank Act (Statutes of Canada) or by a bank having entered into an agreement with the Government in connection with a program prescribed to stimulate housing construction equal to 0.9 % of its paid-up capital.”

(2) This section has effect from 1 July 1982.

27.(1) Section 46 of the Licenses Act (R.S.Q., chapter L-3) is amended,

(1) by replacing subparagraphs i to vi of paragraph *a* of the first paragraph by the following paragraphs:

Sec. 28. The purpose of the proposed amendment is to increase the amount of the annual remittance made to a corporation whose goal is to promote and assist the Québec horse racing industry.

“(i) 5.5%, if the overall average of stakes for each race card at the race track during the calendar year preceding the date on which that race is held, hereinafter called in this section the “overall average of stakes”, is less than \$100 000;

“(ii) 6%, if the overall average of stakes is not less than \$100 000 nor more than \$150 000;

“(iii) 6.5%, if the overall average of stakes is not less than \$150 000 nor more than \$200 000;

“(iv) 7%, if the overall average of stakes is not less than \$200 000 nor more than \$250 000;

“(v) 7.5%, if the overall average of stakes is not less than \$250 000 nor more than \$300 000;

“(vi) 8%, if the overall average of stakes is \$300 000 or more;”
and

(2) by replacing subparagraphs i to vi of paragraph *b* of the first paragraph by the following subparagraphs:

“(i) 10%, if the overall average of stakes is less than \$100 000;

“(ii) 10.5%, if the overall average of stakes is not less than \$100 000 nor more than \$150 000;

“(iii) 11%, if the overall average of stakes is not less than \$150 000 nor more than \$200 000;

“(iv) 11.5%, if the overall average of stakes is not less than \$200 000 nor more than \$250 000;

“(v) 12%, if the overall average of stakes is not less than \$250 000 nor more than \$300 000;

“(vi) 12.5%, if the overall average of stakes is \$300 000 or more.”

(2) This section has effect from 26 May 1982.

28. Section 50 of the said Act is amended

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

“**50.** For the purposes of promoting and assisting the horse racing industry in Québec, a corporation established for such purposes whose shares are wholly owned by the Société des loteries et courses du Québec shall receive, for each fiscal period of the Government commencing after 31 March 1982, out of the consolidated revenue

Sec. 29. *The proposed amendment adds the definition of “soft drink” for the purposes of the application of Division iv.1 of the Licences Act.*

Sec. 30. *The purpose of the proposed amendment is to allow an Associate Deputy Minister, when designated by the Minister, to act in the stead of the Deputy Minister if the latter is absent or unable to act.*

Sec. 31. *The purpose of the proposed amendment is to provide for the case of a person subject to a seizure by garnishment who, notwithstanding the notice of the Minister, refuses to discharge his debt or consideration. It also adds a cross reference to section 1030 of the Taxation Act.*

Sec. 32. *The proposed amendment provides that an amount deducted or withheld under a fiscal law is considered as having been received by the beneficiary of the payment.*

fund, an amount equal to 2.2 % of the value of the total stake, before any deduction prescribed or permitted by any other Act, for all horse races held in Québec during that of the two preceding calendar years in which that total stake was highest.”;

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

“In addition, that corporation shall receive, out of the consolidated revenue fund, when the Minister of Finance so indicates, any additional amount determined by him without, however, for a fiscal period, the total of these additional amounts exceeding 0.3 % of the value of the total stake used to establish, for that fiscal period, the amount of 2.2 % mentioned in the first paragraph.”

29. (1) Section 79.1 of the said Act is amended by adding the following definition:

““soft drink” means: aerated water to which an essence or syrup is added.”

(2) this section has effect as from 1 July 1978.

30. The Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), amended by chapter 38 of the statutes of 1982, is again amended by inserting, after section 4, the following section:

“**4.1** If the Deputy Minister is absent or unable to act, the Minister may designate an Associate Deputy Minister to act in the stead of the Deputy Minister.”

31. Section 15 of the said Act, replaced by section 21 of chapter 38 of the statutes of 1982, is amended by replacing the fourth and fifth paragraphs by the following paragraphs:

“Every person who, notwithstanding the notice sent by the Minister as provided for in the first or second paragraph, discharges his debt or consideration or refuses to discharge his debt or consideration is bound to pay to the Minister an amount equal to the obligation discharged or to be discharged up to the amounts exigible under a fiscal law.

Sections 1041, 1044 and 1051 to 1056 of the Taxation Act apply, *mutatis mutandis*, to the amounts payable to the Minister under the first, second and fourth paragraphs, and sections 1005 to 1014, 1030, 1057 to 1062 and 1066 to 1079 of the said Act apply, *mutatis mutandis*, to the amounts payable to the Minister under the fourth paragraph.”

32. (1) The said Act is amended by inserting, after section 18, the following section:

Sec. 33. *The proposed amendment provides that a person having to refund to the Minister an overpayment pays no interest if the Minister did not make the payment on the faith of inaccurate or incomplete information furnished by that person.*

Sec. 34. *The proposed amendment provides that a proceeding involving the Deputy Minister of Revenue, other than a petition made under section 1066 of the Taxation Act, is to be served upon the Deputy Minister of Revenue in his Montréal or Québec office.*

Sec. 35. *The proposed amendment corrects a clerical error relating to the computing of the refund of the contribution to the Québec Pension Plan to which an employer is entitled.*

Sec. 36. *The proposed amendment provides that the time limit fixed for applying for a refund of fuel tax may be established by regulation.*

“18.1 Where an amount is deducted or withheld in accordance with the terms of a fiscal law, that amount is deemed to have been received by the beneficiary of the payment from which the said deduction or withholding is made.”

(2) This section has effect from 1 January 1972.

33. Section 32 of the said Act is amended by adding the following paragraph:

“No interest is payable on the overpayment if the Minister considers he has not refunded the amount on the faith of inaccurate or incomplete information furnished by the person.”

34. Section 93 of the said Act is replaced by the following section:

“93. Every person having a recourse against the Government arising out of the application of a fiscal law shall direct it against the Deputy Minister of Revenue.

In addition, any proceedings to which the Minister is a party, with the exception of a petition provided for in section 1066 of the Taxation Act, shall be served upon the Deputy Minister of Revenue in his Montréal or Québec office or on any person in charge of that office.”

35. (1) Section 52.1 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by replacing the second paragraph by the following paragraph:

“The overpayment is equal to the aggregate of the contribution that he must pay for that year as the employer of an employee and the contribution the preceding employer was required to pay for the same year in respect of that employee, less the refund to which the preceding employer is entitled and less the contribution which would have been paid that year if the aggregate of the salary paid by those employers had been paid to the employee by the same employer.”

(2) This section applies as from 1 January 1981 in respect of an employer who makes a transaction mentioned in the first paragraph of section 52.1 of the Act respecting the Québec Pension Plan.

36. (1) Section 10 of the Fuel Tax Act (R.S.Q., chapter T-1) is amended by replacing that part preceding paragraph *a* by the following:

Sec. 37. The proposed amendment provides to what extent a refund of fuel tax may be made to a person who exports or uses fuel into or in a territory outside Québec if there is a reciprocity agreement made between Québec and the government of that territory.

Sec. 38. The purpose of the proposed amendment is to fix the rate of the telecommunications tax at 9 % for the period from 1 June 1982 to 31 March 1983.

“**10.** Every person, provided that he applies therefor within the time limit and the terms and conditions established by regulation, is entitled to a refund of the tax that he has paid.”

(2) This section has effect as from 1 January 1973.

37. (1) Section 11 of the said Act is replaced by the following section:

“**11.** Subparagraphs vii of paragraph *a* and ii of paragraph *b* of section 10 do not apply when under a reciprocity agreement made between the Gouvernement du Québec and that of the territory into which the gasoline or fuel oil is exported or used, gasoline or fuel oil is not subject in that territory to a tax equivalent to the tax provided for by this Act, and the gasoline or fuel oil imported into Québec from the territory is not subject to the tax provided for by this Act, or when under such an agreement Québec shall remit to that territory the aggregate or part of the tax collected on the gasoline or fuel oil.

Any person contemplated in subparagraphs vii of paragraph *a* and subparagraph ii of paragraph *b* of section 10 is entitled however to a refund of the amount by which the tax that he has paid exceeds the tax he would have paid in the territory into or in which he exports or uses the gasoline or fuel oil if he had purchased the gasoline or fuel oil.”

(2) This section, where it adopts the first paragraph of section 11 of the Fuel Tax Act, has effect from 1 January 1979.

38. Section 4 of the Telecommunications Tax Act (R.S.Q., chapter T-4) is amended by inserting, after the first paragraph, the following paragraph:

“Notwithstanding the first paragraph, the tax is 9 % for the period from 1 June 1982 to 31 March 1983.”

39. 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).

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