

# ASSEMBLÉE NATIONALE DU QUÉBEC

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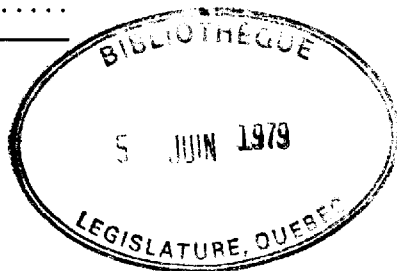
## Bill 35

**An Act to amend or repeal certain legislation**

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First reading .....  
Second reading .....  
Third reading .....

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M. MARC-ANDRÉ BÉDARD  
Ministre de la justice



#### EXPLANATORY NOTE

*The object of this bill is to amend or repeal certain legislation in order to correct certain technical errors, improve certain conditions or strike out provisions which have become obsolete.*

Sec. 1. *This section repeals certain provisions which have become inoperative in the Special Procedure Act.*

Sec. 2. *The object of the proposed amendment to section 165 of the Lands and Forests Act is to defer Arbor and Forest Week from the beginning of May to the end.*

Sec. 3. *The object of the proposed amendment to paragraph c of section 21 of the Labour Code is to remove the ambiguousness caused by an incorrect previous amendment.*

Sec. 4. *The proposed amendment to the French title of the Fish and Game Clubs Act is designed to recognize the common way of designating it.*

Sec. 5. *Section 3 of that act presently reads as follows:*

## Bill 35

An Act to amend or repeal certain legislation

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

**1.** Sections 1 to 4 and 6 to 15 of the Special Procedure Act (Revised Statutes, 1964, chapter 22) are repealed.

**2.** Section 165 of the Lands and Forests Act (Revised Statutes, 1964, chapter 92), replaced by section 72 of chapter 28 of the statutes of 1974, is again replaced by the following section:

**“165.** In order to promote forest conservation, the week beginning on the last Sunday of May each year is proclaimed “Arbor and Forest Week”.”

**3.** Section 21 of the Labour Code (Revised Statutes, 1964, chapter 141), amended by section 12 of chapter 41 of the statutes of 1977, is again amended by replacing paragraph *c* by the following paragraph:

“(c) after six months from the expiration of the delays provided in section 46, in the case of a group of employees for whom a collective agreement has not been made or for whom a dispute has not been submitted for arbitration or is not the object of a strike or lock-out permitted by this code;”.

**4.** The title of the Fish and Game Clubs Act (Revised Statutes, 1964, chapter 204) is replaced, in French, by the following: “Loi des clubs de chasse et de pêche”.

**5.** Section 3 of the said act, amended by section 24 of chapter 26 of the statutes of 1969, is again amended by striking out the second paragraph.

**“3.** The members of any such club may adopt such by-laws, rules and regulations for the management of their affairs as they see fit.

As soon as such by-laws, rules and regulations have received the approval of the Minister of Consumer Affairs, Cooperatives and Financial Institutions, they shall have full force and effect.”

*Sec. 6. The object of this provision is to establish the validity of those by-laws, rules and regulations of any fish and game club which have not been approved in accordance with the act.*

*Sec. 7. The object of the proposed amendment to section 90 of the Highway Code is to enable the Bureau des véhicules automobiles to be informed of certain offences against the Automobile Insurance Act and to assist court clerks in their clerical work relating to the application of that section.*

*Sec. 8. The object of the proposed amendment to section 14 of the Labour and Manpower Department Act is to relax the administrative aspect of regulations respecting the signing of documents by a civil servant.*

*Sec. 9. The object of the proposed amendment to section 3a of the Immigration Department Act is to enable the department to have adequate control of selection certificates.*

**6.** The by-laws, rules and regulations adopted before (*insert here the date of the coming into force of Bill 35*) by a club constituted under this act are not invalid by the fact that they have not received the approval contemplated in section 3 as it read before that date.

This section does not apply to cases that are pending or have been decided.

**7.** Section 90 of the Highway Code (Revised Statutes, 1964, chapter 231), replaced by section 93 of chapter 55 of the statutes of 1972, is amended by replacing the first paragraph by the following paragraphs:

**“90.** The clerk of any court of penal or criminal jurisdiction shall give notice to the Bureau, within eight days, of any conviction for an offence against section 203, 204 or 219 of the Criminal Code committed with a vehicle, against section 233, 234, 235, 236 or 238 of the Criminal Code, section 186, 187, 191 or 192 of the Automobile Insurance Act (1977, chapter 68) or any section of this act; the notice must give the information required by the Bureau for the application of this act and of the Highway Victims Indemnity Act (Revised Statutes, 1964, chapter 232).

The clerk may sign the notice or have his signature affixed to it by means of an automatic device or in the form of an engraved, lithographed or printed facsimile.”

**8.** Section 14 of the Labour and Manpower Department Act (1968, chapter 43), amended by section 10 of chapter 18 of the statutes of 1978, is again amended by replacing the first paragraph by the following paragraph:

**“14.** No deed, document or writing is binding on the Department or may be attributed to the Minister unless it is signed by him, by the Deputy Minister or a civil servant and only, in the case of a civil servant, to the extent determined by regulation of the Lieutenant-Governor in Council published in the *Gazette officielle du Québec*.”

**9.** Section 3a of the Immigration Department Act (1968, chapter 68), enacted by section 3 of chapter 82 of the statutes of 1978, is amended by replacing the first paragraph by the following paragraph:

Sec. 10. *The object of the proposed amendment to section 3b of the Immigration Department Act is to enable the department to have adequate control of certificates of acceptance.*

Sec. 11. *The object of the proposed amendment to section 3c of the Immigration Department Act is to enable the department to determine the form and the duration of the validity of selection certificates and certificates of acceptance.*

Sec. 12. *The proposed amendment to section 7 of the Attorney-General's Prosecutors Act provides concordance.*

Sec. 13. *The proposed amendment to section 62 of the Wild-life Conservation Act provides concordance.*

Sec. 14. *The object of the proposed amendment to section 85 of the Legal Aid Act is to clarify an ambiguous situation regarding the annual report.*

Sec. 15. *The proposed amendment to sections 86 and 87 of the Legal Aid Act provides concordance.*



**“3a.** Every foreign national wishing to settle permanently in Québec must hold a selection certificate issued by the Minister. He must file his application in the manner determined by regulation.”

**10.** Section 3b of the said act, enacted by section 3 of chapter 82 of the statutes of 1978, is amended by replacing the first paragraph by the following paragraph:

**“3b.** Excepting the classes of foreign nationals excluded by regulation, every foreign national seeking temporary admission to Québec to work, study or receive medical treatment must hold a certificate of acceptance issued by the Minister. He must file an application in the manner prescribed by regulation.”

**11.** Section 3c of the said act, enacted by section 3 of chapter 82 of the statutes of 1978, is amended by replacing subparagraph *f* of the first paragraph by the following subparagraph:

**“(f)** determining the form and tenor of an application for a selection certificate referred to in section 3a or of an application for a certificate of acceptance referred to in section 3b, the procedure to be followed for the obtaining of such certificates, the duration of their validity and their form;”.

**12.** Section 7 of the Attorney-General's Prosecutors Act (1969, chapter 20), amended by section 3 of chapter 13 of the statutes of 1972, is again amended by striking out the second paragraph.

**13.** Section 62 of the Wild-life Conservation Act (1969, chapter 58), replaced by section 42 of chapter 65 of the statutes of 1978, is again replaced by the following section:

**“62.** Whoever contravenes section 18, 27, 34, 35, 36, 39, 40, 42, 45, 46a, 51 or 53 of this act is guilty of an offence and liable, in addition to the payment of the costs, for a first offence to a fine of \$50 and for any subsequent offence within two years to a fine of \$200 to \$400 or to imprisonment for not less than fifteen days and not more than thirty days.”

**14.** Section 85 of the Legal Aid Act (1972, chapter 14) is amended by adding at the end the following paragraph:

**“This section does not apply to the obligations assumed or the liabilities contracted under section 52.”**

**15.** Sections 86 and 87 of the said act are replaced by the following sections:

Sec. 16. *The proposed amendment to section 37 of the Succession Duty Act provides concordance.*

Sec. 17. *The object of the proposed amendment to section 19 of the Cree Villages Act is to correct a misprint.*

Sec. 18. *The object of the proposed amendment to section 22 of the Cree Villages Act is to provide, retroactively, concordance between that act and the Cities and Towns Act.*

**"86.** Each legal aid corporation must, each year, on the date fixed by regulation, send to the Commission a financial report audited by a public accountant and including its balance-sheet, its account of revenue and expenditures, a statement on the obligations assumed and the liabilities contracted under section 52, an estimate of the cost of its commitments and a detailed statement of the use made of the financial assistance the Commission has granted to it. It shall send a copy of that report to the Ministre de la justice.

**"87.** The Commission must, each year, within the four months following the end of its fiscal year, send to the Ministre de la justice a financial report audited by a public accountant and including its balance-sheet, its account of revenue and expenditures, a statement on the obligations assumed and the liabilities contracted under section 52, an estimate of the cost of its commitments and a detailed statement of the use made of the subsidy the Government has granted it."

**16.** Section 37 of the Succession Duty Act (1978, chapter 37) is amended by replacing the second paragraph by the following paragraph:

"However, if the beneficiary, otherwise than following his death, an expropriation or an alienation contemplated in Chapters IV, V and VI of Title IX of Book III of Part I of the Taxation Act, disposes within seven years after the death of that person of one or several of such shares, he shall then remit to the Minister the amount he has effectively deducted with respect to those shares under the preceding paragraph, proportionately to the number of shares he will have so disposed of in relation to the number of shares transmitted to him owing to death; he shall also remit the amount so deducted if the gross revenue of the corporation for a financial year of that period ceases to be derived at least 50 per cent from the carrying on of an active business."

**17.** Section 19 of the Cree Villages Act (1978, chapter 88) is amended by replacing the first paragraph of the French text by the following paragraph:

**"19.** Le conseil de la corporation partie à une entente visée à l'article 17 ou à l'article 18 peut y prévoir la formation d'un comité conjoint composé de représentants de la corporation et de l'autre partie à l'entente."

**18.** Section 22 of the said act is amended by adding at the end the following paragraph:

Sec. 19. *The object of the proposed amendment to section 64 of the Cree Villages Act is to correct a misprint.*

Sec. 20. *The object of the proposed amendment to Schedule I to the Act to incorporate certain municipalities of the Outaouais is to correct an error of transcription.*

“For the application of this section, sections 21 and 22 of chapter 52 of the statutes of 1977 are deemed to have come into force on 28 June 1978.”

**19.** Section 64 of the said act is replaced by the following section:

**“64.** Section 435 of the said act is replaced by the following section:

**“435.** For the said purposes, the corporation may acquire and hold any building, servitude or usufruct, within the limits of the municipality, and acquire and hold any immoveable, servitude or usufruct within a radius of 50 kilometres of its boundaries; acquire a right of way wherever it may be necessary; pay any damage occasioned by such works, either to buildings or lands; enter into contracts with any person for the construction of the said waterworks and operate the waterworks when completed.

For the construction of the waterworks and its maintenance afterwards, the contractor for the works or the officers or employees of the corporation authorized by resolution of the council shall have the right to enter during the day-time upon the lands in the neighborhood of the waterworks and take and remove trees, stones, soil, sand and gravel, if they need them for the work of construction or maintenance, and to cut and remove trees and roots which might damage the waterworks, saving reasonable compensation agreed upon between the parties or fixed according to the provisions of section 436.”

**20.** Schedule I to the Act to incorporate certain municipalities of the Outaouais (1979, chapter *insert here the chapter number of Bill 119*) is amended by replacing the words “to the cadastre of the township of Buckingham” in the second and third lines by the words “to the cadastres of the townships of Buckingham and of the village of Buckingham”.

**21.** Section 18 has effect as from 28 June 1978.

**22.** This act comes into force on the day of its sanction.