

THIRD SESSION

THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 17

An Act to amend the Stationary Enginemmen Act

First reading

Second reading

Third reading

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

This bill amends the Stationary Enginemen Act in order to:

(a) redefine the types of apparatus subject, as stationary engines, to the provisions of this act;

(b) enable the examiners to issue the certificate required by the act to any person holding an equivalent certificate issued by another agency, another province or a foreign country;

(c) provide for the suspension or cancellation of a stationary engineman's certificate;

(d) impose the supervision of a stationary engine in operation when the regulation requires it;

(e) prescribe a procedure for the publication of the draft regulations to be adopted under the act;

(f) provide for the cases of offences against the act and increase the amount of the fines;

(g) authorize an inspector appointed under the act to institute the proceedings contemplated in the act and to prescribe the procedure suitable to that purpose.

Sec. 1. *The proposed amendment makes the Government, and its departments and agencies, subject to the provisions of the act.*

Sec. 2. *The amendment would replace the definition of “stationary engine” provided in the act, which presently reads as follows:*

“(1) The words “stationary engine” include:

- (a) Steam boilers;
- (b) Steam engines;
- (c) Stationary internal combustion engines of over twenty kilowatts;
- (d) Refrigerating apparatus operated by motors of a total power exceeding twenty kilowatts;
- (e) The piping and accessories used for operating the above mentioned engines.

Such words do not, however, include:

(a) Steam boilers used for heating buildings other than public buildings contemplated by the Public Buildings Safety Act (Chap. 149) or industrial establishments contemplated by the Industrial and Commercial Establishments Act (Chap. 150);

(b) Boilers with safety-valves set at a pressure of not more than one hundred and three kilopascals, with a capacity not exceeding seven hundred and fifty kilowatts and a heating surface not exceeding one hundred square metres;

(c) Boilers used elsewhere than at buildings under construction, with safety-valves set at a pressure of over one hundred and three kilopascals, but with a

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

R.S.,
c. 157,
s. 1a,
added.

1. The Stationary Enginemen Act (Revised statutes, 1964, chapter 157) is amended by adding, after section 1, the following section:

Applicabil-
ity.

“1a. This act is binding on the Government, and on its departments and agencies.”

R.S.,
c. 157,
s. 2, am.

2. Section 2 of the said act, amended by section 33 of chapter 60 of the statutes of 1977, is again amended by replacing paragraph 1 by the following:

“stationary
engine”;

“(1) The words “stationary engine” include the following apparatus when used in the public buildings or establishments contemplated by the Public Buildings Safety Act (Chap. 149) or by the Industrial and Commercial Establishments Act (Chap. 150):

(a) boilers or generators operated by steam, hot water or any other fluid substance;

(b) steam engines or turbines;

(c) refrigerating plants;

(d) internal combustion engines;

(e) any other apparatus determined by regulation of the Lieutenant-Governor in Council;

(f) the piping and accessories used for operating the apparatus contemplated in subparagraphs a to e.”

capacity not exceeding one hundred and fifty kilowatts and a heating surface not exceeding twenty square metres.”

Sec. 3. *This amendment makes provision in the act for the examiners’ right to issue the certificate required by the act to any person already holding an equivalent stationary enginemen’s certificate issued by another province, another country or another agency.*

Sec. 4. *This amendment enables the examiners to suspend or cancel a certificate if they have good reason to do so.*

Sec. 5. *The present act requires a stationary engine in operation to be kept under the supervision of a stationary engineman. The proposed amendment would only compel this supervision when required by regulation.*

Sec. 6. *This amendment completes the regulatory power of the Lieutenant-Governor in Council, regarding the mode of supervision of a stationary engine, the placing under the act of an apparatus as a stationary engine, and the criteria for issuing the certificate required by the act to any person holding an equivalent certificate.*

Sec. 7. *This amendment prescribes a procedure for the publication of the draft regulations to be adopted under the act.*

R.S.,
c. 157,
s. 6, am.

3. Section 6 of the said act is amended by adding, at the end, the following paragraph:

Equivalent
certificate.

"The examiners may, in accordance with the criteria determined by regulation of the Lieutenant-Governor in Council, issue the certificate contemplated in section 9 to a person holding an equivalent certificate issued by another province, a foreign country or an agency they acknowledge for that purpose."

R.S.,
c. 157, s. 9,
added.

4. The said act is amended by adding, after section 9, the following section:

Certificate
suspended
or
cancelled.

"9a. A certificate may be suspended or cancelled for reasons considered sufficient by the examiners."

R.S.,
c. 157,
s. 10, am.

5. Section 10 of the said act is amended by replacing paragraph *b* by the following:

"(b) Ensure, when required by regulation, the supervision of a stationary engine in operation;"

R.S.,
c. 157,
s. 12, am.

6. Section 12 of the said act is amended:

(a) by adding, after subparagraph *g* of the first paragraph, the following subparagraphs:

"(h) To determine the mode of supervision of a stationary engine in operation, according to the type, power and location of such stationary engine;

"(i) To determine any apparatus contemplated in subparagraph *e* of paragraph 1 of section 2;

"(j) To determine the criteria according to which the examiners may issue a certificate to a person holding an equivalent certificate issued in accordance with section 6.";

(b) by repealing the second paragraph.

R.S.,
c. 157,
ss. 12a,
12b,
added.
Publication
of draft
regulation.

7. The said act is amended by adding, after section 12, the following sections:

"12a. A regulation made under this act must be preceded by a draft which must be published in the *Gazette officielle du Québec* with a notice specifying that any objection to the adoption of the regulation must be made within thirty days.

Inquiry.

The Minister may order any examination or inquiry into the merits of any objection filed pursuant to this notice.

Sec. 8. *This amendment determines the possible offences against the act and increases the amount of the fines for the offences presently provided for in the act, which are from \$25 to \$100.*

Sec. 9. *This amendment entrusts the inspector with the right to institute a proceeding for an offence against the act. The present act enables the Attorney-General to institute the proceedings. Besides, it reduces to one year the prescription for any penal proceeding contemplated in the act.*

Adoption.

"12b. After the delay has expired, or after the examination or inquiry mentioned in section 12 has been held, as the case may be, the draft of the regulation is submitted to the Lieutenant-Governor in Council for adoption. A notice of the adoption of the regulation is published, with the text of the amendments, if any, in the *Gazette officielle du Québec*.

Coming into force.

This regulation comes into force on the day of its publication or on any later date fixed therein."

R.S.,
c. 157,
s. 14,
replaced.

8. Section 14 of the said act is replaced by the following sections:

Offences.

"14. Every person is guilty of an offence who

(a) hinders or molests an inspector or any other functionary in the discharge of his duties;

(b) makes a false declaration so as to obtain a certificate or regarding any information given under the act or regulations;

(c) acts as a stationary engineman without holding the required certificate;

(d) infringes a prescription of this act or of a regulation hereunder.

Penalties.

"14a. Every person who is guilty of an offence contemplated in section 14 is liable, if no other penalty is provided for for such offence, in addition to payment of the costs,

(a) in the case of an individual, to a fine of not less than two hundred dollars nor more than five hundred dollars;

(b) in the case of a corporation, to a fine of not less than five hundred dollars nor more than one thousand dollars;

(c) for the first subsequent offence within two years, to a fine the amount of which must not be less nor more than twice the fines provided for in paragraph *a* or *b*, as the case may be;

(d) for any other subsequent offence within two years, to a fine the amount of which must not be less nor more than three times the fines provided for in paragraph *a* or *b*, as the case may be."

R.S.,
c. 157,
s. 15,
replaced.
Proceed-
ings.

9. Section 15 of the said act is replaced by the following:

"15. All proceedings under this act are instituted by the inspector or by a person designated by the Minister for such purpose.

Idem.

The proceedings under this act are instituted in accordance with the Summary Convictions Act (Chap. 35).

Sec. 10. *This section provides for a preliminary notice to be sent by the inspector to any person who, according to him, is guilty of an offence against this act. This person may, if he admits he is guilty, pay at once the minimum amount of the fine and thus avoid being liable to proceedings before the courts.*

Sec. 11. *This section repeals section 96 of the Manpower Vocational Training and Qualification Act (1969, chapter 51) which provides for the repeal of the Stationary Enginemen Act. However, this section 96 has never come into force for want of proclamation by the Lieutenant-Governor in Council.*

Proceed-
ings.

No proceeding may be instituted for an offence against this act and the regulations hereunder, after the expiration of one year from the date on which the inspector became aware of the offence.

Fines.

The fines provided for by this act are paid into the consolidated revenue fund."

R.S.,
c. 157,
s. 17,
added.

10. The said act is amended by adding, after section 16, the following section:

Prior
notice.

"17. Except in the case of a subsequent offence within two years, no penal proceeding may be instituted under this act or the regulations hereunder unless the person authorized to institute it has sent to the offender prior notice by mail describing the offence and specifying the minimum fine, the amount of the costs and the place where the payment must be made within ten days following the notice.

Payment.

The payment of the sum required within the delay fixed by the notice precludes the penal proceeding.

Presump-
tion.

After this payment, the accused must be considered to have been found guilty of the offence.

Civil
liability.

However, this payment cannot be put forward as an admission of civil liability.

Failure to
give notice.

Failure to give the notice required by this section cannot be put forward against a proceeding for an offence and it is not necessary to allege that it has been given nor to prove it. But if the accused, when summoned, admits he is guilty and then proves that this notice has not been given to him, he cannot be condemned to pay a higher sum than that he would have been required to pay by virtue of this notice.

Determi-
nation of
amount of
costs.

The amount of the costs provided for in the first paragraph is determined by regulation of the Lieutenant-Governor in Council. Sections 12a and 12b do not apply to this regulation.

Coming
into force
of the reg-
ulation.

Such regulation comes into force on the day of its publication in the *Gazette officielle du Québec*, or on any later date fixed therein."

1969, c. 51,
s. 96,
repealed.

11. Section 96 of chapter 51 of the statutes of 1969 is repealed.

Coming
into force.

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