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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

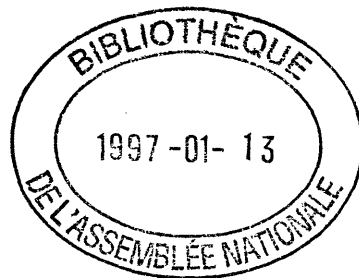
Bill 89

## **An Act respecting the implementation of the Act respecting administrative justice**

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### **Introduction**

**Introduced by  
Mr Paul Bégin  
Minister of Justice**



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## EXPLANATORY NOTES

*The object of this bill is to implement, throughout the statutory law, the principles established by the Act respecting administrative justice.*

*Certain provisions propose that non-judicial processes for the making of individual decisions in the exercise of an administrative function be introduced in public agencies, and that necessary procedural changes be made.*

*The bill contains rules incident to the incorporation of existing bodies such as the Commission des affaires sociales, the Bureau de révision en immigration, the Commission d'examen des troubles mentaux, the Bureau de révision de l'évaluation foncière and the Tribunal d'appel en matière de protection du territoire agricole into the Administrative Tribunal of Québec, which rules aim at harmonizing the procedure in effect before those bodies.*

*In addition, the jurisdiction of government bodies such as the Commission municipale and the Régie des marchés agricoles et alimentaires du Québec and of the Court of Québec in administrative matters and in the determination of expropriation indemnities is transferred to the Administrative Tribunal of Québec.*

*Moreover, the Act respecting the Régie du logement is amended to make applicable to the commissioners of the Régie the rules governing recruitment, selection, appointment, reappointment and revocation as well as the ethics rules contained in the Act respecting administrative justice.*

*Lastly, the bill enacts the transitional principle that the new law will apply immediately. It sets out transitional rules to govern members of bodies incorporated into the Administrative Tribunal, and proposes rules on procedure, time limits, transfer of personnel and records and financing.*

## **LEGISLATION AMENDED BY THIS BILL:**

- Bees Act (R.S.Q., chapter A-1);
- Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1);
- Act respecting detective or security agencies (R.S.Q., chapter A-8);
- Travel Agents Act (R.S.Q., chapter A-10);
- Legal Aid Act (R.S.Q., chapter A-14);
- Act respecting family assistance allowances (R.S.Q., chapter A-17);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001);
- Act respecting the National Assembly (R.S.Q., chapter A-23.1);
- Automobile Insurance Act (R.S.Q., chapter A-25);
- Health Insurance Act (R.S.Q., chapter A-29);
- Crop Insurance Act (R.S.Q., chapter A-30);
- Act respecting insurance (R.S.Q., chapter A-32);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Building Act (R.S.Q., chapter B-1.1);
- Cultural Property Act (R.S.Q., chapter B-4);
- Act respecting certain caisses d'entraide économique (R.S.Q., chapter C-3.1);
- Savings and Credit Unions Act (R.S.Q., chapter C-4);
- Savings and Credit Unions Act (R.S.Q., chapter C-4.1);
- Act respecting truck transportation (R.S.Q., chapter C-5.1);

- Charter of the French language (R.S.Q., chapter C-11);
- Cinema Act (R.S.Q., chapter C-18.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Act to promote good citizenship (R.S.Q., chapter C-20);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the marketing of marine products (R.S.Q., chapter C-32.1);
- Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);
- Act respecting the Commission municipale (R.S.Q., chapter C-35);
- Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Companies Act (R.S.Q., chapter C-38);
- Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);
- Act respecting racing (R.S.Q., chapter C-72.1);
- Real Estate Brokerage Act (R.S.Q., chapter C-73.1);
- Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1);
- Act respecting private education (R.S.Q., chapter E-9.1);
- Tourist Establishments Act (R.S.Q., chapter E-15.1);



- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- Act respecting explosives (R.S.Q., chapter E-22);
- Expropriation Act (R.S.Q., chapter E-24);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Forest Act (R.S.Q., chapter F-4.1);
- Grain Act (R.S.Q., chapter G-1.1);
- Act respecting immigration to Québec (R.S.Q., chapter I-0.2);
- Crime Victims Compensation Act (R.S.Q., chapter I-6);
- Act respecting electrical installations (R.S.Q., chapter I-13.01);
- Education Act (R.S.Q., chapter I-13.3);
- Act respecting market intermediaries (R.S.Q., chapter I-15.1);
- Act to promote the parole of inmates (R.S.Q., chapter L-1.1);
- Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6);
- Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5);
- Stationary Enginemen Act (R.S.Q., chapter M-6);
- Cullers Act (R.S.Q., chapter M-12.1);
- Mining Act (R.S.Q., chapter M-13.1);
- Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14);
- Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1);
- Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01);
- Act respecting liquor permits (R.S.Q., chapter P-9.1);

- Pesticides Act (R.S.Q., chapter P-9.3);
- Act respecting prevention of disease in potatoes (R.S.Q., chapter P-23.1);
- Farm Producers Act (R.S.Q., chapter P-28);
- The Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29);
- Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30);
- Act respecting educational programming (R.S.Q., chapter P-30.1);
- Youth Protection Act (R.S.Q., chapter P-34.1);
- Public Health Protection Act (R.S.Q., chapter P-35);
- Consumer Protection Act (R.S.Q., chapter P-40.1);
- Mental Patients Protection Act (R.S.Q., chapter P-41);
- Act to preserve agricultural land (R.S.Q., chapter P-41.1);
- Animal Health Protection Act (R.S.Q., chapter P-42);
- Roadside Advertising Act (R.S.Q., chapter P-44);
- Environment Quality Act (R.S.Q., chapter Q-2);
- Act respecting the class action (R.S.Q., chapter R-2.1);
- Act respecting the collection of certain debts (R.S.Q., chapter R-2.2);
- Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1);
- Act respecting the Régie des télécommunications (R.S.Q., chapter R-8.01);
- Act respecting the Régie du gaz naturel (R.S.Q., chapter R-8.02);
- Act respecting the Régie du logement (R.S.Q., chapter R-8.1);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);

- Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Watercourses Act (R.S.Q., chapter R-13);
- Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);
- Act respecting supplemental pension plans (R.S.Q., chapter R-17);
- Act respecting safety in sports (R.S.Q., chapter S-3.1);
- Act respecting income security (R.S.Q., chapter S-3.1.1);
- 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);
- Act respecting correctional services (R.S.Q., chapter S-4.01);
- Act respecting child day care (R.S.Q., chapter S-4.1);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);
- Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);
- Act respecting the Société québécoise d'information juridique (R.S.Q., chapter S-20);
- Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);

- Act respecting the lands in the public domain (R.S.Q., chapter T-8.1);
- Marine Products Processing Act (R.S.Q., chapter T-11.01);
- Act respecting transportation by taxi (R.S.Q., chapter T-11.1);
- Transport Act (R.S.Q., chapter T-12);
- Courts of Justice Act (R.S.Q., chapter T-16);
- Act respecting the use of petroleum products (R.S.Q., chapter U-1.1);
- Securities Act (R.S.Q., chapter V-1.1);
- Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);
- Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32);
- Act to amend the Act respecting the Régie des alcools, des courses et des jeux and various Acts concerning the activities under its supervision (1993, chapter 71);
- Plant Protection Act (1995, chapter 54).

# Bill 89

## AN ACT RESPECTING THE IMPLEMENTATION OF THE ACT RESPECTING ADMINISTRATIVE JUSTICE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### BEES ACT

**1.** The Bees Act (R.S.Q., chapter A-1) is amended by inserting, after section 7, the following section:

**“7.1.** The owner or possessor of an apiary to whom an order made under section 6 or 7 is notified without prior notice because, in the Minister’s opinion, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations to the Minister so that the order may be reviewed.”

### ACT RESPECTING THE ACQUISITION OF FARM LAND BY NON-RESIDENTS

**2.** Section 14 of the Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) is amended

(1) by replacing the words “be heard” in the second line of the first paragraph by the words “present observations”;

(2) by adding the following paragraph:

“It shall, before rendering an unfavourable decision, notify the applicant in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the interested person at least 10 days to present observations.”

**3.** Section 18 of the said Act is amended by replacing the words “right of review” in the first line by the words “review or proceeding”.

**4.** Section 19 of the said Act is amended by replacing the word “record” in the first line by the word “head”.

**5.** Section 20 of the said Act is amended

(1) by replacing, in the French text, the word “juridiction” in the second line of the first paragraph and in the fourth line of the second paragraph by the word “compétence”;

(2) by replacing the word “record” in the first line of the third paragraph by the word “head”.

**6.** Section 34 of the said Act is amended by adding, after the figure “17,”, the figure “18.6,”.

## ACT RESPECTING DETECTIVE OR SECURITY AGENCIES

**7.** Section 14 of the Act respecting detective or security agencies (R.S.Q., chapter A-8) is amended by adding, at the end, the following paragraph:

“The Minister shall, before making such a decision, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the holder at least 10 days to present observations.”

## TRAVEL AGENTS ACT

**8.** The heading of Division III of the Travel Agents Act (R.S.Q., chapter A-10) is amended

(1) by inserting the words “OF ISSUE OR” after the word “REFUSAL”;

(2) by replacing the word “APPEALS” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**9.** Section 13 of the said Act is amended

(1) by inserting the words “issue or” after the words “refusing to” in the first line;

(2) by replacing the words “give the licensee an opportunity to be heard” in the second line by the words “notify the licensee in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the licensee at least 10 days to present observations”;

(3) by adding, at the end, the following paragraphs:

“Where required by the situation, the president may, from the time of notification to the licensee until the rendering of his decision, confer on a trustee the temporary administration of the current business of the travel agent.

The licensee is, in such a case, required to remit to the trustee all documents, books and other effects necessary for the continuation of the current business of the travel agent.”

**10.** Section 15 of the said Act is amended

(1) by inserting the words “or the administration of whose current business has been temporarily conferred on a trustee” after the word “renewed” in the third line;

(2) by replacing the words “contemplated in section 14” in the fourth line by the words “referred to in section 13 or in section 14, as the case may be”.

**11.** Section 17 of the said Act is amended

(1) by inserting the words “whose licence application is refused or” after the word “person” in the first line;

(2) by replacing the words “appeal from the president’s decision to three judges of the Court of Québec of the district in which this person has his residence, or corporate seat as the case may be,” in the first, second and third lines by the words “, within 30 days of notification of the president’s decision, contest the decision before the Administrative Tribunal of Québec.”;

(3) by striking out paragraphs *a*, *b* and *c*.

**12.** Sections 18 to 30 of the said Act are repealed.

**LEGAL AID ACT**

**13.** Section 75 of the Legal Aid Act (R.S.Q., chapter A-14), amended by section 40 of chapter 23 of the statutes of 1996, is again amended by replacing the words “an appeal shall lie to the review committee from the decision of the general manager within fifteen days of such decision” in the third and fourth lines of the first paragraph by the words “an application for review to the review committee may be made within 15 days after the date on which the decision of the general manager is rendered”.

**14.** Section 77 of the said Act, amended by section 41 of chapter 23 of the statutes of 1996, is replaced by the following section:

“**77.** The review committee shall, before making its decision, give to the applicant or recipient and to the person who contests the financial eligibility to legal aid, if any, an opportunity to present observations.”

**15.** Section 78 of the said Act is amended

(1) by replacing the words “Following the report of the delegate and the hearing, if any, the” in the first line by the word “The”;

(2) by striking out the words “decide the application and” in the second line;

(3) by replacing the word “parties” in the second line by the words “persons concerned”;

(4) by replacing the words “the final” in the third line by the word “its”.

## **ACT RESPECTING FAMILY ASSISTANCE ALLOWANCES**

**16.** The heading of Division IV of the Act respecting family assistance allowances (R.S.Q., chapter A-17) is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**17.** Section 18 of the said Act is amended

(1) by replacing the words “Review proceedings are introduced by an application made, on the form prescribed by the Board, within ninety days from” in the first and second lines of the first paragraph by the words “An application for review shall be made within 60 days after the date of”;

(2) by replacing the word “complainant” in the second line of the first paragraph by the word “applicant”;

(3) by replacing the words “allow the complainant to apply for a review after such delay” in the third and fourth lines of the first paragraph by the words “, however, allow the applicant to present his application for review after such time”.

**18.** Section 19 of the said Act is amended by replacing the words “and the right of such person to appeal from it in accordance with this act” in the fifth and sixth lines by the words “, the right of such person to contest the decision and the time for bringing a proceeding”.

**19.** Section 20 of the said Act is amended

(1) by replacing the words “appeal from such decision” in the second line of the first paragraph by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”;

(2) by striking out the second paragraph.

**20.** Section 28 of the said Act is amended by replacing the words “drawing up an application for an allowance or review or a declaration of appeal provided for by this act” in the fourth and fifth lines by the words “the drafting of an application for an allowance or review provided for by this Act or of a motion requesting a review of the decision by the Administrative Tribunal of Québec”.



## ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**21.** Section 117.7 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing the words “Expropriation Division of the Court of Québec” in the first and second lines of the first paragraph by the words “Administrative Tribunal of Québec”.

**22.** Sections 117.8, 117.11, 117.13 and 117.14 of the said Act are amended by replacing the words “Expropriation Division” and “Division’s”, wherever they appear in those provisions, by the words “Administrative Tribunal” and “Tribunal’s”, respectively.

## ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES

**23.** Section 40 of the Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001) is amended by striking out the figure “, 260.18” in the first line of the second paragraph.

**24.** Section 45 of the said Act is replaced by the following section:

**“45.** A seller for whom a provisional administrator has been appointed may, within 30 days of notification, contest the president’s decision before the Administrative Tribunal of Québec.

In exercising its power to suspend the execution of a contested decision, the Tribunal must give particular consideration to the interests of consumers.”

## ACT RESPECTING THE NATIONAL ASSEMBLY

**25.** Section 68 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended by replacing the words “Expropriation Division of the Court of Québec” in the fourth line by the words “Administrative Tribunal of Québec”.

## AUTOMOBILE INSURANCE ACT

**26.** Section 83.26 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing the words “an appeal” in the first line by the words “a proceeding brought before the Administrative Tribunal of Québec”.

**27.** Section 83.31 of the said Act is amended by replacing the words “petition for review or appeal” in the first line by the words “application for review or proceeding before the Administrative Tribunal of Québec”.

**28.** Section 83.32 of the said Act is amended

(1) by replacing the words “an appeal” in the first line of the first paragraph by the words “a proceeding brought before the Administrative Tribunal of Québec”;

(2) by replacing the words “Commission des affaires sociales” in the second line of the first paragraph by the word “Tribunal”;

(3) by replacing the word “it” in the third line of the first paragraph by the words “the Société”.

**29.** The heading of Chapter IX of Title II of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**30.** Section 83.41 of the said Act is amended

(1) by replacing the words “section 83.67” in the first line of the first paragraph by the words “sections 83.49 and 83.67”;

(2) by striking out the words “, in first instance and in review,” in the first and second lines of the first paragraph;

(3) by striking out the word “, hear” in the second line of the first paragraph;

(4) in the French text, by replacing the word “affaire” in the third line of the first paragraph by the word “question”.

**31.** Section 83.42 of the said Act is replaced by the following section:

**“83.42.** The Société may by regulation establish the rules applicable to the examination of matters over which it has jurisdiction.”

**32.** Section 83.43 of the said Act is amended

(1) by striking out the words “rendered in first instance” in the first line of the first paragraph;

(2) by replacing the words “of his right to” in the second line of the second paragraph by the words “that he may”;

(3) by replacing the words “of his right to appeal therefrom to the Commission des affaires sociales” in the second and third lines of the third paragraph by the words “that he may contest the decision before the Administrative Tribunal of Québec”.

**33.** Section 83.44.1 of the said Act is amended by replacing the words “a decision has not been inscribed for review or appeal” in the first line of the

first paragraph by the words “no application for review has been presented and no proceeding brought before the Administrative Tribunal of Québec in respect of a decision”.

**34.** The heading of Division II of Chapter IX of Title II of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**35.** Section 83.45 of the said Act is amended by striking out the words “in first instance” in the third line of the first paragraph.

**36.** Section 83.47 of the said Act is amended by replacing the words “any decision rendered in first instance” in the second line of the first paragraph by the words “the decision”.

**37.** Section 83.48 of the said Act is amended by replacing the words “of his right to appeal therefrom to the Commission des affaires sociales” in the first and second lines of the second paragraph by the words “that he may contest the decision before the Administrative Tribunal of Québec”.

**38.** Section 83.49 of the said Act is amended

(1) by striking out the words “in first instance” in the second line of the first paragraph;

(2) by replacing the words “appeal therefrom to the Commission des affaires sociales” in the third line of the first paragraph by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”;

(3) by striking out the second paragraph.

**39.** Section 83.50 of the said Act is amended by replacing the words “a debtor’s application for review or appeal” in the second line of the fourth paragraph by the words “an application for review or proceeding brought before the Administrative Tribunal of Québec by a debtor”.

**40.** Section 83.51 of the said Act is amended

(1) by replacing the words “an appeal” in the second line by the words “a proceeding brought before the Administrative Tribunal of Québec”;

(2) by replacing the words “Commission des affaires sociales” in the second line by the word “Tribunal”;

(3) by replacing the word “appeal” in the fifth line by the words “proceeding brought before the Tribunal”.

**41.** Section 83.55 of the said Act is amended

(1) by replacing the words “appeal therefrom” in the third line of the second paragraph by the words “contest the decision”;

(2) by striking out the words “or after the decision of the Commission des affaires sociales” in the third and fourth lines of the second paragraph.

**42.** Section 83.56 of the said Act is amended by striking out the words “or of the Commission des affaires sociales” in the second and third lines.

**43.** Section 83.67 of the said Act is amended

(1) by replacing the words “bring an appeal” in the second line of the second paragraph by the words “contest the decision before the Administrative Tribunal of Québec”;

(2) by replacing the words “An appeal brought” in the first line of the third paragraph by the words “A proceeding brought before the Tribunal”;

(3) by replacing the words “sets aside any appeal” in the first line of the third paragraph by the words “precludes any proceeding before the Tribunal”;

(4) by replacing the words “rendered in appeal” in the second line of the third paragraph by the words “made by the Tribunal”.

**44.** Section 195 of the said Act is amended

(1) by replacing the words “petition for review or appeal” in the second line of paragraph 17 by the words “application for review or proceeding before the Administrative Tribunal of Québec”;

(2) by replacing the words “of proof and procedure which apply to the examination of cases” in the first and second lines of paragraph 24 by the words “applicable to the examination of matters”.

## **HEALTH INSURANCE ACT**

**45.** Section 4.7 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing the words “his point of view” in the second line of the second paragraph by the word “observations”.

**46.** Section 4.8 of the said Act is amended by replacing the words “appeal from the decision to the Commission des affaires sociales,” in the second and third lines by the words “contest the decision before the Administrative Tribunal of Québec”.

**47.** Section 4.10 of the said Act is amended by replacing the words “for appeal under section 4.8 has expired or, where an appeal has been brought, before the decision of the Commission” in the second and third lines by the words “for bringing a proceeding under section 4.8 has expired or, if the decision is contested before the Tribunal, before the decision of the Tribunal”.

**48.** The heading of Division II.1 of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**49.** Section 18.3 of the said Act is amended by replacing the words “and of his right to appeal therefrom in accordance with this Act” in the third and fourth lines by the words “, of his right to contest the decision and of the time for bringing a proceeding”.

**50.** Section 18.4 of the said Act is amended by replacing the words “appeal from the decision to the Commission des affaires sociales in accordance with the Act respecting the Commission des affaires sociales (chapter C-34)” in the second, third and fourth lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**51.** Section 38 of the said Act is amended by replacing the word “, any” in the first line by the words “and excepting any proceeding under section 18.4 or 50, a”.

**52.** Section 47 of the said Act is amended by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

**53.** Section 50 of the said Act is amended

(1) by replacing the words “appeal therefrom to the Commission des affaires sociales in accordance with the Act respecting the Commission des affaires sociales (chapter C-34)” in the second, third and fourth lines of the second paragraph by the words “contest the decision before the Administrative Tribunal of Québec”;

(2) by replacing the word “appellant” in the fifth line of the second paragraph by the word “professional”.

**54.** Section 51 of the said Act is amended by replacing the words “delay for appeal, and the judgment” in the third line of the first paragraph by the words “time for bringing a proceeding under the second paragraph of section 50, if no proceeding is brought before the Administrative Tribunal of Québec, and, in that case, the decision of the Board”.

**55.** Section 52 of the said Act is amended by replacing the words “Commission des affaires sociales has disposed of the appeal” in the fifth line by the words “Administrative Tribunal of Québec has disposed of the proceeding”.

## **CROP INSURANCE ACT**

**56.** Section 12 of the Crop Insurance Act (R.S.Q., chapter A-30) is amended

(1) by replacing the words “which has not been appealed from to the Court” in the second and third lines of the first paragraph by the words “in respect of which no proceeding has been brought before the Administrative Tribunal of Québec”;

(2) by replacing subparagraphs *a* and *b* of the first paragraph by the following paragraphs:

“The application for review or for cancellation must be presented in writing within 30 days of the date of the decision concerned.

The Régie shall allow the producer to present observations.”

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

“**29.** Where a dispute arises concerning eligibility for insurance with respect to the same cultivated farm, the producers concerned may request the intervention of the Régie so that it may endeavour to settle the matter.”

**58.** The heading of Division VI of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**59.** Section 65 of the said Act is amended by replacing the words “appeal therefrom to the Court of Québec, but only on questions of law” in the second and third lines by the words “, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**60.** Sections 66 to 67.4 of the said Act are repealed.

**61.** Section 74 of the said Act is amended

(1) by striking out paragraph *j*;

(2) by replacing the words “for its internal management” in paragraph *l* by the words “of internal management for the conduct of its meetings and for the review or cancellation of its decisions”.

#### ACT RESPECTING INSURANCE

**62.** Section 32 of the Act respecting insurance (R.S.Q., chapter A-32) is amended by replacing the words “justify himself” in the third line by the words “present observations”.

**63.** Section 48 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

**64.** Section 93.27 of the said Act is amended by replacing the words “appeal set out in section 123.146” in the first and second lines of the second paragraph by the words “bringing a proceeding that is set out in section 123.145”.

**65.** Section 93.27.1 of the said Act is amended by replacing the word “appeal” in the first line of the first paragraph by the words “bringing a proceeding”.

**66.** Section 93.27.4 of the said Act is amended by replacing the words “appeal from it in accordance with sections 123.145 to 123.157 of the Companies Act (chapter C-38)” in the second and third lines by the words “, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**67.** Section 174.17 of the said Act is amended by replacing the words “be heard” in the sixth line by the words “present observations”.

**68.** Section 219.1 of the said Act is amended by replacing the words “inform the corporation of his intention and provide it with a reasonable opportunity to express its views” in the second and third lines of the second paragraph by the words “notify the corporation in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the corporation at least 10 days to present observations”.

**69.** Section 285.19 of the said Act is amended by replacing the words “be heard” in the second line of the third paragraph by the words “present observations”.

**70.** Section 325.1 of the said Act is amended

(1) by replacing the words “Before issuing an order, the Inspector General shall serve on the contravener prior notice of at least 15 days” in the first and second lines of the second paragraph by the words “At least 15 days before issuing an order, the Inspector General shall notify the contravener as prescribed by section 5 of the Act respecting administrative justice,”;

(2) by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

**71.** Section 325.3 of the said Act is amended

(1) by replacing the words “delay in the holding of a hearing” in the third line of the first paragraph by the words “period of time allowed to the person concerned to present observations”;

(2) by replacing the words “apply in writing to the Inspector General for a hearing” in the third and fourth lines of the second paragraph by the words “present observations to the Inspector General”.

**72.** Section 361 of the said Act is amended by replacing the words “give its holder an opportunity to be heard” in the second line by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”.

**73.** Chapter IX of the said Act, comprising sections 366 to 377, is replaced by the following chapter:

#### **“CHAPTER IX**

#### **“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC**

**“366.** Any refusal, suspension or cancellation of a licence may, within 30 days of notification of the decision, be contested before the Administrative Tribunal of Québec.

**“367.** Notwithstanding the second paragraph of section 14 of the Act respecting administrative justice, the Tribunal may only confirm or quash a contested decision.”

**74.** Section 382 of the said Act is amended

(1) by replacing the words “express his views” in the second line of the first paragraph by the words “present observations”;

(2) by replacing the words “views may be expressed” in the first line of the second paragraph by the words “observations may be presented”.

**75.** Section 383 of the said Act is amended by replacing the words “representations that the insurer has made” in the second line by the words “observations that the insurer has presented”.

#### **ACT RESPECTING THE BARREAU DU QUÉBEC**

**76.** Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended

(1) by replacing the words “rescuers and crime victims compensation division of the Commission des affaires sociales established pursuant to the Act respecting the Commission des affaires sociales (chapter C-34)” in the fourth, fifth and sixth lines of subparagraph 3 of paragraph *a* of subsection 2 by the words “social affairs division of the Administrative Tribunal of Québec, instituted under the Act respecting administrative justice (*insert here the year*



*and chapter number of that Act*), in the case of a proceeding pertaining to compensation for rescuers and victims of crime,”;

(2) by replacing the words “social aid and allowances division of the Commission des affaires sociales” in the first and second lines of subparagraph 5 of paragraph *a* of subsection 2 by the words “social affairs division of the Administrative Tribunal of Québec”;

(3) by replacing the words “Bureau de révision en immigration” in the first line of subparagraph 7 of paragraph *a* of subsection 2 by the words “social affairs division of the Administrative Tribunal of Québec”.

## BUILDING ACT

**77.** Section 75 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing the words “allow the holder an opportunity to be heard” in the first line of the first paragraph by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the holder at least 10 days to present observations”.

**78.** Section 128.5 of the said Act is amended by replacing the words “give the permit holder or the person an opportunity to be heard” in the first and second lines of the first paragraph by the words “notify the permit holder or the person in writing as prescribed by section 5 of the Act respecting administrative justice and allow the permit holder or the person at least 10 days to present observations”.

**79.** The heading of Chapter VII of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE LABOUR COURT”.

**80.** Section 160 of the said Act is amended by replacing the words “where such ruling, which has not been appealed from” in the second and third lines by the words “, where such ruling, in respect of which no proceeding has been brought before the Labour Court”.

**81.** Section 162 of the said Act is amended by replacing the words “express his opinion” in the second line by the words “present observations”.

**82.** The heading of Division II of Chapter VII of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE LABOUR COURT”.

**83.** Section 165 of the said Act is amended by replacing the words “appeal to the Labour Court on any question of law, jurisdiction or fact from a ruling of the Board or of a municipality covered by section 132” in the first, second

and third lines by the words “contest a ruling of the Board or of a municipality covered by section 132 before the Labour Court,”.

**84.** Section 166 of the said Act is amended

(1) by replacing the words “appeal shall be made” in the first line of the first paragraph by the words “proceeding shall be brought”;

(2) by replacing the word “appellant” in the second line of the second paragraph by the word “applicant”.

**85.** Section 167 of the said Act is amended by replacing the words “ruling under appeal” in the second line by the words “contested ruling”.

**86.** Section 170 of the said Act is amended by replacing the word “appeal” in the first line by the word “proceeding”.

**87.** Section 172 of the said Act is amended by replacing the words “an appeal” in the second line by the words “a proceeding”.

## CULTURAL PROPERTY ACT

**88.** Section 31.2 of the Cultural Property Act (R.S.Q., chapter B-4) is repealed.

**89.** Section 43 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” in the second and third lines of the second paragraph by the words “Administrative Tribunal of Québec”.

**90.** Section 50.2 of the said Act is repealed.

**91.** Section 57.2 of the said Act is amended

(1) by adding the following sentence at the end of the first paragraph: “Before revoking or amending an authorization, the Minister shall notify the interested person in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the interested person at least 10 days to present observations.”;

(2) by striking out the words “after giving him the opportunity to be heard” in the second line of the second paragraph.

## ACT RESPECTING CERTAIN CAISSES D’ENTRAIDE ÉCONOMIQUE

**92.** Section 89 of the Act respecting certain caisses d’entraide économique (R.S.Q., chapter C-3.1) is amended by replacing the words “be heard” in the second line of the first paragraph by the words “present observations”.

## SAVINGS AND CREDIT UNIONS ACT

**93.** Section 103 of the Savings and Credit Unions Act (R.S.Q., chapter C-4) is amended by replacing the words “express its views” in the third line of the third paragraph by the words “present observations”.

**94.** Section 110 of the said Act is amended

(1) by replacing the words “give it a notice of its default and of the penalty to which it is liable” in the first and second lines of the first paragraph by the words “notify the union in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*), advising it of the penalty to which it is liable and allow the union at least 10 days to present observations”;

(2) by replacing the words “Such notice” in the second line of the first paragraph by the word “Notification”;

(3) by replacing the word “Such” in the first line of the second paragraph by the word “A”.

**95.** Section 111 of the said Act is amended by replacing the words “the notice contemplated in section 110” in the second and third lines by the word “notification”.

## SAVINGS AND CREDIT UNIONS ACT

**96.** Section 97 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1) is amended by replacing the words “be heard” in the second line by the words “present observations”.

**97.** Section 179 of the said Act is amended

(1) by replacing the words “of being heard” in the fifth line of the first paragraph by the words “for the person to present observations”;

(2) by replacing the words “be heard” in the eighth and ninth lines of the first paragraph by the words “present observations”.

**98.** Section 204 of the said Act is amended by replacing the words “be heard” in the second line of the third paragraph by the words “present observations”.

**99.** Section 218 of the said Act is amended by replacing the words “be heard” in the third line of the third paragraph by the words “present observations”.

**100.** Section 227 of the said Act is amended by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

**101.** Section 231 of the said Act is amended

(1) by adding the words “, as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*),” after the word “shall” in the second line of the second paragraph;

(2) by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

**102.** Section 238 of the said Act is amended by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

**103.** Section 264 of the said Act is amended by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

**104.** Section 323 of the said Act is amended by replacing the words “make representations” in the fourth line of the first paragraph by the words “present observations”.

**105.** Section 389 of the said Act is amended by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

**106.** Section 395 of the said Act is amended

(1) by adding the words “, as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*),” after the word “shall” in the second line of the second paragraph;

(2) by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”;

**107.** Section 398 of the said Act is amended by replacing the words “be heard” in the third line of the third paragraph by the words “present observations”.

**108.** Section 429 of the said Act is amended by replacing the words “be heard” in the third line of the second paragraph by the words “present observations”.

**109.** Section 450 of the said Act is amended by replacing the words “be heard” in the second line of the third paragraph by the words “present observations”.

**110.** Section 485 of the said Act is amended by replacing the words “be heard” in the fourth line of the first paragraph by the words “present observations”.

**111.** Section 500 of the said Act is amended

(1) by replacing the words “Before issuing an order, the Inspector General shall give the contravener at least 15 days’ notice” in the first and second lines of the second paragraph by the words “At least 15 days before issuing an order, the Inspector General shall, as prescribed by section 5 of the Act respecting administrative justice, notify the contravener,”;

(2) by replacing the words “be heard” in the third and fourth lines of the second paragraph by the words “present observations”.

**112.** Section 501 of the said Act is amended

(1) by replacing the words “delay to allow a hearing” in the third line of the first paragraph by the words “period of time allowed to the person concerned to present observations”;

(2) by replacing the words “apply in writing to the Inspector General for a hearing” in the third and fourth lines of the second paragraph by the words “present observations to the Inspector General”.

**113.** Section 505 of the said Act is amended

(1) by replacing the words “be heard” in the third line of the first paragraph by the words “present observations”;

(2) by replacing the words “be heard” in the fifth and sixth lines of the first paragraph by the words “present observations”;

(3) by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

**ACT RESPECTING TRUCK TRANSPORTATION**

**114.** Section 10 of the Act respecting truck transportation (R.S.Q., chapter C-5.1) is amended by replacing, in the French text, the words “le requérant” in the first line by the words “celui qui en fait la demande”.

**115.** Section 11 of the said Act is amended by replacing, in the French text, the word “requérant” in the first line by the word “demandeur”.

**116.** Section 12 of the said Act is amended by replacing, wherever it appears in the French text, the word “requérant” by the word “demandeur”.

**117.** Section 13 of the said Act is amended by replacing, in the French text, the word “requérant” in the first line by the word “demandeur”.

**118.** Section 15 of the said Act is amended by replacing, wherever it appears in the French text, the word “requérant” by the word “demandeur”.

**119.** Section 16 of the said Act is amended by replacing, in the French text, the word “requérant” in the second line by the word “demandeur”.

**120.** Section 22 of the said Act is amended by replacing, in the French text, the word “requérant” in the second line by the word “demandeur”.

**121.** Section 38 of the said Act is amended

(1) by replacing the words “summon the licensee and specify the facts that are alleged against him so that he may assert his pretensions” in the third and fourth lines of the first paragraph by the words “notify the licensee in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the licensee at least 10 days to present observations”;

(2) by replacing the word “appear” in the first line of the second paragraph by the words “present observations”.

**122.** Section 43 of the said Act is amended by replacing the words “from the date of service of the Commission’s decision on” in the first and second lines by the words “on the date the Commission’s decision is communicated to”.

**123.** The heading of Chapter III of the said Act is amended by striking out the words “AND PROOF”.

**124.** Section 47 of the said Act is amended by replacing the word “requérant”, wherever it appears in the French text, by the word “demandeur”.

**125.** Section 49 of the said Act is amended

(1) by replacing the words “by filing with the Commission a sworn statement of his objection containing the reasons on which it is based and accompanied with proof that it has been served on the applicant” in the second, third, fourth and fifth lines of the first paragraph by the words “by transmitting to the Commission a sworn statement of objection containing reasons”;

(2) by striking out the second paragraph.

**126.** Section 50 of the said Act is replaced by the following section:

“**50.** All public hearings must be held within 60 days of the time prescribed for making an objection. The Commission may, however, extend that time if the applicant or a person making an objection establishes that he will be unable to act within that time.

The Attorney General may intervene during public consultations.”

**127.** Section 51 of the said Act is replaced by the following section:

**“51.** At a public hearing, the opponent of a licence application is required to explain the reasons for his opposition.”

**128.** Sections 52 to 56 of the said Act are repealed.

**129.** Section 57 of the said Act is amended by replacing the second and third paragraphs by the following paragraph:

“The Commission shall communicate its decision to the applicant and to the opponents, and shall, where the decision is rendered following public consultations, transmit a copy of it to the Minister.”

**130.** Sections 60 and 61 of the said Act are replaced by the following sections:

**“60.** The Commission may, upon a request, review any decision it has rendered and in respect of which no proceeding has been brought before the Administrative Tribunal of Québec.

**“61.** An application for review must contain reasons, and be notified to the Commission within 30 days after the date on which the decision takes effect.

However, in the case of a decision to revoke a licence, the application for review must be notified within six months.

Where the Commission agrees to review a decision, execution of the decision is suspended unless the Commission decides otherwise in case of special urgency.”

**131.** Section 65 of the said Act is repealed.

**132.** The said Act is amended by replacing the heading of Chapter VI by the following heading:

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC”.**

**133.** Sections 74 to 79 of the said Act are replaced by the following sections:

**“74.** Any decision of the Commission may be contested before the Administrative Tribunal of Québec by the person to whom the decision applies, an opponent or the Attorney General within 30 days following the date on which the decision takes effect.

**“75.** The Attorney General may, *ex officio* and without notice, take part in a hearing as if he were a party thereto.

**“76.** When assessing the facts or the law, the Tribunal may not substitute its assessment of the public interest for the assessment thereof made by the Commission before making its decision pursuant to this Act.”

**134.** Section 81 of the said Act is replaced by the following section:

**“81.** The Commission may adopt procedural and internal management rules.”

**135.** Section 96 of the said Act is amended by replacing the words “17.5 to 17.8” in the first line by the words “17.6 and 17.7”.

#### CHARTER OF THE FRENCH LANGUAGE

**136.** Section 82 of the Charter of the French language (R.S.Q., chapter C-11) is replaced by the following section:

**“82.** Any person to whom a decision concerning a child’s eligibility for instruction in English, made pursuant to section 73, 81, 85 or 86.1, applies may apply in writing for the review of the decision within 60 days of the date on which the person is informed of the decision.”

**137.** Section 83 of the said Charter is amended

(1) by striking out the first sentence;

(2) by replacing the words “This committee consists” in the second line by the words “Applications for review shall be filed with a review committee consisting”;

(3) by striking out the last sentence.

**138.** Sections 83.1 and 83.2 of the said Charter are repealed.

**139.** Section 83.3 of the said Charter is amended by inserting the word “review” after the words “of the” in the first line.

**140.** The said Charter is amended by inserting, after section 83.3, the following section:

**“83.4.** Any decision made by the review committee may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec.”

**141.** Section 85.1 of the said Charter is amended



(1) by replacing the words “Where the appeals committee cannot allow an appeal pertaining” in the first line of the first paragraph by the words “Where the review committee cannot accede”;

(2) by replacing, in the French text, the word “elle” in the third and fourth lines of the first paragraph by the word “il”;

(3) by adding, at the end of the first paragraph, the words “A copy of the report shall be sent to the person who made the application.”;

(4) by inserting, after the first paragraph, the following paragraph:

“The production of the report shall interrupt the time allotted for contesting a decision under section 83.4 or suspend the proceeding, as the case may be, until the Minister has made a decision in the matter.”;

(5) by replacing the word “appeals” in the second line of the second paragraph by the word “review”;

(6) by replacing the word “second” in the third line of the third paragraph by the word “third”.

**142.** Section 132 of the said Charter is amended by replacing the words “hear the persons concerned” in the second line of the first paragraph by the words “give the persons concerned the opportunity to present observations”.

## CINEMA ACT

**143.** Section 85 of the Cinema Act (R.S.Q., chapter C-18.1) is amended

(1) by striking out the words “, after giving the person concerned the opportunity to be heard,” in the first and second lines;

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

“The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*), and allow the person at least 10 days to present observations.”

**144.** Section 101 of the said Act is amended

(1) by striking out the words “, after having given the person concerned an opportunity to be heard,” in the first and second lines;

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

“The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice, and allow the person at least 10 days to present observations.”

**145.** Section 110 of the said Act is amended

(1) by striking out the words “, after having given the person concerned an opportunity to be heard,” in the first and second lines;

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

“The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice, and allow the person at least 10 days to present observations.”

**146.** Section 119.1 of the said Act is amended

(1) by striking out the words “, after having given the person concerned an opportunity to be heard,” in the first and second lines;

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

“The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice, and allow the person at least 10 days to present observations.”

**147.** Section 122.5 of the said Act is amended

(1) by striking out the words “, after having given the person concerned an opportunity to be heard,” in the first and second lines;

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

“The Régie must, before making a decision, notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice, and allow the person at least 10 days to present observations.”

**148.** Section 122.7 of the said Act is amended

(1) by replacing the word “before” in the third line by the word “to”;

(2) by replacing the words “file with” in the fourth line by the words “send to”.

**149.** The heading of Division VI of Chapter III of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**150.** Section 151 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

**151.** Section 153 of the said Act is repealed.

**152.** Subdivision 2 of Division VI of Chapter III of the said Act, comprising sections 154 to 166, is replaced by the following subdivision:

“§2. — *Proceeding before the Administrative Tribunal of Québec*

“**154.** Every person who believes himself wronged by a decision made by the Régie, except a decision referred to in any of sections 143, 144 and 149 to 152 may, within 30 days after receiving the decision, contest the decision before the Administrative Tribunal of Québec.”

**153.** Section 167 of the said Act is amended by striking out the words “rules of proof and” in the first line of paragraph 13.

**154.** Section 182 of the said Act is amended by replacing the words “send forthwith to the person concerned a written notice of its decision” in the first and second lines of the second paragraph by the words “, without delay, send its decision in writing to the person concerned”.

#### CITIES AND TOWNS ACT

**155.** Section 465.13 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing the words “be heard” in the sixth line of the first paragraph by the words “present observations”.

**156.** Section 467.3.1 of the said Act is amended by adding the following paragraph:

“The Commission shall, before amending or revoking a permit under the first paragraph, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the permit holder at least ten days to present observations.”

**157.** Section 469 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended by replacing the words “render the decision” in the fourth line and the word “decision” in the eighth line by the words “make the arbitration award” and “arbitration award”, respectively.

#### ACT TO PROMOTE GOOD CITIZENSHIP

**158.** Section 1 of the Act to promote good citizenship (R.S.Q., chapter C-20) is amended by striking out paragraph *b*.

**159.** Section 4 of the said Act is amended

(1) by replacing the words “appears before the commission to” in the first line of the second paragraph by the word “may”;

(2) by striking out the word “to” in the second line of the second paragraph.

**160.** Section 7 of the said Act is amended by replacing the words “in the case of an appeal, of the decision of the Commission des affaires sociales” in the first and second lines by the words “where the decision is contested before the Administrative Tribunal of Québec, of the decision of the Tribunal”.

**161.** Section 19 of the said Act is amended by replacing the words “in the case of an appeal, of the Commission des affaires sociales” in the third line by the words “where the decision is contested before the Administrative Tribunal of Québec, of the Tribunal”.

## HIGHWAY SAFETY CODE

**162.** Section 550 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended

(1) by inserting, before the first paragraph, the following paragraph:

**“550.** The Société is not bound by the requirements prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) when making a decision under paragraph 5 of section 81, paragraphs 1 and 3 to 5 of section 83, or section 84, to refuse to issue a licence, change the class of a licence or add a class to a licence.”;

(2) by replacing the words “present his views” in the third line of the second paragraph by the words “present observations”;

(3) by replacing the words “first paragraph” in the second line of each of the second and third paragraphs by the words “second paragraph”.

**163.** Section 553 of the said Code is amended by replacing the first two paragraphs by the following paragraphs:

**“553.** Before making a decision relating to a suspension, a cancellation, a cancellation of registration, or a prohibition from putting a road vehicle back into operation, the Société must notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice and allow the person at least 10 days to present observations.

At the expiry of the time limit, the prior notice shall constitute the decision of the Société, unless the latter decides otherwise.

However, the Société is not bound to notify the person beforehand in the case of a decision suspending a licence or class of a licence following the failing of a proficiency examination.”

**164.** Section 554 of the said Code is amended by replacing the words “of appeal under section” in the second and third lines by the words “to bring a proceeding under section 557 or”.

**165.** The heading of Division II of Chapter I of Title X of the said Code is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**166.** Section 557 of the said Code is amended

(1) by replacing the words “and which has not been appealed from to the Court” in the second and third lines of the first paragraph by the words “in respect of which no proceeding has been brought before the Administrative Tribunal of Québec”;

(2) by striking out subparagraphs 1 and 2 of the first paragraph.

**167.** Section 560 of the said Code is amended

(1) by replacing the words “An appeal lies to the Court of Québec” in the first line by the words “A proceeding may be brought before the Administrative Tribunal of Québec in respect of”;

(2) by striking out the word “from” in the first line of paragraph 1 and the first line of paragraph 2.

**168.** Sections 561 to 563 of the said Code are repealed.

**169.** Section 564 of the said Code is amended

(1) by striking out the first paragraph;

(2) by replacing the words “In no case, however, may the court” in the first line of the second paragraph by the words “In no case may the Tribunal”.

**170.** Sections 565 to 573 of the said Code are repealed.

## CODE OF CIVIL PROCEDURE

**171.** Article 782 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the words “Commission des affaires sociales” in the second line by the words “Administrative Tribunal of Québec”.

## MUNICIPAL CODE OF QUÉBEC

**172.** Article 528.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by adding the following paragraph:

“The Commission shall, before amending or revoking a permit under the first paragraph, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the permit holder at least 10 days to present observations.”

## ACT RESPECTING THE MARKETING OF MARINE PRODUCTS

**173.** Section 48 of the Act respecting the marketing of marine products (R.S.Q., chapter C-32.1) is amended by replacing the words “furnish it with a reasonable opportunity to make representations” in the fourth line of the second paragraph by the words “allow it to present observations”.

## ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

**174.** The Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34) is repealed.

## ACT RESPECTING THE COMMISSION MUNICIPALE

**175.** Section 7 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by striking out the second paragraph.

**176.** Section 16 of the said Act is amended

(1) by striking out the words “practice and” in the first line of paragraph *d* of subsection 1, and by striking out the words “of practice” wherever they occur elsewhere in the section;

(2) by replacing the words “proceeding before” in the second line of subsection 2 by the words “matter examined by”.

**177.** Section 16.1 of the said Act is amended by striking out the words “of practice” in the second line.

**178.** Section 22 of the said Act is amended

(1) by replacing the words “be heard” in the fourth line of the fifth paragraph of subsection 1 by the words “present observations”;

(2) by replacing the second and third sentences of the fifth paragraph of subsection 1 by the following sentence: “The Commission is not bound by this requirement if a person invited in writing to present observations within a reasonable time has refused or neglected to do so.”

**179.** Section 23 of the said Act, amended by section 465 of chapter 2 of the statutes of 1996, is again amended by striking out the words “of practice” in the third line of the third paragraph.

**180.** Section 87 of the said Act is amended by striking out the words “of practice” in the second line of the first paragraph and in the first line of the second paragraph.

## ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L'OUTAOUAIS

**181.** Section 173 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1) is amended by replacing the words "Expropriation Division of the Court of Québec" in the sixth line of the second paragraph by the words "Administrative Tribunal of Québec".

**182.** Section 176 of the said Act is amended by replacing the words "Expropriation Division of the Court of Québec" in the second line by the words "Administrative Tribunal of Québec".

**183.** Section 198 of the said Act is amended

(1) by replacing the words "appear before" in the first line of the first paragraph by the words "present to";

(2) by striking out the words "and to make" in the second line of the first paragraph;

(3) by striking out the words "of the hearing" in the first line of the second paragraph.

## ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

**184.** Section 118 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing the words "Expropriation Division of the Court of Québec" in the third and fourth lines by the words "Administrative Tribunal of Québec".

**185.** Section 133.2 of the said Act is amended

(1) by replacing the words "appealed from before the Commission municipale du Québec" in the second and third lines by the words "contested before the Administrative Tribunal of Québec";

(2) by replacing the words "to the appeal" in the fourth and fifth lines by the words "to the proceeding";

(3) by striking out the last sentence.

**186.** Section 151.2.8 of the said Act, amended by section 39 of chapter 71 of the statutes of 1995, is again amended

(1) by replacing the words "appealed from before the Commission municipale du Québec" in the third and fourth lines of the first paragraph by the words "contested before the Administrative Tribunal of Québec";

(2) by replacing the word “appeal” in the sixth line of the first paragraph by the word “proceeding”;

(3) by striking out the second paragraph.

**187.** Section 306.53 of the said Act is amended

(1) by replacing the words “appear before a” in the first line of the first paragraph by the words “make to any”;

(2) by striking out the words “judicial, quasi judicial or” in the first and second lines of the first paragraph;

(3) by striking out the words “to make or have made” in the second line of the first paragraph;

(4) by striking out the words “of the hearing” in the first line of the second paragraph.

**ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC**

**188.** Section 136.10 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), amended by section 71 of chapter 71 of the statutes of 1995, is again amended

(1) by replacing the words “appealed from before the Commission municipale du Québec” in the third and fourth lines of the first paragraph by the words “contested before the Administrative Tribunal of Québec”;

(2) by replacing the word “appeal” in the fifth line of the first paragraph by the word “proceeding”;

(3) by striking out the second paragraph.

**189.** Section 218 of the said Act is amended

(1) by replacing the words “appear before” in the first line of the first paragraph by the words “make to”;

(2) by striking out the words “and to make” in the second line of the first paragraph;

(3) by striking out the words “of the hearing” in the first line of the second paragraph.

**COMPANIES ACT**

**190.** Section 123.27.2 of the Companies Act (R.S.Q., chapter C-38) is amended



(1) by replacing the word “allow” in the first line by the words “, in accordance with section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*), inform”;

(2) by replacing the words “to submit their” in the second line by the words “and give them the opportunity to present”.

**191.** Section 123.27.3 of the said Act is amended by replacing the words “appeal set out in section 123.146” in the first and second lines of the second paragraph by the words “bringing a proceeding under section 123.145 if no proceeding has been brought”.

**192.** Section 123.27.4 of the said Act is amended by replacing the word “appeal” in the first line of the first paragraph by the words “bringing a proceeding”.

**193.** Section 123.27.7 of the said Act is repealed.

**194.** The heading of Chapter XX of Part IA of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**195.** Section 123.145 of the said Act is amended by replacing the words “appeal from it to the Court of Québec of the district of the residence or head office of the person concerned or, in the case of an artificial person having its head office outside Québec, of the district of its principal office in Québec or of the address of its attorney” in the second, third, fourth and fifth lines by the words “, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**196.** Sections 123.146 to 123.157 of the said Act are replaced by the following sections:

“**123.146.** Notwithstanding the second paragraph of section 14 of the Act respecting administrative justice, the Tribunal may only confirm or quash the contested decision.

“**123.147.** Where the contestation concerns a decision referred to in section 123.27.3, the Inspector General shall deposit a notice of notification of the motion in the register.

“**123.148.** The Inspector General shall, where necessary, make the required changes in the register and make an entry indicating that a decision of the Tribunal has been made where the decision concerns a decision of the Inspector General referred to in section 123.27.3.”

## ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN THE AREA OF MONTRÉAL

**197.** Section 12.3 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) is amended by adding, after the first paragraph, the following paragraph:

“The Commission shall, before amending or revoking a permit under the first paragraph, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the permit holder at least 10 days to present observations.”

## ACT RESPECTING RACING

**198.** Section 49 of the Act respecting racing (R.S.Q., chapter C-72.1) is amended by replacing paragraph 5 by the following paragraph:

“(5) to fix and collect the costs prescribed by the rules for the examination of any matter or question submitted to him.”

**199.** Section 50 of the said Act is amended by replacing paragraph 3 by the following paragraph:

“(3) to fix and collect the costs prescribed by the rules for the examination of any matter or question submitted to him.”

**200.** Section 51 of the said Act is amended by replacing the word “referred” in the third line by the word “submitted”.

**201.** Section 68 of the said Act is amended by replacing the words “a public hearing” in the fourth line of the first paragraph by the words “present observations”.

## REAL ESTATE BROKERAGE ACT

**202.** Section 136 of the Real Estate Brokerage Act (R.S.Q., chapter C-73.1) is amended by replacing the words “366 to 377 of the Act respecting insurance (chapter A-32)” in the second and third lines by the words “164 to 177.1 of the Professional Code (chapter C-26)”.

**203.** Section 148 of the said Act is amended

(1) by replacing the words “serve on” in the first line of the second paragraph by the words “, pursuant to section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*), give”;

(2) by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

**204.** Section 149 of the said Act is amended

(1) by replacing the words “delay in the holding of a hearing” in the third line of the first paragraph by the words “period of time allowed to the person concerned to present observations”;

(2) by replacing the words “apply in writing to the Inspector General for a hearing” in the third and fourth lines of the second paragraph by the words “present observations to the Inspector General”.

**205.** Section 152 of the said Act is amended by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

#### **ACT RESPECTING THE DEVELOPMENT OF QUÉBEC FIRMS IN THE BOOK INDUSTRY**

**206.** Section 23 of the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1) is amended by striking out the second paragraph.

**207.** Section 24 of the said Act is amended by replacing the words “give the person concerned the opportunity to be heard and obtain the advice of the board” in the second and third lines by the words “obtain the advice of the board and notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the person at least 10 days to present observations”.

**208.** The heading of Division V of the said Act is replaced by the following heading:

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.**

**209.** Section 26 of the said Act is amended

(1) by replacing the words “appeal from the Minister’s decision to the Court of Québec, by a motion brought within thirty days of the reception of the decision of the Minister, if” in the second, third and fourth lines by the words “contest the Minister’s decision before the Administrative Tribunal of Québec within 30 days of notification of the decision”;

(2) by striking out paragraphs *a* and *b*.

**210.** Sections 27 to 30 of the said Act are repealed.

## ACT RESPECTING PRIVATE EDUCATION

**211.** Section 121 of the Act respecting private education (R.S.Q., chapter E-9.1) is amended by replacing the words “give the institution an opportunity to present its views” in the first and second lines of the first paragraph by the words “notify the institution in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow it at least 10 days to present observations”.

**212.** The said Act is amended by inserting, after section 121, the following section:

“**121.1.** Every decision made by the Minister may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec.”

**213.** Section 124 of the said Act is amended by replacing the words “give the institution an opportunity to present its views” in the second line of the first paragraph by the words “notify the institution in writing as prescribed by section 5 of the Act respecting administrative justice and allow it at least 10 days to present observations”.

## TOURIST ESTABLISHMENTS ACT

**214.** Section 12 of the Tourist Establishments Act (R.S.Q., chapter E-15.1) is amended by replacing the words “give the applicant or permit holder, as the case may be, the opportunity to be heard” in the second and third lines by the words “notify the applicant or permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the applicant or permit holder at least 10 days to present observations”.

**215.** The heading of Subdivision 3 of Division II of the said Act is replaced by the following heading:

“§3. — *Proceeding before the Administrative Tribunal of Québec*”.

**216.** Section 15 of the said Act is amended by replacing that part preceding paragraph 1 by the following:

“**15.** The following persons may, within 30 days of notification of the decision, contest the decision of the Minister before the Administrative Tribunal of Québec:”.

**217.** Sections 16 to 21 of the said Act are repealed.

**218.** Section 27 of the said Act is amended by replacing the words “make representations” in the second line by the words “present observations”.

## ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

**219.** Section 1 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1), amended by section 23 of chapter 23 of the statutes of 1994, is again amended by striking out paragraph *b*.

**220.** Section 20 of the said Act is amended

(1) by replacing the word “Commission” in the third line of the third paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the word “Commission” in the first line of the fourth paragraph by the word “Tribunal”.

**221.** Section 30 of the said Act is amended by replacing the words “appeal to the Commission, which shall dispose of the appeal according to its rules of proof, procedure and practice” in the second and third lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**222.** Section 42 of the said Act is amended by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

**223.** Section 43 of the said Act is amended by adding, at the end, the following paragraph:

“The Office shall, before making such a decision, notify the adapted work centre in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow it at least 10 days to present observations.”

**224.** Section 44 of the said Act is amended by replacing the words “appeal to the Commission, which shall dispose of the appeal in accordance with its rules of proof, procedure and practice” in the second, third and fourth lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**225.** Section 48 of the said Act is amended by replacing the words “appeal therefrom to the Commission, which shall dispose of the appeal in accordance with its rules of proof, procedure and practice” in the second, third and fourth lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**226.** Section 58 of the said Act is amended by adding the following paragraph:

“The Office shall, before making such a decision, notify the handicapped person in writing as prescribed by section 5 of the Act respecting administrative justice and allow him at least 10 days to present observations.”

**227.** Section 59 of the said Act is amended by replacing the words “appeal therefrom to the Commission, which shall dispose of the appeal in accordance with its rules of proof, practice and procedure” in the second, third and fourth lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

## ACT RESPECTING EXPLOSIVES

**228.** Sections 12, 13 and 13.1 of the Act respecting explosives (R.S.Q., chapter E-22) are amended by replacing, in the French text, the word “requérant”, wherever it appears, by the word “demandeur”.

**229.** Section 14 of the said Act is amended

(1) by replacing the words “allow the applicant to be heard” in the third line by the words “notify the applicant and give him the opportunity to present observations”;

(2) by replacing, in the French text, the word “requérant” in the fifth, sixth and eighth lines by the word “demandeur”.

**230.** Section 15 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“The Minister shall, before making such a decision, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow him at least 10 days to present observations.”

## EXPROPRIATION ACT

**231.** The Expropriation Act (R.S.Q., chapter E-24) is amended by striking out Title I.

**232.** Section 39 of the said Act is amended by replacing the word “division” in the second line by the words “Administrative Tribunal of Québec”.

**233.** Sections 40, 40.1, 41, 42.1, 43, 44, 45, 52.1, 53, 53.5.1, 53.13, 55, 60 to 63, 65, 85, 86 and 89 of the said Act are amended by replacing the word “division”, wherever it appears, by the word “Tribunal”, with the necessary modifications.

**234.** Section 47 of the said Act is repealed.

**235.** Section 48 of the said Act is amended by striking out the first and second paragraphs.

**236.** Section 52 of the said Act is repealed.

**237.** Section 68 of the said Act is amended by replacing the word “division”, wherever it appears, by the word “Tribunal”, with the necessary modifications.

**238.** Section 87 of the said Act is amended by replacing the words “division alone shall be competent” in the first line by the words “Tribunal shall have exclusive jurisdiction”.

**239.** The said Act is amended by inserting, after section 89, the following Title:

### **“TITLE III.1**

#### **“HOMOLOGATION**

**“89.1.** The homologation of an order of the Tribunal by the Superior Court, where required by law, is obtained by the deposit, by a party, of a certified true copy of the order at the clerk’s office of the Superior Court in the district in which the expropriated property is situated.

Prior notice of the date of deposit must be served on the other parties.

An order so deposited has the same force and effect as a judgment of the Superior Court and it may be executed as such.

**“89.2.** No appeal lies from a homologated order.”

**240.** Section 90 of the said Act is amended by striking out the first paragraph.

#### **ACT RESPECTING MUNICIPAL TAXATION**

**241.** Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

(1) by striking out the definition of “board”;

(2) by adding the following definition:

““Tribunal” means the Administrative Tribunal of Québec instituted by the Act respecting administrative justice (*insert here the year and chapter number of that Act*).”

**242.** Section 25 of the said Act is amended

(1) by replacing the second paragraph by the following paragraphs:

“Before revoking a permit, the Commission must notify the assessor in writing as prescribed by section 5 of the Act respecting administrative justice and allow the assessor at least 10 days to present observations.

The decision must be made and communicated in writing.”;

(2) by replacing the words “be heard” in the third line of the third paragraph by the words “present observations”.

**243.** Section 69 of the said Act is amended by replacing the word “Commission” in the eleventh line of the first paragraph by the words “local municipality”.

**244.** Section 74 of the said Act is replaced by the following section:

“**74.** The notice provided for in section 73 must also mention that the accuracy of an entry, its presence on the roll or its absence therefrom may be contested, before the ensuing 1 May, before the Administrative Tribunal of Québec, and must specify the applicable procedure.”

**245.** Section 74.1 of the said Act is amended, in the first paragraph,

(1) by replacing the word “complaint” in the third line by the words “proceeding before the Tribunal”;

(2) by replacing the word “filed” in the fifth line by the word “brought”;

(3) by replacing the last sentence by the following sentence: “The notice must also mention the procedure for bringing a proceeding.”

**246.** Section 76 of the said Act is amended by replacing the words “complaint, a request for a correction *ex officio*” in the second line of the second paragraph by the words “proceeding or a motion for correction brought before the Tribunal”.

**247.** Section 79 of the said Act is amended by replacing the words “a complainant” in the fifth line of the second paragraph by the words “an applicant”, and by replacing the words “the complaint” in the sixth and seventh lines of the second paragraph by the words “a proceeding brought before the Administrative Tribunal of Québec”.

**248.** Section 80.1 of the said Act is amended by replacing the word “complainant” in the first line of the second paragraph by the words “person having brought a proceeding before the Administrative Tribunal of Québec”.

**249.** Chapter IX of the said Act, including sections 84 to 123, is repealed.



**250.** The heading of Chapter X of the said Act is replaced by the following heading:

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.**

**251.** Section 124 of the said Act is amended

(1) by replacing the words “submit a written complaint in that regard and refer it to the board” in the third and fourth lines of the first paragraph by the words “bring such a contestation before the Administrative Tribunal of Québec”;

(2) by replacing the words “may in particular, by means of a complaint” in the first line of the second paragraph by the words “may, in particular,”;

(3) by replacing the words “complaint may be submitted” in the first line of the fourth paragraph by the words “proceeding may be brought”.

**252.** Section 125 of the said Act is amended

(1) by replacing the words “submit a complaint” in the second line by the words “bring a proceeding”;

(2) by replacing the word “complaint” in the third line by the word “proceeding”.

**253.** Section 126 of the said Act is amended by replacing the words “submit a complaint” in the first line of the first paragraph by the words “bring a proceeding”, and by replacing the words “file a complaint” in the first line of the second paragraph by the words “bring a proceeding”.

**254.** Sections 128 and 129 of the said Act are repealed.

**255.** Section 130 of the said Act is amended by replacing the words “complaint must be filed” in the first line by the words “proceeding must be brought”.

**256.** Section 131 of the said Act, amended by section 77 of chapter 34 of the statutes of 1995, is again amended by replacing the words “complaint must be filed” in the third line by the words “proceeding must be brought”.

**257.** Section 131.1 of the said Act, amended by section 12 of chapter 64 of the statutes of 1995, is again amended by replacing the words “file a complaint” in the first and second paragraphs by the words “bring a proceeding”.

**258.** Section 131.2 of the said Act is amended by replacing the words “complaint may be filed” in the first line by the words “proceeding may be brought”.

**259.** Section 132 of the said Act, amended by section 31 of chapter 30 of the statutes of 1994, is again amended

(1) by replacing the word “complaint” in the first line by the word “proceeding”;

(2) by replacing the word “filed” in the second line by the word “brought”;

(3) by replacing the word “complaint” in the sixth line by the word “proceeding”.

**260.** Section 133 of the said Act, amended by section 32 of chapter 30 of the statutes of 1994, is again amended

(1) by replacing the word “complaint” in the second line by the word “proceeding”;

(2) by replacing the word “filed” in the third line by the word “brought”;

(3) by replacing the word “complaint” in the fifth line by the word “proceeding”.

**261.** Section 134 of the said Act, amended by section 78 of chapter 34 of the statutes of 1995, is again amended

(1) by replacing the words “board may accept a complaint” in the fourth line by the words “Tribunal may allow a motion to be filed”;

(2) by replacing the words “the complaint is filed” in the fifth line by the words “a proceeding is brought”.

**262.** Section 135 of the said Act is amended

(1) by striking out the first, fourth and fifth paragraphs;

(2) by replacing the word “complaint” in the third line of the second paragraph by the word “motion”;

(3) by replacing the word “complaint” in the first line of the third paragraph by the word “proceeding”, and the words “complaint is deemed to be filed” in the second line of the third paragraph by the words “proceeding is deemed to be brought”.

**263.** Section 136 of the said Act is amended by replacing the words “board” and “complaint” in the first line by the words “Tribunal” and “motion”, respectively.

**264.** Section 137 of the said Act is amended by replacing the words “complainant” and “complaint” by the words “applicant” and “motion”, respectively.

**265.** Section 138 of the said Act is amended by replacing the word “board” in the second line by the word “Tribunal” and the word “complaint” in the third line by the word “motion”.

**266.** Section 138.1 of the said Act is amended by replacing, wherever they appear in the first and second paragraphs,

- (1) the word “board” by the words “secretary of the Tribunal”;
- (2) the word “complaint” by the word “proceeding”.

**267.** Section 139 of the said Act is repealed.

**268.** Section 140 of the said Act is amended

(1) by replacing the words “chairman of the board” in the first line of the first paragraph by the words “vice-president responsible for the immovable property division of the Tribunal”;

(2) by replacing the word “board” wherever it appears by the word “Tribunal”;

(3) by replacing the word “complaint” in the second line of the first paragraph by the words “entries referred to in the motion”;

(4) by replacing the word “chairman” in the first line of each of the second and third paragraphs by the word “vice-president”;

(5) by replacing the word “complainant” in the first line of the second paragraph by the word “applicant”.

**269.** Section 141 of the said Act is amended

(1) by replacing the words “the hearing of a complaint” in the first line of the first paragraph by the words “a hearing”;

(2) by replacing the word “secretary” in the second line of the first paragraph by the word “Tribunal”;

(3) by replacing the words “complainant”, “complaint” and “board” in the second paragraph by the words “applicant”, “motion” and “Tribunal”, respectively.

**270.** Section 142 of the said Act is replaced by the following section:

**“142.** The assessor may delegate one of his assistants to replace him as a witness.”

**271.** Section 142.1 of the said Act is amended by replacing the words “Notwithstanding section 142, the complainant” in the first line by the words “The applicant”.

**272.** Section 143 of the said Act is amended by replacing the words “board” and “complaint” by the words “Tribunal” and “proceeding”, respectively.

**273.** Section 144 of the said Act is amended by replacing the word “board” in the first line by the word “Tribunal”.

**274.** Section 147 of the said Act is amended by replacing the word “complaint” in the first line of the first paragraph by the word “proceeding”, and by replacing the word “board” wherever it appears by the word “Tribunal”.

**275.** Section 147.1 of the said Act is amended by replacing the word “board” in the first line by the word “Tribunal”.

**276.** Section 148 of the said Act is replaced by the following sections:

**“148.** Unless the Tribunal decides otherwise for special reasons and subject to section 148.3, the losing party shall pay the costs of the adverse party in accordance with the tariff determined by regulation of the Government pursuant to section 95 of the Act respecting administrative justice.

**“148.1.** The costs awarded to a party by the Tribunal shall, on a written application of the party, be taxed by the secretary of the Tribunal upon two days’ notice to the other party.

A party may, within 10 days from the decision of the secretary, contest the decision by means of a notice in writing to the secretary, before the member of the Tribunal who presided over the hearing.

**“148.2.** Witnesses, advocates, stenographers, stenotypists and persons recording and transcribing the depositions have a recourse for their taxed costs against the party retaining their services and, if the adverse party, on a decision of the Tribunal, is bound to pay the costs, against the latter party as well. The former party has a right of subrogation against the latter.

**“148.3.** Except for a motion relating to a unit of assessment or a place of business whose real estate value or rental value entered on the roll is equal to or greater than the value fixed by regulation of the Government, the only costs the applicant may be bound to pay upon a decision of the Tribunal under section 148 are those of stenography, stenotyping or the recording of the depositions and any transcription thereof.”

**277.** Section 149 of the said Act is amended by replacing the word “board” in the first line by the word “Tribunal”.

**278.** Section 151 of the said Act is amended by replacing the word “board” in the second line of the first paragraph by the word “Tribunal”.

**279.** Section 152 of the said Act is amended by replacing the word “board” in the first line by the word “Tribunal”.

**280.** Section 153 of the said Act is amended by replacing the word “board” in the first line of the first paragraph by the word “Tribunal”.

**281.** Section 154 of the said Act, amended by section 42 of chapter 30 of the statutes of 1994, is again amended

(1) by replacing the words “file a complaint” in the first line by the words “bring a proceeding before the Tribunal”;

(2) by replacing the word “complaint” in the second line of paragraph 2 by the word “proceeding”.

**282.** Section 155 of the said Act is amended

(1) by replacing the words “complaint has been filed” in the first and second lines by the words “proceeding has been brought”;

(2) by inserting the words “for a correction *ex officio*” after the word “request” in the third line.

**283.** Section 156 of the said Act is amended

(1) by replacing the words “chairman of the board” in the first line of the first paragraph by the words “vice-president responsible for the immovable property division of the Tribunal”;

(2) by replacing the word “board” in the third line of the first paragraph and in the first line of the second paragraph by the word “Tribunal”.

**284.** Section 157 of the said Act is amended

(1) by replacing the words “complaint” and “board” by the words “request” and “Tribunal”, respectively;

(2) by striking out the words “or, in the case of an evocation, the Court of Québec” in the first and second lines of the second paragraph.

**285.** The said Act is amended by striking out Chapters XII and XIII, including sections 158 to 169 and section 170, respectively.

**286.** Section 173 of the said Act is amended

(1) by replacing the word “complaint” in the first and third lines by the words “proceeding before the Administrative Tribunal of Québec”;

(2) by replacing the word “board” in the second line by the word “Tribunal”;

(3) by inserting, in the French text, the words “en nullité ou en cassation” after the word “recours” in the last line.

**287.** Section 174 of the said Act is amended

(1) by replacing, in the French text, the words “le tribunal” in the first and second lines of paragraph 2 by the words “la cour”;

(2) by replacing the word “Commission” in the first line of paragraph 17 by the words “local municipality”.

**288.** Section 174.2 of the said Act is amended by replacing, in the French text, the words “le tribunal” in paragraph 2 by the words “la cour”.

**289.** Section 177 of the said Act, amended by section 14 of chapter 64 of the statutes of 1995, is again amended by replacing the word “Commission” in the second line of paragraph 7 by the words “local municipality”.

**290.** Section 180 of the said Act is amended by replacing the words “of complaint, specify the manner in which it” in the third line of the second paragraph by the words “to bring a proceeding before the Tribunal, specify the manner in which the right”.

**291.** Section 181 of the said Act is amended

(1) by replacing the words “complaint may be filed” in the first line of the first paragraph by the words “proceeding may be brought before the Administrative Tribunal of Québec”;

(2) by replacing the words “complaint may be filed” in the first line of the second paragraph by the words “proceeding may be brought before the Administrative Tribunal of Québec”;

(3) by replacing the words “complaint or motion to quash or set aside may be filed or” in the second and third lines of the second paragraph by the words “proceeding before the Administrative Tribunal of Québec or motion or action to quash or set aside may be”.

**292.** Section 182 of the said Act is amended

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

**“182.** The assessor shall alter the roll to make it comply with a decision of the Tribunal as soon as possible after the decision has become executory.”;

(2) by replacing the first sentence of the third paragraph by the following sentence: "An alteration resulting from a proceeding before the Tribunal has effect from the date fixed in the decision."

**293.** Section 183 of the said Act, amended by section 57 of chapter 30 of the statutes of 1994, is again amended

(1) by replacing the word "complaint" in the first line of subparagraph 4 of the third paragraph by the words "proceeding before the Administrative Tribunal of Québec";

(2) by replacing the word "filed" in the first and fourth lines of subparagraph 4 of the third paragraph by the word "brought";

(3) by replacing the word "complaint" in the third line of subparagraph 4 of the third paragraph by the word "proceeding";

(4) by replacing, in the French text, the words "Le tribunal" in the first line of the fourth paragraph by the words "La cour".

**294.** Section 204 of the said Act, amended by section 23 of chapter 23 and section 75 of chapter 2 of the statutes of 1994, by section 1 of chapter 7, section 122 of chapter 65 and section 2 of chapter 73 of the statutes of 1995 and by section 64 of chapter 16 and section 70 of chapter 21 of the statutes of 1996, is again amended in paragraph 10

(1) by replacing the word "Commission" in the second line by the words "local municipality";

(2) by striking out the words ", after consulting the local municipality" in the second and third lines.

**295.** Section 204.0.1 of the said Act, amended by section 2 of chapter 7 and section 3 of chapter 73 of the statutes of 1995, is again amended by replacing the word "Commission" in the third paragraph by the words "local municipality".

**296.** Section 204.2 of the said Act is amended

(1) by replacing the words "Commission consults a local municipality" in the first line by the words "institution or body applies for an exemption with a local municipality";

(2) by striking out the word "Commission's" in the third line;

(3) by replacing the word "consultation" in the fifth line by the word "application".

**297.** Section 208.1 of the said Act is amended in the first paragraph

(1) by replacing the word “Commission” in the fourth line by the words “local municipality”;

(2) by striking out the words “, after consultation with the local municipality,” in the fourth and fifth lines.

**298.** Section 209 of the said Act is amended

(1) by replacing the words “Commission, after consulting the local municipality,” in the first line of the first paragraph by the words “local municipality”;

(2) by striking out the second paragraph;

(3) by striking out the words “Commission or the” in the first line of the third paragraph.

**299.** Section 209.1 of the said Act is amended by replacing the word “Commission” in the first and second paragraphs by the words “local municipality”.

**300.** The said Act is amended by inserting, after section 209.1, the following section:

**“209.2.** Any person mentioned in paragraph 10 of section 204 or in section 208.1 may contest before the Administrative Tribunal of Québec any decision made by the local municipality under any of the said provisions or under section 209 or 209.1.”

**301.** Section 236.1 of the said Act is amended

(1) by replacing the words “Commission, after consultation with the local municipality,” in the second line of the first paragraph by the words “local municipality”;

(2) by replacing “, 209 and 209.1” in the first line of the second paragraph by “and 209 to 209.2”.

**302.** Section 244.20 of the said Act is amended by replacing the word “Commission” wherever it appears by the words “local municipality”.

**303.** Section 252.1 of the said Act is amended by replacing the words “complaint has been filed or proceedings to quash or set aside have been introduced” in the fifth and sixth lines by the words “proceeding before the Administrative Tribunal of Québec or an action or motion to quash or set aside has been brought”.

**304.** Section 262 of the said Act is amended



(1) by striking out paragraph 1;

(2) by replacing the word “board” in the fourth line of subparagraph *f* of paragraph 2 by the words “Administrative Tribunal of Québec”, and by inserting, in the French text, the word “judiciaire” after the word “tribunal” in the fourth line of the said subparagraph;

(3) by replacing the word “complaint” in the third line of paragraph 8.3 by the words “proceeding before the Tribunal”;

(4) by replacing “100, 108, 114, 118 or 120” in the fourth and fifth lines of paragraph 8.3 by the words “148.3 of this Act or in section 34 or 88 of the Act respecting administrative justice”.

**305.** Section 263 of the said Act, amended by section 6 of chapter 7 of the statutes of 1995, is again amended by striking out subparagraph *d* of paragraph 2 and paragraph 2.1.

#### FOREST ACT

**306.** Section 17.3 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing the second paragraph by the following paragraph:

“The Minister shall, before making such a decision, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow him at least 10 days to present observations. In the cases referred to in subparagraphs 1 and 2 of the first paragraph, the prior notice shall also indicate that the permit will not be revoked if the holder remedies his default before the expiry of the time fixed in the notice.”

**307.** Section 170 of the said Act is amended by replacing the words “even though more than 30 days have elapsed since he received formal notice to comply therewith from the Minister” in the third and fourth lines by the words “. For such purpose, the Minister shall first notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow him at least 30 days to present observations”.

#### GRAIN ACT

**308.** Section 27 of the Grain Act (R.S.Q., chapter G-1.1) is amended by replacing, in the French text, the word “requérant” in the second line by the word “demandeur”.

**309.** Section 28 of the said Act is amended by replacing, in the French text, the word “requérant” in the first line of the first paragraph by the word “demandeur”.

**310.** Section 29 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“29.** Before refusing to issue a permit, the board must notify the applicant in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the applicant at least 10 days to present observations.”

**311.** Section 40 of the said Act is amended by replacing the words “give the holder the opportunity to be heard” in the first and second lines of the first paragraph by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”.

**312.** The said Act is amended by inserting, after section 49, the following division:

#### **“DIVISION VIII.1**

##### **“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC**

**“49.1.** Any person to whom the board, under section 29, refuses to issue a permit, and any permit holder whose permit, under section 39, is suspended or revoked or the renewal of whose permit is refused by the board, may contest such a decision before the Administrative Tribunal of Québec within 30 days of notification of the decision.”

#### **ACT RESPECTING IMMIGRATION TO QUÉBEC**

**313.** The Act respecting immigration to Québec (R.S.Q., chapter I-0.2) is amended by inserting, after section 3.2.1, the following section:

**“3.2.1.1.** The Minister is not bound by the requirements prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) when making a decision refusing an application for a selection certificate or a certificate of acceptance.”

**314.** The said Act is amended by replacing Division VII, including sections 17 to 39, by the following division:

#### **“DIVISION VII**

##### **“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC**

**“17.** A decision of the Minister may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec by

(a) any person or group of persons whose application for an undertaking is rejected or whose undertaking is cancelled;

(b) any foreign national whose selection certificate or certificate of acceptance is cancelled.”

## CRIME VICTIMS COMPENSATION ACT

**315.** Section 12 of the Crime Victims Compensation Act (R.S.Q., chapter I-6) is amended by replacing the words “Commission des affaires sociales” in the third and fourth lines by the words “Administrative Tribunal of Québec”.

**316.** Section 17 of the said Act is amended by replacing the words “appear before the Commission and contest” in the second and third lines by the words “present observations to the Commission and object to”.

## ACT RESPECTING ELECTRICAL INSTALLATIONS

**317.** Section 24 of the Act respecting electrical installations (R.S.Q., chapter I-13.01) is amended by adding the following paragraph:

“The board of examiners is not bound by the requirements prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) when making a decision refusing to issue a permit or licence following the failing of a proficiency examination.”

**318.** Section 34 of the said Act is amended

(1) by striking out the words “Such suspension or cancellation is, however, subject to appeal to the Minister, and his decision is final.” in the third, fourth and fifth lines of the first paragraph;

(2) by adding, after the first paragraph, the following paragraphs:

“The board of examiners shall, before making such a decision, notify the holder of the permit or licence in writing as prescribed by section 5 of the Act respecting administrative justice and allow him at least 10 days to present observations.

Such a decision may, within 30 days of receipt thereof, be contested before the Labour Court established by the Labour Code.”

**319.** Section 35 of the said Act is amended by adding, after the second paragraph, the following paragraph:

“The board of examiners shall, before making such a decision, notify the holder of the licence in writing as prescribed by section 5 of the Act respecting administrative justice and allow him at least 10 days to present observations.”

**320.** Section 35.1 of the said Act is amended

(1) by replacing the words “appealed from to” in the third line of the first paragraph by the words “contested before”;

(2) by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) where the rules prescribed in section 35 have not been complied with;”.

**321.** Section 35.2 of the said Act is amended

(1) by replacing the words “appeal to” in the second line of the first paragraph by the words “contest the decision before”;

(2) by striking out the word “from” in the second line of the first paragraph.

(3) by replacing the word “appeal” in the first line of the second paragraph by the word “proceeding”.

**322.** Section 35.3 of the said Act is amended by striking out the words “sitting in appeal”.

**EDUCATION ACT**

**323.** Section 26 of the Education Act (R.S.Q., chapter I-13.3) is replaced by the following section:

“**26.** Any natural person may file a complaint with the Minister against a teacher for a serious fault committed in the exercise of his functions or for an act derogatory to the honour or dignity of the teaching profession.

The complaint must be in writing, include reasons and be made under oath. It must briefly state the nature of the fault alleged to have been committed by the teacher and the relevant circumstances, including the time and place. The complaint shall be received by a person designated by the Minister, who shall assist any person so requesting in drawing up the complaint.

The Minister shall send a copy of the complaint to the teacher and ask him to present observations in writing to the Minister within 10 days.”

**324.** Section 27 of the said Act is amended

(1) by inserting the words “or excessive” after the word “frivolous” in the first line;

(2) by inserting the words “and the teacher” after the word “complainant” in the second line;

(3) by replacing the word “him” in the second line by the word “them”.

**325.** Section 28 of the said Act is replaced by the following section :

**“28.** Where the Minister considers that the complaint is admissible and the teacher has not admitted to having committed the alleged fault, the Minister shall set up an inquiry committee to which he shall submit the complaint.

The committee shall be composed of three members, including a chairman, selected from among the members of the Barreau, who in the opinion of the Minister is familiar with the educational community. The other two members shall be selected after consultation with bodies which the Minister considers to be most representative of administrators of educational institutions, of the teachers in those institutions and of the parents of students attending such institutions. The members shall serve until the committee has established whether or not the complaint is well-founded.

The salary of the committee members and the rules relating to the reimbursement of expenses incurred in the exercise of their functions shall be fixed by regulation of the Minister.”

**326.** Section 29 of the said Act is amended

(1) by replacing the words “required by a compelling reason and after consultation with the investigating” in the first and second lines of the first paragraph by the words “the acts alleged to have been committed by the teacher are such that, were they to continue or be repeated, the quality of educational services or the safety of students would be seriously jeopardized, and after consultation with the inquiry”;

(2) by inserting the words “, with pay,” after the word “functions” in the third line of the first paragraph.

**327.** Section 30 of the said Act is replaced by the following section :

**“30.** Within 30 days following the filing of the complaint and of the documents relating to it, the committee shall meet the teacher and the complainant to endeavour to establish whether or not the complaint is well-founded.

The committee may require any person to provide it with any information it considers necessary, and examine any relevant file.

No person may hinder the inquiry committee in any way in the exercise of its functions, mislead the committee by withholding information or making false statements, or refuse to provide any information or document relating to the inquiry or to allow the committee to make copies of such a document.”

**328.** Section 32 of the said Act is replaced by the following section :

**“32.** In conducting their inquiry, the members of the committee have the immunity provided for in sections 16 and 17 of the Act respecting public inquiry commissions (chapter C-37).”

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

**“33.** After giving the teacher the opportunity to present observations and within 120 days of the filing of the complaint, the committee shall establish whether or not the complaint is well-founded.

The committee shall transmit its findings, with reasons, to the Minister, the complainant, the teacher and the school board.”

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

**“34.** Where the committee determines the complaint to be well-founded or where the teacher admits to having committed the alleged fault, the Minister may, if he deems it advisable and after giving the teacher at least 10 clear days to present observations in writing, suspend, revoke, or attach conditions to the teaching licence of the teacher. The Minister shall request the advice of the inquiry committee that determined the complaint to be well-founded.

The Minister shall notify the complainant, the teacher and the school board in writing of his decision and the reasons therefor; the notice shall inform the teacher that he may contest the Minister’s decision before the Administrative Tribunal of Québec and state the time within which a contestation must be made.”

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

**“34.1.** Where the Minister has attached conditions to the teaching licence of the teacher, the Minister may, if such conditions are not fulfilled, revoke the licence, after giving the teacher at least 30 days to present observations in writing.

**“34.2.** The Minister may issue a new teaching licence to a teacher whose behaviour has been above reproach for two years after the date of revocation of his teaching licence.

The new teaching licence may again be revoked as provided for in this subdivision. The second revocation is final.

**“34.3.** The decision of the Minister to revoke, suspend or attach conditions to a teaching licence may, within 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec.

A proceeding brought before the Tribunal suspends the execution of the Minister's decision, unless the Tribunal, on a motion heard and decided by preference, orders otherwise owing to the serious risk to the quality of services or the safety of the students."

**332.** The said Act is amended by inserting, after section 456, the following section:

**"456.1.** The Minister shall, by regulation, establish the salary of the members of the inquiry committee set up under section 28 and rules relating to the reimbursement of expenses incurred by the members in the exercise of their functions."

## ACT RESPECTING MARKET INTERMEDIARIES

**333.** Section 36 of the Act respecting market intermediaries (R.S.Q., chapter I-15.1) is amended by replacing the words "give the holder an opportunity to be heard and transmit his decision to him" in the second line by the words "notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the holder at least 10 days to present observations. The Inspector General shall also transmit his decision to the holder".

**334.** Section 37 of the said Act is replaced by the following sections:

**"37.** Any decision of the Inspector General relating to the refusal, suspension or cancellation of a financial planner's certificate may, within 30 days of notification of the decision, be contested before the Administrative Tribunal of Québec.

**"37.1.** Notwithstanding the second paragraph of section 14 of the Act respecting administrative justice, the Tribunal may only confirm or quash the contested decision."

**335.** Section 43 of the said Act is amended by replacing "and 37" in the first line of the first paragraph by ", 37 and 37.1".

**336.** Section 160 of the said Act is amended by replacing the words "section 366 and the following sections of the Act respecting insurance (chapter A-32)" in the second and third lines by the words "sections 164 to 177.1 of the Professional Code (chapter C-26)".

**337.** Section 194 of the said Act is amended

(1) by replacing the words "Before issuing an order, the Inspector General shall serve on the offender a prior notice of not less than 15 days" in the first and second lines of the second paragraph by the words "Not less than 15 days before issuing an order, the Inspector General shall notify the offender as prescribed by section 5 of the Act respecting administrative justice,";

(2) by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

**338.** Section 195 of the said Act is amended

(1) by replacing the words “a delayed hearing” in the third line of the first paragraph by the words “any period of time allowed to the person concerned to present observations”;

(2) by replacing the words “apply in writing to the Inspector General for a hearing” in the third and fourth lines of the second paragraph by the words “present observations to the Inspector General”.

**339.** Section 198 of the said Act is amended by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

#### ACT TO PROMOTE THE PAROLE OF INMATES

**340.** Section 10 of the Act to promote the parole of inmates (R.S.Q., chapter L-1.1) is replaced by the following section:

“**10.** A member of the commission must refuse to participate in a decision if it would put him in a situation of conflict of interest, in particular a conflict between his personal interest and his duties of office.”

**341.** Section 13 of the said Act is amended by replacing the word “sit” in the second paragraph by the words “hold sittings”.

**342.** Section 16 of the said Act is amended by striking out the words “of practice” in the first line.

**343.** Section 17 of the said Act is amended by replacing, in the French text, the word “jurisdiction” in the first line by the word “compétence”.

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

“**18.** Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the commission or against any of its members acting in their official capacity.

A judge of the Court of Appeal may, upon a motion, annul by summary proceeding any proceeding brought or decision rendered contrary to the first paragraph.”



**345.** Section 32 of the said Act is amended by replacing the words “and to be heard before” in the first line of the first paragraph by the words “before and present observations to”.

**346.** Section 36 of the said Act is amended by replacing, in the French text, the word “siéger” in the second line by the word “agir”.

#### ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

**347.** Section 34 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6), amended by section 29 of chapter 71 of the statutes of 1993 and section 733 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “exclusive jurisdiction to hear and decide” in the second sentence of the second paragraph by the words “jurisdiction to settle”;

(2) by replacing, in the French text, the words “dont ils sont saisis” in the third sentence of the second paragraph by the words “qui leur est soumise”.

**348.** Section 36.2 of the said Act is amended by adding, at the end, the following paragraph:

“The board may require that an association referred to in the first paragraph establish its representativeness.”

**349.** The said Act is amended by adding, after section 36.2, the following section:

**“36.2.1.** If an objection is addressed to it in accordance with section 36.2, the board shall call a public hearing to allow any interested person to present observations.

At least 10 days before the hearing, the board shall send to the applicant and to any person who has filed an objection or intervention, by registered or certified mail or by service on the person, a notice indicating the date, place and time fixed by it for the holding of the hearing.”

#### ACT RESPECTING STUFFING AND UPHOLSTERED AND STUFFED ARTICLES

**350.** Section 25 of the Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5) is amended by replacing the words “give such person an opportunity to be heard” in the third line by the words “notify the person in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the person at least 10 days to present observations”.

**351.** The heading of Division VI of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC”.

**352.** Section 26 of the said Act is replaced by the following section:

“**26.** Any refusal to issue or renew a permit or any suspension or cancellation of a permit may be contested before the Administrative Tribunal of Québec within 30 days of notification of the chief inspector’s decision.

Any order of the chief inspector under section 11 may be contested before the Tribunal within five days of notification of the order.”

**353.** Sections 27 and 28 of the said Act are repealed.

**354.** Section 29 of the said Act is amended

(1) by replacing the word “appeal” in the first line by the word “proceeding”;

(2) by replacing the words “appellant” and “judge” in the third line by the words “applicant” and “Tribunal”, respectively.

**355.** Sections 30 to 36 of the said Act are repealed.

#### STATIONARY ENGINEMEN ACT

**356.** Section 6 of the Stationary Enginemmen Act (R.S.Q., chapter M-6) is amended by adding, after the first paragraph, the following paragraph:

“The examiners are not bound by the requirements prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) when making a decision refusing to issue a permit or licence following the failing of a proficiency examination.”

**357.** Section 9.1 of the said Act is amended by adding the following paragraph:

“Before making such a decision, the examiners shall notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations.”

**358.** Section 9.2 of the said Act is amended

(1) by replacing the words “appealed from to the court contemplated” in the third and fourth lines of the first paragraph by the words “contested before the Tribunal referred to”;

(2) by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) where the rules prescribed in section 9.1 have not been complied with;”.

**359.** Section 9.3 of the said Act is amended

(1) by replacing the words “appeal to” in the second line of the first paragraph by the words “contest before”;

(2) by replacing the words “from any” in the third line of the first paragraph by the word “the”;

(3) by replacing the word “appeal” in the first line of the second paragraph by the word “proceeding”.

**360.** Section 9.4 of the said Act is amended by striking out the words “sitting in appeal”.

#### CULLERS ACT

**361.** Section 20 of the Cullers Act (R.S.Q., chapter M-12.1) is amended by replacing the words “give the holder of a licence an opportunity to express his point of view” in the first and second lines by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the holder at least 10 days to present observations”.

**362.** Section 22 of the said Act is amended by replacing the words “appeal from the decision of the board to the Court of Québec” in the first and second lines by the words “contest the decision of the board before the Administrative Tribunal of Québec within 30 days of notification of the decision”.

**363.** Sections 23 to 29 of the said Act are repealed.

#### MINING ACT

**364.** Section 280 of the Mining Act (R.S.Q., chapter M-13.1) is amended by replacing the words “at the request” in the first line by the words “on the application”.

**365.** Section 283 of the said Act is amended, in the French text, by replacing the word “requête” in the first line by the word “demande”.

**366.** Section 284 of the said Act is amended

(1) by replacing the words “When acting on his own initiative, the Minister” in the first line of the first paragraph by the words “The Minister”;

(2) by replacing the words “give the holder a notice stating the grounds for the suspension or revocation and send a copy of the notice to the registrar” in the second, third and fourth lines of the first paragraph by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*), send a copy of the notice to the registrar, and allow the holder at least 15 days to present observations”;

(3) by striking out the second paragraph.

**367.** Section 285 of the said Act is amended

(1) in the French text, by replacing the word “requête” in the first line of the first paragraph by the word “demande”;

(2) by replacing the word “applicant” in the second line of subparagraph 1 of the first paragraph by the words “interested person”;

(3) in the French text, by replacing the word “requête” in the first line of subparagraph 4 of the first paragraph by the word “demande”;

(4) in the French text, by replacing the word “requête” in the second paragraph by the word “demande”.

**368.** Sections 297 to 303 of the said Act are repealed.

**369.** Section 306 of the said Act is amended, in paragraph 29, by replacing the words “a motion” in the first line by the words “an application”.

**ACT RESPECTING THE MINISTÈRE DE L’AGRICULTURE,  
DES PÊCHERIES ET DE L’ALIMENTATION**

**370.** Section 36.14 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14), amended by section 10 of chapter 64 of the statutes of 1995, is again amended

(1) by replacing the words “bring an appeal before the Régie des marchés agricoles et alimentaires du Québec from any decision of the Minister referred to in section 36.13” in the first, second and third lines of the first paragraph by the words “contest any decision of the Minister referred to in section 36.13 before the Administrative Tribunal of Québec”;

(2) by replacing the words “forty-five days after the day on which a copy of the decision is sent” in the third line of the first paragraph by the words “30 days after notification of the decision”;

(3) by striking out the second, third and fourth paragraphs.

ACT RESPECTING THE MARKETING OF AGRICULTURAL,  
FOOD AND FISH PRODUCTS

**371.** Section 5 of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) is amended by replacing the word “disputes” in the third line of the first paragraph by the word “problems”.

**372.** Section 12 of the said Act is repealed.

**373.** Section 19 of the said Act is amended by replacing the words “prevented from being heard” in the second line of subparagraph 2 of the first paragraph by the words “unable to present observations”.

**374.** Section 25 of the said Act is amended by replacing the words “and practice for the conduct and hearing of” in the first and second lines of the second paragraph by the words “applicable to”.

**375.** Section 26 of the said Act is amended by replacing the words “settle any dispute which arises” in the first line by the words “endeavour to settle any problem arising”.

**376.** Section 27 of the said Act is amended by replacing the words “be heard” in the second line of the first paragraph by the words “present observations”.

**377.** Section 28 of the said Act is amended by replacing the words “will be heard” in the second line of the second paragraph by the words “are to be made”.

**378.** Section 29 of the said Act is amended

(1) by striking out the words “, after giving the interested person the opportunity to be heard,” in the first and second lines;

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

“Before making its decision, the Régie shall notify the producer in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the producer at least 10 days to present observations.”

**379.** Section 30 of the said Act is amended by replacing the words “be heard” in the first and second lines of the first paragraph by the words “present observations”.

**380.** Section 35 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

**381.** Section 37 of the said Act is amended

(1) by replacing the words “be heard” in the second line of the first paragraph by the words “present observations”;

(2) by striking out the words “, in addition to the reasons mentioned in the first paragraph of section 19,” in the first and second lines of the third paragraph;

(3) by adding, at the end of the third paragraph, the following sentence: “Where such a decision relates to the application of section 60, the Régie shall first notify the marketing board or its directors in writing as prescribed by section 5 of the Act respecting administrative justice and allow the marketing board at least 10 days to present observations.”

**382.** Section 38 of the said Act is amended

(1) by replacing the words “will be heard” in the third line of the second paragraph by the words “are to be made”;

(2) by inserting the word “public” before the word “hearing” in the third line of the third paragraph.

**383.** Section 41 of the said Act is amended

(1) by striking out the words “, after giving the interested person the opportunity to be heard,” in the first and second lines of the first paragraph;

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

“Before making any such decision, the Régie shall notify the interested person in writing as prescribed by section 5 of the Act respecting administrative justice and allow the interested person at least 10 days to present observations.”

**384.** Section 41.1 of the said Act is amended by replacing the words “, expenses and costs” in the first and second lines by the words “and costs”.

**385.** Section 47 of the said Act is amended by replacing the word “request” in the first line by the word “application”.

**386.** Section 48 of the said Act is amended, in the French text, by replacing the word “requérants” in the second line of paragraph 6 by the word “demandeurs”.

**387.** Section 50 of the said Act is amended, in the French text, by replacing the word “requérants” in the first line by the word “demandeurs”.

**388.** Section 51 of the said Act is amended

(1) by replacing the word “request” in the first line of the first paragraph by the word “application”;

(2) in the French text, by replacing the word “requérants” in the first line of the second paragraph by the word “demandeurs”.

**389.** Section 52 of the said Act is amended

(1) by replacing the word “hearing” in the first line of the first paragraph by the words “having received representations from”;

(2) by replacing the word “request” in the first line of the first paragraph by the word “application.”.

**390.** Section 53 of the said Act is amended by replacing the word “request” in the first line by the word “application”.

**391.** Section 54 of the said Act is amended, in the second paragraph,

(1) by replacing the words “contest the status of interested producer of any person whose name appears on the list” in the first and second lines of subparagraph 3 by the words “oppose the inclusion of a person on the list on the grounds that the person does not have the status of interested producer”;

(2) by replacing the word “contest” in the first line of subparagraph 4 by the word “oppose”.

**392.** Section 61 of the said Act is amended by replacing the words “become *ipso facto* a party without continuance of suit to any proceeding relating thereto, in the place and stead of the transferor” in the fifth and sixth lines of the second paragraph by the words “forthwith be substituted for the transferor in any procedure relating thereto”.

**393.** Section 62 of the said Act is amended by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

**394.** Section 81 of the said Act is amended by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

**395.** Section 84 of the said Act is amended by replacing the word “dispute” in the second line of subparagraph 2 of the first paragraph by the word “problem”.

**396.** Section 111 of the said Act is amended by replacing the words “be heard” in the second line of the third paragraph by the words “present observations”.

**397.** Section 117 of the said Act is amended by replacing the words “be heard” in the third line by the words “present observations”.

**398.** Section 118 of the said Act is amended by replacing the words “be heard” in the seventh line of the first paragraph by the words “present observations”.

**399.** Section 134 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

**400.** Section 137 of the said Act is amended

(1) by replacing the words “join to their request” in the first line of the first paragraph by the words “attach to their application”;

(2) in the French text, by replacing the word “requérants” in the first line of the second paragraph by the word “demandeurs”.

**401.** Section 138 of the said Act is amended by replacing the word “request” in the first line by the word “application” and, in the French text, by replacing the word “requérants” in the first line of paragraph 1 by the word “demandeurs”.

**402.** Section 140 of the said Act is amended by replacing the words “be heard” in the fifth line by the words “present observations”.

**403.** Section 151 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

**404.** Section 153 of the said Act is amended

(1) by replacing the words “give the holder the opportunity to be heard” in the first and second lines of the first paragraph by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”;

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

“However, the Régie is not bound by the requirements prescribed by the first paragraph where it suspends a certificate for not more than 15 days if it has reasonable grounds for believing that the holder is or is about to become insolvent.”

**405.** Section 165 of the said Act is amended

(1) by inserting the word “public” before the word “hearing” in the first line of the first paragraph;

(2) by replacing the word “witnesses” in the second line of the first paragraph by the words “any person for examination”;



(3) by replacing the words “giving evidence before” in the second line of the second paragraph by the words “examined by”.

**406.** The said Act is amended by inserting, after section 191, the following Title and section :

**“TITLE IV.1**

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC**

**“191.1.** Any interested person may contest a decision made by the Régie under section 29, 30 or 41, the third paragraph of section 111 or section 152 before the Administrative Tribunal of Québec within 30 days of notification of the decision.”

**ACT RESPECTING COMMERCIAL FISHERIES AND AQUACULTURE**

**407.** Section 14 of the Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01) is amended by replacing the words “allowed the interested person to make representations” in the first and second lines of the second paragraph by the words “notified the person concerned of his intention and the reasons therefor and allowed the person to present observations”.

**408.** The heading of Chapter III of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**409.** Section 19 of the said Act is amended by replacing the words “allowed the interested person to make representations” in the first and second lines of the first paragraph by the words “notified the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allowed the person at least 10 days to present observations”.

**410.** The heading of Division II of Chapter III of the said Act is replaced by the following heading :

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC”.**

**411.** Section 21 of the said Act is amended by replacing the portion before paragraph 1 by the following :

**“21.** Any decision of the Minister may be contested before the Administrative Tribunal of Québec, within 30 days of notification of the decision, by any person”.

**412.** Sections 22 to 28 of the said Act are repealed.

**413.** Section 47 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“The operator to whom such a prescription is notified without prior notice because, in the inspector’s opinion, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified, present observations to the inspector so that the prescription may be reviewed.”

#### ACT RESPECTING LIQUOR PERMITS

**414.** Section 80 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by replacing the word “heard” in the first line of the first paragraph by the word “examined”.

**415.** Section 84 of the said Act is amended by replacing the word “heard” in the first line of the second paragraph by the word “examined”.

**416.** The heading of Chapter IV of the said Act is amended by striking out the words “AND PROOF”.

**417.** Section 99 of the said Act is amended by adding, at the end, the following paragraph:

“The board may require of any association referred to in the first paragraph that it establish its representativeness.”

**418.** The said Act is amended by adding, after section 100, the following section:

“**100.1.** If an objection is addressed to it in accordance with section 99, the board shall call a public hearing to allow any interested person to present observations.

At least 10 days before the hearing, the board shall send to the applicant and to any person who has filed an objection or an intervention, by registered or certified mail or by service on the person, a notice indicating the date, place and time fixed by it for the holding of the hearing.”

**419.** Sections 103, 105 and 106 of the said Act are repealed.

#### PESTICIDES ACT

**420.** Section 16 of the Pesticides Act (R.S.Q., chapter P-9.3), amended by section 762 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “The Minister shall, before issuing an order under section 13, 14 or 15, transmit” in the first and second lines of the first paragraph by the words “Before issuing an order under section 13, 14 or 15, the Minister shall, as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*), notify”;

(2) by replacing the words “make representations” in the fourth and fifth lines of the first paragraph by the words “present observations”.

**421.** Section 17 of the said Act is amended by adding, at the end, the following paragraph:

“The person to whom an order is notified without prior notice may, within the time specified in the order, present observations to the Minister so that the order may be reviewed.”

**422.** Section 67 of the said Act is amended by replacing the words “give the holder of a permit or certificate an opportunity to be heard” in the first and second lines by the words “notify the holder of a permit or certificate in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”.

**423.** The heading of Chapter V of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC”.

**424.** Section 68 of the said Act is amended by replacing the words “appeal from the decision to the Court of Québec” in the second line of the first paragraph by the words “contest the decision before the Administrative Tribunal of Québec within 30 days of notification of the decision”.

**425.** Section 69 of the said Act is amended

(1) by replacing the words “susceptible of appeal” in the first line by the words “referred to in section 68”;

(2) by replacing the words “of appeal” in the third line by the words “to contest the decision”.

**426.** Section 70 of the said Act is amended by replacing the words “An appeal” in the first line by the words “A proceeding”.

**427.** Sections 71 and 72 of the said Act are repealed.

**428.** Section 73 of the said Act is replaced by the following section:

“**73.** The applicant shall, within 15 days after the filing of his motion, cause a notice to be published twice in a daily newspaper distributed in the region concerned by the contested decision.

Proof of publication of the notices shall be filed at the secretariat of the Tribunal.”

**429.** Section 74 of the said Act is amended

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

**“74.** As soon as he receives a copy of the motion, the Minister shall transmit a copy to every person who has presented to him observations in writing concerning the contested decision.”;

(2) by replacing the words “made written representations” in the second line of the second paragraph by the words “presented observations in writing”;

(3) by replacing the words “for appeal to them, may cause a notice of the motion for appeal to be published in a daily newspaper distributed in the territory of the judicial district of the court to which the appeal is submitted” in the third, fourth, fifth and sixth lines of the second paragraph by the words “to them, may cause a notice to be published in a daily newspaper distributed in the region concerned by the contested decision”;

(4) by replacing the word “appellant” in the seventh line of the second paragraph by the word “applicant”.

**430.** Sections 75 to 78 of the said Act are repealed.

**431.** Section 127 of the said Act is amended by replacing the word “appeal” in the first line of the first paragraph by the word “proceeding”.

**432.** Section 129 of the said Act is amended, in subparagraph 5 of the first paragraph,

(1) by replacing the words “appeals brought” in the first line by the words “proceedings brought before the Administrative Tribunal of Québec”;

(2) by replacing the word “appeal” in the last line by the words “such proceedings”.

**ACT RESPECTING PREVENTION OF DISEASE IN POTATOES**

**433.** The Act respecting prevention of disease in potatoes (R.S.Q., chapter P-23.1) is amended by inserting, after section 12, the following section:

**“12.1.** The interested persons to whom such an order is notified without prior notice because, in the Minister’s opinion, urgent action is required or there is a danger of irreparable damage being caused may, within the time specified in the order, present observations to the Minister so that the order may be reviewed.”

## FARM PRODUCERS ACT

**434.** Section 5 of the Farm Producers Act (R.S.Q., chapter P-28) is amended by replacing the words “send a petition” in the second line by the words “file an application” and by replacing the word “petition” in the fourth line by the word “application”.

**435.** Section 6 of the said Act is amended by replacing the words “a petition” in the first line by the words “an application”.

**436.** Section 7 of the said Act is amended by replacing the words “by the mode of proof which” in the second line by the words “in such manner as”.

**437.** Section 11 of the said Act is amended

(1) by replacing the words “make representations with the Board” in the second and third lines of paragraph *b* by the words “apply to the Board for the necessary corrections”;

(2) by replacing the words “contest the capacity of producer of every person whose name appears on such list” in the first and second lines of paragraph *c* by the words “oppose the inclusion of a person on the list on the grounds that the person does not have the status of producer”.

**438.** Section 12 of the said Act is amended by replacing the words “Such list shall not be contested” in the third and fourth lines by the words “No opposition may be filed in respect of such list”.

**439.** Section 13 of the said Act is amended by replacing the words “a petition” in the first line of the first paragraph by the words “an application”.

**440.** Section 16 of the said Act is amended by replacing the words “a petition” in the fourth line of the first paragraph and the word “petition” in the sixth line of the first paragraph by the words “an application” and “application”, respectively.

**441.** Section 20 of the said Act is amended

(1) by replacing the words “be heard” in the first line of the first paragraph by the words “present observations”;

(2) by replacing the words “be heard” in the second line of the second paragraph by the words “present observations”.

**442.** Section 26 of the said Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentence: “Any federation or specialized federation whose affiliation is refused or revoked by an accredited association may apply to the Board for a review of that decision.”;

(2) by replacing the words “Such appeal must be made by the federation or specialized federation whose affiliation is refused or revoked, by a written notice sent to the Board” in the second, third and fourth lines of the first paragraph by the words “Such application for review must be forwarded to the Board in writing”;

(3) by adding, after the second paragraph, the following paragraph:

“The Board shall allow the certified association and the federation or specialized federation to present observations.”;

(4) by replacing the words “Any appeal to” in the first line of the third paragraph by the words “Any application for review filed with”.

**443.** Section 46 of the said Act is amended

(1) by replacing the words “arbitrate, decide, conciliate or settle” in the second line of the first paragraph by the words “endeavour to settle, conciliate or arbitrate”;

(2) by replacing the word “decision” in the first line of the second paragraph by the words “arbitration award”.

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

**“48.** Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the Board or against any of its members acting in their official capacity.

A judge of the Court of Appeal may, upon a motion, annul by a summary proceeding any proceeding brought or decision rendered contrary to the first paragraph or to section 47.”

**445.** Section 49 of the said Act is amended by replacing the words “be heard” in the third line by the words “present observations”.

**446.** The said Act is amended by inserting, after section 51, the following division:

**“DIVISION XI.1**

**“PROCEEDING**

**“51.1.** Any decision of the Board revoking a certification under section 20 or determining under section 49 whether a person has the status of producer may, within 30 days of notification of the decision, be contested before the Administrative Tribunal of Québec.”

## THE AGRICULTURAL PRODUCTS, MARINE PRODUCTS AND FOOD ACT

**447.** The heading of Division IV of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**448.** Section 16 of the said Act is amended by replacing the words “allow the holder to be heard” in the second line by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the holder at least 10 days to present observations”.

**449.** Section 17 of the said Act is replaced by the following section :

“**17.** Any person whose permit is suspended, cancelled or not renewed may contest the decision of the Minister before the Administrative Tribunal of Québec within 30 days of notification of the decision.”

**450.** Sections 18 to 30 of the said Act are repealed.

**451.** The said Act is amended by adding, after section 33.11, the following section :

“**33.12.** The Minister or the person authorized is not bound by the requirements prescribed by section 5 of the Act respecting administrative justice when issuing an order under section 33.8, 33.10 or 33.11.”

## DAIRY PRODUCTS AND DAIRY PRODUCTS SUBSTITUTES ACT

**452.** Section 18 of the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30) is amended by replacing the words “be heard” in the fourth line by the words “present observations”.

**453.** Section 32 of the said Act is amended by striking out the second paragraph.

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

“**36.** Before suspending or cancelling a permit, the Board shall notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the holder at least 10 days to present observations.”

**455.** Section 39 of the said Act is amended

(1) by replacing the words “must hear the interested parties” in the first line by the words “invite the interested persons to present observations”;

(2) by replacing the word “heard” in the third line by the words “invited to present observations”.

**456.** The said Act is amended by adding, after section 48.11, the following section:

**“48.12.** The Minister or the inspector is not bound by the requirements prescribed by section 5 of the Act respecting administrative justice when issuing an order under section 48.8 or 48.11.”

**457.** The said Act is amended by inserting, after section 49, the following division:

#### **“DIVISION X.1**

#### **“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC**

**“49.1.** Every person whose permit is suspended or cancelled and every syndicate whose certification is revoked may contest the decision of the Board before the Administrative Tribunal of Québec within 30 days of notification of the decision.”

#### **ACT RESPECTING EDUCATIONAL PROGRAMMING**

**458.** Section 3.3 of the Act respecting educational programming (R.S.Q., chapter P-30.1), enacted by section 31 of chapter 20 of the statutes of 1996, is amended by replacing the words “request made” in the third line of the second paragraph by the words “application submitted”.

**459.** Section 3.4 of the said Act, enacted by section 31 of chapter 20 of the statutes of 1996, is amended, in the French text, by replacing the word “requérant” in the second line of the second paragraph by the word “demandeur”.

**460.** Section 4 of the said Act, amended by section 34 of chapter 20 of the statutes of 1996, is again amended by replacing the words “at the request” in the first line by the words “on the application”.

**461.** Section 5 of the said Act, amended by section 34 of chapter 20 of the statutes of 1996, is again amended

(1) by striking out the words “, by way of an application,” in the second and third lines of the first paragraph;

(2) by replacing the words “an application” in the first line of the second paragraph by the word “approval”.



**462.** Section 9 of the said Act, replaced by section 33 of chapter 20 of the statutes of 1996, is amended, in the French text, by replacing the word “requêtes” in the first line by the word “demandes”.

#### YOUTH PROTECTION ACT

**463.** Section 72.3.5 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended by replacing the words “allow an organization to make representations” in the first and second lines by the words “notify an organization in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the organization at least 10 days to present observations”.

#### PUBLIC HEALTH PROTECTION ACT

**464.** Section 16.7 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended by replacing the words “bring an appeal from the decision before the Commission des affaires sociales which shall dispose of the appeal according to its rules of evidence, procedure and practice” in the second, third and fourth lines by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**465.** Section 16.8 of the said Act is amended by replacing the word “Appeal” in the first line by the words “A proceeding before the Tribunal”.

**466.** Section 40.3.2 of the said Act is amended by adding, at the end, the following paragraph:

“The Minister shall, before making such a decision, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the holder at least 10 days to present observations.”

**467.** Section 40.4 of the said Act is amended by adding, at the end, the following paragraph:

“The Minister shall, before making such a decision, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations.”

**468.** Section 41 of the said Act is amended

(1) by replacing the words “appeal from” in the second line by the words “, within 60 days of notification of the decision, contest”;

(2) by replacing the words “Commission des affaires sociales,” in the fourth line by the words “Administrative Tribunal of Québec.”;

(3) by striking out paragraphs *a*, *b* and *c*.

## CONSUMER PROTECTION ACT

**469.** Section 260.17 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended

(1) by replacing the words “be heard” in the second line of the first paragraph by the words “present observations”;

(2) by replacing the words “gives the merchant an opportunity to be heard within 15 days” in the second and third lines of the second paragraph by the words “allows the merchant at least 10 days to present observations”.

**470.** Section 260.18 of the said Act is repealed.

**471.** Section 333 of the said Act is replaced by the following section:

**“333.** The president, before refusing to issue a permit to a person or before suspending or cancelling the permit he has issued to him, must notify the person in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the person at least 10 days to present observations.”

**472.** The heading of Chapter III of Title V of the said Act is replaced by the following heading:

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.**

**473.** Section 339 of the said Act is amended by replacing the words “appeal to the Court of Québec from the decision of the president” in the fourth and fifth lines by the words “contest the decision of the president before the Administrative Tribunal of Québec within 30 days of notification of the decision”.

**474.** Sections 340 to 349 of the said Act are replaced by the following sections:

**“340.** The Tribunal shall, in exercising its power to suspend the execution of the contested decision, give particular consideration to the interests of consumers.

**“341.** When assessing the facts or the law, the Tribunal shall not substitute its assessment of the public interest or of the interest of the public for the assessment made by the president, pursuant to section 325, 329 or 335, before he made his decision.”

## MENTAL PATIENTS PROTECTION ACT

**475.** Section 1 of the Mental Patients Protection Act (R.S.Q., chapter P-41), amended by section 23 of chapter 23 of the statutes of 1994, is again amended by striking out paragraph *h*.

**476.** Section 24 of the said Act is amended by replacing the word “Commission” in the second line of paragraph *b* by the words “Administrative Tribunal of Québec”.

**477.** Section 29 of the said Act is amended by replacing the word “Commission” in the third line of the first paragraph by the words “Administrative Tribunal of Québec”.

**478.** Section 30 of the said Act is amended

(1) by replacing the words “request the Commission to review such decision” in the third and fourth lines of the first paragraph by the words “contest the decision before the Administrative Tribunal of Québec within 60 days of notification of the decision”;

(2) by replacing the last sentence of the first paragraph by the following sentence: “The tutor, curator or person having legal custody of the person who is the subject of the decision may also contest the decision.”;

(3) by striking out the second paragraph.

**479.** Section 31 of the said Act is amended

(1) by replacing the word “Commission” in the second line of the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the word “Commission” in the second line of the second paragraph by the word “Tribunal”;

(3) by replacing the word “Commission” in the second line of the third paragraph by the word “Tribunal”;

(4) by replacing the fourth paragraph by the following paragraph:

“The Tribunal may, where it receives a notice sent in accordance with this section, act on its own initiative and make a decision as if a proceeding had been brought under section 30.”

## ACT TO PRESERVE AGRICULTURAL LAND

**480.** Section 4 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1), amended by section 7 of chapter 26 of the statutes of 1996, is again amended by replacing the third paragraph by the following paragraph:

“A member may, with the permission of the president, continue the examination of an application referred to him and make a decision notwithstanding the expiry of his term.”

**481.** Section 7 of the said Act is amended by replacing the word “hear” in the first line by the word “examine”.

**482.** Section 11 of the said Act is amended by replacing the second paragraph by the following paragraph :

“The commission may also fix the costs for the examination of the applications submitted to it in accordance with the tariff fixed by regulation.”

**483.** Section 13 of the said Act, amended by section 794 of chapter 2 of the statutes of 1996, is again amended by replacing the word “hear” in the fourth line by the words “receive the observations of”.

**484.** Section 14.1 of the said Act is replaced by the following section :

“**14.1.** Except in the case of an act performed in contravention of section 27 or 70, the commission is not authorized to make any order unless it has first notified the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allowed the person at least 10 days to present observations.

In addition, the commission shall give the other interested persons the opportunity to present observations.

The commission shall meet the person concerned or any interested person at his request.”

**485.** Section 15 of the said Act, amended by section 12 of chapter 26 of the statutes of 1996, is again amended

(1) by replacing the words “establish, at its head office, a record office for the filing of” in the first and second lines of the first paragraph by the word “keep”;

(2) by replacing the words “record office, and are filed therein” in the third line of the second paragraph by the words “commission, and are filed in the record”;

(3) by replacing the words “has access to the record office of the commission, may there examine the filed documents” in the first line of the third paragraph by the words “may consult the documents filed at the offices of the commission”;

(4) by replacing the words “filed in the record office of” in the first line of the fourth paragraph by the words “kept by”.

**486.** Section 17 of the said Act is replaced by the following section :

**“17.** Except in respect of a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the commission or against any of its members acting in their official capacity.

A judge of the Court of Appeal may, upon a motion, annul by summary proceeding any proceeding brought or decision rendered contrary to the first paragraph.”

**487.** The said Act is amended by inserting, after section 18.5, the following section :

**“18.6.** The commission may, on its own initiative or on an application, review or cancel any decision or order it has made and in respect of which no proceeding has been brought before the Administrative Tribunal of Québec

(a) where a new fact is discovered which, had it been known in due time, might have justified a different decision ;

(b) where an applicant or interested person was unable, for reasons deemed satisfactory, to present observations ;

(c) where a substantial or procedural defect is likely to invalidate the decision or order.”

**488.** Section 19.1 of the said Act, amended by section 13 of chapter 26 of the statutes of 1996, is again amended by replacing the words “evidence, procedure and practice applicable to the conduct of the matters” in the first and second lines of subparagraph 1 of the first paragraph by the words “procedure applicable to the examination of matters”.

**489.** Division II.1 of the said Act, renumbered as Division II of Chapter II by section 15 of chapter 26 of the statutes of 1996 and comprising sections 21.0.1 to 21.9, is replaced by the following division :

## **“DIVISION II**

### **“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC**

**“21.1.** Any interested person may contest a decision or order of the commission before the Administrative Tribunal of Québec within 30 days of notification of the decision or order.

**“21.2.** The contestation suspends the execution of a decision, except where the Tribunal allows provisional execution.

The contestation does not suspend the execution of an order except as regards the conclusions of an order which require restoration of a site.

**“21.3.** The contestation of a decision suspends, by operation of law, any additional application for the same conclusions until the decision of the Tribunal is made.

**“21.4.** The Tribunal shall not, unless there has been a significant error of law or fact in the contested decision, reevaluate the assessment of the application made by the commission on the basis of criteria the commission was required to take into account.

Where the Tribunal ascertains, upon examination of the motion and the contested decision, that the commission did not assess the application on the basis of those criteria, the Tribunal may return the matter to the commission for reconsideration.

**“21.5.** A copy of the decision of the Tribunal shall be transmitted to the parties as well as to every interested person, the local municipality and the regional county municipality in which the lot to which the decision applies is situated.”

**490.** Section 44 of the said Act, amended by section 805 of section 2 of the statutes of 1996, is again amended

(1) by replacing the words “be heard” in the second line of the first paragraph by the words “present observations”;

(2) by inserting, after the second paragraph, the following paragraph:

“The commission shall, before making any unfavourable decision, notify the applicant in writing as prescribed by section 5 of the Act respecting administrative justice and allow the applicant at least 10 days to present observations.”

**491.** Section 46 of the said Act is amended by replacing the words “record office” in the first line of the second paragraph by the words “head office”.

**492.** Section 51 of the said Act is amended by replacing the words “record office” in the second line by the words “head office”.

**493.** Section 57 of the said Act is amended by replacing the words “pending before it on that date” in the second and third lines by the words “submitted to it before that date”.

**494.** Section 59 of the said Act, amended by section 825 of chapter 2 of the statutes of 1996, is again amended by replacing the words “hear the applicant and any interested person” in the second line of the first paragraph by the words “allow the applicant and any interested person to present observations”.

**495.** Section 60 of the said Act is amended

(1) by striking out the first paragraph;

(2) by striking out the word “also” in the first line of the second paragraph.

**496.** Section 60.1 of the said Act is replaced by the following section:

**“60.1.** The commission shall send to the applicant and to any interested person having intervened in respect of an application a report on the application indicating its preliminary intent.

The commission shall, at the same time, send the applicant and any interested person a list of the other documents forming part of the record and a notice setting out the terms of the third paragraph of section 15 and of section 60.2.

Unless the persons referred to in the first paragraph waive such right, the commission shall allow them 30 days to present observations or to request a meeting.”

**497.** Section 60.2 of the said Act is replaced by the following section:

**“60.2.** The applicant or any interested person having intervened in respect of the application referred to the commission may obtain by mail from the commission, on payment of the costs determined by regulation, a photocopy of any document indicated by him among the documents forming part of the record.”

**498.** Section 61 of the said Act, amended by section 811 of chapter 2 of the statutes of 1996, is again amended by replacing the words “parties to the application thereof” in the second and third lines by the words “applicant and any interested person having intervened in respect of the application”.

**499.** Section 62.1 of the said Act is amended by inserting the word “other” before the word “evidence” in paragraph 3.

**500.** The said Act is amended by inserting, after section 62.3, the following section:

**“62.4.** The commission shall, before making an unfavourable decision, notify the applicant in writing as prescribed by section 5 of the Act respecting administrative justice and allow the applicant at least 10 days to present observations.”

**501.** Section 66 of the said Act is amended by replacing the words “record office” in the first line of the second paragraph by the words “head office”.

**502.** Section 69.0.3 of the said Act, amended by section 815 of chapter 2 of the statutes of 1996, is again amended by replacing the words “record office” in the second and third lines of the second paragraph by the words “head office”.

**503.** Section 69.0.4 of the said Act is amended by replacing the words “record office” in the second line by the words “head office”.

**504.** Section 78 of the said Act is amended by replacing the words “give that person the opportunity to be heard” in the third line by the words “notify the person in writing as prescribed by section 5 of the Act respecting administrative justice and allow the person at least 10 days to present observations”.

**505.** Section 79.4 of the said Act is amended by replacing the words “express his views” in the second line of subparagraph 3 of the second paragraph by the words “present observations”.

**506.** Section 79.5 of the said Act is amended by replacing the words “the parties and other interested persons to obtain their views” in the first and second lines by the words “the complainant, the municipality against which the complaint has been filed and any intervening party to receive their observations”.

**507.** Section 79.6 of the said Act is amended by replacing the words “parties and other interested persons” in the second line by the words “complainant, the municipality against which the complaint has been filed and any person having presented observations”.

**508.** Section 79.9 of the said Act is amended by replacing the word “parties” in the first line of the first paragraph by the words “complainant, the municipality against which the complaint has been filed and any person having presented observations”.

**509.** Section 80 of the said Act is amended

(1) by striking out the words “and of the appeal tribunal” in the first and second lines of paragraph 6;

(2) by replacing the words “, expenses and costs” in the first line of paragraph 8 by the words “and costs”;

(3) by striking out the words “or to the appeal tribunal” in the second line of paragraph 8.



**510.** Section 96 of the said Act is amended

(1) by replacing, in the French text, the word “jurisdiction” in the second line of the first paragraph by the word “compétence”;

(2) by replacing, in the French text, the word “jurisdiction” in the fourth line of the second paragraph by the word “compétence”;

(3) by replacing the words “in the record office of” in the first line of the third paragraph by the word “at”.

**511.** Section 100.1 of the said Act is amended

(1) by striking out the words “is an administrative measure and” in the first and second lines of the sixth paragraph;

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

“The notice of non-compliance issued as provided for in the preceding paragraph may be reviewed by the commission on the application of an interested person within 60 days of the date of the notice or at any time in the course of the procedure provided for in section 14.1.”

**ANIMAL HEALTH PROTECTION ACT**

**512.** Section 11.1 of the Animal Health Protection Act (R.S.Q., chapter P-42) is amended by adding, at the end, the following paragraph:

“The Minister is not bound, in that case, by the requirements prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*).”

**513.** Section 55.9.6 of the said Act, enacted by section 6 of chapter 18 of the statutes of 1993, is amended by inserting the words “by the Minister” after the word “considered” in the third line of the second paragraph.

**514.** Section 55.25 of the said Act is amended by adding, at the end, the following paragraph:

“The inspector is not bound, in that case, by the requirements prescribed by section 5 of the Act respecting administrative justice.”

**515.** Section 55.27 of the said Act is amended by replacing the words “giving the applicant an opportunity to be heard” in the first line of the second paragraph by the words “notifying the applicant in writing and giving him the opportunity to present observations as prescribed by section 5 of the Act respecting administrative justice”.

**516.** Section 55.31 of the said Act is amended by replacing the words “giving the holder an opportunity to present his views” in the first line by the words “notifying the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allowing the holder at least 10 days to present observations”.

**517.** The heading of Division IV.4 of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC”.

**518.** Section 55.35 of the said Act is amended by replacing the portion before paragraph 1 by the following:

“**55.35.** The following persons may contest the decision of the Minister before the Administrative Tribunal of Québec within 30 days of notification of the decision:”.

**519.** Sections 55.36 to 55.42 of the said Act are repealed.

#### ROADSIDE ADVERTISING ACT

**520.** Section 10 of the Roadside Advertising Act (R.S.Q., chapter P-44) is amended

(1) by striking out the words “after giving the holder an opportunity to be heard,” in the first and second lines of the first paragraph;

(2) by inserting, after subparagraph 3 of the first paragraph, the following paragraph:

“The Minister shall, before making such a decision, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the holder at least 10 days to present observations.”

**521.** The said Act is amended by inserting, after section 10, the following section:

“**10.1.** Any holder whose permit is revoked may contest the decision of the Minister before the Administrative Tribunal of Québec within 30 days of notification of the decision.”

#### ENVIRONMENT QUALITY ACT

**522.** Section 25 of the Environment Quality Act (R.S.Q., chapter Q-2), amended by section 841 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “The Minister shall, before issuing an order, serve on” in the first line of the second paragraph by the words “Before issuing an order, the Minister shall, as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*), notify to”;

(2) by replacing the words “representations may be made by whoever is responsible for the contamination. The notice” in the fourth and fifth lines of the second paragraph by the words “whoever is responsible for the contamination may present observations. The prior notice”;

(3) by replacing the words “served on” in the second line of the fifth paragraph by the words “notified to”.

**523.** Section 26 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “Whoever is responsible for the source of contamination may present observations to the Minister within the time indicated in the order so that the order may be reviewed.”

**524.** Section 31.16 of the said Act is amended

(1) by replacing the words “Before making an order, the Minister shall serve on the operator a prior notice of 30 days” in the first and second lines of the third paragraph by the words “At least 30 days before making an order, the Minister shall notify the operator”, by replacing the word “and” in the fourth line of that paragraph by a comma and by replacing the words “service of the prior notice” in the sixth line of that paragraph by the word “notification”;

(2) by inserting, after the word “authorized” in the sixth line of the third paragraph, the words “, after giving him an opportunity to present observations,”;

(3) by replacing the words “served on” in the second line of the fourth paragraph by the words “notified to”.

**525.** Section 31.19 of the said Act is amended by replacing the words “his written arguments” in the second and third lines of the first paragraph by the words “observations in writing”.

**526.** Section 31.21.1 of the said Act is amended by replacing the words “make representations” in the second line of the third paragraph by the words “present observations”.

**527.** Section 31.26 of the said Act is amended

(1) by adding the words “, as prescribed by section 5 of the Act respecting administrative justice,” after the word “shall” in the first line of the fifth paragraph;

(2) by replacing the words “his point of view” in the fourth line of the fifth paragraph by the word “observations”.

**528.** Section 31.29 of the said Act is amended

(1) by adding the words “, as prescribed by section 5 of the Act respecting administrative justice,” after the word “shall” in the first line of the third paragraph;

(2) by replacing the words “his point of view” in the fourth line of the third paragraph by the word “observations”.

**529.** Section 31.39 of the said Act is amended

(1) by inserting the words “, as prescribed by section 5 of the Act respecting administrative justice,” after the word “shall” in the first line of the third paragraph;

(2) by replacing the words “his point of view” in the third line of the third paragraph by the word “observations”.

**530.** Section 31.43 of the said Act is amended by replacing the words “making representations” in the third line of the third paragraph by the words “presenting observations”.

**531.** Section 31.44 of the said Act is amended

(1) by replacing the words “The Minister shall, before issuing either order, serve on” in the first line of the first paragraph by the words “At least 15 days before issuing either order the Minister shall, as prescribed by section 5 of the Act respecting administrative justice, notify” and by replacing the words “a notice of not less than 15 days setting out” in the third and fourth lines of that paragraph by the word “, stating”;

(2) by replacing the words “representations may be made by whoever has been served the notice and, where applicable, by the owner of the soil concerned within the period of time specified in the notice as well as the fact that whoever has been served the notice” in the seventh, eighth, ninth and tenth lines of the first paragraph by the words “observations may be presented by whoever has been notified and, where applicable, by the owner of the soil concerned within the period of time specified in the prior notice as well as the fact that whoever has been notified”;

(3) by inserting the word “prior” before the word “notice” in the first line of the second paragraph;

(4) by replacing the words “, upon making representations, where that is the case, by whoever is responsible for the source of contamination” in the second, third and fourth lines of the third paragraph by the words “, where that

is the case, by whoever is responsible for the source of contamination, upon presenting observations”;

(5) by replacing the words “serving the” in the first line of the fourth paragraph by the words “notifying the prior”.

**532.** Section 31.46 of the said Act, enacted by section 4 of chapter 26 of the statutes of 1990, is amended by replacing the words “serve on the owner of the soil a notice informing him or it” in the third and fourth lines by the words “notify the owner of the soil”.

**533.** Section 31.47 of the said Act, enacted by section 4 of chapter 26 of the statutes of 1990, is amended

(1) by replacing the words “representations may be made” in the third line of the first paragraph by the words “observations may be presented”;

(2) by replacing the words “its service” in the first line of the second paragraph by the word “notification”.

**534.** Section 31.48 of the said Act, enacted by section 4 of chapter 26 of the statutes of 1990, is amended by replacing the words “make representations or after he has made representations” in the first and second lines of the first paragraph by the words “present observations or after he has presented observations”.

**535.** Section 32.3 of the said Act, amended by section 841 of chapter 2 of the statutes of 1996, is again amended by replacing the words “hear those interested” in the second line of the second paragraph by the words “allow interested persons to present observations”.

**536.** Section 64 of the said Act is amended

(1) by replacing the word “service” in the third line of the first paragraph by the word “notification”;

(2) by replacing the words “Expropriation Division of the Court of Québec” in the second line of the second paragraph by the words “Administrative Tribunal of Québec”.

**537.** Section 64.5 of the said Act is amended by replacing the words “served on” in the first line of the third paragraph by the words “notified to”.

**538.** Section 64.6 of the said Act is amended

(1) by replacing the words “motion of a party” in the first and second lines of the first paragraph by the words “application of an interested person”;

(2) by replacing the words “served on” in the second line of the second paragraph by the words “notified to”.

**539.** Section 64.7 of the said Act is amended by inserting the word “public” before the word “hearing” in the second line of the first paragraph.

**540.** Section 64.8 of the said Act is amended by replacing the words “served on” in the second line of the second paragraph by the words “notified to”.

**541.** Section 70.1 of the said Act, enacted by section 6 of chapter 80 of the statutes of 1991, is amended by replacing the word “served” in the second line of the third paragraph by the word “notified”.

**542.** Section 70.2 of the said Act, enacted by section 6 of chapter 80 of the statutes of 1991, is amended

(1) by replacing the words “Before issuing an order, the Minister shall serve on” in the first line of the first paragraph by the words “At least 15 days before issuing an order, the Minister shall, as prescribed by section 5 of the Act respecting administrative justice, notify” and by replacing the words “a notice of at least 15 days” in the second line of that paragraph by a comma;

(2) by replacing the words “make representations” in the fourth line of the first paragraph by the words “present observations”;

(3) by inserting the word “prior” before the word “notice” in the first line of the second paragraph;

(4) by inserting the word “prior” before the word “notice” in the first line of the third paragraph.

**543.** Section 70.11 of the said Act, enacted by section 6 of chapter 80 of the statutes of 1991, is amended by replacing the words “After giving the applicant the opportunity to make representations, the Minister may, however” in the first and second lines of the second paragraph by the words “As prescribed by section 5 of the Act respecting administrative justice, the Minister may, however, after notifying the applicant and allowing him to present observations”.

**544.** Section 70.15 of the said Act, enacted by section 6 of chapter 80 of the statutes of 1991, is amended by replacing the words “give the permit holder the opportunity to make representations” in the third and fourth lines of the second paragraph by the words “allow the permit holder at least 10 days to present observations”.

**545.** Section 95.4 of the said Act is amended by replacing the words “serve a denial of conformity on” in the fourth line of the first paragraph by the words “notify a denial of conformity to” and by replacing the words “served on” in the first line of the second paragraph by the word “to”.

**546.** Section 95.6 of the said Act is amended by replacing the words “in appeal by the Commission municipale du Québec” in the first and second lines of the second paragraph by the words “by the Administrative Tribunal of Québec”.

**547.** The heading of Division XI of Chapter I of the said Act is replaced by the following heading:

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.**

**548.** Section 96 of the said Act is amended

(1) by replacing the words “appealed from by the municipality or the person concerned to the Commission municipale du Québec if there is an error of fact or law in the reasons invoked in support of the order, if the proceedings were affected by gross irregularity or if they were not conducted with impartiality” in the third, fourth, fifth, sixth and seventh lines of the first paragraph by the words “contested by the municipality or person concerned before the Administrative Tribunal of Québec”;

(2) by replacing the word “serves” in the fourth line of the second paragraph by the word “notifies”, and by replacing the words “serves a denial of conformity on” in the eighth and ninth lines of the second paragraph by the words “notifies a denial of conformity to”;

(3) by replacing the words “appeal to the Commission in cases where the Minister approves rates with amendments pursuant to section 32.9” in the first, second and third lines of the third paragraph by the words “, where the Minister approves rates with amendments pursuant to section 32.9, contest such decision before the Tribunal”.

**549.** Section 97 of the said Act is amended

(1) by replacing the words “susceptible of appeal” in the first line by the words “referred to in section 96”;

(2) by replacing the word “serve” in the second line by the word “notify”;

(3) by replacing the words “of appeal” in the third line by the words “to contest the decision before the Tribunal”.

**550.** Section 98 of the said Act is replaced by the following section:

**“98.** The proceeding must be brought within 30 days of notification of the contested decision.”

**551.** Section 98.1 of the said Act is amended

(1) by replacing the word “appellant” in the first line of the first paragraph by the word “applicant”;

(2) by replacing the words “his petition for appeal has been served” in the first and second lines of the first paragraph by the words “filing his motion at the secretariat of the Tribunal”;

(3) by replacing the words “decision appealed from” in the third and fourth lines of the first paragraph by the words “contested decision”;

(4) by replacing the words “Commission municipale du Québec” in the second line of the second paragraph by the word “Tribunal”.

**552.** Section 98.2 of the said Act is amended

(1) by replacing the words “transmit copy of the petition for appeal to every person or municipality who has” in the first and second lines of the first paragraph by the words “, upon receiving copy of the motion, forward a copy to every person or municipality having”;

(2) by replacing the words “written representations” in the second line of each of the first and second paragraphs by the words “observations in writing”;

(3) by replacing the words “decision appealed from” in the third line of the first paragraph and in the fifth and sixth lines of the second paragraph by the words “contested decision”;

(4) by replacing the words “petition for appeal” in the third line and in the fourth line of the second paragraph by the word “motion”.

**553.** Section 99 of the said Act is amended

(1) by replacing the word “appeal” in the first line by the word “proceeding”;

(2) by replacing the words “Commission municipale, upon motion served by the appellant upon its secretary,” in the fourth and fifth lines by the word “Tribunal”.

**554.** Section 100 of the said Act is amended

(1) by striking out the first paragraph;

(2) by replacing the words “Commission municipale” in the first and second lines of the second paragraph by the word “Tribunal”.

**555.** Sections 101, 102 and 103 of the said Act are repealed.

**556.** Section 116.1 of the said Act is amended by replacing the word “appeal” in the second line of the first paragraph by the word “proceeding”.



**557.** Section 116.4 of the said Act is amended by replacing the words “submit representations” in the first line of the first paragraph by the words “present observations”.

**558.** Section 118.1 of the said Act is amended

- (1) by replacing the word “served” in the first line by the word “notified”;
- (2) by replacing “97 or 103” in the second line by “31.47 or 97”;
- (3) by replacing the words “validly served” in the second line by the word “notified”.

**559.** The said Act is amended by inserting, after section 118.1, the following section :

**“118.1.1.** A person or a municipality having been notified of such an order without prior notice because, in the Minister’s opinion, urgent action is required or there is a danger of irreparable damage being caused may, within the time specified in the order, present observations to the Minister so that the order may be reviewed.”

**560.** Section 118.5 of the said Act is amended

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

“(f) all proceedings brought under Division XI and all decisions rendered under that division; and”;

(2) by replacing the words “notices served” in subparagraph *n* of the first paragraph by the word “notifications”.

**561.** Section 122.4 of the said Act is replaced by the following section:

**“122.4.** Before making a decision under section 122.1, the Government shall allow the holder of an authorization certificate issued by the Government or on its behalf at least 10 days to present observations in writing.

Before making a decision under section 122.1 or 122.3, the Minister shall notify the holder of the authorization certificate, certificate, authorization, approval, permission or permit in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow him at least 10 days to present observations.”

**562.** Section 123.2 of the said Act is amended

(1) by replacing the word “appeal” in the fourth line of the first paragraph by the word “proceeding”;

(2) by replacing the words “adjudication by the Commission municipale or final decision by the court, as the case may be” in the fifth and sixth lines of the first paragraph by the words “a decision of the Administrative Tribunal of Québec or a final decision of the court, as the case may be, is rendered”.

## ACT RESPECTING THE CLASS ACTION

**563.** Section 5 of the Act respecting the class action (R.S.Q., chapter R-2.1) is amended, in the French text, by replacing the word “requérant” in paragraph *e* by the word “demandeur”.

**564.** Section 20 of the said Act is amended, in the French text, by replacing the words “requérir, par une demande écrite,” in the second line by the words “demander par écrit”.

**565.** Sections 21 and 22 of the said Act are amended, in the French text, by replacing the word “requérant” in the first paragraph by the word “demandeur”.

**566.** Section 23 of the said Act is amended

(1) by replacing, in the French text, the word “requérant” wherever it appears by the word “demandeur”;

(2) by replacing the word “hear” in the second line of the first paragraph by the words “meet with”;

(3) by adding, after the word “attorney” in the second line of the first paragraph, the words “and allow him to present observations”.

**567.** Sections 25 and 26 of the said Act are amended, in the French text, by replacing the word “requérant” wherever it appears, by the word “demandeur”.

**568.** The heading of Division III of Chapter III of Title II of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC”.

**569.** Section 35 of the said Act is replaced by the following section:

“**35.** Any applicant whose application for assistance is denied may, within 30 days of notification of the decision of the Fonds, contest the decision before the Administrative Tribunal of Québec.”

**570.** Section 36 of the said Act is repealed.

**571.** Section 37 of the said Act is amended

(1) by striking out the first and third paragraphs;

(2) by replacing the word “Court” in the first line of the second paragraph by the word “Tribunal” and by replacing, in the French text of that paragraph, the word “requérant” wherever it appears by the word “demandeur”.

## ACT RESPECTING THE COLLECTION OF CERTAIN DEBTS

**572.** Section 16 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is replaced by the following section:

“**16.** Before refusing to issue a permit to a person or before suspending or cancelling a permit issued to a person, the president shall notify the person in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow him at least 10 days to present observations.”

**573.** Section 17 of the said Act is amended by striking out the second sentence.

**574.** The heading of Division V of Chapter III of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**575.** Section 36 of the said Act is amended by replacing the words “appeal from the decision of the president before the Court of Québec” in the second and third lines by the words “, within 30 days of notification of the decision of the president, contest the decision before the Administrative Tribunal of Québec”.

**576.** Sections 37 to 44 of the said Act are repealed.

## ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX

**577.** Section 7 of the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1) is replaced by the following section:

“**7.** A commissioner may, with the permission of the president, continue the examination of an application referred to him and make a decision, notwithstanding the expiry of his term.”

**578.** Section 25 of the said Act, amended by section 5 of chapter 71 of the statutes of 1993, is again amended

(1) by replacing the words “rule on” in the first line of subparagraph 1 of the first paragraph by the word “decide”;

(2) by striking out subparagraphs 2 and 3 of the first paragraph;

(3) by replacing subparagraph 7 of the first paragraph by the following subparagraph:

“(7) to determine and collect the costs prescribed for the examination of any matter submitted to it.”

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

**“25.1.** Where a dispute arises concerning the organization and conduct of, or awarding of prizes under, a lottery scheme or publicity contest or the mode of operation of an amusement machine, between a person participating in a publicity contest and the person or body for whose benefit the contest is held, between a person using an amusement machine or video lottery machine and the holder of the licence relating to that machine or between a person participating in any other lottery scheme and the holder of the licence relating to that scheme, any such person or body may request the intervention of the board so that it may endeavour to settle the dispute.

Where a dispute arises concerning the organization, conduct or apportionment of the profits of a bingo between the organizer of the bingo and the person or body for whose benefit the bingo is organized, the organizer, person or body may request the intervention of the board so that it may endeavour to settle the dispute.

This section applies subject to the second paragraph of section 34 of the Act respecting lotteries, publicity contests and amusement machines.”

**580.** Section 26 of the said Act is amended by striking out the words “a division of” in the first and second lines.

**581.** Section 27 of the said Act is amended

(1) by replacing the words “a division of commissioners designated by the president,” in the first and second lines of the first paragraph by the words “at least two commissioners”;

(2) by replacing the words “before the division shall be referred to the president so that he may refer it to another division” in the first and second lines of the second paragraph by the words “shall be referred to the president who shall submit it to other commissioners for a decision.”

**582.** Section 28 of the said Act is amended

(1) by striking out the words “hear and” in the first line of the first paragraph;

(2) by striking out subparagraph 1 of the first paragraph.

**583.** Section 29 of the said Act is amended

(1) by replacing the words “a division” in the third line of the third paragraph by the words “at least two commissioners”;

(2) by replacing the words “relieve a member of the board’s personnel of a case” in the first and second lines of the fourth paragraph by the words “withdraw a case from a member of the board’s personnel”;

(3) by replacing the words “at the request of a person whose application is refused, the case shall be referred” in the first and second lines of the fifth paragraph by the words “where the person whose application is denied so requests, the case shall be transferred”.

**584.** Section 31 of the said Act is amended

(1) by replacing the words “of proof, procedure and practice applicable to the conduct of its inquiries and hearings and those held by” in the first and second lines of the first paragraph by the words “applicable to the conduct of the matters submitted to it or to”;

(2) by replacing the last sentence of the first paragraph by the following sentence: “The Board may also prescribe costs in respect of the conduct of such matters.”

**585.** Section 32 of the said Act is amended by replacing the words “the rules of proof, procedure and practice” in the second and third lines by the words “the rules of the Board”.

**586.** Section 34 of the said Act is amended

(1) by replacing the words “a case brought before it” in the first line by the words “a matter submitted to it”;

(2) by replacing the words “parties in” in the first line by the words “persons concerned by”;

(3) by replacing the words “disposed of” in the third and fourth lines by the word “decided”.

**587.** Section 35 of the said Act is replaced by the following section:

**“35.** Before refusing to renew, suspending or revoking a permit, licence or registration, the board shall notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the person at least 10 days to present observations.”

**588.** Section 36 of the said Act is amended by replacing the words “Each final decision of the board in a case” in the first line of the first paragraph by the words “Every decision of the board”.

**589.** Section 37 of the said Act is replaced by the following section :

**“37.** Except where otherwise provided by law, the board may review or revoke any decision it has made and in respect of which no proceeding has been brought before the Administrative Tribunal of Québec

(a) when a new fact is discovered which, if it had been known in due time, might have justified a different decision ;

(b) where the applicant or a person concerned was unable, for reasons considered sufficient, to present observations ;

(c) where a substantive or procedural defect is likely to invalidate the decision or order.”

**590.** Section 39 of the said Act is amended

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

**“39.** A copy of the decision of the board shall be transmitted to the persons concerned.”;

(2) by replacing the word “parties” in the first line of the second paragraph by the words “persons concerned”;

(3) by replacing the word “parties” in the second line of the second paragraph by the words “persons concerned”;

(4) by replacing the words “service of the decision may be made on” in the fifth line of the second paragraph by the words “notification of the decision may be made to”;

(5) by replacing the word “decision” in the first line of the third paragraph by the words “final decision in respect of which no proceeding has been brought before the Administrative Tribunal of Québec and”;

(6) by striking out the words “, when it has become final,” in the second line of the third paragraph.

**591.** Section 40 of the said Act is amended by replacing the words “extraordinary recourse provided in articles 33 and 833 to 846 of the Code of Civil Procedure (chapter C-25)” in the first, second and third lines of the first paragraph by the words “remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code”.

**592.** The said Act is amended by inserting, after section 40, the following:

## **“CHAPTER II.1**

### **“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC**

**“40.1.** Any person concerned by a decision of the board may, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec.

**“40.2.** When assessing the facts or the law, the Tribunal may not substitute its assessment of the public interest or public tranquillity for the assessment thereof made by the board before making its decision pursuant to the Act respecting racing (chapter C-72.1), the Act respecting lotteries, publicity contests and amusement machines (chapter L-6) or the Act respecting liquor permits (chapter P-9.1).”

## **ACT RESPECTING THE RÉGIE DES TÉLÉCOMMUNICATIONS**

**593.** Section 8 of the Act respecting the Régie des télécommunications (R.S.Q., chapter R-8.01) is amended, in the French text, by replacing the word “instruire” by the word “examiner”.

**594.** Section 11 of the said Act is amended by striking out the second sentence.

**595.** Section 12 of the said Act is amended

(1) by replacing the words “parties and” in the third line of the first paragraph by the words “persons concerned and to”;

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

“The Régie may pay the costs, including experts’ fees and representation expenses, incurred by the persons whose participation in its proceedings it considers expedient, or require the persons concerned by its decision to assume payment, on the terms and conditions it fixes, of such proportion of the costs as it determines.”

**596.** Section 18 of the said Act is amended

(1) by inserting the words “no remedy under” after the word “jurisdiction,” in the first line;

(2) by replacing the words “does not apply to the Régie and no extraordinary recourse provided for in articles 834 to 850 of that Code may be exercised nor any” in the second, third and fourth lines by the words “or extraordinary recourse within the meaning of that Code may be exercised and no”.

**597.** Section 21 of the said Act is amended by striking out subparagraph 3 of the first paragraph.

**598.** Section 22 of the said Act is amended by replacing the words “hear any petition and render a decision on any matter referred to it” in the first and second lines by the words “also exercise the powers conferred on it”.

**599.** Section 25 of the said Act is amended

(1) by replacing the words “serve the notice on” in the second line of the first paragraph by the words “transmit the notice to”;

(2) by replacing the word “service” in the second line of the third paragraph by the word “notification”.

**600.** Section 27 of the said Act is amended by adding, at the end, the following paragraph:

“The Régie shall, before making such a decision, notify the operating company in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the company at least 10 days to present observations.”

**601.** Section 28 of the said Act is amended, in the French text, by replacing the words “l’instance en” in the first line by the words “la procédure d”.

**602.** Section 29 of the said Act is amended

(1) by replacing the words “appeal to the Expropriation Division of the Court of Québec in respect of the compensation fixed by the Régie” in the first and second lines of the third paragraph by the words “, within 30 days of notification of the decision of the Régie fixing the compensation, contest the decision before the Administrative Tribunal of Québec”;

(2) by replacing the word “appeal” in the second line of the third paragraph by the word “proceeding”.

**603.** The said Act is amended by inserting, after section 35, the following section:

“**35.1.** Where a dispute arises concerning the application of a tariff or the provision of a telecommunications service, a user of, or an operator providing, such a service may request the intervention of the Régie so that it may endeavour to settle the matter.”

**604.** Section 36 of the said Act, amended by section 849 of chapter 2 of the statutes of 1996, is again amended



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

“(1) in the absence of an agreement to that effect, allow the use of properties owned by a local municipality in the territory of which an operating company is authorized to extend its undertaking, subject to conditions fixed by the Régie;”;

(2) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) where a dispute arises concerning the conditions fixed under subparagraph 1, and on the application of an operating company or of a local municipality, intervene and endeavour to settle the matter and, failing an agreement, fix new conditions;”.

**605.** Section 41 of the said Act is amended by replacing the word “parties” in the second line by the words “persons concerned”.

**606.** Section 42 of the said Act is replaced by the following section:

“**42.** The Régie may revise or revoke any decision it has made after allowing the persons concerned to present observations.”

**607.** Section 44 of the said Act is amended

(1) by replacing the words “allow every interested person to make representations” in the first line by the words “give every interested person the opportunity to present observations”;

(2) by striking out paragraph 1.

**608.** The heading of Division III of Chapter II of the said Act is amended by inserting the word “PUBLIC” before the word “HEARINGS”.

**609.** Section 49 of the said Act is amended by replacing the words “an attorney” by the words “a person designated for that purpose by the Régie”.

**610.** Section 50 of the said Act is amended by replacing the words “cause members of its staff or any other expert it may designate to give testimony” in the first and second lines by the words “examine under oath any member of its staff or any other expert it may designate”.

**611.** The heading of Chapter III of the said Act is replaced by the following heading:

### **“CHAPTER III**

#### **“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.**

**612.** Section 55 of the said Act is replaced by the following section:

**“55.** Any person to whom a decision of the Régie or of the Attorney General applies may, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec.

In addition, the Attorney General may, *ex officio* and without notice, intervene before the Tribunal; in such a case the Attorney General becomes a party to the proceeding.”

**613.** Section 64 of the said Act is amended by replacing the words “and practice applicable to the conduct and examination” in the first and second lines of the first paragraph by the words “for the conduct”.

**614.** Section 65.1 of the said Act is amended

(1) by replacing the words “serve notice of them on” in the first line of the third paragraph by the words “send them to”;

(2) by replacing the word “parties” in the third line of the third paragraph by the words “persons concerned by the request or application submitted to the Régie”;

(3) by replacing the word “service” in the fourth line of the third paragraph by the word “sending”.

#### **ACT RESPECTING THE RÉGIE DU GAZ NATUREL**

**615.** Section 11 of the Act respecting the Régie du gaz naturel (R.S.Q., chapter R-8.02) is amended by replacing, in the French text, the word “instruire” by the word “examiner”.

**616.** Section 12 of the said Act is amended by replacing the words “close of the hearing” in the second line of the second paragraph by the words “examination of an application or request”.

**617.** Section 13 of the said Act is amended

(1) by striking out the words “ section 39,” in the third line;

(2) by adding, at the end, the words “or to endeavour to settle a dispute pursuant to section 39”.

**618.** Section 14 of the said Act is amended by replacing the word “parties” in the third line by the words “persons concerned”.

**619.** Section 19 of the said Act, amended by section 850 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the word “tribunal,” in the first line by the words “other body”;

(2) by striking out paragraphs 3 and 4.

**620.** Section 22 of the said Act is amended by replacing the word “parties” in the second line of the second paragraph by the words “persons concerned”.

**621.** Section 23 of the said Act is amended

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

“(2) where, for reasons considered sufficient, a person having an interest in the matter was unable to present observations;”;

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

“The Régie shall allow the persons concerned to present observations.”

**622.** Section 25 of the said Act is amended by replacing the word “party” in the first line of the first paragraph by the words “person concerned”.

**623.** Section 26 of the said Act is amended

(1) by inserting the words “no remedy under” after the word “jurisdiction,” in the first line;

(2) by replacing the words “does not apply to the Régie and no extraordinary recourse provided for in articles 834 to 850” in the second and third lines by the words “or extraordinary recourse within the meaning”.

**624.** The heading of Division III of Chapter II of the said Act is amended by inserting the word “PUBLIC” before the word “HEARINGS”.

**625.** Section 28 of the said Act is amended

(1) by replacing the words “evidence by the parties” in the second line of the first paragraph by the words “relevant documents by interested persons”;

(2) by replacing the word “parties” in the first line of the second paragraph by the words “interested persons”.

**626.** Section 29 of the said Act is amended by replacing the word “counsel” by the words “a person designated for that purpose by the Régie”.

**627.** Section 30 of the said Act is replaced by the following section:

**“30.** The Régie may order an interested person or a distributor to pay all or part of the costs relating to the matters submitted to it and to the execution of its decisions, as well as expenses including experts’ fees, to the persons whose participation in its proceedings it considers expedient.”

**628.** Section 32 of the said Act is amended by replacing the word “parties” in the second line of the second paragraph by the words “interested persons”.

**629.** Section 36 of the said Act is amended by replacing the words “be heard” in the first line of the second paragraph by the words “present observations”.

**630.** Section 39 of the said Act is replaced by the following section:

**“39.** A consumer or a distributor may request the intervention of the Régie so that it may endeavour to settle a dispute between them concerning the application of a tariff or of any other condition relating to the supply, transmission or delivery of natural gas.”

**631.** Section 46 of the said Act is amended by replacing the words “heard and authorized to make representations” in subparagraph 3 of the first paragraph by the words “allowed to present observations”.

**632.** Section 47 of the said Act is amended by replacing the words “be heard” in the first and second lines by the words “present observations”.

**633.** Section 58 of the said Act, amended by section 851 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the word “parties” in the fourth line by the words “interested persons”;

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

“A distributor or a municipality may request the intervention of the Régie so that it may endeavour to assist them in reaching such an agreement.”

**634.** Section 64 of the said Act is amended by replacing the words “thereto the interested parties who wish to be heard” in the second line by the words “the interested persons to present observations”.

**635.** Section 66 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“66.** The Régie shall adopt rules applicable to the examination of applications and requests submitted to it.”

**636.** Section 68 of the said Act is amended by replacing the words “a hearing in connection therewith” in the second line of subparagraph 5 of the first paragraph by the words “or the documents that must be filed at a public hearing”.

## ACT RESPECTING THE RÉGIE DU LOGEMENT

**637.** Section 6 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is replaced by the following:

### “DIVISION I

#### “APPOINTMENT OF COMMISSIONERS

“**6.** The board is composed of commissioners appointed by the Government in the number determined by the Government.

In places where the Government considers it necessary because of the distance and where the number of applications does not appear to justify the appointment of a full-time commissioner, the Government may appoint a part-time commissioner.”

**638.** Section 7 of the said Act is replaced by the following:

### “DIVISION II

#### “RECRUITING AND SELECTION OF COMMISSIONERS

“**7.** Only a person who has at least ten years’ experience pertinent to the exercise of the functions of the board may be appointed to the board as a commissioner.

“**7.1.** Commissioners shall be selected among persons declared apt according to the recruiting and selection procedure established by government regulation. The regulation may, in particular,

(1) determine the publicity that must be given to the recruiting procedure and the content of such publicity;

(2) determine the procedure by which a person may become a candidate;

(3) authorize the establishment of selection committees to assess the aptitude of candidates and formulate an opinion concerning them;

(4) fix the composition of the committees and mode of appointment of committee members, ensuring, where appropriate, adequate representation of the sectors concerned;

(5) determine the selection criteria to be taken into account by the committees;

(6) determine the information a committee may require from a candidate and the consultations it may hold.

**“7.2.** The names of the persons declared apt shall be recorded in a register kept at the Ministère du Conseil exécutif.

A declaration of aptitude shall be valid for a period of 18 months or for such period as is determined by government regulation.

**“7.3.** Members of a selection committee shall receive no remuneration except in such cases, subject to such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, subject to the conditions and to the extent determined by the Government.

### **“DIVISION III**

#### **“TERM OF OFFICE AND RENEWAL**

**“7.4.** The term of office of a commissioner is five years, subject to the exceptions that follow.

**“7.5.** The Government may determine a shorter term of office of a fixed duration in the instrument of appointment where the candidate so requests for a valid reason or where required by special circumstances stated in the instrument of appointment.

**“7.6.** The term of office of a commissioner shall be renewed for five years

(1) unless the commissioner is notified otherwise at least three months before the expiry of his term by the agent authorized therefor by the Government; or

(2) unless the commissioner requests otherwise and so notifies the Minister at least three months before the expiry of his term.

A variation of the term of office is valid only for a fixed period of less than five years determined in the instrument of renewal and, except where requested by the commissioner for a valid reason, only where required by special circumstances stated in the instrument of renewal.

**“7.7.** The renewal of a term of office shall be examined according to the procedure established by government regulation. The regulation may, in particular,

- (1) authorize the establishment of committees;
- (2) fix the composition of the committees and the mode of appointment of committee members;
- (3) determine the criteria to be taken into account by the committees;
- (4) determine the information a committee may require from the commissioner and the consultations it may hold.

**“7.8.** Members of an examination committee shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

#### **“DIVISION IV**

##### **“PREMATURE TERMINATION OF TERM OF OFFICE AND SUSPENSION**

**“7.9.** The term of office of a commissioner may terminate prematurely only on his retirement or resignation, or on his being dismissed or otherwise removed from office in the circumstances referred to in this division.

**“7.10.** To resign, a commissioner must give the Minister reasonable notice in writing, sending a copy to the chairman of the board.

**“7.11.** The Government may dismiss a commissioner if the Conseil de la justice administrative, instituted by the Act respecting administrative justice, so recommends, after an inquiry conducted following the lodging of a complaint pursuant to section 8.2 of this Act.

The Government may also suspend the commissioner with or without remuneration for the period recommended by the Conseil.

**“7.12.** The Government may also remove a commissioner from office because of permanent disability which, in the opinion of the Government, prevents the commissioner from performing the duties of his office satisfactorily; permanent disability is ascertained by the Conseil de la justice administrative, after an inquiry conducted at the request of the Minister or of the chairman of the board.

Sections 181 to 185 of the Act respecting administrative justice, adapted as required, shall apply for such purposes.

## **“DIVISION V**

### **“OTHER PROVISIONS REGARDING TERMINATION OF DUTIES**

**“7.13.** Any commissioner may, with the authorization of and for the time determined by the chairman of the board, continue to perform his duties after the expiry of his term of office in order to conclude the cases he has begun to hear but has yet to determine; he shall be a supernumerary commissioner for the time required.

The first paragraph does not apply to a commissioner who has been dismissed or otherwise removed from office.

## **“DIVISION VI**

### **“REMUNERATION AND OTHER CONDITIONS OF OFFICE**

**“7.14.** The Government shall make regulations determining

(1) the mode of remuneration of the commissioners and the applicable standards and scales;

(2) the conditions subject to which and the extent to which a commissioner may be reimbursed the expenses incurred in the performance of his duties.

The Government may make regulations determining other conditions of office applicable to all or certain commissioners, including social benefits other than the pension plan.

The regulatory provisions may vary according to whether they apply to full-time or part-time commissioners or to a commissioner charged with an administrative office within the board.

The regulations come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

**“7.15.** The Government shall fix, in accordance with the regulations, the remuneration, social benefits and other conditions of office of the commissioners.

**“7.16.** Once fixed, a commissioner’s remuneration may not be reduced.

However, additional remuneration attaching to an administrative office within the board shall cease upon termination of such office.

**“7.17.** The pension plan of full-time commissioners shall be determined pursuant to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).



**“7.18.** A public servant appointed as a commissioner of the board ceases to be subject to the Public Service Act (chapter F-3.1.1) for all matters concerning such office; for the duration of his term of office, he is on full leave without pay for the purpose of performing his duties of office.”

**639.** The said Act is amended by inserting, before section 8, the following heading:

## **“DIVISION VII**

### **“ETHICS”.**

**640.** The said Act is amended by inserting, after section 8, the following sections:

**“8.1.** The code of ethics shall set out the rules of conduct and the duties of the commissioners towards the public, the parties, their witnesses and the persons who represent them. It shall indicate, in particular, conduct that is derogatory to the honour, dignity or integrity of the commissioners. In addition, the code of ethics may determine activities or situations that are incompatible with their office, their obligations concerning disclosure of interest, and the duties they may perform gratuitously.

The code of ethics may provide special rules applicable to part-time commissioners.

**“8.2.** Any person may lodge a complaint with the Conseil de la justice administrative against a commissioner of the board for breach of the code of ethics, of a duty under this Act or of the prescriptions governing conflicts of interest and incompatible functions.

**“8.3.** A complaint must be in writing and must briefly state the reasons on which it is based.

It shall be transmitted to the seat of the Conseil.

**“8.4.** The provisions of sections 172 to 180 of the Act respecting administrative justice, adapted as required, shall apply to the examination of a complaint against a commissioner.”

**641.** Section 9 of the said Act is replaced by the following:

## **“DIVISION VIII**

### **“ADMINISTRATIVE OFFICE**

**“9.1.** The Government shall designate, among the commissioners of the board, a chairman and two vice-chairmen.

**“9.2.** The chairman and vice-chairmen shall exercise their duties on a full-time basis.

**“9.3.** The administrative office of the chairman or a vice-chairman is of a fixed duration determined in the instrument of appointment or renewal.

**“9.4.** The administrative office of the chairman or a vice-chairman may terminate prematurely only on the commissioner’s relinquishing such office, on the premature termination or non-renewal of his term of office as a commissioner, or on his removal or dismissal from his administrative office in the circumstances referred to in this division.

**“9.5.** The Government may remove the chairman or a vice-chairman from his administrative office if the Conseil de la justice administrative so recommends, after an inquiry conducted at the Minister’s request concerning a lapse pertaining only to his administrative duties.

Sections 181 to 185 of the Act respecting administrative justice, adapted as required, shall apply for such purposes.

## **“DIVISION IX**

### **“DUTIES AND POWERS OF COMMISSIONERS**

**“9.6.** Before taking office, every commissioner shall take an oath, solemnly affirming the following: “ I (...) swear that I will exercise the powers and fulfill the duties of my office impartially and honestly and to the best of my knowledge and abilities.”

The oath shall be taken before the chairman of the board. The chairman of the board shall take the oath before a judge of the Court of Québec.

The writing evidencing the oath shall be sent to the Minister of Justice.

**“9.7.** A commissioner may not, on pain of forfeiture of office, have a direct or indirect interest in any enterprise that could cause a conflict between his personal interest and his duties of office, unless the interest devolves to him by succession or gift and he renounces it or disposes of it with dispatch.

In addition to observing conflict of interest requirements and the rules of conduct and duties imposed by the code of ethics adopted under this Act, a commissioner may not pursue an activity or place himself in a situation incompatible, within the meaning of the code of ethics, with the exercise of his office.

**“9.8.** The commissioners are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

No judicial proceedings may be brought against them by reason of an act done in good faith in the performance of their duties.”

**642.** Section 10 of the said Act is replaced by the following:

**“DIVISION X**

**“OPERATION, MANAGEMENT AND ADMINISTRATION  
OF THE BOARD**

**“10.** In addition to the powers and duties that may otherwise be assigned to him, the chairman is charged with the administration and general management of the board.

The duties of the chairman include

(1) fostering the participation of commissioners in the formulation of guiding principles for the board so as to maintain a high level of quality and coherence of decisions;

(2) coordinating the activities of and assigning work to the commissioners who shall comply with his orders and directives in that regard;

(3) seeing to the observance of standards of ethical conduct; and

(4) promoting professional development of the commissioners as regards the exercise of their functions.

The vice-chairman designated for such purpose by the chairman may exercise the functions set out in subparagraph 2 of the second paragraph.

**“10.1.** The chairman shall establish a code of ethics applicable to conciliators and shall see that it is observed.

The code of ethics comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

**“10.2.** The chairman or the vice-chairman designated by the chairman shall determine which commissioners are to take part in the various sittings of the board.”

**643.** Section 13 of the said Act is amended by replacing the word “Commissioners” in the first line by the words “Full-time commissioners”.

**644.** Sections 14, 15, 16 and 17 of the said Act are repealed.

**645.** Section 20 of the said Act is amended by striking out the words “commissioner nor any” in the first line.

## ACT RESPECTING THE QUÉBEC PENSION PLAN

**646.** Section 26 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by striking out the last sentence.

**647.** Section 28 of the said Act is replaced by the following section:

**“28.** Except on a question of jurisdiction, no extraordinary recourse within the meaning of the Code of Civil Procedure (chapter C-25) may be exercised and no injunction may be granted against the Board or the members of the board of directors acting in their official capacity.”

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

**“29.** A judge of the Court of Appeal may, upon a motion, annul by summary proceeding any writ, order or injunction issued or granted contrary to section 27 or 28.”

**649.** Section 150 of the said Act is amended by replacing the words “the application for review or the bringing of an appeal by the debtor” in the first and second lines of the second paragraph by the words “an application for review or a proceeding brought before the Administrative Tribunal of Québec by a debtor”.

**650.** Section 151 of the said Act is amended

(1) by replacing the words “bringing an appeal or, where applicable, on the day following a decision of the Commission des affaires sociales confirming all or part of the decision of the Board” in the second, third and fourth lines of the first paragraph by the words “for contesting the review decision before the Administrative Tribunal of Québec and if no proceeding has been brought”;

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) attesting to the debtor’s failure to apply for a review of the decision rendered under section 149 or, as the case may be, to bring a proceeding before the Administrative Tribunal of Québec against a review decision upholding that decision.”;

(3) by striking out the words “or of the Commission des affaires sociales” in the second and third lines of the second paragraph.

**651.** The heading of Title V of the said Act is replaced by the following heading:

**“REVIEW AND PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.**

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

**“186.** The Board may, on its own initiative or on the application of an interested person, review any decision it has rendered.

The application must be made in writing within one year from the date on which the contested decision was notified, and must state briefly the grounds on which it is based.

The Board may extend the time limit or relieve a person of the consequences of his failure to comply with it if the person shows that the application for review cannot or could not, for a valid reason, be made within the prescribed time.”

**653.** Section 187 of the said Act is amended by adding, at the end, the following paragraph :

“The decision must be in writing, state the grounds on which it is based and be sent to the interested person together with a mention of his right to contest the decision before the Administrative Tribunal of Québec within the stated time.”

**654.** Section 188 of the said Act is replaced by the following :

### **“DIVISION III**

#### **“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC**

**“188.** Every review decision rendered by the Board may, within 60 days of notification, be contested before the Administrative Tribunal of Québec.”

**655.** Section 189 of the said Act is amended

(1) by replacing the words “Commission des affaires sociales” in the first line by the words “Administrative Tribunal of Québec”;

(2) by replacing the words “appeal lies from a decision of” in the second line by the words “proceeding may be brought against a review decision rendered by”.

#### **ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES**

**656.** Section 132.1.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) is amended

(1) by inserting the words “to the Commission” after the word “review” in the second line of the first paragraph;

(2) by replacing the words “the Commission des affaires sociales” in the fifth line of the first paragraph by the word “arbitrator”.

**657.** Section 140 of the said Act is amended

(1) by inserting the words “to the Commission” after the word “apply” in the first line of the first paragraph;

(2) by replacing the words “the Commission” in the second line of the first paragraph by the word “it”;

(3) by striking out the words “to the Commission” in the first line of the second paragraph.

**658.** Section 141 of the said Act, amended by section 8 of chapter 20 of the statutes of 1994 and replaced by section 13 of chapter 70 of the statutes of 1995, is again amended by replacing the words “to hear” in the first paragraph by the words “within the Commission to decide”.

**659.** Section 142 of the said Act, amended by section 9 of chapter 20 of the statutes of 1994, is again amended

(1) by inserting the words “, after giving the person who applied for review the opportunity to present observations,” after the word “must” in the first line of the first paragraph;

(2) by striking out the words “de réexamen” in the second line of the first paragraph of the French text;

(3) by replacing the word “applicant” in the second line of the first paragraph by the word “person”;

(4) by replacing the word “parties” in the first line of the fourth paragraph by the words “persons concerned”.

#### **ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS**

**660.** The Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by replacing the word “APPEAL” in the heading of Chapter X by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**661.** Section 72 of the said Act is amended by replacing the words “to hear” in the first line of the first paragraph by the words “within the Commission to decide”.

**662.** Section 73 of the said Act is amended

(1) by inserting the words “, after giving the person who applied for review the opportunity to present observations,” after the word “must” in the first line of the first paragraph;

(2) by striking out the words “for review” in the first line of the first paragraph;

(3) by replacing the word “applicant” in the second line of the first paragraph by the word “person”.

**663.** Section 74 of the said Act is amended by replacing the words “within 90 days of the date of mailing of the written notice of the review committee, appeal to the Commission des affaires sociales” in the second, third and fourth lines by the words “within 60 days of the date of notification of the decision of the review committee or of the fact that the opinions of the committee members were equally divided, contest the decision, or the decision of the Commission that is deemed to have been confirmed pursuant to section 73, before the Administrative Tribunal of Québec.”

#### **ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN**

**664.** Section 179 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by inserting the words “to the Commission” after the word “made” in the first line of the second paragraph.

**665.** Section 216.1 of the said Act, amended by section 22 of chapter 20 of the statutes of 1994, is again amended by replacing the words “its decision is quashed” in the third line of the fourth paragraph by the words “a decision to the contrary is made”.

**666.** Schedule I to the said Act, amended by Orders in Council 1321-94, 1322-94, 1323-94 and 1324-94 dated 7 September 1994, 1800-94 dated 21 December 1994, 538-95 dated 26 April 1995, 928-95 dated 5 July 1995, 1194-95 dated 6 September 1995 and 1506-95 dated 22 November 1995, 81-96 dated 24 January 1996, 556-96 and 557-96 dated 15 May 1996, 821-96 dated 3 July 1996, 1051-96 dated 28 August 1996, and by section 49 of chapter 21 of the statutes of 1994, section 20 of chapter 27 of the statutes of 1995 and section 20 of chapter 46 of the statutes of 1995, is again amended

(1) by striking out the words “the Commission des affaires sociales” in paragraph 3;

(2) by striking out paragraph 7.

**667.** Schedule III to the said Act, amended by Orders in Council 1324-94 dated 7 September 1994 and 928-95 dated 5 July 1995, and by section 22 of chapter 46 of the statutes of 1995, is again amended by striking out the words “the Commission des affaires sociales”.

## ACT RESPECTING THE TEACHERS PENSION PLAN

**668.** Section 10.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11), amended by section 24 of chapter 20 of the statutes of 1994, is again amended by replacing the words “its decision is quashed” in the third line of the fourth paragraph by the words “a contrary decision is made”.

## ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

**669.** Section 111.0.1 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 25 of chapter 20 of the statutes of 1994, is again amended by replacing the words “its decision is quashed” in the third line of the fourth paragraph by the words “a contrary decision is made”.

**670.** Schedule II to the said Act is amended by replacing paragraph 2 by the following paragraphs:

“2. THE MEMBERS OF THE OFFICE DES PROFESSIONS DU QUÉBEC.

“2.1 THE FULL-TIME MEMBERS OF THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC ESTABLISHED UNDER THE ACT RESPECTING ADMINISTRATIVE JUSTICE (*insert here the year and chapter number of that Act*), OTHER THAN PERSONS REFERRED TO BOTH IN THE FOURTH PARAGRAPH OF SECTION 65 OF CHAPTER 31 OF THE STATUTES OF 1993 AND IN PART VI OR VI.1 OF THE COURTS OF JUSTICE ACT (CHAPTER T-16)”.

**671.** Schedule IV to the said Act is amended by striking out the words “the Commission des affaires sociales”.

## WATERCOURSES ACT

**672.** Section 13 of the Watercourses Act (R.S.Q., chapter R-13) is amended by replacing the words “Expropriation Division of the Court of Québec” in subsection 2 by the words “Administrative Tribunal of Québec”.

**673.** Section 14 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” in the second line by the words “Administrative Tribunal of Québec”.

**674.** Section 15 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” in the second and third lines by the words “Administrative Tribunal of Québec”.

**675.** Section 23 of the said Act is amended by striking out the words “by petition” in the first line.



**676.** Section 25 of the said Act is amended by replacing the words “Expropriation Division of the Court of Québec” in the fifth and sixth lines by the words “Administrative Tribunal of Québec”.

**677.** Section 35 of the said Act is amended by replacing the words “by petition to the Government, and forward such petition” in the second and third lines of subsection 1 by the words “apply to the Government for approval of the plans and specifications. The application must be forwarded”.

**678.** Section 59 of the said Act is amended by replacing the words “by petition to the Government, and forward such petition” in the second line by the words “apply to the Government for approval of the plans and specifications. The application must be forwarded”.

**679.** Section 65 of the said Act is amended by replacing the word “petition” in the second line of the first paragraph by the word “application”.

**680.** Section 74 of the said Act is amended by replacing the words “by petition to the Government, and forward such petition” in the second line by the words “apply to the Government for approval of the plans and specifications. The application must be forwarded”.

#### SUPPLEMENTAL PENSION PLANS ACT

**681.** Section 28 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is amended by replacing the words “submit their views” in the second line by the words “present observations”.

**682.** Section 32 of the said Act is amended by replacing the words “submit their views” in the second line of the second paragraph by the words “present observations”.

**683.** Section 184 of the said Act is amended

(1) by replacing the words “submit their views” in the third and fourth lines by the words “present observations”;

(2) by replacing the words “obtaining their views” in the fifth line by the words “giving them such an opportunity”.

**684.** Section 187 of the said Act is amended by replacing the words “submit his or its views” in the fourth line of the first paragraph by the words “present observations”.

**685.** Section 188 of the said Act is amended by replacing the words “submit their views” in the fourth line of the second paragraph by the words “present observations”.

**686.** Section 199 of the said Act is amended by replacing the words “its views” in the third line of the third paragraph by the word “observations”.

**687.** Section 203 of the said Act is amended by replacing the words “submit representations” in the second line of subparagraph 4 of the first paragraph by the words “present observations”.

**688.** Section 205 of the said Act is amended by replacing the words “make representations” in the second and third lines of the first paragraph by the words “present observations”.

**689.** The heading of Chapter XIV of the said Act is amended by adding, at the end, the words “AND PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**690.** Section 241 of the said Act is amended

(1) by striking out the words “or by any person or committee exercising a delegated power” in the second and third lines of the first paragraph;

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

“The application for review must be made in writing, within 60 days of notification of the contested decision or order, and must state briefly the grounds on which it is based.

The Régie may extend the 60-day time limit or relieve a person of the consequences of failing to comply with it if it is shown that the application for review cannot or could not, for a valid reason, be made within the prescribed time.

The application for review suspends execution of the contested decision or order, unless the Régie orders provisional execution where so justified by circumstances.”

**691.** Section 242 of the said Act is replaced by the following section:

“**242.** The Régie shall dispose of the application for review without delay and after giving all interested persons an opportunity to present observations.

The decision of the Régie must state the grounds on which it is based and be notified in writing to the interested persons.”

**692.** Section 243 of the said Act is replaced by the following section:

“**243.** A review decision rendered by the Régie may, within 30 days of notification of the decision, be contested before the Administrative Tribunal of Québec.”

**693.** Section 244 of the said Act is amended by replacing the words “rules of proof and procedure” in the first line of subparagraph 13 of the first paragraph by the word “procedure”.

**694.** Section 254 of the said Act is amended by replacing the words “in a matter upon which a decision must be rendered by the Régie” in the first and second lines of the first paragraph by the words “for the purposes of a decision”.

**695.** Section 286 of the said Act is amended, in the French text, by replacing the word “affaires” in the second line of the first paragraph by the word “questions”.

**696.** Section 288.2 of the said Act is amended by replacing the word “cases” in the second and seventh lines by the word “applications”.

#### ACT RESPECTING SUPPLEMENTAL PENSION PLANS

**697.** Sections 14 and 15 of the Act respecting supplemental pension plans (R.S.Q., chapter R-17) are repealed.

**698.** The said Act is amended by inserting, after section 22, the following division:

#### “DIVISION III.1

#### “REVIEW AND PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

**“22.1.** The Board may, on its own initiative or on the application of any interested person, review any decision it has rendered.

An application must be made in writing, within 60 days of notification of the contested decision, and must state briefly the grounds on which it is based.

The Board may extend the 60-day time limit or relieve a person of the consequences of failing to comply with it if it is shown that the application for review cannot or could not, for a valid reason, be made within the prescribed time.

The application for review suspends execution of the contested decision, unless the Board orders provisional execution where so justified by circumstances.

**“22.2.** The Board shall dispose of the application for review without delay and after giving all interested persons an opportunity to present observations.

The decision of the Board must state the grounds on which it is based and be notified in writing to the interested persons.

**“22.3.** A review decision rendered by the Board may, within 30 days of notification of the decision, be contested before the Administrative Tribunal of Québec.”

**699.** Section 29 of the said Act is amended by replacing the second and third paragraphs by the following paragraphs:

“The Board shall ensure compliance with this section.

Any person who believes that an amendment infringes this section may file a complaint with the Board to instigate an inquiry.”

## ACT RESPECTING SAFETY IN SPORTS

**700.** Section 11 of the Act respecting safety in sports (R.S.Q., chapter S-3.1) is amended by replacing the words “a commissioner to sit alone at” in the first and second lines of the third paragraph by the words “one commissioner to hold”.

**701.** Sections 16.1, 16.2 and 16.3 of the said Act are replaced by the following section:

**“16.1.** Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised nor any injunction granted against the board or against any of its members acting in their official capacity.

A judge of the Court of Appeal may, upon a motion, annul by summary proceeding any proceeding brought or decision rendered contrary to the first paragraph.”

**702.** Section 16.4 of the said Act is amended by striking out the words “or a hearing” in the second line.

**703.** Section 29 of the said Act is amended by replacing the words “bring an appeal before” in the fourth and fifth lines by the words “apply for a review by”.

**704.** Section 38 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“38.** Before refusing to issue, cancelling or suspending a licence, the board shall notify the applicant or holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the applicant or holder at least 10 days to present observations.”

**705.** The heading of Chapter VI of the said Act is replaced by the following heading:

**“REVIEW AND PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.**

**706.** The heading of Division I of Chapter VI of the said Act is replaced by the following heading:

**“REVIEW BY THE BOARD”.**

**707.** Section 47 of the said Act is amended by replacing the words “appeal from the decision to the board” in the second and third lines by the words “apply to the board for a review of the decision”.

**708.** Section 48 of the said Act is amended

(1) by replacing the words “appeal is brought by a motion” in the first line of the first paragraph by the words “application for review is”;

(2) by striking out the second paragraph.

**709.** Section 49 of the said Act is amended by replacing the word “appeal” in the first line by the words “application for review”.

**710.** Section 50 of the said Act is replaced by the following section:

**“50.** When examining a file, the board must give the applicant the opportunity to present observations.”

**711.** Sections 51 and 52 of the said Act are repealed.

**712.** Section 53 of the said Act is amended by replacing the word “party” in the second line by the words “interested person”.

**713.** The heading of Division II of Chapter VI of the said Act is replaced by the following heading:

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.**

**714.** Section 53.1 of the said Act is amended by replacing the words “appeal to the Court of Québec” in the seventh line by the words “, within 30 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”.

**715.** Sections 53.2 to 53.7 of the said Act are repealed.

**716.** Section 55 of the said Act is amended

(1) by replacing the words “for any appeal brought before it or for any hearing it may hold” in the first and second lines of paragraph 8 by the words “applicable to the examination of questions falling within its jurisdiction”;

(2) by replacing the words “section 27” in the second line of paragraph 9 by the words “sections 27 and 47”.

#### ACT RESPECTING INCOME SECURITY

**717.** Section 43 of the Act respecting income security (R.S.Q., chapter S-3.1.1) is amended

(1) by replacing the words “to apply for a review or to file an appeal,” in the second line by the words “for applying for a review of the decision requiring payment or for contesting the review decision before the Administrative Tribunal of Québec”;

(2) by replacing the words “the Commission des affaires sociales” in the third and fourth lines by the words “that tribunal”.

**718.** Section 60 of the said Act, amended by section 244 of chapter 1 of the statutes of 1995, is again amended by replacing the words “or an appeal has been filed” in the fourth and fifth lines of the second paragraph by the words “has been filed or a proceeding has been brought before the Administrative Tribunal of Québec”.

**719.** Section 67 of the said Act is amended by replacing the words “his views” in the first line of the second paragraph by the word “observations”.

**720.** The heading of Chapter VI of the said Act is amended by replacing the word “APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**721.** Section 76 of the said Act is amended by replacing the words “his views” in the fifth line of the first paragraph by the word “observations”.

**722.** Section 77 of the said Act, amended by section 17 of chapter 69 of the statutes of 1995, is again amended by replacing the words “application shall be heard” in the first and second paragraphs by the words “review shall be carried out”.

**723.** Section 78 of the said Act is amended

(1) by replacing the words “appealed from to the Commission des affaires sociales” in the second and third lines of the second paragraph by the words “contested before the Administrative Tribunal of Québec”;

(2) by replacing the word "Commission" in the fourth line of the second paragraph by the word "Tribunal".

**724.** Section 79 of the said Act is amended

(1) by replacing the words "Commission des affaires sociales" in the third line of the first paragraph by the words "Administrative Tribunal of Québec";

(2) by replacing the words "file an appeal" in the third line of the second paragraph by the words "contest the decision before the Administrative Tribunal of Québec".

**725.** Section 81 of the said Act is amended by replacing the words "appeal therefrom to the Commission des affaires sociales within the period and according to the procedure provided for in the Act respecting the Commission des affaires sociales (chapter C-34)" in the second, third and fourth lines by the words "contest the decision before the Administrative Tribunal of Québec within 60 days of notification".

**726.** Section 81.1 of the said Act, enacted by section 18 of chapter 69 of the statutes of 1995, is amended by replacing the words "Commission des affaires sociales" by the words "Administrative Tribunal of Québec".

**727.** Section 82 of the said Act is amended by replacing the words "is reviewed or appealed from" in the first and second lines by the words "or a proceeding brought under section 81 against a decision reviewing such a decision is reviewed".

**728.** Section 83 of the said Act is amended

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

**"83.** In the case of a proceeding involving the determination of benefits paid under Chapter III, the Administrative Tribunal of Québec must suspend the hearing where, at the request of the Minister of Revenue or of the person who brought the proceeding, it is established that the person, his spouse or a dependent child has served an opposition or filed an appeal in respect of an assessment under the Taxation Act (chapter I-3) for the year which is the subject of the proceeding and that such opposition or appeal may cause the amounts referred to in section 82 to vary.";

(2) by replacing the word "appellant" in the fourth line of the second paragraph by the words "person who brought the proceeding referred to in the first paragraph".

ACT RESPECTING INCOME SECURITY FOR CREE HUNTERS AND TRAPPERS WHO ARE BENEFICIARIES UNDER THE AGREEMENT CONCERNING JAMES BAY AND NORTHERN QUÉBEC

**729.** Section 31.7 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) is amended by replacing the words “appeal is brought” in the second line by the words “application for a review of the decision has been brought before the general meeting”.

**730.** Section 31.9 of the said Act is amended by replacing the words “his views” in the second line by the word “observations”.

**731.** Section 31.10 of the said Act is amended by replacing the word “appeal” in the third line of the second paragraph by the words “bring an application for a review of the decision before the general meeting under section 31.12”.

**732.** The said Act is amended by striking out the following heading:

**“DIVISION III**

**“APPEAL”.**

**733.** Section 31.12 of the said Act is amended by replacing the words “appeal to” in the second line of the first paragraph by the words “bring an application for review before”.

**734.** Section 31.13 of the said Act is amended by replacing the words “his views” in the second line by the word “observations”.

**735.** Section 31.14 of the said Act is amended by replacing the words “confirm or quash a decision submitted to it” in the first and second lines of the first paragraph by the words “, following its review, confirm or quash the decision”.

**736.** Section 31.16 of the said Act is amended

(1) by replacing the word “appeal” in the second line of the first paragraph by the words “make an application for review”;

(2) by replacing the word “appeal” in the second line of the second paragraph by the word “application”.

**737.** Section 31.17 of the said Act is amended by replacing the words “confirm or quash a decision submitted to it” by the words “, following its review, confirm or quash the decision”.



**738.** Sections 31.18 and 31.19 of the said Act are replaced by the following:

**“DIVISION III**

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC**

**“31.18.** No application for review made under section 31.12 or 31.16 shall suspend the decision of the local committee or the general meeting, as the case may be.

**“31.19.** Every person who believes himself aggrieved by a decision of the Board under section 31.17 may contest the decision before the Administrative Tribunal of Québec in accordance with section 40.”

**739.** Section 39 of the said Act is amended

(1) by replacing the words “at the request” in the fourth line of the first paragraph by the words “on the application”;

(2) by replacing the word “appeal” in the first line of the fourth paragraph by the word “application”;

(3) by replacing the last sentence of the sixth paragraph by the following sentence: “It shall immediately give notice in writing to the complainant of the decision rendered, the reasons on which it is based and his right to contest the application before the Administrative Tribunal of Québec.”

**740.** The said Act is amended by inserting, after section 39, the following heading:

**“CHAPTER VI.1**

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC”.**

**741.** Section 40 of the said Act is amended by replacing the words “appeal to the Commission des affaires sociales in accordance with the Social Affairs Commission Act (chapter C-34)” in the second, third and fourth lines by the words “, within 60 days of notification, contest the decision before the Administrative Tribunal of Québec”.

**ACT RESPECTING CORRECTIONAL SERVICES**

**742.** Section 22.9 of the Act respecting correctional services (R.S.Q., chapter S-4.01) is amended by replacing the words “be heard” in the first line by the words “present observations”.

**743.** Section 22.12 of the said Act is amended by replacing the words “appeal from” in the second line by the word “contest”.

**744.** Section 22.14.1 of the said Act is amended by replacing the words “be heard” in the first line of the second paragraph by the words “present observations”.

**745.** Section 23 of the said Act is amended

(1) by replacing the words “be heard and” in the third line of subparagraph 4 of paragraph *d.1* by the words “present observations and be”;

(2) by replacing the words “be heard by” in the fourth line of subparagraph 5 of paragraph *d.1* by the words “present observations to”.

#### ACT RESPECTING CHILD DAY CARE

**746.** Section 12 of the Act respecting child day care (R.S.Q., chapter S-4.1), amended by section 13 of chapter 16 of the statutes of 1996, is again amended by replacing the words “Office renews it or until the Office decides it where the holder has had the opportunity to be heard in accordance with section 20” in the third, fourth and fifth lines of the third paragraph by the words “decision is made”.

**747.** Section 20 of the said Act, amended by section 22 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the words “give the applicant or permit holder an opportunity to be heard” in the second and third lines of the first paragraph by the words “notify the applicant or permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the applicant or permit holder at least 10 days to present observations”;

(2) by striking out the second paragraph.

**748.** Section 27 of the said Act is amended

(1) by replacing the words “be heard” in the second line of the first paragraph by the words “present observations”;

(2) by replacing the words “representations the permit holder has made before it” in the second line of the second paragraph by the words “observations the permit holder has presented”.

**749.** The heading of Division V of Chapter II of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC”.

**750.** Section 42 of the said Act, amended by section 38 of chapter 16 of the statutes of 1996, is again amended

(1) by replacing the words “appeal from the decision of the bureau to the Commission des affaires sociales” in the second and third lines of the first paragraph by the words “, within 60 days of notification of the decision of the bureau, contest the decision before the Administrative Tribunal of Québec”;

(2) by striking out subparagraphs 1, 2 and 3 of the first paragraph and the second paragraph.

**751.** Section 43 of the said Act, amended by section 39 of chapter 16 of the statutes of 1996, is repealed.

**752.** Section 44 of the said Act, amended by section 40 of chapter 16 of the statutes of 1996, is again amended by replacing the words “, upon summary motion, apply to the Commission des affaires sociales” in the fifth and sixth lines of the first paragraph by the words “, within 60 days of notification of the refusal, apply to the Administrative Tribunal of Québec”.

**753.** Section 45 of the said Act is amended

(1) by replacing the words “appeal from the decision to the Commission des affaires sociales” in the second and third lines of the first paragraph by the words “, within 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec”;

(2) by striking out the second paragraph.

#### ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**754.** Section 27 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing the words “apply to the Commission des affaires sociales” in the fourth and fifth lines of the first paragraph by the words “, within 60 days of the date on which the refusal was notified to him, contest the decision before the Administrative Tribunal of Québec”.

**755.** Section 148 of the said Act is amended

(1) by replacing the words “Commission des affaires sociales” in the first and second lines of the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by inserting, after the first paragraph, the following paragraphs:

“The motion must be presented within 60 days of the date on which the results of the election are known.

On receipt of the motion, the secretary of the Tribunal shall send a copy to the person against whom the proceedings are brought and to the Minister of Health and Social Services. The Minister may intervene at any stage in the proceeding and in such case is a party thereto.”;

(3) by replacing the word “Commission” in the first line of the second paragraph by the word “Tribunal”;

(4) by replacing the word “Commission” in the first line of the third paragraph by the word “Tribunal”.

**756.** Section 190 of the said Act is amended by replacing the words “Commission des affaires sociales” in the fifth and sixth lines of the second paragraph by the words “Administrative Tribunal of Québec”.

**757.** Section 205 of the said Act is amended by replacing the words “appeal therefrom to the Commission des affaires sociales” in the fourth and fifth lines by the words “contest the decision before the Administrative Tribunal of Québec within 60 days of the date on which the decision was notified to him”.

**758.** Section 218 of the said Act is amended by replacing the words “Commission des affaires sociales” in the third and fourth lines of the second paragraph and in the third line of the third paragraph by the words “Administrative Tribunal of Québec”.

**759.** Section 252 of the said Act is amended

(1) by replacing the words “appeal therefrom to the Commission des affaires sociales” in the third and fourth lines of the first paragraph by the words “, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”;

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

“He may also apply to the Tribunal within 60 days of the expiry of the time prescribed in section 241, as if the decision were unfavourable, if no decision on his application for appointment has been sent to him within the time prescribed in that section.”

**760.** Section 253 of the said Act is amended by replacing the words “appeal therefrom to the Commission des affaires sociales” in the second and third lines by the words “, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”.

**761.** Section 365 of the said Act is amended by replacing the words “be heard” in the last line by the words “present observations”.

**762.** Section 435 of the said Act, amended by section 51 of chapter 36 of the statutes of 1996, is again amended by replacing the words “also give the institutions concerned an opportunity to submit their views” in the fifth and sixth lines of the second paragraph by the words “, pursuant to section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*), advise the institutions concerned and give them the opportunity to present observations”.

**763.** Section 449 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**449.** The Minister shall, before suspending, cancelling or refusing to renew a permit, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations.”

**764.** Section 450 of the said Act is amended

(1) by replacing the words “appeal from the Minister’s decision to the Commission des affaires sociales” in the second and third lines by the words “contest the Minister’s decision before the Administrative Tribunal of Québec within 60 days of the date on which the decision was notified to him.”;

(2) by striking out paragraphs 1, 2 and 3.

**765.** Section 451 of the said Act is repealed.

**766.** Section 453 of the said Act is replaced by the following section:

“**453.** The person concerned by the Minister’s decision under section 452 may contest the decision before the Administrative Tribunal of Québec.

The Minister may, if no proceeding is brought within 10 days of notification of the decision, evacuate and relocate the persons lodged in a facility referred to in section 452; however, if the decision is contested before the Tribunal, the Minister cannot act before a decision is rendered by the Tribunal.”

**767.** Section 460 of the said Act is amended by replacing the words “give the person concerned an opportunity to be heard and seek the advice of the regional board” in the second and third lines of the second paragraph by the words “obtain the advice of the regional board and notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice and allow the person at least 10 days to present observations”.

**768.** Section 494 of the said Act is amended by replacing the words “be heard” in the third line by the words “present observations”.

**769.** Section 517 of the said Act is amended

(1) by replacing the words “appeal to the Commission des affaires sociales from” in the first line by the words “contest before the Administrative Tribunal of Québec”;

(2) by adding, after the words “section 514”, the following: “within 60 days of the date on which the decision was notified to him”.

**770.** Section 530.16 of the said Act, enacted by section 1 of chapter 58 of the statutes of 1993, is amended

(1) by replacing the words “Commission des affaires sociales” in the first and second lines of the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the words “and fourth” in the first line of the second paragraph by the words “, fourth and fifth”.

**771.** Section 606.1 of the said Act is amended

(1) by replacing the words “Commission des affaires sociales” in the first and second lines of the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the second and third paragraphs by the following paragraph:

“A motion in contestation or annulment of an election presented under this section is deemed to be a motion presented under section 148.”;

(3) by replacing the words “and fourth” in the fourth paragraph by the words “, fourth and fifth”.

## ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

**772.** Section 1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended by striking out subparagraph *r* of the first paragraph.

**773.** Section 7 of the said Act is amended

(1) by inserting the words “d’accès à l’information” after the word “Commission” in the third line of the sixth paragraph;

(2) by replacing the words “apply to the Commission d’accès à l’information” in the fourth and fifth lines of the sixth paragraph by the words “, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”.

**774.** Section 19 of the said Act is amended by replacing the words “make a request to the Commission; such request shall be dealt with in accordance with the Act respecting the Commission des affaires sociales (chapter C-34)” in the fourth, fifth and sixth lines of the second paragraph by the words “present a motion to the Administrative Tribunal of Québec”.

**775.** Section 24 of the said Act is amended

(1) by replacing the word “Commission” in the ninth paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the word “Commission” in the tenth paragraph by the word “Tribunal”;

(3) by replacing the word “Commission” in the eleventh paragraph by the word “Tribunal”.

**776.** Section 48 of the said Act is amended

(1) by replacing the word “Commission” in the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by replacing the word “Commission” in the second paragraph by the word “Tribunal”;

(3) by replacing the word “Commission” in the third paragraph by the word “Tribunal”.

**777.** Section 59 of the said Act is amended

(1) by replacing the word “Commission” in the first line of the first paragraph by the words “Administrative Tribunal of Québec”;

(2) by inserting, after the first paragraph, the following paragraphs:

“The motion must be presented within 60 days of the date on which the results of the election are known.

On receipt of the motion, the secretary of the Tribunal shall send a copy to the person against whom the proceedings are brought and to the Minister of Health and Social Services. The Minister may intervene at any stage in the proceeding and in such case is a party thereto.”;

(3) by replacing the word “Commission” in the first line of the second paragraph by the word “Tribunal”;

(4) by replacing the word “Commission” in the first and second lines of the third paragraph by the word “Tribunal”.

**778.** Section 87 of the said Act is repealed.

**779.** Section 114 of the said Act is amended by replacing the word “Commission” in the seventh line of the third paragraph by the words “Administrative Tribunal of Québec”.

**780.** Section 121 of the said Act is amended by replacing the words “make representations” in the second line of the third paragraph by the words “present observations”.

**781.** Section 132 of the said Act is amended

(1) by replacing the words “appeal to the Commission” in the third line of the first paragraph by the words “, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”;

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

“He may also apply to the Tribunal within 60 days of the expiry of the time prescribed in the fourth paragraph of section 130, as if the decision were unfavourable, if no decision on his application for appointment has been sent to him within the time prescribed in that paragraph.”;

(3) by replacing the words “appeal to the Commission” in the second line of the third paragraph by the words “contest the decision before the Tribunal”.

**782.** Section 139.1 of the said Act is amended by replacing the words “must give the institution concerned the opportunity to make representations to him” in the second and third lines of the third paragraph by the words “shall, pursuant to section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*), advise the institution concerned and give it the opportunity to present its observations”.

**783.** The heading of subdivision 2 of Division VI of the said Act is amended by replacing the word “*appeals*” by the words “*proceeding before the Administrative Tribunal of Québec*”.

**784.** Section 147 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**147.** The Minister shall, before suspending, cancelling or refusing to renew a permanent permit, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations.”

**785.** Section 148 of the said Act is amended



(1) by replacing the words “appeal from the Minister’s decision to the Commission” in the second line by the words “contest the Minister’s decision before the Administrative Tribunal of Québec within 60 days of the date on which the decision was notified to him.”;

(2) by striking out paragraphs *a*, *b* and *c*.

**786.** Section 149 of the said Act is repealed.

**787.** Section 149.25.4 of the said Act is amended

(1) by replacing the words “its views” in the second line of the second paragraph by the word “observations”;

(2) by replacing the words “representations made” in the third line of the second paragraph by the words “observations presented”.

**788.** Section 162 of the said Act is amended

(1) by replacing the words “may appeal before the Commission from any” in the first line by the words “concerned by a”;

(2) by adding, at the end, the words “may, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”.

**789.** Section 166 of the said Act is amended

(1) by replacing the words “its point of view” in the third line of the first paragraph by the word “observations”;

(2) by replacing the words “representations the institution or the regional council has made” in the first and second lines of the second paragraph by the words “observations the institution or the regional council has presented”.

**790.** Section 182.1 of the said Act is replaced by the following section:

**“182.1.** The person concerned by the Minister’s decision under section 182 may contest the decision before the Administrative Tribunal of Québec.

The Minister may, if no proceeding is brought within 10 days of notification of the decision, evacuate and relocate the persons lodged in a facility referred to in section 182; however, if the decision is contested before the Tribunal, the Minister cannot act before a decision is rendered by the Tribunal.”

## ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

**791.** Section 30.1.1 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13) is amended by replacing the word “heard” in the second line of the first paragraph by the word “examined”.

**792.** Section 30.2 of the said Act is amended by replacing the words “thereunder governing the procedure and proof applicable before the board” in the third and fourth lines by the words “applicable to the examination of a matter by the board”.

**793.** Section 35 of the said Act, amended by section 12 of chapter 34 of the statutes of 1996, is again amended by replacing the words “procedure and proof applicable before the board” in the fourth line of the second paragraph by the words “rules applicable to the examination of a matter by the board”.

**794.** The heading of Division III.1 of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**795.** Section 36 of the said Act is amended by replacing the words “10 days after the date of being advised of the decision, appeal the decision on any question of law by a motion to a judge of the Court of Québec, after the motion has been served on the board” in the second, third, fourth and fifth lines by the words “30 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec”.

**796.** Sections 36.1 to 36.3 of the said Act are replaced by the following section:

“**36.1.** The proceeding suspends the execution of the decision of the board unless the Tribunal decides otherwise.”

#### ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D’INFORMATION JURIDIQUE

**797.** Section 21 of the Act respecting the Société québécoise d’information juridique (R.S.Q., chapter S-20) is amended

(1) by replacing the words “judicial decisions rendered by the courts and quasi judicial tribunals of Québec” in the second and third lines of the first paragraph by the words “judgments rendered by the courts of justice sitting in Québec and the decisions made by persons or bodies exercising adjudicative functions in Québec”;

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

“The company shall establish, by by-law, the procedure for collecting such judgments and decisions, criteria for the selection of those to be reported as well as the manner of reporting them.”

## ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

**798.** Section 75 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended by replacing the words “be heard” in the second line by the words “present observations”.

**799.** Section 123 of the said Act is amended by replacing the words “be heard” in the third line of the third paragraph by the words “present observations”.

**800.** Section 196 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

**801.** Section 233 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

**802.** Section 241 of the said Act is amended by replacing the words “inform the company of its intention and give it an opportunity to be heard” in the second line of the second paragraph by the words “notify the company in writing as prescribed by section 5 of the Act respecting administrative justice (*inset here the year and chapter number of that Act*) and allow the company at least 10 days to present observations”.

**803.** Section 247 of the said Act is amended by replacing the words “give its holder an opportunity to be heard” in the second line by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”.

**804.** Subdivision 3 of Division I of Chapter XVI of the said Act, comprising sections 251 to 260, is replaced by the following subdivision:

“§ 3. — *Proceeding before the Administrative Tribunal of Québec*

“**251.** Any company whose application for a licence is refused or whose licence is suspended or cancelled may contest the decision of the Inspector General before the Administrative Tribunal of Québec.

“**252.** The motion must be filed at the secretariat of the Tribunal within 30 days of notification of the contested decision to the applicant.

“**253.** Notwithstanding the second paragraph of section 14 of the Act respecting administrative justice, the Tribunal may only confirm or quash the contested decision.”

**805.** Section 315 of the said Act is amended

(1) by replacing the words “give the company or person contemplated in section 107 at least 15 days’ notice” in the first and second lines of the second

paragraph by the words “, as prescribed by section 5 of the Act respecting administrative justice, notify the company or person contemplated in section 107 at least 15 days in advance,”;

(2) by replacing the words “be heard” in the fourth line of the second paragraph by the words “present observations”.

**806.** Section 316 of the said Act is amended

(1) by replacing the words “in the hearing, the Inspector General may” in the second and third lines of the first paragraph by the words “resulting from allowing the company or any other person time to present observations, the Inspector General may, without prior notice,”;

(2) by striking out the words “without giving the company or any other person an opportunity to be heard” in the third and fourth lines of the first paragraph;

(3) by replacing the words “apply in writing to the Inspector General for a hearing” in the second and third lines of the second paragraph by the words “present observations to the Inspector General”.

**807.** Section 322 of the said Act is amended by replacing the words “give its opinion” in the fourth line of the first paragraph by the words “present observations”.

**808.** Section 341 of the said Act is amended

(1) by replacing the words “be heard” in the fourth line of the first paragraph by the words “present observations”;

(2) by replacing the words “hearing the company, provided that the company is given an opportunity to be heard” in the third and fourth lines of the second paragraph by the words “having allowed the company to present observations, provided that the company is given the opportunity to do so”.

**809.** Section 343 of the said Act is amended by replacing the words “be heard by” in the first line by the words “present observations to”.

**ACT RESPECTING LANDS IN THE PUBLIC DOMAIN**

**810.** Section 45.5 of the Act respecting lands in the public domain (R.S.Q., chapter T-8.1) is amended by replacing the words “make representations” in the second line of the fifth paragraph by the words “present observations”.

**811.** Section 66 of the said Act is amended by replacing the words “make representations” in the third and fourth lines of the third paragraph by the words “present observations”.

## MARINE PRODUCTS PROCESSING ACT

**812.** Section 15 of the Marine Products Processing Act (R.S.Q., chapter T-11.01) is amended by replacing the words “giving the applicant an opportunity to be heard” in the second line of the second paragraph by the words “advising the applicant, as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*), and giving him the opportunity to present observations”.

**813.** Section 19 of the said Act is amended by replacing the words “giving the holder of a permit an opportunity to be heard” in the first and second lines by the words “notifying the holder of a permit in writing as prescribed by section 5 of the Act respecting administrative justice and allowing him at least 10 days to present observations”.

**814.** The heading of Division IV of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**815.** Section 22 of the said Act is amended

(1) by replacing the words “An appeal lies from the decision of the Minister to the Court of Québec, on any question of law or jurisdiction” in the first and second lines by the words “Any decision of the Minister may be contested before the Administrative Tribunal of Québec within 30 days of notification”;

(2) by adding the following paragraph:

“When assessing the facts or the law, the Tribunal may not substitute its assessment of the public interest for the assessment thereof made by the Minister before making his decision.”

**816.** Sections 23 to 29 of the said Act are repealed.

## ACT RESPECTING TRANSPORTATION BY TAXI

**817.** Section 25 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended by replacing the words “giving the permit holder an opportunity to be heard” in the second and third lines of the second paragraph by the words “notifying the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allowing him at least 10 days to present observations”.

**818.** Section 32 of the said Act is amended by replacing the words “giving the offender an opportunity to be heard” in the second line by the words

“notifying the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice and allowing him at least 10 days to present observations”.

**819.** The said Act is amended by inserting, after section 39, the following section:

“**39.0.1.** The Commission may suspend or cancel a permit under section 33.1 or 37 only after notifying the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice and allowing him at least 10 days to present observations”.

**820.** Section 68 of the said Act is amended

(1) by replacing the word “practice” in the first line of the third paragraph by the word “procedure”;

(2) by replacing the figure “5” in the second line of the third paragraph by the figure “48”.

**821.** Section 116.1 of the said Act is amended by replacing the word “appeal” in the fourth line by the words “the proceedings brought before the Administrative Tribunal of Québec in respect”.

#### TRANSPORT ACT

**822.** Section 1 of the Transport Act (R.S.Q., chapter T-12) is amended by striking out subparagraph *l* of the first paragraph.

**823.** Section 5 of the said Act, amended by section 2 of chapter 52 of the statutes of 1995, is again amended

(1) by striking out the words “make the rules of practice and the rules for the internal management of the Commission, after consulting it,” in the first and second lines of paragraph *k*;

(2) by striking out the words “for the matters submitted” in the third line of paragraph *k*.

**824.** Section 17 of the said Act is repealed.

**825.** Section 17.1 of the said Act is replaced by the following section:

“**17.1.** The quorum of the Commission is five members including the president, who may designate a member to replace him.

However, an individual decision may be made by a member acting alone and a review decision may be made by three members.”

**826.** Section 17.2 of the said Act is amended

(1) by replacing the words “which has not been appealed from to the Court of Appeal” in the second and third lines by the words “in respect of which no proceeding has been brought before the Administrative Tribunal of Québec”;

(2) by replacing the words “prevented from being heard” in the second line of paragraph 2 by the words “unable to present observations”.

**827.** Section 17.3 of the said Act is amended by replacing the words “is made in practice division by way of a motion setting out the reasons on which it is based filed” in the first and second lines by the words “must give the reasons therefor and be notified to the Commission”.

**828.** Section 17.4 of the said Act is amended

(1) by replacing the words “practice division” in the first line by the word “Commission”;

(2) by replacing the words “division orders provisional execution” in the second and third lines by the words “Commission decides otherwise”;

(3) by striking out the words “or in the cases provided for in the second paragraph of section 23” in the third and fourth lines.

**829.** Section 17.5 of the said Act is repealed.

**830.** Section 17.8 of the said Act, amended by section 3 of chapter 52 of the statutes of 1995, is again amended by replacing the words “hear and decide an uncontested” in the second and third lines of the first paragraph by the words “decide, where there is no opposition, a”.

**831.** Section 17.9 of the said Act is amended by striking out the words “on the same grounds and” in the second and third lines.

**832.** Section 24 of the said Act is amended by replacing the words “plenary sessions of the Commission, public hearings, sittings and hearings in the practice division” in the first and second lines by the words “Commission which are”.

**833.** Section 25 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The members of the Commission are in that respect subject to the supervision, orders and control of the president of the Commission.”

**834.** Section 27 of the said Act is replaced by the following section:

**“27.** Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the Commission or against any of its members acting in their official capacity.

A judge of the Court of Appeal may, upon a motion, annul by a summary proceeding any proceeding brought or decision rendered contrary to the first paragraph.”

**835.** Section 28 of the said Act is amended by replacing the words “the duties, costs and expenses” in the first line of the first paragraph by the words “duties and costs”.

**836.** Section 34 of the said Act is amended

(1) by replacing the word “parties” in the first line of the third paragraph by the words “persons concerned”;

(2) by replacing the words “be heard” in the second line of the third paragraph by the words “present observations”.

**837.** Section 34.1 of the said Act is amended by replacing the word “practice” in the first line of the first paragraph by the word “procedure”.

**838.** Section 35 of the said Act is amended

(1) by inserting the words “prohibit the carrier from operating any vehicle designated by the Commission and” after the word “may” in the second line of the first paragraph;

(2) by replacing the words “any vehicle it designates” in the third and fourth lines of the first paragraph by the words “that vehicle”;

(3) by replacing the words “giving the carrier a notice of the delay within which he may be heard” in the first and second lines of the second paragraph by the words “notifying the carrier in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allowing the carrier at least 10 days to present observations”;

(4) by replacing the words “is not heard within such delay” in the second and third lines of the second paragraph by the words “does not present observations within that time”;

(5) by replacing the word “hear” in the third line of the second paragraph by the words “receive the observations of”.

**839.** Section 37.2 of the said Act is amended by replacing the words “give the permit holder a prior opportunity to be heard” in the first and second lines



of the second paragraph by the words “, before doing so, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the permit holder at least 10 days to present observations”.

**840.** Section 37.3 of the said Act is amended, in the French text, by replacing the word “introduite” in the second line of the first paragraph by the word “présentée”.

**841.** Section 40.1 of the said Act is amended

(1) by replacing the words “hearing the proof and giving the person concerned by a change, suspension or revocation of his permit or a withdrawal of his registration plate or certificate an opportunity to be heard” in the second, third and fourth lines by the words “first having notified in writing the person concerned by the permit modification, suspension or revocation or the registration plate or certificate withdrawal”;

(2) by adding, at the end, the words “, as prescribed by section 5 of the Act respecting administrative justice and having allowed the person at least 10 days to present observations”.

**842.** Section 42.2 of the said Act is amended by replacing the words “act before” in the first line by the words “make representations to”.

**843.** Section 44 of the said Act is amended by replacing the words “this notice brings the matter before the Commission, and it” in the fourth and fifth lines of the first paragraph by the words “in such case, the Commission”.

**844.** Section 46 of the said Act is amended, in the French text, by replacing the word “requérant” in the second line by the word “demandeur”.

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

“**48.** The Commission may adopt rules of procedure and rules of internal management.”

**846.** Section 48.3 of the said Act is amended by replacing the words “act before the Commission” in the first line of subparagraph 4 of the second paragraph by the words “make representations to the Commission”.

**847.** Division VII of the said Act, comprising sections 51 to 56, is replaced by the following division:

## **“DIVISION VII**

### **“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC**

**“51.** Any decision of the Commission may be contested before the Administrative Tribunal of Québec by the person concerned, a person objecting thereto or the Attorney General within 30 days of the date on which the decision becomes executory.

**“52.** The Attorney General may, by virtue of his office and without notice, take part in a hearing of the Tribunal as if he were a party thereto.

**“53.** When assessing the facts or the law, the Tribunal may not substitute its assessment of the public interest for the assessment thereof made by the Commission pursuant to this Act or the regulations, before making its decision.”

## **COURTS OF JUSTICE ACT**

**848.** Section 80 of the Courts of Justice Act (R.S.Q., chapter T-16), amended by section 6 of chapter 42 of the statutes of 1995, is again amended by striking out the second paragraph.

## **ACT RESPECTING THE USE OF PETROLEUM PRODUCTS**

**849.** Section 16 of the Act respecting the use of petroleum products (R.S.Q., chapter U-1.1) is amended by replacing the words “give the holder an opportunity to be heard” in the second line by the words “notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the holder at least 10 days to present observations”.

**850.** The heading of Division II of Chapter II of the said Act is replaced by the following heading:

### **“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.**

**851.** Section 19 of the said Act is amended by replacing the words “appeal to the Court of Québec from” in the first line by the words “contest before the Administrative Tribunal of Québec, within 30 days of notification of the decision,”.

**852.** Section 20 of the said Act is amended

- (1) by replacing the word “appeal” in the first line by the word “proceeding”;
- (2) by replacing the word “court” in the second line by the word “Tribunal”.

**853.** Sections 21 to 26 of the said Act are repealed.

**854.** Section 77 of the said Act is amended by striking out “, 22” in the second line.

#### SECURITIES ACT

**855.** Section 182 of the Securities Act (R.S.Q., chapter V-1.1) is amended

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

“**182.** Before making an unfavourable decision, the organization shall notify the person concerned in writing as prescribed by section 5 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the person at least 10 days to present observations.”;

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

“However, where it is imperative to do so, the organization may make such a decision without fulfilling such requirements. In such case, the organization shall give the person concerned the opportunity to present observations within 15 days of notification of the decision.”

**856.** Section 250 of the said Act is amended

(1) by replacing the first sentence of the second paragraph by the following sentence: “Before extending the effective period of an order, the Commission shall allow the person at least 15 days to present observations.”;

(2) by replacing the words “grant the extension if the person concerned does not indicate his intention to be heard” in the third and fourth lines of the second paragraph by the words “extend the effective period of the order if the person concerned does not present observations”.

**857.** Section 258 of the said Act is amended

(1) by replacing the words “assert his rights” in the second line of the first paragraph by the words “present observations”;

(2) by replacing the words “assert his rights” in the third line of the second paragraph by the words “present observations”.

**858.** Section 273 of the said Act is amended by replacing the words “be heard” in the first and second lines of the second paragraph by the words “present observations”.

**859.** Section 284 of the said Act is replaced by the following section:

**“284.** Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the Commission or against any of its members or agents acting in their official capacity.

A judge of the Court of Appeal may, upon a motion, annul by a summary proceeding any proceeding brought or decision rendered contrary to the first paragraph.”

**860.** Sections 285 and 286 of the said Act are repealed.

**861.** Section 291 of the said Act is amended

(1) by inserting the words “on a matter examined” after the word “tie-vote” in the first line;

(2) by adding the words “for a decision” after the word “him” in the second line.

**862.** Section 307 of the said Act is amended by replacing the word “heard” in the second line of the second paragraph by the words “given the opportunity to present observations”.

**863.** Section 309 of the said Act is amended

(1) by replacing the words “call before it any matter that is before” in the first line by the words “withdraw a matter from”;

(2) by replacing the word “it” in the second line by the words “the matter”.

**864.** Section 310 of the said Act is amended by replacing the words “be heard” in the first line of the second paragraph by the words “present observations”.

**865.** Section 311 of the said Act is replaced by the following section:

**“311.** A person exercising a delegated power may transfer a matter submitted to him to the Commission so that the Commission may examine and decide the matter in his stead.”

**866.** The heading of Chapter IV of Title X of the said Act is replaced by the following heading:

“PUBLIC HEARINGS”.

**867.** Section 312 of the said Act is replaced by the following section:

**“312.** The Commission may hold public hearings on any matter within its jurisdiction.

It may also hold a public hearing in conjunction with and consult with any other authority empowered to supervise trading in securities.”

**868.** Section 313 of the said Act is amended by inserting the word “public” before the word “hearings” in the second line.

**869.** Section 314 of the said Act is amended by inserting the word “public” before the word “hearing” in the first line.

**870.** Section 317 of the said Act is amended by replacing the words “give the person an opportunity to be heard” in the second and third lines by the words “notify the person in writing as prescribed by section 5 of the Act respecting administrative justice and allow the person at least 10 days to present observations”.

**871.** Section 318 of the said Act is amended

(1) by replacing the words “a prior hearing” in the second line of the first paragraph by the words “prior notice”;

(2) by replacing the words “be heard within 15 days” in the second line of the second paragraph by the words “present observations within 15 days of notification of the decision”.

**872.** Section 320.1 of the said Act is amended

(1) by inserting the words “, if no proceeding has been brought before the Administrative Tribunal of Québec,” after the word “may” in the first line of the first paragraph;

(2) by replacing the words “following a hearing” in the fourth line of the first paragraph by the words “by the Commission”.

**873.** Section 321 of the said Act is replaced by the following section:

**“321.** The Commission or a person having made decisions in the exercise of delegated powers may review its or his decisions at any time, unless a proceeding has been brought before the Administrative Tribunal of Québec.”

**874.** Section 322 of the said Act is amended by adding, at the end, the following paragraph:

“The Commission or the self-regulatory organization shall, before making its decision, allow the person to present observations.”

**875.** Chapter VI of Title X of the said Act is replaced by the following chapter:

**“CHAPTER VI**

**“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL  
OF QUÉBEC**

**“324.** Any person having a direct interest in a decision of the Commission, except persons referred to in sections 37 and 263, may contest the decision before the Administrative Tribunal of Québec within 30 days of notification of the decision.

**“325.** When assessing the facts or the law, the Tribunal may not substitute its assessment of the public interest for the assessment thereof made by the Commission pursuant to section 316, before making its decision.”

**ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT  
DE LA VILLE DE LAVAL**

**876.** Section 124 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended

(1) by replacing the words “appear before a judicial, quasi-judicial or administrative court to make or have made” in the first and second lines of the first paragraph by the words “submit to any administrative body”;

(2) by striking out the words “of the hearing” in the first line of the second paragraph.

**ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT  
DE LA RIVE SUD DE MONTRÉAL**

**877.** Section 151 of the Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is amended

(1) by replacing the words “appear before a judicial, quasi-judicial or administrative court to make or have made” in the first and second lines of the first paragraph by the words “submit to any administrative body”;

(2) by striking out the words “the hearing of” in the first line of the second paragraph.

**ACT TO AMEND THE ACT RESPECTING THE RÉGIE DES ALCOOLS,  
DES COURSES ET DES JEUX AND VARIOUS ACTS CONCERNING  
THE ACTIVITIES UNDER ITS SUPERVISION**

**878.** The Act to amend the Act respecting the Régie des alcools, des courses et des jeux and various Acts concerning the activities under its supervision (1993, chapter 71) is amended

(1) in section 5, by striking out paragraphs 2 and 3;

(2) in section 29, by replacing the words “exclusive jurisdiction to hear and decide” in paragraph 3 by the words “jurisdiction to settle”, and by replacing, in the French text of the said paragraph, the words “dont ils sont saisis” by the words “qui leur est soumise”.

## PLANT PROTECTION ACT

**879.** The Plant Protection Act (1995, chapter 54) is amended by inserting, after section 8, the following section:

**“8.1.** The person to whom such an order is notified under section 6 or 8 without prior notice because, in the inspector’s opinion, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations to the Minister so that the order may be reviewed.”

## TRANSITIONAL PROVISIONS

**880.** The new law, whether it be the Act respecting administrative justice (*insert here the year and chapter number of that Act*) or this Act, applies immediately to all legal situations it covers, subject to the following provisions.

**881.** Where the new law lengthens a prescribed period of time, the new period applies to existing situations and account is taken of the time already elapsed.

Where it shortens a prescribed period, the new period applies, but begins to run from the coming into force of the new law. However, the period prescribed in the former law is maintained where it would in fact be extended if the new period was applied.

Where a period of time not prescribed in the former law is introduced by the new law and begins with an event which occurred before the coming into force of the new law, the period, if not already expired, runs from the coming into force of the new law.

**882.** Where, according to the former law, a decision was to be made by a person or body upon completion of a public hearing and the making of the decision is, under the Act respecting administrative justice, the exercise of an administrative function, the former rules of procedure are applicable to the hearing if, on the date of coming into force of the new law, the decision has not been made and the citizen has been called to, or informed of the date fixed for, the hearing.

**883.** Where a new proceeding is created before the Administrative Tribunal of Québec to contest a decision made in the exercise of an administrative function, the proceeding may be brought even if the decision was made before

the coming into force of the new proceeding, if the time limit specified under the new law for bringing the proceeding has not expired. The time limit runs from the date of the decision.

Where a review or appeal before a tribunal of the judicial branch was provided by law to contest a decision made in the exercise of an administrative function, the proceeding is maintained in respect of a decision made before the coming into force of the new law, if the time limit specified under the former law for bringing the proceeding has not expired.

**384.** All proceedings already before the Commission des affaires sociales, the Commission d'examen des troubles mentaux and the Bureau de révision en immigration shall be continued before the social affairs division of the Administrative Tribunal of Québec; all proceedings already before the Bureau de révision de l'évaluation foncière du Québec and the Tribunal d'appel en matière de protection du territoire agricole shall be continued before the immovable property division and before the territory and environment division, respectively, of the Administrative Tribunal of Québec.

All proceedings already before the Commission municipale du Québec in matters relating to real estate or business tax exemptions and to the environment shall be continued before the immovable property division and before the territory and environment division, respectively, of the Administrative Tribunal of Québec. The same applies to proceedings already before the Régie des marchés agricoles et alimentaires du Québec in matters relating to compensation or refund of real estate taxes.

However, all proceedings the hearing of which is already commenced shall be continued before the Commission municipale or the Régie, as the case may be, unless the parties give their consent to a new hearing before the Administrative Tribunal of Québec, or the parties agree to continue the hearing before the Tribunal and, as regards oral evidence already produced, agree to rely on the notes and minutes of the hearing or, where applicable, on the stenographer's notes or the recording of the proceedings.

The persons responsible for the management of the records of the Commission municipale or of the Régie des marchés agricoles et alimentaires are required to send the relevant records to the secretary of the Tribunal within 60 days after the coming into force of the new law.

**385.** All proceedings already before the Court of Québec, and all proceedings already before the Expropriation Division of that court, shall be continued before that court or that division according to the former provisions, and, insofar as such provisions or the Code of Civil Procedure provide therefor, an appeal lies from all decisions made.

**386.** The rules of evidence and procedure applicable before the Administrative Tribunal of Québec, including the provisions governing introductory and preliminary procedures, conciliation, pre-hearing conferences



or hearings, shall apply, according to the state of the records, to all proceedings that, on the date of coming into force of the new law, had already been brought and are to be continued before the Tribunal.

Where the parties or the interested persons have already been called to the hearing, the former rules of evidence and procedure continue to apply to the proceedings, unless the parties agree to apply the new rules.

Where the hearing of a matter is already commenced before the Commission des affaires sociales, the Commission d'examen des troubles mentaux, the Bureau de révision en immigration, the Bureau de révision de l'évaluation foncière or the Tribunal d'appel en matière de protection du territoire agricole, the hearing shall be continued before the same members; however, if the member who was seized of the matter ceases to be a member, section 57 of the Act respecting administrative justice applies to him.

**887.** Until the procedural rules are adopted under section 112 of the Act respecting administrative justice, the former rules of procedure that applied before the bodies that have been abolished or before the courts of justice or bodies in the matters assigned to the Administrative Tribunal of Québec shall continue to apply as suppletive provisions, but only insofar as such rules are compatible with the new law.

**888.** The Administrative Tribunal of Québec may, in proceedings continued before it, set aside the evidentiary provisions of the new law and apply those of the former law if it considers that the application of the new provisions would cause prejudice to a party.

**889.** Section 141 of the Act respecting administrative justice applies to all proceedings continued before the Administrative Tribunal of Québec, and the time limit of three months for advisement runs from the coming into force of that section.

**890.** The right of appeal provided by the former law in respect of decisions of the Bureau de révision de l'évaluation foncière or the Tribunal d'appel en matière de protection du territoire agricole or in respect of decisions of the Commission municipale in relation to matters assigned to the Administrative Tribunal of Québec shall continue to be exercisable as regards proceedings already decided upon the coming into force of the new law if the time for appeal has not expired, despite the fact that the new law does not recognize such right of appeal.

**891.** The presidents, vice-presidents, members and assessors of the Commission des affaires sociales, of the Commission d'examen des troubles mentaux and of the Bureau de révision en immigration shall become, from the coming into force of the new law, members of the Administrative Tribunal of Québec, without administrative duties, and shall be assigned to the social affairs division.

The presidents, vice-presidents and members of the Bureau de révision de l'évaluation foncière and of the Tribunal d'appel en matière de protection du territoire agricole shall become members of the Tribunal, without administrative duties, and shall be assigned to the immovable property division and to the territory and environment division, respectively.

The assessors of the Expropriation Division of the Court of Québec shall become members of the Tribunal, and shall be assigned to the immovable property division; they may continue to sit in the Expropriation Division to complete any cases pending in which they have been called upon to sit.

Such assignments may, within three months after the coming into force of the new law, be modified by the Government to meet the needs of the Tribunal, after consultation with the president and the member involved.

**892.** The qualifications required by law, particularly as regards the 10 years' experience pertinent to the exercise of the functions of the Administrative Tribunal of Québec, shall not be required of persons who become members of the Tribunal pursuant to section 891, even upon a subsequent renewal of their appointment, as long as they remain members of the Tribunal.

**893.** The five-year term provided for in section 48 of the Act respecting administrative justice shall not extend to any terms of office of a fixed duration that are in progress, which shall continue until their appointed expiry. The five-year term shall apply to terms of an unfixed duration that are in progress, from the coming into force of the new law.

**894.** The renewal procedure provided for in sections 51 and 52 of the Act respecting administrative justice apply to persons who become members of the Administrative Tribunal of Québec pursuant to section 891 and who, on the day before the coming into force of the new law, held office notwithstanding the expiry of their term in a body that has been abolished; the three-month time limit in section 51, however, shall begin to run upon the expiry of six months from the coming into force of this Act.

**895.** The persons who become members of the Administrative Tribunal of Québec pursuant to section 891 shall continue to receive the remuneration they received before the coming into force of the new law; if the remuneration they receive is greater than that provided for in the regulation, they shall continue to receive their former remuneration until parity is reached, notwithstanding the coming into force of a regulation respecting remuneration and other conditions of office.

If the member performed administrative duties immediately before the coming into force of the new law, any additional remuneration attaching to those duties shall terminate upon the member ceasing, pursuant to the new law, to perform those duties; such termination of additional remuneration becomes effective six months after the coming into force of the new law. The

additional remuneration is the difference between the annual salary of the member exercising the administrative duties and the maximum on the salary scale that was applicable to a full-time member of the body to which he belonged before he became a member of the Tribunal.

**896.** Social benefits other than the pension plans and the other conditions of office of the members, as they existed before the coming into force of the new law, shall continue to apply until the coming into force of a regulation respecting remuneration and other conditions of office.

**897.** In addition to the exclusion under paragraph 7 of section 4 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), such plan does not apply to a member of the Administrative Tribunal of Québec who is entitled to a compensation in lieu of membership in the plan and to whom section 62 of the Act respecting administrative justice would apply, as long as the member remains entitled to such compensation.

**898.** Every person who becomes a member of the Administrative Tribunal of Québec pursuant to section 891 shall, within 60 days, take the oath provided in section 71 of the Act respecting administrative justice.

**899.** Section 74 of the Act respecting administrative justice shall not operate to prevent a member of the Administrative Tribunal of Québec or a member of the personnel of the Tribunal from continuing to exercise, for six months from the date of coming into force of that provision, any functions that he was authorized by law to exercise before that date.

**900.** Until the code of ethics applicable to the members of the Administrative Tribunal of Québec is established in accordance with section 168 of the Act respecting administrative justice and has come into force, the members are required to fulfil the following duties, and any breach may give rise to a complaint against them.

The members shall duly execute their office, and shall avoid placing themselves in any situation that would adversely affect such execution; the conduct of the members shall be fully compatible with the requirements of honour, dignity and integrity that attach to the exercise of adjudicative functions.

**901.** Unless otherwise indicated by the context, in any Act and in any regulation, by-law, order in council or order or juridical act, a reference to the Commission des affaires sociales, the Commission d'examen des troubles mentaux, the Bureau de révision en immigration, the Bureau de révision de l'évaluation foncière or the Tribunal d'appel en matière de protection du territoire agricole is a reference to the Administrative Tribunal of Québec. The same applies to references to the Commission municipale, the Régie des marchés agricoles et alimentaires, the Court of Québec or the Expropriation Division as regards matters assigned to the Tribunal under the new law.

**902.** The Administrative Tribunal of Québec shall continue the Commission des affaires sociales, the Commission d'examen des troubles mentaux, the Bureau de révision en immigration, the Bureau de révision de l'évaluation foncière and the Tribunal d'appel en matière de protection du territoire agricole; the members of the personnel of those bodies shall become, to the extent determined by the Government, members of the personnel of the Tribunal, and the records, documents and archives of those bodies shall become the records, documents and archives of the Tribunal.

The appropriations allocated in a department to the programs of each of those bodies or the sums put at their disposal by another body shall, to the extent and subject to the terms and conditions determined by the Government, be transferred to the fund of the Tribunal established by section 100 of the Act respecting administrative justice.

**903.** The ten years' experience pertinent to the exercise of the functions of the Régie du logement shall not, upon a subsequent renewal, be required of the commissioners who are in office on the date of coming into force of section 638 of this Act, which enacts section 7 of the Act respecting the Régie du logement, for as long as they remain in office.

**904.** The five-year term provided for by section 7.4 of the Act respecting the Régie du logement, enacted by section 638 of this Act, shall not apply to terms of office of a fixed duration that are in progress, which shall continue until their appointed expiry.

**905.** The renewal procedure provided for by sections 7.6 and 7.7 of the Act respecting the Régie du logement, enacted by section 638 of this Act, shall apply to commissioners who, on the day before the coming into force of section 638 of this Act, held office notwithstanding the expiry of their term. The three-month time limit fixed in the said section 7.6, however, shall run from the expiry of six months after the coming into force of this Act.

**906.** Notwithstanding the coming into force of a regulation respecting remuneration and other conditions of office made under section 7.14 of the Act respecting the Régie du logement, enacted by section 638 of this Act, if the remuneration the commissioners receive is greater than that provided for by regulation, they shall continue to receive their former remuneration until parity is reached.

**907.** The social benefits other than the pension plan, and the other conditions of office of the commissioners, as they stood before the coming into force of section 638 of this Act, which enacts section 7.14 of the Act respecting the Régie du logement, shall remain applicable to them until the coming into force of a regulation respecting remuneration and other conditions of office made under the said section 7.14.

**908.** In addition to the exclusion pursuant to paragraph 7 of section 4 of the Act respecting the Government and Public Employees Retirement Plan

(R.S.Q., chapter R-10), such plan does not apply to a commissioner of the Régie du logement who is entitled to a compensation in lieu of membership in the plan and to whom section 7.17 of the Act respecting the Régie du logement, enacted by section 638 of this Act, would apply, as long as the member remains entitled to such compensation.

**909.** Every commissioner of the Régie du logement shall, within 60 days after the coming into force of section 641 of this Act, which enacts section 9.6 of the Act respecting the Régie du logement, take the oath provided in the said section 9.6.

**910.** In addition to the rules of the code of ethics established by Order in Council 1060-85 dated 5 June 1985 and currently applicable to the commissioners of the Régie du logement, the commissioners are required to fulfil the following duties until such time as that code of ethics is replaced by a code of ethics adopted under section 8.1 of the Act respecting the Régie du logement, enacted by section 640 of this Act.

The commissioners shall duly execute their office, and shall avoid placing themselves in any situation that would adversely affect such execution; the conduct of the commissioners shall be fully compatible with the requirements of honour, dignity and integrity that attach to the exercise of adjudicative functions.

Any breach of the duties described in the second paragraph may give rise to a complaint against a commissioner.

## FINAL PROVISIONS

**911.** Section 24 of the Act respecting administrative justice is amended

(1) by inserting the figure “2.2” after the word “paragraphs” in the third paragraph;

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

“Proceedings referred to in paragraphs 2.1 and 5.1 of section 3 of Schedule I shall be heard and determined by a panel of two members, one of whom shall be an advocate or notary and the other, a person well-acquainted with the field of education.”

**912.** Section 3 of Schedule I to the Act respecting administrative justice is amended by adding the following paragraphs:

“(2.1) proceedings under section 83.4 of the Charter of the French language (chapter C-11);

“(2.2) proceedings under section 121.1 of the Act respecting private education (chapter E-9.1);

“(5.1) proceedings under section 34.3 of the Education Act (chapter I-13.3);”.

**913.** Schedule III to the Act respecting administrative justice is amended by adding the following paragraph:

“(6) proceedings under section 244.0.1 of the Act respecting municipal taxation (chapter F-2.1);”.

**914.** Schedule IV to the Act respecting administrative justice is amended by adding the following paragraph:

“(3) proceedings against decisions made by the Minister of Transport, brought under section 10.1 of the Roadside Advertising Act (chapter P-44);”.

**915.** Schedule V to the Act respecting administrative justice is amended by adding the following paragraphs:

“(4.1) section 83 of the Charter of the French language (chapter C-11);

“(9.1) section 50 of the Grain Act (chapter G-1.1);

“(13.1) section 191.1 of the Act respecting the marketing of agricultural, food and fish products (chapter M-35.1);

“(14.1) section 51.1 of the Farm Producers Act (chapter P-28);

“(15.1) section 49.1 of the Dairy Products and Dairy Products Substitutes Act (chapter P-30);

“(19.1) section 40.1 of the Act respecting the Régie des alcools, des courses et des jeux (chapter R-6.1);

“(20.1) section 243 of the Supplemental Pension Plans Act (chapter R-15.1);

“(20.2) section 22.3 of the Act respecting supplemental pension plans (chapter R-17);”.

**916.** The Act respecting administrative justice and this Act come into force on 1 September 1997, except the provisions of this Act that are expressly excluded by an order of the Government issued before that date, which will come into force on the date or dates fixed in the order or in a subsequent order.