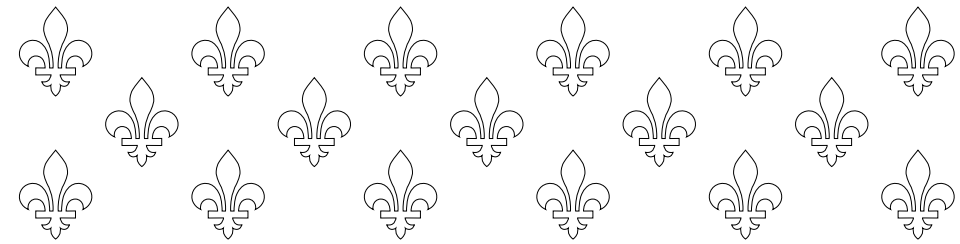

NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 168

An Act to promote access to justice and increase its efficiency

Introduction

Introduced by
Madam Stéphanie Vallée
Minister of Justice

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EXPLANATORY NOTES

This bill proposes a number of measures to promote access to justice and increase the efficiency of penal, civil and administrative justice.

Regarding penal justice, the Code of Penal Procedure is amended mainly

(1) to introduce a general communication order addressed to third parties and a specific communication order requiring third parties to communicate banking information, as well as certain provisions useful for the application of such orders;

(2) to introduce a warrant of entry that will enable a person who is entrusted with executing a warrant of arrest or a warrant of committal to enter a dwelling to arrest the person concerned;

(3) to allow a judge to order, in the interests of justice, a defendant to be present, in particular given the complexity of the case and the anticipated duration of the trial;

(4) to allow a defendant to plead not guilty for an offence he or she has been charged with and plead guilty for another penal offence relating to the same case;

(5) to review the rules applicable to the duration of detention of things seized and those applicable to the stay of execution that may be ordered if a defendant applies for a revocation of judgment;

(6) to allow a defendant, with the prosecutor's consent, to waive acquired prescription with regard to a proceeding;

(7) to modernize the rules governing service of a written proceeding; and

(8) to include measures to allow the social situation of certain defendants to be taken into account so as to promote their rehabilitation by introducing the possibility of offering an adaptation program that provides an alternative to penal proceedings as well as alternative measures to replace compensatory work.

With regard to civil and administrative justice, the purposes of the bill include

(1) amending the Civil Code of Québec in order to extend the prescription period for civil actions to three years in all cases where the injury involved results from a violation of the rights and freedoms guaranteed by the Charter of human rights and freedoms;

(2) simplifying the procedure applicable to persons appearing before the Human Rights Tribunal, in particular by abolishing the obligation for plaintiffs to file a factum;

(3) amending the Code of Civil Procedure to clarify or introduce certain provisions, such as those concerning the filing of a notice of appeal with the office of the court of first instance, immunity for persons who are cited as witnesses in Québec but are resident in other provinces and territories, and seizable amounts for alimony purposes;

(4) requiring any person responsible under the law for filing an execution notice at the office of the court to verify on the website of the Société québécoise d'information juridique whether execution proceedings have already commenced against the debtor, and to publish that notice or a summary of it on that site;

(5) amending the Courts of Justice Act to specify the terms governing appeals before the Court of Québec and to distinguish such appeals from contestations the Court hears under various Acts;

(6) further amending that Act to increase the number of Court of Québec judges from 306 to 308;

(7) introducing in the Act respecting administrative justice the principle of proportionality of proceedings leading to a decision of the Administrative Tribunal of Québec or of another body exercising adjudicative functions; and

(8) allowing the Administrative Tribunal of Québec to dismiss any pleading it deems abusive, in particular because it is clearly unfounded, frivolous or dilatory, and setting out the consequences of abuse resulting from a party's vexatious or quarrelsome conduct.

Lastly, other measures are proposed to increase the efficiency of certain actors in the justice system, in particular by

(1) amending the Act respecting legal aid and the provision of certain legal services to add services aimed in particular at avoiding the referral of disputes to the courts, and to streamline the process followed by the review committee to examine legal aid applications; and

(2) amending the Act respecting the Québec correctional system in order, among other things, to allow the decisions of the Commission québécoise des libérations conditionnelles regarding an offender to be made by a single member.

LEGISLATION AMENDED BY THIS BILL:

– Civil Code of Québec;

– Tax Administration Act (chapter A-6.002);

– Act respecting legal aid and the provision of certain other legal services (chapter A-14);

– Charter of human rights and freedoms (chapter C-12);

– Code of Civil Procedure (chapter C-25.01);

– Code of Penal Procedure (chapter C-25.1);

– Real Estate Brokerage Act (chapter C-73.2);

– Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1);

– Act respecting elections and referendums in municipalities (chapter E-2.2);

– Act respecting school elections (chapter E-2.3);

– Election Act (chapter E-3.3);

– Act respecting municipal taxation (chapter F-2.1);

– Petroleum Resources Act (chapter H-4.2);

– Mining Tax Act (chapter I-0.4);

– Taxation Act (chapter I-3);

– Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14);

– Act respecting administrative justice (chapter J-3);

– Act respecting lotteries, publicity contests and amusement machines (chapter L-6);

– Mining Act (chapter M-13.1);

– Cultural Heritage Act (chapter P-9.002);

– Police Act (chapter P-13.1);

– Youth Protection Act (chapter P-34.1);

– Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);

– Act respecting the Québec Pension Plan (chapter R-9);

– Act respecting property tax refund (chapter R-20.1);

– Act respecting the Société québécoise d'information juridique (chapter S-20);

– Act respecting the Québec correctional system (chapter S-40.1);

– Act respecting the Québec sales tax (chapter T-0.1);

– Lobbying Transparency and Ethics Act (chapter T-11.011);

– Courts of Justice Act (chapter T-16).

REGULATIONS AMENDED BY THIS BILL:

– Regulation respecting legal aid (chapter A-14, r. 2);

– Tariff of judicial fees applicable to the recovery of small claims (chapter C-25.01, r. 13);

– Tariff of court costs in penal matters (chapter C-25.1, r. 6);

– Regulation respecting conditional release (chapter S-40.1, r. 2).

Bill 168

AN ACT TO PROMOTE ACCESS TO JUSTICE AND INCREASE ITS EFFICIENCY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I

MEASURES TO INCREASE THE EFFICIENCY OF PENAL JUSTICE AND ALLOW THE SOCIAL SITUATION OF CERTAIN DEFENDANTS TO BE TAKEN INTO ACCOUNT

CODE OF PENAL PROCEDURE

1. Article 11 of the Code of Penal Procedure (chapter C-25.1) is replaced by the following articles:

"**11.** The Attorney General or the Director of Criminal and Penal Prosecutions may

(1) intervene as a party in first instance to take or not take the place of the party who instituted proceedings;

(2) intervene as a party in appeal to take or not take the place of the party who was prosecutor in first instance;

(3) order proceedings stayed before judgment is rendered in first instance, whether or not the proceedings were instituted by the Attorney General or the Director of Criminal and Penal Prosecutions or by any other prosecutor; and

(4) allow proceedings to be continued within six months of being stayed, whether or not the proceedings were instituted by the Attorney General or the Director of Criminal and Penal Prosecutions or by any other prosecutor.

The intervention, stay or continuation commences, without notice or formality and without having to prove an interest, when the representative of the Attorney General or of the Director of Criminal and Penal Prosecutions informs the clerk. The clerk shall inform the parties without delay.

"**11.1.** In a proceeding involving a public interest issue, the judge, even on his own initiative, may order the prosecutor to invite the Attorney General or the Director of Criminal and Penal Prosecutions to intervene."

2. Article 14 of the Code is amended by adding the following paragraph at the end:

"A defendant may, with the consent of the prosecutor, waive acquired prescription with regard to the proceedings."

3. Article 19 of the Code is replaced by the following articles:

"**19.** Service of a written proceeding under this Code or the court regulations may be made by any appropriate method that provides the person serving the proceeding with proof that the proceeding was delivered, sent or published.

Such methods include service by registered mail, courier or other carrier, technological means, peace officer, bailiff or public notice.

Whatever the method of service used, the proceeding is deemed to have been served on a person if he acknowledges receipt of it or admits having received it.

"**19.1.** A proceeding, other than a statement of offence, an application for revocation of a judgment, a notice of appeal or an application for leave to appeal, may be served only on the defendant's attorney if the defendant is so represented."

4. Article 20 of the Code is replaced by the following article:

"**20.** Service by registered mail or by courier or another carrier is made by sending the proceeding to the addressee's residence or business establishment or, in the case of a legal person, to its head office, one of its establishments or the establishment of one of its agents. A proceeding is considered to be mailed by registered mail if attestation is made of its delivery or receipt.

The proceeding may also be sent to a person designated by the addressee or at the addressee's elected domicile. If the addressee has no residence, head office, establishment, or agent having an establishment in Québec, the proceeding, including the proceedings mentioned in article 19.1, may be sent to the attorney representing the person.

Service is deemed to have been made on the date on which the notice of receipt or delivery of the proceeding was signed by the addressee or any other person to whom the proceeding may be delivered under article 21."

5. Article 20.1 of the Code is amended

(1) by striking out "or, where the witness may be so reached, by fax machine or by electronic means";

(2) by inserting "or a person entrusted with the enforcement of an Act" after "is a peace officer";

(3) by inserting “or the person” after “whom the peace officer”.

6. The Code is amended by inserting the following article after article 20.1:

“**20.2.** Service by a technological means is made by sending the proceeding to the address provided by the addressee for the receipt of the proceeding, or to the address that is publicly known as the address where the addressee receives documents, provided the address is active at the time of sending.

However, service by a technological means to a party not represented is permitted only with the party’s consent or if authorized by the court.

Service is deemed to have been made on the day the proceeding was sent. If it was sent after 5 p.m., on a Saturday or on a holiday, the service is deemed to have been made on the following day.”

7. Article 21 of the Code is replaced by the following article:

“**21.** Service by a peace officer or bailiff is made by delivery of the proceeding to the addressee. It may also be made at the addressee’s residence by delivery of the proceeding to a person who appears to be capable of receiving it.

Service on a legal person may be made at its head office, one of its establishments or the establishment of one of its agents by delivery of the proceeding to one of its officers, directors or agents or to a person in charge of the premises. Service may also be made by delivering the proceeding personally to one of its officers, directors or agents, regardless of location.

Service may also be made by delivery of the proceeding to a person designated by the addressee or at the addressee’s elected domicile. If the addressee has no residence, head office, establishment, or agent having an establishment in Québec, service may be made by delivering the proceeding, including the proceedings mentioned in article 19.1, to the attorney representing the addressee.

If the proceeding cannot be delivered, the person serving the proceeding shall record that fact, along with the place, date and time of the unsuccessful delivery, and shall leave the proceeding at an appropriate place in a sealed envelope or in any other form that protects its confidentiality.”

8. The Code is amended by inserting the following article after article 22:

“**22.1.** Service by public notice is made with the authorization of a judge. It may also be made by the bailiff who tried unsuccessfully to serve the proceeding on the addressee and who recorded that fact, unless the person is at risk of being sentenced to a term of imprisonment.

Service by public notice is made by publishing a notice directing the addressee to retrieve the proceeding at the place specified in the notice within 30 days of the publication of the notice. The notice must mention the judge's authorization or the bailiff's attempt to serve the proceeding.

The notice must be published by any means likely to reach the addressee, such as by publishing it in a newspaper circulated in the municipality of the addressee's last known address, by posting it on the website of such a newspaper, on a website recognized by an order of the Minister of Justice or at the office of the court. The notice must be published only once in a printed newspaper or for 30 days on a website or at the office of the court.

Service is deemed to have taken place on the expiry of the time specified in the notice."

9. Article 24 of the Code is amended by replacing "The" in the second paragraph by "Where a judge's authorization is required under this division, the".

10. Article 27 of the Code is amended

(1) by inserting "or by courier or another carrier" after "registered mail" in the first paragraph;

(2) by striking out the second paragraph.

11. The Code is amended by inserting the following articles after article 27:

"**27.1.** Where service is made by a technological means, the proceeding must be accompanied by a document containing the following information:

(1) the nature of the proceeding being sent;

(2) the court record number;

(3) the names and contact information of the sender and the addressee; and

(4) the date, hour and minute of sending.

The document may serve as an attestation of service and is filed with the court office only if a party so requests.

"**27.2.** Where service is made by public notice, a copy of the notice, showing the date and the method or place of publication, serves as an attestation of service."

12. Article 42 of the Code is amended by striking out "or priority" in paragraph 1.

13. Article 46 of the Code is amended by adding the following subparagraph at the end of the first paragraph:

"(4) where the arrest is carried out in a dwelling under a warrant or telewarrant of entry, allow the witness and, as the case may be, the person in charge of the premises to examine the warrant or telewarrant of entry."

14. The Code is amended by inserting the following chapter after article 94:

"**CHAPTER II.1**

"WARRANT OF ENTRY

"**94.1.** An arrest in a dwelling under a warrant of arrest or a warrant of committal must be authorized by a warrant of entry issued by a judge. It may be authorized by a telewarrant if the circumstances, such as the time or distance that would be involved in obtaining a warrant, are likely to prevent the arrest.

Such authorization is not required if a person is taking refuge in a dwelling in order to flee from arrest or if the person in charge of the premises agrees to allow the person responsible for executing the warrant to enter the dwelling.

"**94.2.** The application for a warrant or telewarrant of entry may be made by the person who applies or applied for the warrant of arrest or the warrant of committal or the person responsible for executing it.

The warrant or telewarrant of entry may be issued at any time in a judicial district by the judge who issues or issued the warrant of arrest or the warrant of committal or any other judge having jurisdiction in that judicial district or in the judicial district in which the dwelling is located. It shall be signed by the judge who issues it.

"**94.3.** No warrant or telewarrant of entry may be issued unless the judge is satisfied that it is necessary to make the arrest in the dwelling indicated in the warrant or telewarrant and that the person applying for the warrant or telewarrant has reasonable grounds to believe that the person to be arrested is or will be in that dwelling at the time of the arrest.

In the case of a telewarrant, the judge must also be satisfied that circumstances make it impossible for the person to apply for a warrant.

"**94.4.** The judge shall set out in the warrant or telewarrant any terms and conditions that the judge considers advisable to ensure that entry into the dwelling is reasonable in the circumstances, including with respect to the hour and period of execution.

The judge may authorize the person making the arrest to enter a dwelling without giving notice if the judge is satisfied that there are reasonable grounds to believe that such notice may result in danger to human life or safety.

"**94.5.** A person who is authorized under a warrant of entry to arrest a person in a dwelling may not enter under the warrant unless he has reasonable grounds at the time to believe that the person to be arrested is there.

"**94.6.** The warrant or telewarrant of entry must indicate the name of the person to be arrested, the dwelling where the person may be arrested and, by name or in general terms, who may enter the dwelling to arrest the person. It must be numbered and mention the warrant of arrest or the warrant of committal to be executed.

"**94.7.** Articles 99 to 101.1 apply, with the necessary modifications, to the issue of a warrant or telewarrant of entry."

15. The heading of Chapter III of the Code is replaced by the following heading:

"SEARCH AND SEIZURE".

16. The heading of Division I of Chapter III of the Code is replaced by the following heading:

"GENERAL PROVISIONS REGARDING SEARCHES".

17. Articles 124 to 128 of the Code are replaced by the following division:

"**DIVISION III.1**

"ORDER PROHIBITING OR RESTRICTING ACCESS TO CERTAIN INFORMATION OR DOCUMENTS OR PROHIBITING THEIR COMMUNICATION

"**124.** On the application of the prosecutor or a person who proposes to execute or has executed a warrant, a telewarrant, an order provided for in article 141.1 or 141.2 or any other judicial authorization under this chapter, the judge may make an order, to the extent that it is necessary to do so, to prohibit access to or the communication of information or documents relating to the warrant, telewarrant, order or other judicial authorization where such access or communication would be prejudicial to the ends of justice or where the information could be used for unlawful ends and where the risk outweighs the importance of access to information, in particular in the following cases:

(1) the confidentiality of the identity of an informant would be compromised;

(2) the information or document could interfere with an investigation in progress relating to the commission of an offence;

(3) the information or document could endanger persons who use secret intelligence-gathering techniques and would compromise subsequent investigations in which such techniques would be used; or

(4) the information or document could cause prejudice to an innocent third party.

The judge shall make an order prohibiting access to or communication of information or a document under the first paragraph, subject to any terms and conditions the judge considers appropriate in the circumstances, in particular with respect to the duration of the prohibition, the partial communication of information or a document, deletion of any information or the occurrence of a condition. The order prohibiting access to or communication of information or a document referred to in subparagraph 2 of the first paragraph ends not later than when the information or document is submitted as evidence in a proceeding.

Where an order prohibiting access or communication is made, all the documents relating to an application made under the first paragraph are sealed, subject to any terms and conditions set out in the order. The sealed documents shall be kept in the custody of the court in a place the public cannot access or any other place the judge may authorize and shall not be dealt with except in accordance with the terms and conditions specified by the judge in the order or as varied under the fourth paragraph.

An application to terminate an order or vary any of its terms or conditions may be made to the judge who made it or a judge of the court that may be seized of the proceedings resulting from the investigation in the course of which the warrant, the telewarrant, the order provided for in article 141.1 or 141.2 or the other judicial authorization was issued.

"**125.** Where a document relating to a warrant, a telewarrant, an order provided for in article 141.1 or 141.2 or any other judicial authorization contains information the disclosure of which may result in danger to human life or safety, the judge may, upon an application, make an order to fix conditions before allowing examination of such information or to temporarily or permanently prohibit examination of the document.

Where the application is made by a person other than the prosecutor or the person who executed the warrant, telewarrant, order or other judicial authorization, prior notice of not less than one clear day must be served on the latter persons.

"**126.** On the application of a person who has an interest in a document relating to a warrant, a telewarrant, an order provided for in article 141.1 or 141.2 or any other judicial authorization, the judge may, having regard in particular to the interests of justice and the right to privacy, make an order to fix conditions before allowing examination of a document or part of it or to temporarily prohibit access to it until not later than the time the document is submitted as evidence in proceedings.

The order may not, however, prevent the exercise of the right of the person who made the search, the prosecutor, the person on whose premises the search was made, the person from whom a thing was seized or the defendant to have access to and examine the document.

Prior notice of not less than one clear day of the application must be served on the person who made the search and on the prosecutor.

"**127.** Applications referred to in this division, except the application provided for in the fourth paragraph of article 124, shall be made to the judge who issued the warrant, the telewarrant, the order provided for in article 141.1 or 141.2 or the other judicial authorization or a judge of the court that may be seized of the proceedings resulting from the investigation in the course of which the warrant, telewarrant, order or other judicial authorization was issued or, as the case may be, a judge of the judicial district in which the statement relating to the search without a warrant was filed. Where the application concerns only the minutes of seizure, it may also be made to a judge having jurisdiction to issue a search warrant in the judicial district where the duplicate was filed.

"**128.** Where a search was made without a warrant or telewarrant, articles 124 to 127 apply, with the necessary modifications, to the documents referred to in paragraphs 3 and 5 of article 123.

"**128.1.** Any decision respecting access to information or a document rendered under articles 124 to 126 and 128 may be reviewed by a judge of the Superior Court in the judicial district where it was rendered.

Prior notice of not less than one clear day of an application for review must be served on the parties in first instance."

18. Article 133 of the Code is amended by replacing "of not more than 90 days" in the first paragraph by "the judge determines, but that may not exceed one year following the date of seizure".

19. The Code is amended by inserting the following division after article 141:

"**DIVISION V**

"COMMUNICATION ORDER ADDRESSED TO A THIRD PARTY

"**141.1.** In the course of an investigation into an offence under an Act, a judge may, on an application made on the basis of an affidavit by a peace officer or a person entrusted with the enforcement of the Act, order a person, other than the person under investigation,

(1) to communicate the information in his possession or control when he receives the order or a copy, certified by affidavit to be a true copy, of a document in his possession or control at that time; or

(2) to prepare a document based on documents or information in his possession or control when he receives the order.

The order shall specify the place, form and time limit for communicating the documents or information as well as the peace officer or the person entrusted with the enforcement of the Act to whom they shall be communicated.

Before making an order, the judge must be satisfied that there are reasonable grounds to believe that

(1) an offence against an Act has been or will be committed;

(2) the documents or information will afford evidence respecting the commission of the offence; and

(3) the person concerned has possession or control of the documents or information.

The order may contain any terms and conditions that the judge considers appropriate, including terms and conditions to protect lawyers' and notaries' professional secrecy.

Where the judge who makes the order or any other judge having jurisdiction to make such an order is satisfied, on an application made on the basis of an affidavit submitted by a peace officer or a person entrusted with the enforcement of the Act in support of the application, that the interests of justice warrant the granting of the application, the judge may vary or revoke the order or set a new time limit.

Any copy of a document communicated under this article, on proof by affidavit that it is a true copy, is admissible in evidence in any proceeding and has the same probative force as the original document would have had if it had been filed as evidence in the ordinary way.

The document prepared under subparagraph 2 of the first paragraph is considered an original for the purposes of the Canada Evidence Act (Revised Statutes of Canada, 1985, chapter C-5).

"**141.2.** In the course of an investigation into an offence under an Act, a judge may, on an application made on the basis of an affidavit by a peace officer or a person entrusted with the enforcement of the Act, order a financial institution, within the meaning of section 2 of the Bank Act (Statutes of Canada, 1991, chapter 46) or a person or entity referred to in section 5 of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act (Statutes of Canada, 2000, chapter 17), unless the financial institution, person or entity

is under investigation, to prepare and communicate a document setting out the following information that is in their possession or control when they receive the order:

(1) the account number of a person named in the order or the name of a person whose account number is specified in the order;

(2) the type of account;

(3) the status of the account; and

(4) the date on which it was opened or closed.

For the purpose of confirming the identity of the person who is named or whose account number is specified in the order, the order may also require the financial institution, person or entity to prepare and produce a document setting out the following information that is in their possession or control when they receive the order:

(1) the date of birth of a person who is named or whose account number is specified in the order;

(2) that person's address at the time the order is made; and

(3) all previous addresses of that person.

The order shall specify the place, form and time limit for communicating the documents or information as well as the peace officer or the person entrusted with the enforcement of the Act to whom they shall be communicated.

Before making an order, the judge must be satisfied that there are reasonable grounds to believe that

(1) an offence against an Act has been or will be committed;

(2) the information will be useful for the investigation relating to the offence; and

(3) the person who is the subject of the order has possession or control of the information.

The order may contain any terms and conditions that the judge considers appropriate.

Where the judge who makes the order or any other judge having jurisdiction to make such an order is satisfied, on an application made on the basis of an affidavit submitted by a peace officer or a person entrusted with the enforcement of the Act in support of the application, that the interests of justice warrant the granting of the application, the judge may vary or revoke the order or set a new time limit.

Any copy of a document communicated under this section, on proof by affidavit that it is a true copy, is admissible in evidence in any proceeding and has the same probative force as the original document would have if it had been proved in the ordinary way.

"**141.3.** No one is excused from complying with an order made under article 141.1 or 141.2 on the ground that the information or document that they are required to produce or prepare may tend to incriminate them or subject them to a proceeding or penalty. However, no information or document that a natural person is required to produce or prepare may be used or received in evidence against them in a proceeding that is subsequently instituted against them, except in a prosecution for perjury, the giving of contradictory testimony or fabricating evidence.

"**141.4.** Before being required to communicate information or a certified true copy or to prepare and produce a document under an order made under article 141.1 or 141.2, the person, financial institution or entity mentioned in the order may apply in writing to the judge who made the order, or to a judge having jurisdiction to make such an order, to revoke or vary the order.

The person, financial institution or entity may make the application within thirty days after the day on which the order is made, provided they give prior notice of not less than three clear days of their intention to do so to a peace officer or a person entrusted with the enforcement of the Act named in the order. The person, financial institution or entity concerned is not required to communicate the information or the certified true copy or prepare and produce the document under the order until the judge has made a final decision with respect to the application.

The judge to whom an application is made under this section may revoke or vary the order if satisfied that

(1) it is unreasonable in the circumstances to require the person, financial institution or entity to communicate the information or the certified true copy or to prepare and produce the document under the order; or

(2) production of the document would disclose information that is privileged or otherwise protected from disclosure by law.

"**141.5.** Article 122 and Division IV of Chapter III of this Code do not apply to information or documents communicated or produced under an order provided for in article 141.1 or 141.2."

20. Article 166 of the Code is amended by adding the following paragraph at the end:

"The information may be sent by any means of communication, such as by ordinary mail."

21. The Code is amended by inserting the following division after article 167:

"**DIVISION I.1**

"LEGAL SYSTEM ADAPTATION PROGRAM WITHIN A REHABILITATION PROCESS

"**167.1.** The purpose of a program to adapt the legal system in connection with a rehabilitation process is to offer an alternative to prosecution by withdrawing counts for offences or categories of offences determined by regulation.

"**167.2.** If a defendant has not filed a plea of guilty or has pleaded not guilty, the prosecutor may, before the beginning of the trial, offer the defendant the possibility of participating in an adaptation program, to the extent that such a program is available.

To make such an offer, the prosecutor must be satisfied that

(1) there is sufficient evidence to proceed with the prosecution of the alleged offence;

(2) the defendant is entitled to participate in a program adapted to his needs;

(3) the defendant accepts responsibility for the offence and wishes to commit to a rehabilitation process; and

(4) the offer is in the interests of justice.

"**167.3.** If the defendant agrees to participate in an adaptation program, the trial is suspended and the prosecutor must inform the clerk.

"**167.4.** The defendant's participation in an adaptation program ends when he withdraws his consent or, on the prosecutor's decision, if the program's conditions are no longer met.

In such a case, the judicial proceedings provided for in this Act resume and the defendant's participation in the program does not constitute an admission of guilt regarding any penal offence. The defendant may not invoke time spent participating in the program for the calculation of the time he must wait to be tried."

22. Article 192 of the Code is amended by adding the following paragraphs at the end:

"However, the judge may, in the interests of justice, in particular given the complexity of the case and the anticipated duration of the trial, order the defendant to be present. The order shall be served on the defendant.

Where the defendant, after having received service of the order, fails to attend without a legitimate excuse, the judge may issue a warrant of arrest, if he is satisfied that the warrant is the only reasonable means to ensure the defendant's presence, and adjourn the trial, as the case may be. The rules of Division VII of Chapter I regarding a warrant to arrest a witness apply with the necessary modifications."

23. The Code is amended by inserting the following article after article 192:

"**192.1.** Once an attorney begins to act on behalf of a defendant, one of them must notify the prosecutor in writing of that fact. The notice must include the attorney's contact information and may be sent to the prosecutor by any means of communication.

However, such a notice is not required if the court has been informed by the defendant or the defendant's attorney of the latter's identity in the presence of a representative of the prosecutor."

24. The Code is amended by inserting the following article after article 193:

"**193.1.** Despite any provision of this Code, a defendant may plead not guilty for an offence he has been charged with and plead guilty for another offence relating to the same case, whether or not it is an included offence.

The judge may, with the consent of the prosecutor, admit the defendant's plea of guilty for that other offence. If the plea is admitted, the judge shall acquit the defendant of the offence he has been charged with and declare the defendant guilty of the other offence."

25. Article 255 of the Code is amended by adding the following paragraph at the end:

"The stay of execution, if ordered, ends on the date set for the presentation of an application for revocation of judgment, unless the judge orders the stay to be extended

(1) until the date to which he adjourns the presentation of the application for revocation of judgment; or

(2) until he renders a decision on the application for revocation of judgment presented to him."

26. Article 333 of the Code is amended by adding the following paragraph at the end:

"All or part of the compensatory work may be replaced by alternative measures insofar as a program to adapt the rules for the execution of judgments is available and in the manner provided for in the program. In this Code, unless the context indicates otherwise, "compensatory work" means the compensatory work or alternative measures provided for in the program."

27. Article 336 of the Code is amended by adding the following paragraph at the end:

"Where the defendant opts for alternative measures, the duration of the compensatory work may be modified."

28. Article 337 of the Code is amended by adding the following sentence at the end of the first paragraph: "However, the number of hours may be greater where the defendant opts for alternative measures."

29. Article 338 of the Code is amended by adding the following paragraph at the end:

"However, those time limits may be extended where the defendant opts for alternative measures."

30. Article 343 of the Code is amended by adding the following sentence at the end of the second paragraph: "Where the defendant opts for alternative measures, the amount of the sums due may not be reduced."

31. Article 344 of the Code is amended by adding the following sentence at the end of the second paragraph: "Where the defendant opts for alternative measures, those measures must be maintained."

32. Article 345 of the Code is amended by adding the following sentence at the end: "Where the defendant opts for alternative measures, the amount of the sums due may not be reduced."

33. Article 354 of the Code is amended by inserting the following subparagraph after subparagraph 3 of the first paragraph:

"(3.1) if the arrest was made in a dwelling under a warrant or telewarrant of entry, allow the defendant and, where applicable, the person in charge of the premises, to examine the warrant or telewarrant;".

34. The Code is amended by inserting the following article after article 367:

"**367.1.** The Minister of Justice may, by regulation, determine the offences and categories of offences for which an adaptation program within the meaning of article 167.1 may be implemented. The Minister may also determine the form and conditions applicable to consent to participate in such a program, and the conditions relating to the protection of the information collected in that context."

COURTS OF JUSTICE ACT

35. Schedule IV to the Courts of Justice Act (chapter T-16) is amended by replacing all occurrences of "special method of service (article 24" by "method of service (articles 20.3, 22.1 and 24".

PART II

MEASURES TO PROMOTE ACCESS TO CIVIL JUSTICE AND ADMINISTRATIVE JUSTICE AND INCREASE THEIR EFFICIENCY

CHAPTER I

MEASURES CONCERNING PROCEEDINGS BASED ON A VIOLATION OF HUMAN RIGHTS AND FREEDOMS

CIVIL CODE OF QUÉBEC

36. Article 2929 of the Civil Code of Québec is repealed.

37. Article 2930 of the Code is amended by inserting "or for injury resulting from a violation of rights and freedoms protected under the Charter of human rights and freedoms (chapter C-12)" after "bodily injury caused to another".

CHARTER OF HUMAN RIGHTS AND FREEDOMS

38. Section 76 of the Charter of human rights and freedoms (chapter C-12) is amended

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

"(2) three months after the date set by the commission to comply with the measures of redress it proposes;";

(2) by inserting "three months after" at the beginning of paragraph 4.

39. Section 77 of the Charter is amended by replacing "two" in subparagraph 1 of the second paragraph by "three".

40. Section 114 of the Charter is amended by adding the following paragraph at the end:

"An originating application shall be accompanied by a notice, and be served on the defendant and, if applicable, on the other parties. The originating application and the notice shall contain the elements determined by regulation of the Tribunal."

41. Section 115 of the Charter is replaced by the following section:

"**115.** Within 45 days after service of an originating application, the defendant may file a defence containing the elements determined by regulation of the Tribunal and must, if applicable, notify it to all the parties. Within the same period, the parties other than the plaintiff and the defendant may submit their observations in writing and must, if applicable, notify them to all the parties.

The 45-day period may be extended only if the interests of justice so require."

CHAPTER II

MEASURES TO CLARIFY CERTAIN CIVIL PROCEDURE RULES

CODE OF CIVIL PROCEDURE

42. Article 115 of the Code of Civil Procedure (chapter C-25.01) is amended by adding the following paragraph at the end:

"If the addressee has no known domicile, residence or establishment and is not represented by a lawyer, and no notary is acting for the addressee, notification of a pleading, except a pleading required to be notified under this Code or another law, may be made at the office of the court. In such a case, notification of notices of execution, oppositions to seizure or sale, and applications for annulment of a seizure or sale may be made at the office of the court."

43. Article 138 of the Code is amended by replacing "on the first day of publication" in the second paragraph by "on the date of expiry of the time specified in the notice".

44. Article 139 of the Code is amended by inserting "and to cross-applications instituted against a party represented by a lawyer" at the end of the third paragraph.

45. Article 148 of the Code is amended by replacing "and, if written," in subparagraph 5 of the second paragraph by "and, if oral, the time limit for filing a summary statement of the arguments made if such a statement cannot be filed with the protocol or, if written,".

46. Article 152 of the Code is amended by inserting the following sentence after the second sentence: “The proposal is presumed to have been accepted unless, within 15 days following its notification, the other parties indicate anything that, in their opinion, must be added or removed.”

47. Article 154 of the Code is amended by replacing “to set the case down for trial” in the first paragraph by “to set the date”.

48. Article 170 of the Code is amended by replacing “a brief outline attached to the minutes” in the second paragraph by “the summary statement that was filed and that is attached to the minutes”.

49. Article 188 of the Code is amended by inserting “, and indicate that the third person must reply to the declaration within the next 15 days” at the end of the first paragraph.

50. Article 194 of the Code is amended by adding the following paragraph at the end:

“A lawyer brought in as a substitute must, without delay, file a representation statement with the court office”.

51. Article 352 of the Code is amended by replacing “of the Court of Appeal” by “of the court of first instance”.

52. Article 353 of the Code is amended by replacing “file the notice of appeal together with” in the third paragraph by “notify to the office of the Court of Appeal”.

53. Article 354 of the Code is amended by replacing “of the court of first instance” in the first paragraph by “of the Court of Appeal”.

54. Article 357 of the Code is amended by replacing “court office” in the fourth paragraph by “office of the Court of Appeal”.

55. Article 358 of the Code is amended by inserting “de la Cour d’appel” at the end of the third paragraph in the French text.

56. Article 359 of the Code is amended by inserting “de la Cour d’appel” after “greffe” in the French text.

57. Article 417 of the Code is amended by adding the following paragraph at the end:

“Exceptionally, if circumstances so require to ensure sound case management and orderly conduct of proceedings, the court may try the case without the parties having participated, jointly or separately, in such a session, provided it orders them to participate in such a session within three months after the order is made.”

58. Article 443 of the Code is amended by replacing "Government" in the first paragraph by "Minister of Justice".

59. Article 497 of the Code is amended by inserting the following paragraph after the second paragraph:

"The witness has, solely during the period in which the witness's presence is required to testify in Québec, immunity from any execution measures that could be commenced against the witness; in addition, no pleading may be notified to the witness during that period, except a pleading related to an event that occurred during that period."

60. Article 540 of the Code is amended by replacing the second sentence of the third paragraph by the following sentences: "If an agreement or settlement is reached, the judge confirms it. If no settlement is reached following a settlement conference, the judge may take the appropriate case management measures or, with the consent of the parties, convert the conference into a management conference, but may not subsequently try the case or decide any incidental application."

61. Article 681 of the Code is amended

(1) by inserting the following paragraph after the first paragraph:

"Before filing the notice, the bailiff or any person responsible under the law for filing it must verify the website of the Société québécoise d'information juridique to determine whether execution proceedings have already commenced against the debtor, so as to allow the creditor to join in the proceedings if required to do so or to present a claim.";

(2) by adding the following sentence at the end of the second paragraph: "The notice is served on the debtor and notified to the creditor.";

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

"Whoever files the notice must publish it or a summary of it on the website of the Société québécoise d'information juridique."

62. Article 682 of the Code is replaced by the following article:

"**682.** All execution measures are set out in a single notice of execution. The notice may be amended, to complete execution, if the creditor gives new instructions or if the creditor or another creditor commences execution of another judgment against the same debtor. Unless otherwise provided by law, every creditor is required to join, as seizor, in the execution proceedings already commenced in the district where they were commenced. The creditor gives instructions to the executing bailiff, if applicable.

An amended notice is filed with the court office in each of the records concerned. The amended notice identifies any creditor joining in the execution proceedings and sets out the particulars of that creditor's claim and any additional execution measures considered expedient. Whoever files the amended notice notifies it to the debtor and to the creditors who gave the bailiff instructions and publishes it or a summary of it on the website of the Société québécoise d'information juridique."

63. Article 698 of the Code is amended by adding the following sentence at the end of the first paragraph: "However, for the payment of a support debt, the debtor's income is exempt from seizure except the portion determined by the formula A × C."

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D'INFORMATION JURIDIQUE

64. Section 19 of the Act respecting the Société québécoise d'information juridique (chapter S-20) is amended by adding the following paragraph at the end:

"Lastly, it may exercise any other function conferred on it by the Minister."

65. The Act is amended by inserting the following section after section 21:

"**21.1.** The company must make available on its website a service for verifying whether execution proceedings have been commenced against a debtor under the Code of Civil Procedure (chapter C-25.01) or another Act.

The company may, by a by-law submitted to the Government for approval, determine the rules necessary for implementing and operating the service. Such rules may, in particular, determine the information that must appear in the summary referred to in articles 681 and 682 of the Code of Civil Procedure, the tariff applicable to publication of an execution notice or a summary, the time period during which information contained in the service must be preserved and the procedure for consulting the service."

TARIFF OF JUDICIAL FEES APPLICABLE TO THE RECOVERY OF SMALL CLAIMS

66. Section 4 of the Tariff of judicial fees applicable to the recovery of small claims (chapter C-25.01, r. 13) is amended

(1) by replacing "as the fee for a search via SOQUIJ to verify the execution proceedings already carried out against the defendant" in the first paragraph by "for publication of a notice of execution or a summary on the website of the Société québécoise d'information juridique";

(2) by replacing "and filing of an initial notice of execution" in the second paragraph by ", filing and publication of an initial notice of execution or a summary".

TARIFF OF COURT COSTS IN PENAL MATTERS

67. Section 13 of the Tariff of court costs in penal matters (chapter C-25.1, r. 6) is amended by replacing "research conducted with SOQUIJ for verifying execution proceedings already commenced against a defendant" in subparagraph *d* of paragraph 12 by "publication of a notice of execution or a summary on the website of the Société québécoise d'information juridique".

CHAPTER III

MEASURES CONCERNING COURTS OF JUSTICE

DIVISION I

APPEAL AND CONTESTATION BEFORE THE COURT OF QUÉBEC

§1.—*Appeal before the Court of Québec*

COURTS OF JUSTICE ACT

68. The Courts of Justice Act (chapter T-16) is amended by inserting the following section after section 83:

"**83.1.** In cases where the law confers jurisdiction on the Court over an appeal of a decision made in the exercise of an adjudicative function, the Court shall render its decision without being required to defer to the conclusions on issues of law or of jurisdiction ruled on by the decision under appeal.

Such jurisdiction shall be exercised exclusively by the judges of the Court designated by the chief judge on the basis of their experience, expertise, sensitivity or marked interest regarding the matter that is the subject of the appeal.

Unless otherwise provided, the appeal is governed by articles 351 to 390 of the Code of Civil Procedure (chapter C-25.01), with the necessary modifications."

§2. — *Contestation before the Court of Québec*

SPECIAL AMENDING PROVISIONS

TAX ADMINISTRATION ACT

69. Section 10.1 of the Tax Administration Act (chapter A-6.002) is amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

"(*b*) if the person files a contestation in accordance with Chapter III.2 or Chapter IV or brings an appeal."

70. Section 12.0.3 of the Act is amended, in the introductory clause,

(1) by replacing "an appeal or a summary appeal" and "appeal or summary appeal" by "a contestation under Chapter III.2 or Chapter IV or an appeal";

(2) by replacing "bringing an appeal or summary appeal" by "filing such a contestation or bringing such an appeal".

71. Section 21.0.1 of the Act is amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

"(*b*) if the person files a contestation under Chapter III.2 or Chapter IV or brings an appeal."

72. Section 27.0.1 of the Act is amended by replacing "an appeal or a summary appeal" by "a contestation under Chapter III.2 or Chapter IV or an appeal".

73. Section 35.4 of the Act is amended

(1) in the introductory clause,

(*a*) by inserting ", who has filed a contestation under Chapter III.2 or Chapter IV" after "an assessment";

(*b*) by replacing "to appeal has expired" by "to contest has expired";

(*c*) by replacing "the appeal is disposed of" by "the contestation is disposed of";

(2) by replacing "the objection or appeal" in paragraph *a* by "the objection, contestation or appeal".

74. Section 65 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing “any appeal brought” by “any contestation filed”;

(*b*) by replacing “the appeal” by “the contestation”;

(2) in the second paragraph,

(*a*) by replacing “to the appellant” by “to the contesting party”;

(*b*) by replacing “such appeal” by “the contestation”;

(3) by replacing “to a summary appeal brought” in the third paragraph by “to a contestation filed”.

75. Section 93.1.8 of the Act is amended, in the third paragraph,

(1) by replacing “an objection or appeal was made to an earlier assessment or determination” by “an earlier assessment or determination was the subject of an objection, contestation or appeal”;

(2) by inserting “a contestation or” after “notice of objection or for filing”.

76. The heading of Chapter III.2 of the Act is replaced by the following heading:

“CONTESTATION BEFORE THE COURT OF QUÉBEC AND APPEAL TO THE COURT OF APPEAL”.

77. Section 93.1.10 of the Act is amended by replacing “may appeal to” in the introductory clause of the first paragraph by “may file a contestation with” and by replacing “appeal” in the second paragraph by “file a contestation”.

78. Section 93.1.10.1 of the Act is amended

(1) by replacing “appeal to” in the introductory clause of the first paragraph by “file a contestation with”;

(2) in the second paragraph,

(*a*) by replacing “The appeal provided for” by “The contestation provided for”;

(*b*) by replacing “be instituted” by “be filed”.

79. Section 93.1.12 of the Act is amended by replacing "appeal from" in the first and second paragraphs and "for the appeal" in the second paragraph by "contest" and "for the contestation", respectively.

80. Section 93.1.13 of the Act is amended by replacing "No appeal" and "be instituted" in the first paragraph and "limited by the first paragraph for appealing" in the second paragraph by "No contestation", "be filed" and "specified in the first paragraph", respectively.

81. Section 93.1.15 of the Act is amended

(1) by replacing "An appeal may be brought before the Court of Québec from" in the first paragraph by "A contestation may be filed under this chapter regarding";

(2) by replacing "The appeal must be brought" in the second paragraph by "The contestation must be filed".

82. Section 93.1.15.1 of the Act is amended by replacing "no appeal may be brought from" and "from a decision revoking" by "no contestation may be filed regarding or appeal brought from" and "a decision revoking", respectively.

83. Section 93.1.15.2 of the Act is amended

(1) by replacing "An appeal may be brought before the Court of Québec from" in the first paragraph by "A contestation may be filed under this chapter regarding";

(2) by replacing "The appeal must be brought" in the second paragraph by "The contestation must be filed".

84. Section 93.1.15.3 of the Act is amended

(1) by replacing "An appeal may be brought before the Court of Québec from" in the first paragraph by "A contestation may be filed under this chapter regarding";

(2) by replacing "The appeal must be brought" in the second paragraph by "The contestation must be filed".

85. Section 93.1.17 of the Act is amended

(1) by replacing "An appeal before the Court of Québec is brought by an application" in the first paragraph by "A contestation before the Court of Québec is filed";

(2) in the second paragraph,

(*a*) by replacing "a single appeal" by "a single contestation";

(*b*) by replacing “appealing assessments may not join in the same appeal” by “contesting assessments may not join in the same contestation”.

86. Section 93.1.21 of the Act is amended

(1) by inserting “the contestation or” before “the appeal” in the first paragraph;

(2) in the second paragraph,

(*a*) by inserting “a contestation filed or” after “Court decides”;

(*b*) by inserting “the contestation or of” after “without trial of”;

(*c*) by inserting “the contestation or” after “Court considers”;

(*d*) by inserting “the contestation or” after “reasons for which”.

87. Section 93.1.21.1 of the Act is amended by replacing “an appeal brought” by “a contestation filed”.

88. Section 93.1.24 of the Act is amended by replacing “An appeal or a summary appeal” and “of the appeal” by “A contestation filed in accordance with this chapter or Chapter IV or an appeal” and “of the contestation”, respectively.

89. The heading of Chapter IV of the Act is replaced by the following heading:

“CONTESTATION BEFORE THE SMALL CLAIMS DIVISION OF THE COURT OF QUÉBEC”.

90. Section 93.2 of the Act is amended by replacing “bring a summary appeal before” and “the summary appeal” in the introductory clause of the first paragraph by “file a contestation with” and “the contestation”, respectively.

91. Section 93.4 of the Act is amended

(1) by replacing “of a summary appeal” by “of a contestation”;

(2) by replacing “of the appeal” by “of the contestation”.

92. Section 93.7 of the Act is amended

(1) by replacing “Where a summary appeal” by “Where a contestation filed in accordance with this chapter”;

(2) by replacing “the summary appeal lapses” by “the contestation filed in accordance with this chapter lapses”.

93. Section 93.9 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "a summary appeal may be entered" by "a contestation filed in accordance with this chapter may be entered";

(*b*) by replacing "pour être continué" in the French text by "pour être continuée";

(2) in the third paragraph,

(*a*) by replacing "the summary appeal could be brought" by "the contestation could be filed";

(*b*) by replacing "s'il porte" in the French text by "si elle porte".

94. Section 93.11 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "bring a summary appeal" by "file a contestation in accordance with this chapter";

(*b*) by replacing "prescribed by the said law for appeal before the Court of Québec" by "prescribed by that law for filing a contestation in accordance with Chapter III.2";

(2) by replacing "bring a summary appeal" in the second paragraph by "file a contestation in accordance with this chapter".

95. Section 93.12 of the Act is amended by replacing "Where the time to bring a summary appeal has expired and not more than one year has elapsed after the first day on which such an appeal could have been brought" in the first paragraph by "Where the time to file a contestation in accordance with this chapter has expired and not more than one year has elapsed since the first day on which such a contestation could have been filed".

96. Section 93.13 of the Act is amended

(1) by replacing "A summary appeal is exercised by means of" in the first paragraph by "A contestation is filed using";

(2) in the third paragraph,

(*a*) by replacing "a single appeal" by "a single contestation";

(*b*) by replacing "cet appel" in the French text by "cette contestation";

(*c*) by replacing “same summary appeal” by “same contestation”.

97. Section 93.29 of the Act is amended

(1) by replacing “the summary appeal” in the first paragraph by “the contestation”;

(2) in the third paragraph,

(*a*) by replacing “a summary appeal brought” by “a contestation filed”;

(*b*) by replacing “the summary appeal” by “the contestation”;

(*c*) by replacing “the appeal was not reasonably founded” by “that the contestation was not reasonably founded”;

(*d*) by replacing “the appeal was brought or continued” by “the contestation was filed or continued”.

98. Section 93.33 of the Act is amended by replacing “any other summary appeal” and “any appeal” in the second paragraph by “any other contestation filed in accordance with this chapter” and “any contestation filed”, respectively.

REAL ESTATE BROKERAGE ACT

99. Section 43 of the Real Estate Brokerage Act (chapter C-73.2) is amended

(1) in the first paragraph,

(*a*) by replacing “Any appeal” by “Any contestation”;

(*b*) by replacing “is brought before” by “is filed with”;

(2) by replacing “An appeal” in the second paragraph by “A contestation”;

(3) by replacing “The appeal is brought” and “notice of appeal” in the third paragraph by “The contestation is made” and “notice of contestation”, respectively.

ACT RESPECTING HUNTING AND FISHING RIGHTS IN THE JAMES BAY AND NEW QUÉBEC TERRITORIES

100. Section 51.11 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1) is amended

(1) by replacing “appeal from” in the first paragraph by “contest”;

(2) by replacing “An appeal shall suspend” in the second paragraph by “A contestation suspends”.

101. Section 51.12 of the Act is amended by replacing "The appeal is brought" in the first paragraph by "The contestation is made".

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

102. Section 512.20 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended

(1) by replacing "appeal" in the first paragraph by "contest";

(2) in the third paragraph,

(*a*) by replacing "The appeal shall be heard and decided" by "The contestation shall be heard and decided";

(*b*) by replacing "The appeal does not" by "The contestation does not".

ACT RESPECTING SCHOOL ELECTIONS

103. Section 209.26 of the Act respecting school elections (chapter E-2.3) is amended

(1) by replacing "appeal" in the first paragraph by "contest";

(2) by replacing "The notice of appeal" in the second paragraph by "The contestation";

(3) in the third paragraph,

(*a*) by replacing "The appeal shall be heard and decided" by "The contestation shall be heard and decided";

(*b*) by replacing "The appeal does not suspend" by "The contestation does not suspend".

ELECTION ACT

104. Section 457.21 of the Election Act (chapter E-3.3) is amended

(1) by replacing "appeal" in the first paragraph by "contest";

(2) in the third paragraph,

(*a*) by replacing "The appeal shall be heard and decided" by "The contestation is heard and decided";

(*b*) by replacing "The appeal does not suspend" by "The contestation does not suspend".

PETROLEUM RESOURCES ACT

105. Section 169 of the Petroleum Resources Act (chapter H-4.2) is amended by replacing "The appeal is brought" by "The contestation is made".

TAXATION ACT

106. Section 899 of the Taxation Act (chapter I-3) is amended by replacing "an appeal" in the first paragraph by "a contestation".

107. Section 1044.4 of the Act is amended by replacing subparagraph iv of paragraph *c* by the following subparagraph:

"iv. if the corporation has filed a contestation with or brought an appeal before a court of competent jurisdiction regarding an assessment referred to in subparagraphs i and ii, or has applied for leave to file a contestation or bring an appeal regarding such an assessment before such a court, the day on which the court dismisses the application, the day on which the corporation discontinues its application, contestation or appeal or the day on which final judgment is rendered on the contestation or the appeal,".

108. Section 1050 of the Act is amended by inserting "contestation or" after "in any".

109. Section 1065 of the Act is amended by replacing "for appealing if the decision has not been appealed" in subsection 2 by "for contesting if the decision has not been contested".

EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

110. Section 466 of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) is amended by replacing "the appeal" and "appellant" in the second paragraph by "the contestation" and "contesting party", respectively.

111. Section 470 of the Act is amended

(1) in subsection 1,

(*a*) by replacing "the decision of the commissioners appealed from" by "the decision of the commissioners regarding which a contestation has been filed";

(*b*) by replacing "the appeal" by "the contestation";

(2) by replacing "the appeal" in subsection 2 by "the contestation".

ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

112. Section 99 of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6) is amended by replacing "No appeal under section 98 may be instituted" by "No contestation under section 98 may be filed".

MINING ACT

113. Section 297 of the Mining Act (chapter M-13.1) is amended by replacing "An appeal is brought" by "A contestation is made".

CULTURAL HERITAGE ACT

114. Section 108 of the Cultural Heritage Act (chapter P-9.002) is amended by replacing "No appeal may be instituted" in the first paragraph by "No contestation may be made".

115. Section 115 of the Act is amended by striking out "resulting from the appeal".

POLICE ACT

116. Section 89 of the Police Act (chapter P-13.1) is amended

(1) by replacing "appealed" in the first paragraph by "contested";

(2) by replacing "The appeal is" and "appellant" in the second paragraph by "The contestation must be" and "contesting party", respectively;

(3) by replacing "an appeal brought" and "the appeal" in the third paragraph by "a contestation filed" and "the contestation", respectively;

(4) in the fourth paragraph,

(*a*) by replacing "If the appeal" by "If the contestation";

(*b*) by replacing all occurrences of "the appellant" by "the contesting party";

(*c*) by replacing "de l'appelant" in the French text by "du demandeur".

YOUTH PROTECTION ACT

117. Section 71.26 of the Youth Protection Act (chapter P-34.1) is amended

(1) in the first paragraph,

(*a*) by replacing "appeal to the court by application" by "contest the decision by filing an application with the court";

(*b*) by replacing "the decision to be appealed" by "the decision being contested";

(2) by replacing "The appeal" in the third paragraph by "The contestation".

ACT RESPECTING PROPERTY TAX REFUND

118. Section 28 of the Act respecting property tax refund (chapter R-20.1) is amended by replacing "to appeal" and "of a summary appeal referred to in section 93.13" in the second paragraph by "to contest" and "of a contestation filed under Chapter IV".

119. Section 39 of the Act is amended

(1) by inserting ", contests" after "objects to";

(2) by replacing "or appeal from" by ", contest or appeal from".

120. Section 40 of the Act is amended

(1) by replacing "or appeal from that decision" by "or contest or appeal from that decision";

(2) by inserting ", file a contestation regarding" after "does not object to".

ACT RESPECTING THE QUÉBEC SALES TAX

121. Section 42.0.22 of the Act respecting the Québec sales tax (chapter T-0.1) is amended by inserting "a contestation filed or" after "purposes of" in the introductory clause.

122. Section 42.0.24 of the Act is amended by replacing "appeals the assessment" in the introductory clause by "contests or appeals the assessment".

LOBBYING TRANSPARENCY AND ETHICS ACT

123. Section 57 of the Lobbying Transparency and Ethics Act (chapter T-11.011) is amended

(1) by replacing "be appealed" in the first paragraph by "be contested";

(2) in the second paragraph,

(*a*) by replacing both occurrences of "The appeal" by "The contestation";

(*b*) by replacing "L'appel est entendu et jugé" in the French text by "La contestation est entendue et jugée".

GENERAL AMENDING PROVISIONS

124. The following provisions are amended in the following manner, with the necessary modifications,

(1) by replacing "appeal" in sections 93.1.19, 93.1.20 and 93.1.22 of the Tax Administration Act (chapter A-6.002) by "contestation";

(2) by replacing "appeal" in section 51.14 and, unless the context indicates otherwise, section 51.15 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1) by "contestation";

(3) by replacing "appeal" in sections 168 and 172 of the Petroleum Resources Act (chapter H-4.2) by "contestation";

(4) by replacing "appeal" in paragraphs *a* and *c* of section 710.3 and paragraphs *a* and *c* of section 752.0.10.4.1 of the Taxation Act (chapter I-3) by "contestation";

(5) by replacing "appeal" in the headings of Part VI and of Division III of Part VI and sections 463 and 467 of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), "An appeal lies to" and "An appeal shall also lie to" in section 461 of that Act and "The appeal or recourse may be taken" in section 462 of that Act by "contestation", "A contestation may be filed with", "A contestation may also be filed" and "The contestation may be filed or the recourse taken", respectively;

(6) by replacing "on appeal" in section 100 of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6), "appeal" in sections 101 to 105 of that Act and "proceedings in appeal" in section 117 of that Act by "on a contestation", "contestation" and "contestation proceedings", respectively;

(7) by replacing "appeal" in sections 38, 142.1, 288, 296 and 300 of the Mining Act (chapter M-13.1) by "contestation";

(8) by replacing “Appeals to” in the heading of subdivision 3 of Division X of Chapter III of the Cultural Heritage Act (chapter P-9.002), “appeal is brought” in section 109 of that Act and “appeal” in sections 110, 113 and 114 of that Act by “Contestations filed with”, “contestation is made” and “contestation”, respectively;

(9) by replacing “appeal” and “time for appeal” in subparagraph 2 of the second paragraph of section 88 of the Police Act (chapter P-13.1) by “contestation” and “time for filing a contestation”, respectively.

125. The following provisions are amended in the following manner, with the necessary modifications,

(1) by replacing “contested or appealed” in section 10 of the Tax Administration Act (chapter A-6.002), “or appeal” in section 83 of that Act, “proceedings in appeal” in section 91 of that Act, “on appeal” in section 93.1.14 of that Act and “is not subject to opposition or appeal” in section 94.1 of that Act by “the subject of an objection, contestation or appeal”, “, contestation or appeal”, “contestation proceedings”, “on a contestation” and “is not the subject of an objection, contestation or appeal”, respectively;

(2) by replacing “opposition or appeal in respect of such reimbursement is in process” in section 220.9 of the Act respecting municipal taxation (chapter F-2.1) by “objection, contestation or appeal in respect of that reimbursement is pending”;

(3) by replacing “or an appeal” in paragraph 9 of section 8.0.1 of the Mining Tax Act (chapter I-0.4) by “, contestation or appeal”;

(4) by replacing “appeal” in paragraph *f* of section 312 of the Taxation Act (chapter I-3), “or appeal” in paragraph *e* of section 336 of that Act and “is not subject to opposition or appeal” in the third paragraph of section 766.2.1 of that Act, as amended by section 201 of chapter 1 of the statutes of 2017, by “contestation”, “, contestation or appeal” and “may not be the subject of an opposition, contestation or appeal”, respectively;

(5) by replacing “objection to or appeal from” in section 84 of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6), “or appeal” in section 88 of that Act, “appeal brought” in section 107 of that Act and “or appeal” in section 113 of that Act by “objection, contestation or appeal regarding”, “, contestation or appeal”, “contestation filed” and “, contestation or appeal”, respectively;

(6) by replacing “is not subject to opposition or appeal” in the fifth paragraph of section 34.1.6 of the Act respecting the Régie de l’assurance maladie du Québec (chapter R-5) by “may not be the subject of an objection, contestation or appeal”;

(7) by replacing “opposition or appeal” in section 78 of the Act respecting the Québec Pension Plan (chapter R-9) by “an objection, contestation or appeal”;

(8) by replacing "or an appeal in respect of that property tax refund is in progress" in section 22 of the Act respecting property tax refund (chapter R-20.1) by ", contestation or appeal in respect of that property tax refund is pending".

126. The following provisions are amended in the following manner, with the necessary modifications,

(1) by replacing "AND APPEAL" in the heading of Chapter XIV of the Petroleum Resources Act (chapter H-4.2) by ", CONTESTATION AND APPEAL";

(2) by replacing "and appeal" in sections 1006, 1006.1 and, unless the context indicates otherwise, section 1007.4 of the Taxation Act (chapter I-3) by ", contestation and appeal";

(3) by replacing "*Appeals*" in the heading of subdivision 5 of Division III of Chapter V of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6) by "*Contestations and appeals*";

(4) by replacing "AND APPEAL" in the heading of Chapter IX of the Mining Act (chapter M-13.1) by ", CONTESTATION AND APPEAL";

(5) by replacing "AND APPEALS" in the heading of Division V of the Act respecting property tax refund (chapter R-20.1), "*Appeals*" in the heading of subdivision 2 of Division V of that Act and "*or appeal*" in the heading of subdivision 3 of Division V of that Act by "CONTESTATIONS AND APPEALS", "*Contestations and appeals*" and "*, contestation or appeal*", respectively.

127. The following provisions are amended in the following manner, with the necessary modifications,

(1) by replacing "appellant" in section 170 of the Petroleum Resources Act (chapter H-4.2) by "contesting party";

(2) by replacing "appellant" in section 298 of the Mining Act (chapter M-13.1) by "contesting party";

(3) by replacing "appellant" in sections 111 and 112 of the Cultural Heritage Act (chapter P-9.002) and "appellant's" and "evaluation appealed from" in section 111 of that Act by "contesting party", "contesting party's" and "contested evaluation", respectively.

128. The second paragraph of section 1010.0.1, the first paragraph of section 1014 and the second paragraph of section 1079.13.2 of the Taxation Act (chapter I-3) are amended, with the necessary modifications, by replacing "an appeal or a summary appeal" and "appeal or summary appeal" by "contestation or appeal".

129. Section 93.2.1 of the Tax Administration Act (chapter A-6.002) is amended, with the necessary modifications, by replacing "A summary appeal is brought" and "bring a summary appeal" by "A contestation is filed" and "file a contestation", respectively, and sections 93.6, 93.8, 93.14, 93.17 and 93.18 of that Act are amended, with the necessary modifications, by replacing "summary appeal" by "contestation".

130. The following provisions are amended in the following manner, with the necessary modifications,

(1) by replacing "appeal from it" in section 167 of the Petroleum Resources Act (chapter H-4.2) by "contest it before";

(2) by replacing "appeal to" in section 98 of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6) by "file a contestation with";

(3) by replacing "appeal therefrom to" in section 295 of the Mining Act (chapter M-13.1) by "contest it before";

(4) by replacing "appeal to" in section 107 of the Cultural Heritage Act (chapter P-9.002) by "file a contestation with".

131. Section 51.13 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1) is amended, with the necessary modifications, by replacing "decision being appealed from" by "contested decision", section 171 of the Petroleum Resources Act (chapter H-4.2) and section 299 of the Mining Act (chapter M-13.1) are amended, with the necessary modifications, by replacing "decision appealed from" by "contested decision", and section 468 of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) is amended, with the necessary modifications, by replacing "resolution appealed from" by "contested resolution".

DIVISION II

APPOINTMENT OF CERTAIN JUDGES TO THE COURT OF QUÉBEC

COURTS OF JUSTICE ACT

132. Section 85 of the Courts of Justice Act (chapter T-16) is amended by replacing "306" by "308".

133. Section 90 of the Act is amended

(1) by striking out "and an associate chief judge responsible for municipal courts" in the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

"The Government shall, by commission under the Great Seal and after consultation with the chief judge, appoint from among the judges of the Court or of the municipal courts, an associate chief judge responsible for municipal courts. If a judge of a municipal court is so appointed, the judge becomes *ex officio* a judge of the Court of Québec."

CHAPTER IV

MEASURES CONCERNING THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

ACT RESPECTING ADMINISTRATIVE JUSTICE

134. Section 11 of the Act respecting administrative justice (chapter J-3) is amended by adding the following paragraphs at the end:

"The parties must observe the principle of proportionality and ensure that their actions and pleadings and the means of proof they use are proportionate, in terms of the cost and time involved, to the nature and complexity of the matter and the purpose of the proceedings.

The body and members must do likewise in managing the proceedings they are assigned, regardless of the stage at which they intervene. They must ensure that the measures and acts they order or authorize are in keeping with the same principle, while having regard to the proper administration of justice."

135. Section 91 of the Act is replaced by the following section:

"**91.** The parties must, after receiving notice, take back the exhibits they produced and the documents they filed with the Tribunal. Failing that, the exhibits and documents may be destroyed, unless the president decides otherwise.

At a party's request, a digitized document may be printed."

136. Section 115 of the Act is replaced by the following section:

"**115.** The Tribunal may, upon a motion or on its own initiative, after allowing the parties to be heard, dismiss a proceeding or any pleading it deems abusive, in particular because it is clearly unfounded, frivolous or dilatory, or make it subject to certain conditions.

If the abuse is caused by a party's vexatious or quarrelsome conduct, the Tribunal may also prohibit the party from bringing a proceeding or motion in a matter already before it, unless prior authorization has been obtained from the president or any other member the president designates and according to the conditions that the president or any other member the president designates determines."

137. Section 128 of the Act is replaced by the following section:

"**128.** The Tribunal shall, as far as possible, set a date and time for the hearing that allows the parties and their witnesses, if any, to attend without too much disruption of their usual occupations."

138. The Act is amended by inserting the following section after section 156:

"**156.1.** An agreement between the parties to terminate a dispute regarding recovery of sums payable to the State, recorded in writing, in a proceeding of which the tribunal is already seized, may be submitted to the Tribunal to be homologated.

The homologated agreement terminates the proceedings and is enforceable as a decision of the Tribunal."

PART III

OTHER MEASURES TO INCREASE THE EFFICIENCY OF CERTAIN ACTORS IN THE JUDICIAL SYSTEM

CHAPTER I

MEASURES AIMED AT ENHANCING THE LEGAL AID SYSTEM AND INCREASING THE EFFECTIVENESS OF THE COMMISSION DES SERVICES JURIDIQUES

ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

139. Section 4 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) is amended by striking out ", in the second paragraph of section 32.1" in the first paragraph.

140. The Act is amended by inserting the following section after the heading of subdivision 2 of Division II of Chapter II:

"**4.3.1.** Legal aid shall be granted for legal advice in the areas for which legal services are already covered."

141. Section 4.4 of the Act is replaced by the following section:

"**4.4.** Legal aid shall be granted, to the extent determined by the provisions of this subdivision and the regulations, for services rendered before an action is brought, in particular during participation in private dispute prevention and resolution processes aimed at avoiding referral of disputes to the courts, if such services are necessary, and for matters brought or to be brought before a court. It may be granted at any stage of the process or proceedings, in first instance or in appeal. It may be granted, to the same extent, in respect of proceedings in execution.

Legal aid may also be granted for legal services described in section 4.10 and, by way of exception, for legal services described in section 4.13."

142. Section 4.5 of the Act is amended by replacing "une demande d'emprisonnement" in paragraph 4 in the French text by "une demande d'imposition d'une peine d'emprisonnement".

143. Section 4.10 of the Act is amended by replacing "harmful" in paragraph 3 by "serious".

144. Section 32.1 of the Act is amended by striking out the second paragraph.

145. Section 74 of the Act is amended

(1) by replacing "The application shall be decided by three members, including at least one advocate. The application releases the advocate of the person applying for the review" in the first paragraph by "The application shall be decided by a committee of three members, including at least one advocate, except in the case of an application regarding a decision made under subparagraph *a* of the first paragraph of section 70, which shall be decided by a single member, who must be an advocate. An application for review releases the applicant's advocate";

(2) by replacing "Where the review committee decides that the person having applied for the review" in the third paragraph by "Where it is decided that the applicant".

146. Section 76 of the Act is replaced by the following section:

"**76.** Subject to section 75, the application for review or contestation shall be made in writing and summarily set out the reasons invoked. If need be, a copy of the application must be sent to the advocate or notary who is entrusted with rendering professional services to the applicant."

147. Section 77 of the Act is amended by replacing "The review committee shall, before making its decision" by "The three-member committee or the single deciding member must, before making a decision".

148. Section 78 of the Act is replaced by the following section:

"**78.** The decision must include reasons and be sent without delay to the persons concerned and to the centre."

REGULATION RESPECTING LEGAL AID

149. Section 43.1 of the Regulation respecting legal aid (chapter A-14, r. 2) is amended by inserting "if it is necessary for an advocate to assist a person participating in a program for the non-judicial treatment of certain criminal offences. It shall also be granted" after "that aid shall be granted" in the first paragraph.

150. Section 45.1 of the Regulation is repealed.

CHAPTER II

MEASURES TO INCREASE THE EFFICIENCY OF THE COMMISSION QUÉBÉCOISE DES LIBÉRATIONS CONDITIONNELLES

ACT RESPECTING THE QUÉBEC CORRECTIONAL SYSTEM

151. Section 120 of the Act respecting the Québec correctional system (chapter S-40.1) is replaced by the following section:

"**120.** The parole board shall be composed of not more than 12 full-time members, including a chair and vice-chair, and of the number of part-time members determined by the Government."

152. Section 122 of the Act is replaced by the following section:

"**122.** The members of the parole board shall be appointed for terms not exceeding five years."

153. Section 125 of the Act is amended by replacing "full-time members and part-time members and the fees and allowances of the community members of the parole board" by "members of the parole board".

154. Section 130 of the Act is repealed.

155. Section 138 of the Act is amended by replacing "A member of the" by "The".

156. Section 141 of the Act is amended by replacing "A full-time or part-time member of the" in the introductory clause of the first paragraph by "The".

157. Section 142 of the Act is amended by replacing "The member of the" in the first and second paragraphs by "The".

158. Section 152 of the Act is amended by replacing the second paragraph by the following paragraph:

"After examining the application, the parole board shall reject it if it does not meet the conditions set out in the first paragraph or shall refer it for re-examination."

159. Section 154 of the Act is replaced by the following section:

"**154.** Decisions of the parole board regarding an offender are made by one of its members.

However, the chair may, if the chair considers it useful given the complexity or importance of a case, determine that the decision must be made by two members, in which case the decision must be unanimous. If the two members cannot agree, the case shall be entrusted to two other members."

160. Section 160 of the Act is amended by striking out "or, in the case of a temporary absence for a family visit, a member of the parole board," and "or member" in the introductory clause of the second paragraph.

161. Section 161 of the Act is amended

(1) by replacing "A member of the" in the introductory clause of the first paragraph by "The";

(2) by replacing "he or she has reasonable cause" in subparagraph 1 of the first paragraph by "the parole board or the person has reasonable cause".

162. Section 167 of the Act is amended

(1) by replacing "A member of the" in the first paragraph by "The";

(2) by replacing "A member of the parole board or, after consulting the parole board" in the second paragraph by "The parole board or, after consulting the parole board".

163. Section 169 of the Act is amended by striking out "full-time or part-time".

164. Section 170 of the Act is amended by replacing paragraph 1 by the following paragraph:

"(1) legislative prescriptions were not complied with;".

165. Section 171 of the Act is amended

(1) by replacing "order a new review of the case" in paragraph 2 by "refer the case for re-examination";

(2) by adding the following paragraph:

"In the case of a referral for re-examination under subparagraph 2 of the first paragraph, a member who participated in the review may not participate in the re-examination or in the subsequent review of the decision resulting from the re-examination."

166. Section 193 of the Act is amended by striking out subparagraph 28 of the first paragraph.

REGULATION RESPECTING CONDITIONAL RELEASE

167. Section 1 of the Regulation respecting conditional release (chapter S-40.1, r. 2) is repealed.

PART IV

TRANSITIONAL AND FINAL PROVISIONS

168. The new rules regarding prescription resulting from the amendments made to articles 2929 and 2930 of the Civil Code and to section 76 of the Charter of human rights and freedoms (chapter C-12) apply to legal situations in progress, taking into account the time elapsed.

169. This Act comes into force on (*insert the date of assent to this Act*), except sections 3 to 17, 19 to 23, 33, 35, 61 to 63, 65 to 67, 69 to 98, 106 to 109, 118 to 122, paragraphs 1 and 4 of section 124, paragraphs 1 to 4 and 6 to 8 of section 125, paragraphs 2 and 5 of section 126 and sections 128 and 129, which come into force on the date or dates to be set by the Government.