



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 80

**An Act to amend the Act respecting
the class action**

Introduction

**Introduced by
Madam Linda Goupil
Minister of Justice**

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EXPLANATORY NOTES

This bill amends the Act respecting the class action to enable the Fonds d'aide aux recours collectifs to grant financial assistance, on certain conditions, to Québec residents who institute or intend to institute proceedings of the nature of a class action before the Federal Court of Canada – Trial Division.

The bill also contains a transitional provision concerning the proceedings that are pending before that Court.

Bill 80

AN ACT TO AMEND THE ACT RESPECTING THE CLASS ACTION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Act respecting the class action (R.S.Q., chapter R-2.1) is amended by inserting the following after section 37 :

“CHAPTER III.1

“ASSISTANCE FOR PROCEEDINGS BEFORE THE FEDERAL COURT OF CANADA

“37.1. The Fonds may grant financial assistance for the institution of a proceeding of the nature of a class action before the Federal Court of Canada, provided that

(1) the applicant proves that substantial grounds exist to warrant the institution of the proceeding before the Federal Court, rather than before the Superior Court ;

(2) the applicant and at least 50% of the members of the group who have made themselves known are Québec residents ;

(3) the subject-matter of the proceeding is one in respect of which the Federal Court – Trial Division and the Superior Court have concurrent jurisdiction.

“37.2. Assistance shall be granted subject to the other provisions of this Act, except the provisions of sections 32 and 42.

However, before granting assistance, the Fonds shall, in all cases, determine whether or not the proceeding can be instituted or continued without the assistance and consider the probable existence of the right the applicant intends to assert as well as the probability that the proceeding will be instituted.”

2. Residents of Québec who are parties to a proceeding of the nature of a class action instituted before the Federal Court of Canada – Trial Division on (*insert here the date of introduction of this bill*) are entitled, if they apply therefor, to receive financial assistance from the Fonds d'aide aux recours collectifs.

The Fonds shall proceed with diligence in determining the financial assistance required to enable the proceeding to continue.

The provisions of Title II of the Act respecting the class action apply to a recipient, within the meaning of that Act, to whom assistance has been so granted, with the exception of sections 23, 24 and 32, Chapter III.1 and section 42.

3. The provisions of this Act come into force on (*insert here the date of assent to this Act*).