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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Draft Bill

**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 introduce non-judicial processes for the making of individual decisions in the exercise of an administrative function. Others are aimed at incorporating certain existing tribunals into the Administrative Tribunal of Québec and at standardizing the rules of procedure applicable before the Tribunal.*

*Finally, the jurisdiction of the Court of Québec in administrative matters is transferred to the Administrative Tribunal of Québec.*

#### LEGISLATION AMENDED BY THIS DRAFT BILL :

- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Travel Agents Act (R.S.Q., chapter A-10);
- Legal Aid Act (R.S.Q., chapter A-14);
- 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);

- 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);
- Charter of the French language (R.S.Q., chapter C-11);
- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- Cinema Act (R.S.Q., chapter C-18.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Labour Code (R.S.Q., chapter C-27);
- 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 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);
- Tourist Establishments Act (R.S.Q., chapter E-15.1);
- Expropriation Act (R.S.Q., chapter E-24);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Grain Act (R.S.Q., chapter G-1.1);
- Act respecting immigration to Québec (R.S.Q., chapter I-0.2);
- 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);
- Cullers Act (R.S.Q., chapter M-12.1);
- Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14);
- Act respecting the Ministère de l'Emploi (R.S.Q., chapter M-15.01);
- Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- 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);
- 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);
- Consumer Protection Act (R.S.Q., chapter P-40.1);
- 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 occupational health and safety (R.S.Q., chapter S-2.1);
- Act respecting safety in sports (R.S.Q., chapter S-3.1);

- 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 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 Québec sales tax (R.S.Q., chapter T-0.1);
- 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).

## Draft Bill

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

**THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:**

#### **ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION**

**1.** Section 28 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by replacing the words “carrying on judicial or quasi judicial functions” in the first and second lines of subparagraph 1 of the first paragraph by the words “exercising adjudicative functions”.

**2.** Article 29.1 of the said Code is amended by replacing the words “quasi-judicial” in the second line of the first paragraph by the word “adjudicative”.

**3.** Article 53 of the said Code is amended by replacing the words “in the performance of an adjudicative function by a public body performing quasi-judicial functions” in the first and second lines of paragraph 2 by the words “by a public body in the exercise of an adjudicative function”.

#### **ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES**

**4.** Section 2 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by striking out the definition of “board of appeal”.

**5.** The heading of Chapter XI of the said Act is amended by replacing the words “RIGHT OF APPEAL” by the words “PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

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

(1) by replacing the words “bring an appeal before the board of appeal” in the third and fourth lines of the first paragraph by the words “contest the decision before the Administrative Tribunal of Québec”;

(2) by replacing the words “appeal from” in the first line of the first paragraph by the words “contest” and by striking out the word “from” in the third line of that paragraph.

**7. Section 362 of the said Act is amended by replacing the words “A decision of a review office shall have effect immediately, notwithstanding appeal, unless” in the first and second lines by the words “A proceeding before the Administrative Tribunal of Québec suspends the execution of the decision of a review office if”.**

**8. Section 363 of the said Act is amended by replacing the words “board of appeal” in the first line by the words “Administrative Tribunal of Québec”.**

**9. Section 364 of the said Act is amended by replacing the words “board of appeal” in the first line of the first paragraph by the words “Administrative Tribunal of Québec”.**

**10. Chapter XII of the said Act, pertaining to the Commission d’appel en matière de lésions professionnelles, is repealed.**

**11. Section 433 of the said Act is amended by replacing the words “an appeal” in the second line by the words “a proceeding” and by replacing the word “appeal” at the end of that line by the word “proceeding”.**

**12. Section 437 of the said Act is amended by inserting the words “or the decision of the Administrative Tribunal of Québec” after the word “certificate” in the first line of the first paragraph.**

**13. Section 450 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 third paragraph by the following paragraph:



**"A proceeding brought under any of the said Acts precludes a proceeding under any other, and the decision binds both agencies."**

**14. Section 451 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 third paragraph by the following paragraph:

**"A proceeding brought under any of the said Acts precludes a proceeding under any other, and the decision binds the Commission for the purposes of each of those Acts."**

**15. Section 570.1 of the said Act is amended by replacing the words "appealed from" in the third line of the first paragraph by the words "contested before the Administrative Tribunal of Québec", by replacing the word "appeal" in the second line of the second paragraph by the words "contestation before the Administrative Tribunal of Québec", and by replacing the words "of, or appeal from," in the first and second lines of the third paragraph by the words "or a contestation before the Administrative Tribunal of Québec of".**

**16. Section 590 of the said Act is amended**

(1) by striking out the first paragraph;

(2) by striking out the words "of the other provisions" in the second line of the second paragraph.

**17. Schedules VI and VII to the said Act are repealed.**

**TRAVEL AGENTS ACT**

**18. The heading of Division III of the Travel Agents Act (R.S.Q., chapter A-10) is amended by replacing the word "APPEALS" by the words "PROCEEDINGS BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC".**

**19. Section 13 of the said Act is amended 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 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the licensee at least 10 days to present observations".**

**20.** Section 17 of the said Act is amended 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 60 days of notification of the president’s decision, contest the decision before the Administrative Tribunal of Québec”.

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

#### LEGAL AID ACT

**22.** Section 3 of the Legal Aid Act (R.S.Q., chapter A-14) is amended by replacing the words “any body having a judicial or quasi judicial jurisdiction” in the first and second lines by the words “, in addition to a court of justice, a person or administrative body exercising adjudicative functions”.

#### ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**23.** 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”.

**24.** 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

**25.** Section 45 of the Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001) is replaced by the following section:

**“45.** A seller for whom a provisional administrator has been appointed may 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

**26.** 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 on a motion by the purchaser served on the Member”.

## AUTOMOBILE INSURANCE ACT

**27.** 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”.

**28.** 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”.

**29.** 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 or the Tribunal”.

**30.** 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”.

**31.** 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”.

**32.** 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.”

**33.** 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”.

**34.** 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 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”.

**35.** 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”.

**36.** Section 83.45 of the said Act is amended

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

(2) by replacing the figure “60” in the fourth line of the first paragraph by the figure “45”.

**37.** 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”.

**38.** 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”.

**39.** 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.

**40.** 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”.

**41.** 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”.

**42.** 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 same paragraph.

**43.** 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.

**44.** 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”.

**45.** 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”.

#### CROP INSURANCE ACT

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

(1) by striking out the words “to the Court” in the third line of the first paragraph;

(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.”

**47.** 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.”

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

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

**49.** 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 “contest the decision before the Administrative Tribunal of Québec”.

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

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

(1) by striking out paragraph *j*;

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

#### ACT RESPECTING INSURANCE

**52.** 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”.

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

**54.** Section 93.27 of the said Act is amended by replacing the word “appeal” in the first line of the second paragraph by the words “bringing a proceeding that is”.

**55.** 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”.

**56.** 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 “contest the decision before the Administrative Tribunal of Québec”.

**57.** Section 93.116 of the said Act is amended by replacing the words “notice of default” in the first and second lines of the second paragraph by the words “allegation mentioned in the notice”.

**58.** Section 93.211 of the said Act is amended by replacing the words “notice of default and it” in the first and second lines of the second paragraph by the words “allegation mentioned in the notice, and the default”.

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

**60.** Section 219.1 of the said Act is amended by replacing the words “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 6 of the Act respecting administrative justice and allow the corporation at least 10 days to present observations”.

**61.** 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”.

**62.** 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 6 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”.

**63.** 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 “within six days of receiving the order, apply in writing to the Inspector General for a hearing” in the third and fourth lines of the second paragraph by the words “on receiving the order, present observations to the Inspector General”.

**64.** 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 6 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”.

**65.** Chapter IX of the said Act 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 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 not vary a contested decision or make the decision which should have been made initially.”

**66.** 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”.

**67.** 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

**68.** Section 1 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by replacing the words “organization sitting in Québec and there exercising a judicial or quasi-judicial jurisdiction” in the first and second lines of paragraph *l* by the words “body sitting and exercising an adjudicative function in Québec”.

**69.** Section 129 of the said Act is amended by replacing the words “organization having a quasi-judicial jurisdiction” in the second and third lines of paragraph *c* by the words “administrative body in the exercise of an adjudicative function”.

## BUILDING ACT

**70.** 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 6 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”.

**71.** 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 6 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allow the permit holder or the person at least 10 days to present observations”.

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

**73.** 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”.

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

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

**"PROCEEDING BEFORE THE LABOUR COURT".**

**76.** 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,".

**77.** 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".

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

**79.** Section 170 of the said Act is amended by replacing the word "appeal" in the first line by the words "proceeding".

**80.** 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**

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

**82.** 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".

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

**84.** 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 must notify the interested person in writing as prescribed by section 6 of the Act respecting administrative justice (*insert here the year and the 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

**85.** 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

**86.** 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”.

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

(1) by replacing the first sentence of the first paragraph by the following sentence: “The dissolution of a union must be notified in writing 60 days before the dissolution, and during that time the union may 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”.

**88.** 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

**89.** Section 204 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 of the third paragraph by the words “present observations”.

**90.** 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”.

**91.** 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”.

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

(1) by inserting the words “, as prescribed by section 6 of the Act respecting administrative justice,” 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”.

**93.** 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”.

**94.** 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”.

**95.** 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”.

**96.** 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”.

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

(1) by inserting the words “, as prescribed by section 6 of the Act respecting administrative justice,” 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”.

**98.** 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”.

**99.** 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”.

**100.** 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”.

**101.** 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”.

**102.** 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 6 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”.

**103.** 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 “within six days of receipt thereof, apply in writing to the Inspector General for a hearing” in the third and fourth lines of the second paragraph by the words “on receiving the order, present observations to the Inspector General”.

**104.** 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”.

#### CHARTER OF THE FRENCH LANGUAGE

**105.** Section 9 of the Charter of the French language (R.S.Q., chapter C-11) is amended by replacing the words “a body discharging

quasi-judicial functions” in the second line by the words “an administrative body in the exercise of adjudicative functions”.

**106.** Section 82 of the said Charter is replaced by the following section:

**“82.** Every 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 its review within 60 days of the date on which the person was informed of the decision.”

**107.** 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.

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

**109.** Section 83.3 of the said Charter is amended, in the French text, by replacing the words “de la commission” in the second line by the words “du comité”.

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

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

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

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

(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 relating to eligibility.”;

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

"The production of the report shall interrupt the period for contesting a decision under section 83.4, or suspend the proceeding 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".

**112.** Section 132 of the said Act 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".

#### CHARTER OF HUMAN RIGHTS AND FREEDOMS

**113.** Section 56 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is amended

(1) by replacing the words "a coroner, a fire investigation commissioner, an inquiry commission, and any person or agency exercising quasi judicial" in the second, third and fourth lines of subsection 1 by the words "any person or administrative body exercising adjudicative";

(2) by adding, after subsection 1, the following subsection:

"(1.1) The word "tribunal" in section 38 includes a coroner, first investigation commissioner or inquiry commission."

#### CINEMA ACT

**114.** 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 6 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.”

**115.** 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 6 of the Act respecting administrative justice, and allow the person at least 10 days to present observations.”

**116.** 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 6 of the Act respecting administrative justice, and allow the person at least 10 days to present observations.”

**117.** 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 6 of the Act respecting administrative justice, and allow the person at least 10 days to present observations.”

**118.** 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 6 of the Act respecting administrative justice, and allow the person at least 10 days to present observations.”

**119.** 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”.

**120.** 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”.

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

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

**123.** Subdivision 2 of Division VI of Chapter III of the said Act 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 sections 143, 144 and 149 to 153 may, within 15 days after receiving the decision, contest the decision before the Administrative Tribunal of Québec.

“**155.** In exercising its power to suspend the execution of a contested decision, the Tribunal must, in particular, consider the resulting inconveniences in view of the circumstances.”

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

**125.** Section 182 of the said Act is amended by replacing the words “forthwith to the person concerned a written notice of its decision” in the first and second lines of the second paragraph by the words “its decision forthwith? and in writing to the person concerned”.

## CITIES AND TOWNS ACT

**126.** 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”.

**127.** Section 469 of the said Act is amended

(1) by replacing the words “render the decision” in the fourth line by the words “make the arbitration award”;

(2) by replacing the words “decision of” in the eighth line by the words “arbitration award made by”.

## HIGHWAY SAFETY CODE

**128.** 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 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) when making a decision under sections 21 and 26 to refuse to register a road vehicle or to prohibit the putting of a road vehicle into operation, or when making a decision under paragraphs 4 and 5 of section 81, paragraphs 1 and 3 to 6 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”.

**129.** 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, a prohibition from putting a road vehicle back into operation, except a prohibition under any of sections 21, 31.1 and 93.1, the Société must notify the person concerned in writing as prescribed by section 6 of the Act respecting administrative justice and allow the person at least 10 days to present observations.

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 as a result of the failing of a proficiency examination.”

**130.** 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 sections 557 or”.

**131.** 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”.

**132.** 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.

**133.** 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.

**134.** 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”.

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

**136.** Section 606 of the said Code is amended by replacing the words “judicial or quasi-judicial” in the second line by the word “adjudicative”.

## LABOUR CODE

**137.** Section 111.0.10.1 of the Labour Code (R.S.Q., chapter C-27) is amended

(1) by striking out the words “a court or” in the second and third lines of the first paragraph;

(2) by replacing the words “body or a person exercising judicial or quasi judicial functions” in the third and fourth lines of the first paragraph by the words “person or body exercising adjudicative functions”.

## ACT RESPECTING THE COMMISSION MUNICIPALE

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

**140.** 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”.

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

**142.** 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.”

**143.** Section 23 of the said Act is amended by striking out the words “of practice” in the third line of the third paragraph.

**144.** 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

**145.** 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”.

**146.** 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”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

**147.** 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”.

**148.** 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 word “appeal” in the fifth line by the word “proceeding”;

(3) by striking out the last sentence.

**149.** Section 151.2.8 of the said Act is 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 by the word “proceeding”;

(3) by striking out the second paragraph.

**150.** Section 306.53 of the said Act is amended by replacing the words “a judicial, quasi judicial” in the first and second lines of the first paragraph by the words “an adjudicative”.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

**151.** Section 136.10 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is 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 by the word “proceeding”;

(3) by striking out the second paragraph.

COMPANIES ACT

**152.** 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 6 of the Act respecting the administrative justice, inform”;

(2) by inserting the words “and give them the opportunity” after the word “parties” in the second line.

**153.** 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”.

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

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

**156.** 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 60 days of notification of the decision, contest the decision before the Administrative Tribunal of Québec".

**157.** 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 the administrative justice (*insert here the year and the chapter number of that Act*), the Tribunal cannot vary the contested decision, or make the decision which should have been made initially.

**"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 RACING

**158.** 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."

**159.** 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."

**160.** Section 51 of the said Act is amended by replacing the word "referred" in the third line by the word "submitted".

**161.** Section 68 of the said Act is amended

(1) by replacing the word "hearing" in the fourth line of the first paragraph by the word "meeting";



(2) by adding, at the end of the first paragraph, the words “to allow them to make representations”;

(3) by replacing the word “hearing” in the first line of the fourth paragraph by the word “meeting”;

(4) by replacing the word “hearing” in the second line of the fourth paragraph by the word “meeting”.

**162.** Section 97 of the said Act is amended by replacing the words “no complaint has been filed with the board” in the second and third lines of subparagraph 1 of the first paragraph by the words “no prior notification of the decision of the Régie, as prescribed by section 35 of its constituting Act, has been effected”.

#### REAL ESTATE BROKERAGE ACT

**163.** 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 “160 to 160.12 of the Act respecting market intermediaries (chapter I-15.1)”.

**164.** 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 6 of the Act respecting administrative justice (*insert here the year and the 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”.

**165.** 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 “within six days of receiving the order, apply in writing to the Inspector General for a hearing” in the third and fourth lines of the second paragraph by the words “upon receipt of the order, present observations to the Inspector General”.

**166.** 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

**167.** 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.

**168.** 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 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the person at least 10 days to present observations”.

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

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**170.** 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*.

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

## TOURIST ESTABLISHMENTS ACT

**172.** 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 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the applicant or permit holder at least 10 days to present observations”.

**173.** 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".*

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

**"15.** The following persons may contest the decision of the Minister before the Administrative Tribunal of Québec:".

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

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

#### EXPROPRIATION ACT

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

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

**179.** Sections 40, 40.1, 41, 42.1, 43, 44, 45, 47, 48, 52.1, 53, 53.5.1, 53.13, 55, 60 to 63, 65, 68, 85, 86 and 89 of the said Act are amended by replacing the word "division" by the words "Administrative Tribunal of Québec" and by making any necessary adjustments.

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

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

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

**183.** Section 68 of the said Act is amended by replacing the words "adjudicate as to costs by a decision giving the reasons therefor, and must send a copy forthwith" in the first, second and third lines by the words "send a copy of its decision without delay".

**184.** Section 87 of the said Act is repealed.

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

**"TITLE III.1**

**"HOMOLOGATION**

**"39.1** 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.

The deposit confers on the order the same force and effect as a judgment of the Superior Court and it may be executed as such.

**"39.2** No appeal lies from a homologated order."

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

**ACT RESPECTING MUNICIPAL TAXATION**

**187.** Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by striking out the definition of "board" and 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*)."

**188.** 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 6 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".

**189.** Section 42 of the said Act is amended by replacing the words “motion or action” in the first line of the third paragraph by the word “proceeding”.

**190.** 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”.

**191.** 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 or its presence or absence on the roll may be contested before the Administrative Tribunal of Québec, and must also mention the applicable procedure and time limits.”

**192.** Section 74.1 of the said Act is amended

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

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

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

**193.** Section 76 of the said Act is amended by replacing the words “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”.

**194.** Section 79 of the said Act is amended by replacing the word “a complainant” in the fifth line of the second paragraph by the word “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”.

**195.** 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”.

**196.** Chapter IX of the said Act is repealed, except section 112 which is renumbered as section 142.

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

“PROCEEDING BEFORE THE ADMINISTRATIVE  
TRIBUNAL OF QUÉBEC”.

**198.** 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”.

**199.** 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”.

**200.** 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”.

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

**202.** Sections 130 and 131 of the said Act are amended by replacing the words “complaint must filed” by the words “proceeding must be brought”.

**203.** Section 131.1 of the said Act is amended by replacing the words “file a complaint” in the first and second paragraphs by the words “bring a proceeding”.

**204.** 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”.

**205.** Section 132 of the said Act is 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”.

**206.** Section 133 of the said Act is 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”.

**207.** Section 134 of the said Act is 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”.

**208.** 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 and in the second line of the third paragraph by the word “motion”.

**209.** Section 136 of the said Act is amended by replacing the word “board” in the first line by the word “Tribunal”, and by replacing the word “complaint” in the same line by the word “motion”.

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

**211.** 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”.

**212.** 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”.

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

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

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

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

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

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

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

**215.** 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.

**216.** 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.”

**217.** 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”.

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

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

**220.** Section 147 of the said Act is amended by replacing the word “board” wherever it appears by the word “Tribunal”, and by replacing the words “deciding a complaint” in the first line of the first paragraph by the words “making a determination in respect of a proceeding”.

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

**222.** Section 148 of the said Act is repealed.

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

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

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

**226.** 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”.

**227.** Section 154 of the said Act is 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”.

**228.** 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.

**229.** 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”;

(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”.

**230.** 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.

**231.** The said Act is amended by striking out Chapters XII and XIII.

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

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

**233.** 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”.

**234.** 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”.

**235.** Section 177 of the said Act is amended by replacing the word “Commission” in the second line of paragraph 7 by the words “local municipality”.

**236.** 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”.

**237.** 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”.

**238.** 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.”

**239.** Section 183 of the said Act is 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 line of subparagraph 4 of the third paragraph by the word “brought”;

(3) by replacing the words “complaint referred to in” in the third and fourth lines of subparagraph 4 of the third paragraph by the words “proceeding under”;

(4) by replacing the word “filed” in the fourth line of subparagraph 4 of the third paragraph by the word “brought”;

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

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

(1) by replacing the word “Commission” in the second line of paragraph 10 by the words “local municipality”;

(2) by striking out the words “, after consulting the local municipality” in the second and third lines of paragraph 10.

**241.** Section 204.0.1 of the said Act, amended by section 2 of chapter 7 of the statutes of 1995, is again amended by replacing the word “Commission” in the third paragraph by the word “local municipality”.

**242.** Section 204.2 of the said Act is repealed.

**243.** Section 208.1 of the said Act is amended

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

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

**244.** 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.

**245.** 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”.

**246.** 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 either of the said provisions or under section 209 or 209.1.”

**247.** 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 “204.2, 209 and 209.1” in the first line of the second paragraph by “209 to 209.2”.

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

**249.** 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”.

**250.** 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 striking out paragraph 8;

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

(5) by replacing “100, 108, 110, 114, 118 or 120” in the fourth and fifth lines of paragraph 8.3 by the words “34 or 88 of the Act respecting administrative justice”.

**251.** Section 263 of the said Act is amended by striking out subparagraph *d* of paragraph 2 and paragraph 2.1.

#### GRAIN ACT

**252.** 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”.

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

**254.** 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 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the applicant at least 10 days to present observations.”

**255.** 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 6 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”.

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

#### “DIVISION VIII.1

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

“**50.** 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 60 days of notification of the decision.”

#### ACT RESPECTING IMMIGRATION TO QUÉBEC

**257.** 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 exempt from the requirements prescribed by section 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) in rendering a decision to refuse an application for a selection certificate or a certificate of acceptance.”

**258.** The said Act is amended by replacing Division VII 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.”

#### EDUCATION ACT

**259.** 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."

**260.** 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".

**261.** 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."

**262.** 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.

**263.** 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.”

**264.** 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).”

**265.** 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.”

**266.** 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.”

**267.** 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 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 suspend, revoke or attach conditions to a teaching licence may 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.”

**268.** 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

**269.** 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 6 of the Act respecting administrative justice (*insert here the year and the 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”.

**270.** 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 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 not vary the contested decision or make the decision which should have been made initially.”

**271.** 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”.

**272.** Section 160 of the said Act is amended by striking out the words “, in accordance with section 366 and the following sections of the Act respecting insurance (R.S.Q., chapter A-32), adapted as required”.

**273.** The said Act is amended by adding, after section 160, the following sections:

**“160.1** No appeal may be brought unless

(a) the grounds of fact or law invoked in support of the decision are clearly unfounded;

(b) the procedure followed contained a serious irregularity; or

(c) the decision was not rendered impartially.

**“160.2** An appeal is brought by way of a motion served on the parties and on the secretary of the disciplinary committee. The motion must be filed at the office of the Court of Québec in the

judicial district where the respondent principally carries on his activities, within sixty days after the mailing of notification of the decision.

“Upon receipt of the notice of appeal, the secretary of the disciplinary committee shall transmit to the clerk of the Court of Québec the record pertaining to the decision concerned.

**“160.3** The judge shall have, when hearing an appeal, the powers and immunity granted to a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

**“160.4** The appeal does not suspend the execution of the decision of the disciplinary committee where the decision suspends or cancels the appellant’s permit, unless the judge orders otherwise in cases of exceptional urgency.

**“160.5** Before rendering any decision on an appeal, the judge must allow the parties to state their views and, for that purpose, must give them, in a manner he considers appropriate, prior notice of at least five clear days specifying the date, time and place where they may be heard.

“If a party is called but does not appear or refuses to be heard at the sitting fixed for that purpose, or at a further sitting held after an adjournment, the judge may nonetheless hear the case, and no judicial proceeding may be brought on grounds that the judge proceeded in the absence of that party.

**“160.6** The judge may admit in evidence a copy of or an extract from a document, if the original is not available.

**“160.7** At the proof and hearing, each party may examine the witnesses and present his arguments.

“Each party is entitled to be assisted by an advocate.

**“160.8** Every person who testifies before the judge shall have the same privileges and immunity as a witness before the Superior Court, and articles 307 to 310 of the Code Civil Procedure, adapted as required, shall apply.

**“160.9** The judge has all the powers necessary for the exercise of his jurisdiction and may, in particular, make any order he considers necessary to safeguard the rights of the parties.

**"160.10** The judge may confirm or quash any decision submitted to him. Every judgment shall be recorded in writing and signed by the judge having rendered it. It must contain, in addition to the conclusions, the reasons upon which it is based.

**"160.11** The clerk of the Court of Québec must transmit a certified copy of the judgment, by registered or certified mail, to each of the parties. The original of the judgment shall be kept in the office of the Court of Québec.

**"160.12** An appeal lies from the decision to the Court of Appeal."

**274.** 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 6 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".

**275.** 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 "within six days of receiving the order, apply in writing to the Inspector General for a hearing" in the third and fourth lines of the second paragraph by the words "upon receiving the order, present observations to the Inspector General".

**276.** 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

**277.** 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.”

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

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

**280.** 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”.

**281.** 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 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.”

**282.** Section 26 of the said Act is amended by adding the words “, and shall form part of the records of the commission” at the end of the second paragraph.

**283.** 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 orally”.

**284.** 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”.

**285.** The heading of Division II of Chapter III of the said Act is amended by striking out the words “APPEALS IN THE MATTER OF”.

**286.** Section 40 of the said Act is amended by replacing the words “appeal to a full-time member of the commission from” in the second line by the words “contest, before a full-time member of the commission,”.

**287.** Section 42 of the said Act is amended by replacing the word “appeal” in the first line by the word “contestation”.

**288.** Section 43 of the said Act is amended by replacing the words “hears the appeal” in the first line by the words “who is charged with the matter”.

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

**289.** Section 34 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6) is 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 sont soumis”.

**290.** 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.”

**291.** Section 29 of 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), which amends section 34 of the Act respecting lotteries, publicity contests and amusement machines, is amended 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, the words “dont ils sont saisis” in the said paragraph by the words “qui leur sont soumis”.

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

**292.** 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 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the person at least 10 days to present observations”.

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

“PROCEEDINGS BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**294.** 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 45 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.”

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

**296.** 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 word “appellant” in the third line by the word “applicant”;

(3) by replacing the word “judge” in the third line by the word “Tribunal”.

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

#### CULLERS ACT

**298.** 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 as prescribed by section 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the holder at least 10 days to present observations”.

**299.** 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”.



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

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

**301.** Section 36.14 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended

(1) by replacing the words "bring an appeal before the Régie des marchés agricoles et alimentaires du Québec from" in the first and second lines of the first paragraph by the words "contest before the Administrative Tribunal of Québec";

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

ACT RESPECTING THE MINISTÈRE DE L'EMPLOI

**302.** Section 15.1 of the Act respecting the Ministère de l'Emploi (R.S.Q., chapter M-15.01) is amended

(1) by striking out the words "a court or" in the third line of the first paragraph;

(2) by replacing the words "body or a person exercising judicial or quasi judicial functions" in the fourth and fifth lines of the first paragraph by the words "person or body exercising adjudicative functions".

ACT RESPECTING THE MARKETING OF AGRICULTURAL, FOOD AND FISH PRODUCTS

**303.** 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".

**304.** Section 11 of the said Act is amended by replacing the word "vice-chairmen" in the first and second lines of the second paragraph by the word "members of the Régie".

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

**306.** Section 13 of the said Act is amended by adding, at the end, the following paragraph:

"Notwithstanding the first paragraph, the chairman, a vice-chairman or a member of the Régie may act alone to endeavour to

settle, conciliate or arbitrate any dispute arising under subparagraph *d* of the first paragraph of section 46 of the Farm Producers Act (chapter P-28) or to decide any application made under section 32 of the Dairy Products and Dairy Products Substitutes Act (chapter P-30).”.

**307.** Section 19 of the said Act is amended by striking out subparagraphs 1, 2 and 3 of the first paragraph.

**308.** 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”.

**309.** 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”.

**310.** 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”.

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

**312.** 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 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the producer at least 10 days to present observations.”

**313.** 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”.

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

**315.** 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 in writing as prescribed by section 6 of the Act respecting administrative justice and allow the marketing board at least 10 days to present observations.”.

**316.** 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 replacing the word “hearing” in the third line of the third paragraph by the word “meeting”.

**317.** 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 6 of the Act respecting administrative justice and allow the interested person at least 10 days to present observations.”.

**318.** 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”.

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

**320.** 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”.

**321.** 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”.

**322.** 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”.

**323.** 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,”.

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

**325.** 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”.

**326.** 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”.

**327.** 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”.

**328.** 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”.

**329.** Section 84 of the said Act is amended by replacing the words “dispute” in the second line of subparagraph 2 of the first paragraph by the word “problem”.

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

(1) by striking out the words “, after giving the certified association or body the opportunity to be heard,” in the first and second lines of the third paragraph;

(2) by adding, at the end of the third paragraph, the following sentence: “Before doing so, the Régie shall notify the certified association or body in writing as prescribed by section 6 of the Act respecting administrative justice and allow the association or body at least 10 days to present observations.”

**331.** Section 117 of the said Act is amended by replacing the words “be heard” in the third line by the words “present observations”.

**332.** 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”.

**333.** Section 134 of the said Act is amended by replacing the words “be heard” in the second line by the words “present observations”.

**334.** 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”.

**335.** Section 138 of the said Act is amended, in the French text, by replacing the word “requérants” in the first line of paragraph 1 by the word “demandeurs”.

**336.** Section 140 of the said Act is amended by replacing the words “be heard” in the fifth line by the words “present observations”.

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

**338.** 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 6 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”;

(2) by replacing the words “Notwithstanding the first paragraph, the Régie may” in the first line of the second paragraph by the words “The Régie may, without satisfying the requirements set out in the first paragraph”;

(3) by striking out the words “, before hearing the holder” in the first and second lines of the second paragraph.

**339.** Section 165 of the said Act is amended

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

(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”.

**340.** 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 within 60 days of notification of the decision.”.

## ACT RESPECTING LABOUR STANDARDS

**341.** Section 123.3 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by replacing the words “before a court or before any body or person fulfilling a judicial or quasi judicial function” in the fourth and fifth lines of the third paragraph by the words “before a person or body exercising adjudicative functions”.

## ACT RESPECTING COMMERCIAL FISHERIES AND AQUACULTURE

**342.** 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”.

**343.** 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”.

**344.** 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 6 of the Act respecting administrative justice and allowed the person at least 10 days to present observations”.

**345.** 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”.

**346.** 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 15 days of notification of the decision, by any person”.

**347.** Sections 22 to 28 of the said Act are repealed.

## ACT RESPECTING LIQUOR PERMITS

**348.** 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”.

**349.** 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”.

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

**351.** 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.”.

**352.** Sections 103, 105 and 106 of the said Act are repealed.

## PESTICIDES ACT

**353.** Section 16 of the Pesticides Act (R.S.Q., chapter P-9.3) is amended

(1) by replacing the word “The” in the first line of the first paragraph by the words “As prescribed by section 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*), the”;

(2) by replacing the words “before issuing an order under section 13, 14 or 15, transmit to the person to whom the order applies a prior notice of at least 15 days” in the first, second and third lines of the first paragraph by the words “at least 15 days before issuing an order under section 13, 14 or 15, notify the person to whom the order applies,”;

(3) by replacing the words “make representations” in the fourth and fifth lines by words “present observations”.

**354.** 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 6 of the Act respecting administrative justice and allow the holder at least 10 days to present observations”.



**355.** The heading of Chapter V of the said Act is replaced by the following heading:

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

**356.** 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 15 days of notification of the decision”.

**357.** 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”.

**358.** Section 70 of the said Act is amended by replacing the words “An appeal” in the first line by the words “A proceeding”.

**359.** Sections 71 and 72 of the said Act are repealed.

**360.** 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 where his domicile, residence, establishment or place of business is situated or where the facts giving rise to the decision occurred.

Proof of publication of the notices shall be filed at the secretariat of the Tribunal.”.

**361.** 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 where the activity in question took place”;

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

**362.** Sections 75 to 78 of the said Act are repealed.

**363.** 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”.

**364.** 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 word “such proceedings”.

#### FARM PRODUCERS ACT

**365.** 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”.

**366.** Section 6 of the said Act is amended by replacing the words “a petition” in the first line by the words “an application”.

**367.** 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”.

**368.** 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”.

**369.** Section 12 of the said Act is amended by replacing the words “Such list shall not be contested” in the fourth line by the words “No opposition may be filed in respect of such list”.

**370.** 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”.

**371.** 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.

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

(1) by striking out the words “, after giving it an opportunity to be heard,” in the first line of the first paragraph;

(2) by striking out the words “after giving it an opportunity to be heard,” in the second line of the second paragraph;

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

“Before revoking the certification, the Board shall notify the association in writing as prescribed by section 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the association at least 10 days to present observations.”

**373.** 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 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".

**374.** 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".

**375.** 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."

**376.** Section 49 of the said Act is amended by replacing the words "be heard" in the third line by the words "present observations".

**377.** 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 60 days of notification of the decision, be contested before the Administrative Tribunal of Québec."

## THE AGRICULTURAL PRODUCTS, MARINE PRODUCTS AND FOOD ACT

**378.** 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".

**379.** 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 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the holder at least 10 days to present observations".

**380.** 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 60 days of notification of the decision."

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

## DAIRY PRODUCTS AND DAIRY PRODUCTS SUBSTITUTES ACT

**382.** Section 18 of the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30) is amended

(1) by striking out the words "after it has given the syndicate an opportunity to be heard" in the third and fourth lines;

(2) by inserting, before the last sentence, the following sentence: "Before revoking the certification, the Board shall notify the syndicate in writing as prescribed by section 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the syndicate at least 10 days to present observations."

**383.** Section 32 of the said Act is amended by striking out the second paragraph.

**384.** 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 6 of the Act respecting administrative justice and allow the holder at least 10 days to present observations.”

**385.** 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”.

**386.** 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** Any 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 60 days of notification of the decision.”

##### ACT RESPECTING EDUCATIONAL PROGRAMMING

**387.** Section 4 of the Act respecting educational programming (R.S.Q., chapter P-30.1) is amended by replacing the words “at the request” in the first line of the first paragraph by the words “on the application”.

**388.** Section 5 of the said Act is 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”.

**389.** Section 9 of the said Act is amended, in the French text, by replacing the word “requêtes” in the first line by the word “demandes”.

#### YOUTH PROTECTION ACT

**390.** 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 6 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”.

**391.** Section 72.3.6 of the said Act is amended

(1) by replacing the words “appeal to the court by motion” in the second line of the first paragraph by the words “contest the decision of the Minister before the Administrative Tribunal of Québec”;

(2) by replacing the words “by the organization of the decision appealed from” in the second and third lines of the first paragraph by the words “of the decision by the organization”;

(3) by striking out the second sentence of the first paragraph;

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

#### CONSUMER PROTECTION ACT

**392.** 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 “be heard” in the third line of the second paragraph by the words “present observations”.

**393.** Section 260.18 of the said Act is replaced by the following section:

**“260.18** Where the observations of a person are presented orally, they shall be stenographed, stenotyped or recorded by any other means authorized by the Government.”

**394.** 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 6 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. Where the observations of a person are presented orally, they shall be stenographed, steno-typed or recorded by any other means authorized by the Government.”

**395.** 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”.**

**396.** 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 15 days of notification of the decision”.

**397.** 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 public interest for that which the president was, pursuant to sections 325, 329 and 335, required to consider before making his decision.”

#### ACT TO PRESERVE AGRICULTURAL LAND

**398.** Section 7 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1) is amended by replacing the word “hear” in the first line by the word “examine”.

**399.** 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."

**400.** Section 12 of the said Act is amended, in the French text, by replacing the word "jurisdiction" in the first line by the word "compétence".

**401.** Section 13 of the said Act is amended by replacing the word "hear" in the fourth line by the word "receive the observations of".

**402.** 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 6 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."

**403.** Section 15 of the said Act is 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 words "keep, at its head office,";

(2) by replacing the words "record office" in the third line of the second paragraph by the words "head office of the commission";

(3) by replacing the words "has access to the record office of the commission, may there examine the filed documents" in the first and second lines of the third paragraph by the words "may consult the documents filed at the head office of the commission";

(4) by replacing the words "record office" in the first line of the fourth paragraph by the words "head office".

**404.** 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.”

**405.** Section 19.1 of the said Act is 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”.

**406.** Division II.1 of the said Act is replaced by the following division:

#### “DIVISION II.1

##### “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 sixty days of notification of the decision or order.

However, no proceeding may be brought in respect of a decision made under section 62.3.

**“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** 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."

**407.** Section 44 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 inserting, after the second paragraph, the following paragraph:

"The commission may, before making any unfavourable decision, notify the applicant in writing as prescribed by section 6 of the Act respecting administrative justice and allow the applicant at least 10 days to present observations."

**408.** 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".

**409.** Section 51 of the said Act is amended by replacing the words "record office" in the second line by the words "head office".

**410.** 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".

**411.** Section 59 of the said Act is 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".

**412.** Section 60 of the said Act is amended by striking out the first paragraph.

**413.** 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."

**414.** 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."

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

(1) by replacing the word "hearing" in the first line by the word "meeting";

(2) by replacing the words "parties to the application" in the second and third lines by the words "applicant and any interested person having intervened in respect of the application";

(3) by replacing the word "hearing" in the fifth line by the word "meeting".

**416.** Section 62.1 of the said Act is amended by inserting the words "or other" before the word "evidence" in paragraph 3.

**417.** The said Act is amended by inserting, after section 62.3, the following section:

**"63.** The commission shall, before making an unfavourable decision, notify the applicant in writing as prescribed by section 6 of the Act respecting administrative justice and allow the applicant at least 10 days to present observations."

**418.** 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".

**419.** Section 69.0.3 of the said Act is amended by replacing the words “record office” in the second and third lines of the second paragraph by the words “head office”.

**420.** 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”.

**421.** 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 6 of the Act respecting administrative justice and allow the person at least 10 days to present observations”.

**422.** 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”.

**423.** 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 complained against and any intervening party to receive their observations”.

**424.** Section 79.6 of the said Act is amended

(1) by replacing the word “hearing” in the first line by the word “meeting”;

(2) by replacing the word “parties” in the second line by the words “complainant, the municipality complained against and any person having presented observations”;

(3) by replacing the word “hearing” in the fifth line by the word “meeting”.

**425.** 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 “the complainant, the municipality complained against and any person having presented observations”.

**426.** Section 80 of the said Act is amended

(1) by striking out the words “and of the appeal tribunal” in 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.

**427.** 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 “record office” in the first line of the third paragraph by the words “head office”.

**428.** 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

**429.** Section 55.9.6 of the Animal Health Protection Act (R.S.Q., chapter P-42), enacted by section 6 of chapter 18 of the statutes of 1993, is amended

(1) by inserting the words “, in addition,” after the word “mention” in the second line of the second paragraph;

(2) by inserting the words “by the Minister” after the word “considered” in the third line of the second paragraph.

**430.** 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 as prescribed by section 6 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*) and allowing the applicant to present observations”.

**431.** 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 6 of the Act respecting administrative justice and allowing the holder at least 10 days to present observations”.

**432.** The heading of Division IV.4 of the said Act is replaced by the following heading:

“PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC”.

**433.** Section 55.35 of the said Act is amended by replacing the portion before paragraphs 1 and 2 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:”.

**434.** Sections 55.36 to 55.42 of the said Act are repealed.

#### ROADSIDE ADVERTISING ACT

**435.** 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 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the holder at least 10 days to present observations.”

**436.** 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 60 days of such notification.”

## ENVIRONMENT QUALITY ACT

**437.** Section 25 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended

(1) by replacing the words “The Minister” in the first line of the second paragraph by the words “As prescribed by section 6 of the Act respecting administrative justice (*insert here the year and chapter number of that Act*), the Minister”;

(2) by replacing the words “before issuing an order, serve on” in the first line of the first paragraph by the words “at least 15 days before issuing an order, notify” and by replacing the words “prior notice of not less than 15 days setting out” in the second line of that paragraph by the word “, stating”;

(3) 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”.

**438.** Section 31.16 of the said Act is amended by inserting the words “, after giving him an opportunity to present observations,” after the word “authorized” in the sixth line of the third paragraph.

**439.** Section 31.19 of the said Act is amended by replacing the words “present his written arguments” in the second and third lines of the first paragraph by the words “present observations in writing”.

**440.** 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”.

**441.** Section 31.26 of the said Act is amended

(1) by adding the words “, as prescribed by section 6 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”.

**442.** Section 31.29 of the said Act is amended



(1) by adding the words “, as prescribed by section 6 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”.

**443.** Section 31.39 of the said Act is amended

(1) by inserting the words “, as prescribed by section 6 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”.

**444.** Section 31.43 of the said Act is amended

(1) by striking out the words “a statement of the reasons invoked by the Minister, and” in the first and second lines of the third paragraph;

(2) by replacing the words “making representations” in the third line of the third paragraph by the words “presenting observations”.

**445.** Section 31.44 of the said Act is amended

(1) by replacing the words “before issuing either order, serve on” in the first line of the first paragraph by the words “notify, as prescribed by section 6 of the Act respecting administrative justice” 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 and 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 inserting the word “prior” before the word “notice” in the first line of the fourth paragraph.

**446.** Section 31.47 of the said Act, enacted by section 4 of chapter 26 of the statutes of 1990, is amended by replacing the words “representations may be made” in the third line of the first paragraph by the words “observations may be presented”.

**447.** 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”.

**448.** Section 32.3 of the said Act is 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”.

**449.** Section 64 of the said Act, which will be repealed upon the coming into force of section 10 of chapter 41 of the statutes of 1994, is amended 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”.

**450.** 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 6 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.

**451.** 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 6 of the Act respecting administrative justice, the Minister may, however, after notifying the applicant and allowing him to present observations”.

**452.** 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”.

**453.** 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”.

**454.** 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”.

**455.** Section 96 of the said Act is amended

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

(2) by replacing the words “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 fourth, fifth, sixth and seventh lines of the first paragraph by the words “before the Administrative Tribunal of Québec”;

(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”.

**456.** 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 words “of appeal” in the third line by the words “to contest it before the Tribunal”.

**457.** Section 98 of the said Act is replaced by the following section:

**“98.** The proceeding must be brought within 15 days of service of the contested decision.”

**458.** 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”.

**459.** Section 98.2 of the said Act is amended

(1) by replacing the words “transmit copy of the petition for appeal” in the first line of the first paragraph by the words “, upon receiving copy of the motion, transmit a copy thereof”;

(2) by replacing the word “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”.

**460.** 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”.

**461.** 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”.

**462.** Sections 101, 102 and 103 of the said Act are repealed.

**463.** 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”.

**464.** 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”.

**465.** Section 123.2 of the said Act is amended

(1) by replacing the words “appeal” in the fourth line of the first paragraph by the words “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 by the Administrative Tribunal of Québec or a final decision by the court, as the case may be, is rendered”.

**466.** Section 118.1 of the said Act is amended by replacing the words “97 or 103” in the second line by the words “31.47 or 97”.

**467.** Section 118.5 of the said Act is amended 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”.

**468.** Section 122.4 of the said Act is replaced by the following sections:

**“122.4** Before making a decision under section 122.1, the Government shall give the holder of an authorization certificate the opportunity to present observations in writing.

**“122.4.1** Any modification or revocation by the Minister of an authorization certificate, certificate, authorization, approval, permission or permit shall be notified in writing at least 10 days in advance during which time the holder may present observations.”

**469.** Section 199 of the said Act is amended

(1) by replacing the words “submit written representations” in the second line by the words “present observations in writing”;

(2) by replacing the words “make representations” in the fourth line by the words “present observations”.

#### ACT RESPECTING THE CLASS ACTION

**470.** Section 23 of the Act respecting the class action (R.S.Q., chapter R-2.1) is amended by striking out the first paragraph.

**471.** Section 24 of the said Act is amended by adding the words “, as prescribed by section 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*), notify the applicant and allow him 10 days to present observations. He shall subsequently” after the word “shall” in the second line.

**472.** 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".**

**473.** Section 35 of the said Act is replaced by the following section:

**"35.** Any applicant whose application for assistance is denied may contest the decision of the Fonds before the Administrative Tribunal of Québec".

**474.** Section 36 of the said Act is repealed.

**475.** 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".

**ACT RESPECTING THE COLLECTION OF CERTAIN DEBTS**

**476.** 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.** The refusal, suspension or cancellation of a permit shall be notified in writing at least 10 days in advance during which time the interested person may present observations.

Where observations are presented orally, they shall be stenographed, stenoyped or recorded by any other means authorized by the Government."

**477.** 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".**

**478.** 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 "contest the decision of the president before the Administrative Tribunal of Québec".

**479.** Sections 37 to 44 of the said Act are repealed.

ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX

**480.** Section 7 of the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1) is repealed.

**481.** Section 25 of the said Act is 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.”

**482.** The said Act is amended by inserting, after section 25, the following section:

**“25.1** In the case of a dispute concerning the organization and conduct of, or awarding of prizes under, a lottery scheme or publicity contest and the mode of operation of an amusement machine, a person participating in a publicity contest or the person or body for whose benefit the contest is being held, a person utilizing an amusement machine or video lottery machine or the holder of the licence relating to that machine, a person participating in another lottery scheme or the holder of the licence relating to that scheme may request the intervention of the board so that it may endeavour to settle the dispute.

In the case of a dispute concerning the organization, conduct or apportionment of the profits of a bingo game, the organizer of the bingo game or the person or body for whose benefit the bingo game is organized 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.”

**483.** Section 26 of the said Act is amended by striking out the words “a division of” in the first and second lines.

**484.** 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.”

**485.** 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.

**486.** 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”.

**487.** 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: “It may also prescribe costs in respect of the conduct of such matters.”

**488.** 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 “its rules”.

**489.** 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 word “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”.

**490.** Section 35 of the said Act is replaced by the following section:

**“35.** Before rendering an unfavourable decision, the board shall notify the person concerned in writing as prescribed by section 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the person at least 10 days to present observations.”

**491.** Section 36 of the said Act is amended by replacing the words “final decision of the board in a case” in the first line of the first paragraph by the words “decision of the board”.

**492.** Section 37 of the said Act is replaced by the following section:

**“37.** Unless 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.”

**493.** 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.

**494.** 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) of extraordinary recourse within the meaning of that Code”.

**495.** 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 60 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 public interest or peace for that which the board was, pursuant to the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6), required to consider before making its decision.”

**496.** Section 5 of 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 by striking out paragraphs 2 and 3.

### ACT RESPECTING THE RÉGIE DES TÉLÉCOMMUNICATIONS

**497.** Section 8 of the Act respecting the Régie des télécommunications (R.S.Q., chapter R-8.01) is repealed.

**498.** Section 11 of the said Act is amended by striking out the second sentence.

**499.** Section 12 of the said Act is amended

(1) by replacing the word “parties” in the third line of the first paragraph by the words “persons concerned by it”;

(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.”

**500.** 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” in the second and third lines by the words “or extraordinary recourse within the meaning of that Code may be exercised and no”.

**501.** Section 21 of the said Act is amended by striking out subparagraph 3 of the first paragraph.

**502.** 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”.

**503.** 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”.

**504.** 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 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the company at least 10 days to present observations.”

**505.** 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”.

**506.** 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 “contest the decision of the Régie fixing the compensation before the Administrative Tribunal of Québec within 60 days of notification of the decision”;

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

**507.** 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.”

**508.** Section 36 of the said Act is amended

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

“(1) failing 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;”.

**509.** Section 41 of the said Act is amended by replacing the word “parties” in the second line by the words “persons concerned”.

**510.** 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 giving the persons concerned the opportunity to present observations.”

**511.** 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.

**512.** The heading of Division III of Chapter II of the said Act is amended by inserting the word “PUBLIC” before the word “HEARINGS”.

**513.** Section 49 of the said Act is amended by replacing the word “attorney” by the word “advocate”.

**514.** 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 members of its staff or any other expert it may designate under oath”.

**515.** The heading of Chapter III of the said Act is replaced by the following heading:

### “CHAPTER III

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

**516.** 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 60 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.”

**517.** 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”.

**518.** 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

**519.** Section 11 of the Act respecting the Régie du gaz naturel (R.S.Q., chapter R-8.02) is repealed.

**520.** 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”.

**521.** 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”.

**522.** Section 14 of the said Act is amended by replacing the word “parties” in the third line by the words “persons concerned”.

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

(1) by striking out the words “, to the exclusion of every tribunal,” in the first line;

(2) by striking out paragraphs 3 and 4.

**524.** 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”.

**525.** Section 23 of the said Act is replaced by the following section:

**“23.** The Régie may revise or revoke any decision it has made and in respect of which no proceeding has been brought before the Administrative Tribunal of Québec.

The Régie shall allow the persons concerned to present observations.”

**526.** Section 25 of the said Act is amended by replacing the words “party may deposit” in the first line of the first paragraph by the words “person concerned may, if no proceeding has been brought before the Administrative Tribunal of Québec, file”.

**527.** 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”.

**528.** The heading of Division III of Chapter II of the said Act is amended by inserting the word “PUBLIC” before the word “HEARINGS”.

**529.** 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”.



**530.** Section 29 of the said Act is amended by replacing the word “counsel” by the words “an advocate”.

**531.** 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 referred to it and to the execution of its decisions, including experts’ fees, and of the costs relating to the participation of persons whose participation in its proceedings it considers expedient.”

**532.** 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”.

**533.** 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”.

**534.** 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 or to the provision of a service.”

**535.** 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 “authorized to present observations”.

**536.** 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”.

**537.** Section 58 of the said Act is amended by replacing the word “parties” in the fourth line by the words “interested persons”.

**538.** The said Act is amended by inserting, after section 58, the following section:

**“58.1** A distributor or a municipality may request the intervention of the Régie so that it may endeavour to settle a dispute between them concerning the installation of pipes, conduits, dependencies, apparatus or other works under or along any public road, street, land or other public place.”

**539.** Section 64 of the said Act is amended by replacing the words “parties who wish to be heard” in the second line by the words “persons to present observations”.

**540.** 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.”

**541.** Section 68 of the said Act is amended by replacing the words “a hearing in connection therewith” in the first and second lines of subparagraph 5 of the first paragraph by the words “that must be filed at a public hearing”.

#### ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

**542.** Section 176.5.3 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by replacing the words “court or a body or person exercising judicial or quasi-judicial functions” in the fourth and fifth lines of the first paragraph by the words “person or body exercising adjudicative functions”.

#### ACT RESPECTING SAFETY IN SPORTS

**543.** Section 11 of the Act respecting safety in sports (R.S.Q., chapter S-3.1) is amended by replacing the words “sit alone at an inquiry” in the second line of the third paragraph by the words “hold an inquiry by himself”.

**544.** 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 (R.S.Q., 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.”

**545.** Section 16.4 of the said Act is amended by striking out the words “or a hearing” in the second line.

**546.** 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”.

**547.** 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 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the applicant or holder at least ten days to present observations.”

**548.** The heading of Chapter VI of the said Act is replaced by the following heading:

“REVIEW AND PROCEEDING BEFORE THE ADMINISTRATIVE  
TRIBUNAL OF QUÉBEC”.

**549.** The heading of Division I of Chapter VI of the said Act is replaced by the following heading:

“REVIEW BY THE BOARD”.

**550.** 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 the decision”.

**551.** 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.

**552.** Section 49 of the said Act is amended by replacing the word “appeal” in the first line by the words “application for review”.

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

**“50.** The board must give the applicant the opportunity to present observations.”

**554.** Section 51 of the said Act is repealed.

**555.** Section 53 of the said Act is amended by replacing the words “each party” in the second line by the words “the applicant and to the federation or the sports body that made the revised decision”.

**556.** 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”.**

**557.** 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”.

**558.** Sections 53.2 to 53.7 of the said Act are repealed.

**559.** Section 55 of the said Act is amended

(1) by striking out paragraph 8;

(2) by replacing the words “section 27” in the second line of paragraph 9 by the words “sections 24 and 47”.

#### **ACT RESPECTING CORRECTIONAL SERVICES**

**560.** 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”.

**561.** Section 22.12 of the said Act is amended by replacing the words “appeal from” in the second line by the word “contest”.

**562.** 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”.

**563.** Section 23 of the said Act is amended

(1) by replacing the words "be heard" in the third line of subparagraph 4 of paragraph d.1 by the words "present observations";

(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

**564.** Section 12 of the Act respecting child day care (R.S.Q., chapter S-4.1) is amended by replacing the words "the 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".

**565.** Section 20 of the said Act is 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 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the applicant or permit holder at least ten days to present observations";

(2) by striking out the second paragraph.

**566.** 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".

**567.** 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".

**568.** Section 42 of the said Act is 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.

**569.** Section 43 of the said Act is repealed.

**570.** Section 44 of the said Act is 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 “apply to the Administrative Tribunal of Québec”.

**571.** 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 THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

**572.** 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”.

**573.** 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”.

**574.** Section 35 of the said Act is amended by replacing the words “the procedure and proof applicable before the board” in the fourth line of the second paragraph by the words “the rules applicable to the examination of a matter by the board”.

**575.** The heading of Division III.1 of the said Act is replaced by the following heading:

**"PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC".**

**576.** Section 36 of the said Act is amended by replacing the words "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 third, fourth and fifth lines by the words "contest the decision before the Administrative Tribunal of Québec".

**577.** Sections 36.1 to 36.3 of the said Act are repealed.

**ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D'INFORMATION JURIDIQUE**

**578.** 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 in the exercise of adjudicative functions by persons or administrative bodies sitting in Québec";

(2) by replacing the words "decisions rendered by such courts" in the second line of the second paragraph by the words "the judgments rendered by such courts and the decisions made by such persons or bodies".

**ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES**

**579.** 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".

**580.** 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".

**581.** Section 196 of the said Act is amended by replacing the words "be heard" in the second line by the words "present observations".

**582.** Section 233 of the said Act is amended by replacing the words "be heard" in the second line by the words "present observations".

**583.** 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 6 of the Act respecting administrative justice and allow the company at least 10 days to present observations”.

**584.** 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 6 of the Act respecting administrative justice and allow the holder at least ten days to present observations”.

**585.** Subdivision 3 of Division I of Chapter XVI of the said Act 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 decision to the applicant.

**“253.** Notwithstanding the second paragraph of section 14 of the Act respecting administrative justice, the Tribunal may not vary the contested decision or make the decision which should have been made initially.”

**586.** 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 6 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”.

**587.** Section 316 of the said Act is amended



(1) by replacing the words “delay in the hearing, the Inspector General may” in the second and third lines of the first paragraph by the words “period of time allowed to the company 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 “within six days of receipt thereof, apply in writing to the Inspector General for a hearing” in the first, second and third lines of the second paragraph by the words “upon receipt of the order, present observations to the Inspector General”.

**588.** 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”.

**589.** 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”.

**590.** 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 THE QUÉBEC SALES TAX

**591.** Section 1 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) is amended

(1) by striking out the words “ a tribunal or” in the first line of paragraph 2 of the definition of “officer”;

(2) by replacing the words “judicial, quasi judicial” in the same line of the same paragraph by the words “an adjudicative”.

## TRANSPORT ACT

**592.** Section 1 of the Transport Act (R.S.Q., chapter T-12) is amended by striking out subparagraph *l* of the first paragraph.

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

(1) by striking out the words “the rules of practice and” in the first line of paragraph *k*;

(2) by striking out the words “for the matters submitted” in the third line of the same paragraph.

**594.** Section 17 of the said Act is repealed.

**595.** 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.”

**596.** Section 17.2 of the said Act is replaced by the following section:

**“17.2** The Commission may review any decision it has made in respect of which no proceeding has been brought before the Administrative Tribunal of Québec.”

**597.** 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”.

**598.** 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”.

**599.** Section 17.5 of the said Act is repealed.

**600.** Section 17.8 of the said Act is amended by replacing the words “hear and decide an uncontested” in the second and third lines by the words “decide, where there is no opposition, a”.

**601.** 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.

**602.** Section 24 of the said Act is amended by striking out the words “, public hearings, sittings and hearings in the practice division” in the first and second lines.

**603.** 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.”

**604.** 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.”

**605.** 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 word “duties and costs”.

**606.** 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”.

**607.** Section 34.1 of the said Act is amended by replacing the word “practice” in the first line by the word “procedure”.

**608.** 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 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allowing the carrier at least ten 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”.

**609.** 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 6 of the Act respecting administrative justice and allow the permit holder at least ten days to present observations”.

**610.** 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”.

**611.** 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 6 of the Act respecting administrative justice and having allowed the person at least ten days to present observations”.

**612.** 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”.

**613.** 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”.

**614.** 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”.

**615.** Section 47.8 of the said Act is repealed.

**616.** Section 48 of the said Act is amended by replacing the word “practice” in the first line by the word “procedure”.

**617.** 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”.

**618.** Division VII of the said Act 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, an intervening party 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.”

## COURTS OF JUSTICE ACT

**619.** Section 80 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by striking out the third paragraph.

## ACT RESPECTING THE USE OF PETROLEUM PRODUCTS

**620.** 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 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the holder at least 10 days to present observations”.

**621.** 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”.

**622.** 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,”.

**623.** 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”.

**624.** Sections 21 to 26 of the said Act are repealed.

**625.** Section 77 of the said Act is amended by striking out “, 22” in the third line.

## SECURITIES ACT

**626.** Section 37 of the Securities Act (R.S.Q., chapter V-1.1) is amended by striking out the second paragraph.

**627.** Section 173 of the said Act is amended by replacing the word “hearing” in the third line by the word “meeting”.

**628.** Section 178 of the said Act is amended by replacing the word “hearing” in the third line by the word “meeting”.

**629.** Section 182 of the said Act 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 6 of the Act respecting administrative justice (*insert here the year and the chapter number of that Act*) and allow the person at least ten 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 being required to fulfil such prior obligation. In such case, the organization shall give the person concerned the opportunity to present observations within 15 days of notification of the decision.”

**630.** 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 notify the person concerned in writing as prescribed by section 6 of the Act respecting administrative justice and 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”.

**631.** 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 “first, provided that the person concerned is given an opportunity to assert his rights in writing within the same time limit” in the second, third and fourth lines of the second paragraph by the words “without being required to fulfil such prior obligation. In such case, the Minister shall give the person concerned the opportunity to present observations in writing within seven days of notification of the order”.

**632.** Section 263 of the said Act is amended by striking out the second paragraph.

**633.** Section 268 of the said Act is amended by striking out the second paragraph.

**634.** 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”.

**635.** Section 280 of the said Act is amended by striking out the second paragraph.

**636.** 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.”

**637.** Sections 285 and 286 of the said Act are repealed.

**638.** 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.

**639.** 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”.

**640.** 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, in the French text, the word “statuer” in the second line by the words “en décider”.

**641.** 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”.

**642.** Section 311 of the said Act is replaced by the following section:

**“311.** A person exercising a delegated power may transfer a matter to the Commission so that the Commission may examine and the decide the matter in his stead.”

**643.** The heading of Chapter IV of Title X of the said Act is replaced by the following heading:

“PUBLIC HEARINGS”.

**644.** Section 312 of the said Act is amended by replacing the words “hearings in conjunction with and consult” in the first line by the words “public hearings in conjunction”.

**645.** Section 313 of the said Act is amended

(1) by striking out the words “of procedure” in the first line;

(2) by inserting the word “public” before the word “hearings” in the second line.

**646.** Section 314 of the said Act is amended by inserting the word “public” before the word “hearing” in the first line.

**647.** Section 317 of the said Act is amended by replacing the words “give the person concerned the opportunity to be heard” in the second and third lines by the words “notify the person in writing as prescribed by section 6 of the Act respecting administrative justice and allow the person at least 10 days to present observations”.

**648.** 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 notification”;

(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”.

**649.** 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 “rendered following a hearing” in the fourth line of the first paragraph by the words “it has rendered”.

**650.** Section 321 of the said Act is replaced by the following section:

**“321.** The Commission or the author of decisions made 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.”

**651.** 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.”

**652.** 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.** The Tribunal, in assessing the facts or the law, may not substitute its assessment of public interest for that which the Commission was, pursuant to section 316, required to consider before making its decision.”

## TITLE II

### TRANSITIONAL AND FINAL PROVISIONS