NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-SECOND LEGISLATURE

Bill 32

An Act mainly to promote the efficiency of penal justice and to establish the terms governing the intervention of the Court of Québec with respect to applications for appeal

Introduction

Introduced by
Madam Sonia LeBel
Minister of Justice

Québec Official Publisher
2019

EXPLANATORY NOTES

This bill proposes a number of measures to increase the efficiency of penal justice.

To that end, it amends the Code of Penal Procedure mainly to

(1) clarify the Attorney General's and the Director of Criminal and Penal Prosecutions' intervention powers;

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

(3) allow peace officers to require identification from a person if they have reasonable grounds to believe that the person has committed an offence;

(4) allow, on certain conditions, an arrested person who is required to appear with a view to being released from custody to do so using a technological means;

(5) introduce a warrant of entry enabling a person entrusted with executing a warrant for witness, warrant to bring a defendant, warrant of committal or warrant of arrest to enter a dwelling house to carry out an arrest;

(6) extend the use of telewarrants;

(7) set out rules for the use of information systems on the premises of a search;

(8) allow a judge to make new orders prohibiting or limiting access to, or prohibiting the communication of, certain information or documents;

(9) allow copies of documents seized to be made before the documents are returned;

(10) introduce a general warrant allowing a peace officer or a person entrusted with the enforcement of any Act to use any investigative device, technique or procedure or do anything that would, if not so authorized, constitute an unreasonable search or seizure;

(11) introduce a communication order addressed to third parties, including with respect to banking information;

(12) include measures allowing the social situation of certain defendants to be taken into account so as to, among other things, promote their rehabilitation, including introducing such options as their participation in an adaptation program that offers an alternative to penal proceedings or allows them to replace compensatory work by alternative measures;

(13) allow an expert's report filed by the prosecutor to stand in lieu of the expert's testimony in trials by default;

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

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

(16) update the rules applicable to the period of detention of things seized, and those applicable to a stay of execution of a judgment that may be ordered if a defendant applies for a revocation of the judgment;

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

(18) make the rules in the Code of Civil Procedure concerning the summoning of witnesses who reside in another province or in a territory of Canada applicable in penal matters.

The Courts of Justice Act is amended to establish the terms governing the intervention of the Court of Québec with respect to applications for appeal heard by that court. The bill makes a distinction between such applications and those for contestations heard by the Court of Québec under various Acts;

That Act is further amended to increase the number of Court of Québec judges from 306 to 308, and the rules in the Code of Civil Procedure concerning the summoning of witnesses who reside in another province or in a territory of Canada are amended.

The Act respecting labour standards is amended to allow the Commission des normes, de l'équité, de la santé et de la sécurité du travail to assist an employee who has been imposed a sanction by his or her employer on the grounds that the employee has been summoned as a prospective juror, has acted as a juror, has been called to attend at court or has acted as a witness.

Lastly, the bill proposes other measures to enhance the legal aid system and increase the efficiency of the Commission des services juridiques.

LEGISLATION AMENDED BY THIS BILL:

– Tax Administration Act (chapter A-6.002);

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

– Cannabis Regulation Act (chapter C-5.3);

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

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

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

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

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

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

– Election Act (chapter E-3.3);

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

– Petroleum Resources Act (chapter H-4.2);

– Mining Tax Act (chapter I-0.4);

– Taxation Act (chapter I-3);

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

– Jurors Act (chapter J-2);

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

– Mining Act (chapter M-13.1);

– Act respecting labour standards (chapter N-1.1);

– Cultural Heritage Act (chapter P-9.002);

– Police Act (chapter P-13.1);

– Youth Protection Act (chapter P-34.1);

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

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

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

– Fire Safety Act (chapter S-3.4);

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

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

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

REGULATIONS AMENDED BY THIS BILL:

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

– Regulation respecting the form of statements of offence (chapter C-25.1, r. 1);

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

Bill 32

AN ACT MAINLY TO PROMOTE THE EFFICIENCY OF PENAL JUSTICE AND TO ESTABLISH THE TERMS GOVERNING THE INTERVENTION OF THE COURT OF QUÉBEC WITH RESPECT TO APPLICATIONS FOR APPEAL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

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

CODE OF PENAL PROCEDURE

1. The Code of Penal Procedure (chapter C-25.1) is amended by inserting the following article after article 2.1:

"**2.2.** In applying this Code, appropriate technological means that are available to both the parties and the court should be used whenever possible, taking into account the technological environment in place to support the business of the courts.

Subject to article 61, a judge may, even on his own initiative, use such means or order that such means be used by the parties, including for case management purposes."

2. Article 11 of the Code is replaced by the following articles:

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

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

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

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

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

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

Where the Attorney General or the Director of Criminal and Penal Prosecutions intervenes as a party to a proceeding, he becomes a party to any subsequent proceeding.

The intervention of either as a party in first instance to take the place of the party who instituted proceedings modifies the designation of the prosecutor in the statement of offence.

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

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

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

4. Articles 19 and 20 of the Code are replaced by the following articles:

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

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

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

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

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

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

Where receipt of the proceeding is recorded, service is deemed to have been made on the date on which the notice of receipt was signed by the addressee or any other person to whom the proceeding may be delivered under article 21. Where delivery of the proceeding is recorded, service is deemed to have been made on the date of the notice of delivery, unless a term of imprisonment is requested for the commission of an offence."

5. Article 20.1 of the Code is amended

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

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

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

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

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

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

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

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

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

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

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

If the proceeding cannot be delivered, the person serving the proceeding shall record that fact, along with the place, date and time of the unsuccessful delivery, and shall leave the proceeding at an appropriate place in a sealed envelope or in any other form that protects its confidentiality. Service is deemed to have been made on that date, unless a term of imprisonment is requested for the commission of an offence."

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

"**22.1.** Service by public notice is made with the authorization of a judge. It may also be made by the bailiff who tried unsuccessfully to serve the proceeding on the addressee and who recorded that fact, unless a term of imprisonment is requested for the commission of an offence.

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

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

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

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

10. Article 27 of the Code is amended

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

(2) by adding the following sentence at the end of the first paragraph: "Failing that, the sender's declaration that the document was sent, with a reference to the delivery or receipt status, serves as an attestation of service.";

(3) by striking out the second paragraph.

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

"**27.1.** Where service is made by a technological means, the sender must keep the information that establishes the date, hour and minute of sending, as well as its source and destination.

That information serves as an attestation of service.

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

12. The Code is amended by adding the following article after article 35:

"**35.1.** Where the witness is resident in another province or in a territory of Canada, the rules applicable to the calling of witnesses and immunity set out in article 497 of the Code of Civil Procedure (chapter C-25.01) apply, with the necessary modifications.

Where a person resident in Québec is summoned under a summons of another province or of a territory of Canada to testify in a penal case, the summons is homologated in accordance with the rules set out in article 498 of that Code, with the necessary modifications.

For the purposes of those rules, the powers conferred on the court are exercised by a judge."

13. Article 42 of the Code is amended

(1) by striking out "or priority" in paragraph 1;

(2) by replacing "warrant of arrest" in paragraph 2 by "warrant for witness".

14. Articles 43, 44 and 45 of the Code are amended by replacing all occurrences of "warrant of arrest" by "warrant for witness".

15. Article 46 of the Code is amended

(1) by replacing "warrant of arrest" in the introductory clause of the first paragraph by "warrant for witness";

(2) by adding the following subparagraph at the end of the first paragraph:

"(4) if the arrest is carried out in a dwelling house under a warrant or telewarrant of entry, allow the witness and, where applicable, the person in charge of the premises to examine the warrant or telewarrant or, if it is not in his possession, promptly allow them to examine it."

16. Article 47 of the Code is amended by replacing "To execute a warrant of arrest, a person" in the first paragraph by "Subject to article 94.1, a person executing a warrant for witness".

17. Article 49 of the Code is amended by replacing "warrant of arrest" by "warrant for witness".

18. Article 51 of the Code is amended by replacing "warrant of arrest" in the second paragraph by "warrant for witness".

19. Article 72 of the Code is amended

(1) by replacing "him his name and address, if he does not know them" in the first paragraph by "his name, date of birth and address or show identification containing that information";

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

"A peace officer who has reasonable grounds to believe that the person has not given his real name, date of birth and address or has shown him false identification or identification not belonging to him may require further information from the person confirming his identity."

20. Articles 73 and 74 of the Code are replaced by the following articles:

"**73.** A person may refuse to give his name, date of birth and address, to show identification containing that information or to provide further information confirming his identity so long as he is not informed of the offence alleged against him.

"**74.** A peace officer may arrest without a warrant a person informed of the offence alleged against him who, despite the peace officer's demand, fails or refuses to give his name, date of birth and address, to show identification containing that information or to provide further information confirming his identity.

The person so arrested must be released from custody by the person detaining him as soon as he complies, to the satisfaction of the person detaining him, with one of these requirements."

21. Article 83 of the Code is amended by inserting "and in Chapter II.1" at the end.

22. Article 84 of the Code is amended by inserting "and state his name and quality" at the end of the second paragraph.

23. Article 85 of the Code is amended, in the second paragraph,

(1) by inserting "and state his name and quality" after "in the place";

(2) by replacing "qu'un tel avis" in the French text by "que cela".

24. Article 87 of the Code is amended by inserting "and Chapter II.1" in the first paragraph after "this chapter".

25. The Code is amended by inserting the following articles after article 89:

"**89.1.** An arrested person who is required to appear with a view to being released from custody may do so in person or using a technological means considered appropriate and authorized by the judge.

However, in the latter case, the consent of the prosecutor and the arrested person is required where witnesses must testify at the appearance and where the arrested person is unable to appear using a technological means that allows him and the judge to view one another and to communicate at the same time.

"**89.2.** A judge may, before or at the time of the arrested person's appearance with a view to his release from custody, on the application of the person or the prosecutor, adjourn the proceedings and order, by remand warrant, that he be remanded to custody in a detention centre."

26. Article 90 of the Code is amended by replacing the first paragraph by the following paragraph:

"The judge before whom a person arrested under article 74 appears may order that person to give his name, date of birth and address, to show identification containing that information or to provide further information confirming his identity."

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

"**CHAPTER II.1**

"WARRANT OF ENTRY

"**94.1.** An arrest in a dwelling house under a warrant for witness, warrant to bring a defendant, warrant of committal or warrant of arrest must be authorized by a warrant or telewarrant of entry issued by a judge.

Such authorization is not required

(1) if a person is taking refuge in a dwelling house in order to flee from arrest;

(2) if the person in charge of the premises agrees to allow the person responsible for executing the warrant for witness, warrant to bring a defendant, warrant of committal or warrant of arrest to enter the dwelling house; or

(3) if the conditions for issuing the warrant set out in article 94.3 are met and urgent circumstances make it difficult to obtain it.

Circumstances are urgent if the person responsible for executing the warrant has reasonable grounds to suspect that the life, health or safety of a person is in danger.

"**94.2.** An application for a warrant or telewarrant of entry may be made by the person who is applying or who applied for the warrant for witness, warrant to bring a defendant, warrant of committal or warrant of arrest or by the person responsible for executing it.

A warrant or telewarrant of entry may be issued at any time in a judicial district by the judge who issues or issued the warrant for witness, warrant to bring a defendant, warrant of committal or warrant of arrest or by any other judge having jurisdiction in that judicial district or in the judicial district in which the dwelling house is located. It shall be signed by the judge who issues it.

"**94.3.** No warrant or telewarrant of entry may be issued unless the judge is satisfied that the person making the application has reasonable grounds to believe that the person to be arrested is or will be in that dwelling house at the time of the arrest.

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

"**94.5.** Before entering a dwelling house, the person executing the warrant shall give a notice of his presence and of the purpose thereof to a person in the place and state his name and quality.

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

Despite such authorization, the person executing the warrant may not enter the dwelling house without notice unless he has reasonable grounds at the time to suspect that such notice may result in danger to human life, health or safety.

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

"**94.7.** The person executing the warrant or telewarrant of entry must allow the arrested person and, as the case may be, the person in charge of the premises to examine the warrant. If it is not in his possession, he must promptly allow them to examine it.

"**94.8.** The warrant or telewarrant of entry must state the name of the person to be arrested, the dwelling house where the person may be arrested and, by name or in general terms, who may enter it to arrest the person. It must be numbered and mention the warrant for witness, warrant to bring a defendant, warrant of committal or warrant of arrest to be executed.

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

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

"SEARCH AND SEIZURE".

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

"GENERAL PROVISIONS REGARDING SEARCHES".

30. Article 96 of the Code is amended

(1) in the first paragraph,

(*a*) by inserting "or telewarrant" after "authorized by a warrant";

(*b*) by striking out the second sentence;

(*c*) by replacing "exigent" by "urgent";

(2) in the second paragraph,

(*a*) by replacing "exigent" by "urgent";

(*b*) by striking out "even";

(*c*) by inserting "life or" after "human";

(*d*) by inserting "house" after "dwelling";

(*e*) by inserting "life," after "grounds to believe that the".

31. Article 103 of the Code is amended by striking out the last sentence.

32. The Code is amended by inserting the following article after article 109:

"**109.1.** A person authorized, in accordance with this division, to search the data contained in an information technology medium or data accessed by that medium may use or cause to be used any computer, equipment or other thing that is on the premises to access such data and to search for, examine, copy or print out such data. The person may seize and remove such a copy or printout.

Division IV of Chapter III applies to such a copy or printout.

The person in charge of the premises being searched must see to it that the authorized person is able to proceed with the required operations."

33. Article 114 of the Code is amended by replacing "exigent" in the second paragraph by "urgent".

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

"**DIVISION III.1**

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

"**124.** On the application of the prosecutor or of a person who proposes to execute or has executed a warrant, a telewarrant, an order provided for in article 141.7 or 141.8 or any other judicial authorization, the judge may make an order, to the extent that it is necessary to do so, to prohibit access to or the communication of information or documents relating to the warrant, telewarrant, order or other judicial authorization or those relating to an application made under this paragraph. Such an order is made where the judge considers such access or communication would be prejudicial to the ends of justice or where

the information or documents could be used for unlawful ends and where the risk outweighs the importance of access to the information, in particular in the following cases:

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

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

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

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

The judge shall make the order to prohibit access to or the communication of information or documents under the first paragraph, subject to any terms and conditions the judge considers appropriate in the circumstances, in particular with respect to the duration of the prohibition, the partial communication of information or a document, deletion of certain information or the occurrence of a condition. The prohibition regarding access to or communication of information or a document referred to in subparagraph 2 of the first paragraph expires not later than the time the information or document is submitted as evidence in proceedings.

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

An application to terminate an order or vary any of its terms or conditions may be made to the judge who made it or to a judge of the court that may be seized of the proceedings resulting from the investigation in the course of which the warrant, the telewarrant, the order provided for in article 141.7 or 141.8 or the other judicial authorization was issued.

"**125.** Where a document relating to a warrant, a telewarrant, an order provided for in article 141.7 or 141.8 or any other judicial authorization contains information the disclosure of which may result in danger to human life or safety, the judge may, upon an application, make an order to fix conditions before allowing examination of such information or to temporarily or permanently prohibit examination of the information.

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

"**126.** On the application of a person who has an interest in a document relating to a warrant, a telewarrant, an order provided for in article 141.7 or 141.8 or any other judicial authorization, the judge may, having regard in particular to the interests of justice and the right to privacy, make an order to fix conditions before allowing examination of such a document or part of it or to temporarily prohibit access to it until not later than the time the document is submitted as evidence in proceedings.

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

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

"**127.** Applications referred to in this division shall be made to the judge who issued the warrant, the telewarrant, the order provided for in article 141.7 or 141.8 or the other judicial authorization or to a judge of the court that may be seized of the proceedings resulting from the investigation in the course of which the warrant, telewarrant, order or other judicial authorization was issued. Where the application concerns only the minutes of seizure, it may also be made to a judge having jurisdiction to issue a search warrant in the judicial district where the duplicate was filed.

"**128.** Where a search was made without a warrant or telewarrant, articles 124 to 127 apply, with the necessary modifications, to the documents referred to in paragraphs 3 and 5 of article 123. The applications referred to in those articles may also be made to a judge of the judicial district where the affidavit relating to the search without a warrant or telewarrant was filed.

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

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

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

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

"**141.1.** Before complying with an order made under this division, the seizor or custodian of a document may copy the document or have it copied.

Such a copy, provided it is certified by the seizor or the person making the copy at the seizor's request, is admissible in evidence in any proceeding and has the same probative force as the original document would have had if it had been filed as evidence in the usual manner.

"**DIVISION V**

"GENERAL WARRANT

"**141.2.** A judge may, on an application following an information laid in writing and under oath by a peace officer or a person entrusted with the enforcement of an Act, issue a general warrant or telewarrant authorizing the person to use any investigative device, technique or procedure or do anything described by the judge that would, if not so authorized, constitute an unreasonable search or seizure in respect of a person or a person's property.

The judge may not, however, authorize the interception of a private communication, as defined in section 183 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46). Nor may the judge authorize the observation by means of a television camera or other similar electronic device of any person who is engaged in an activity in circumstances in which the person has a reasonable expectation of privacy.

The application for a mandate shall be made in writing and must be supported by an affidavit. An application for a telewarrant may also be made by telephone or by another means of telecommunication.

The judge may issue the general warrant or telewarrant if the judge is satisfied

(1) that there are reasonable grounds to believe that an offence against an Act has been or will be committed and that information concerning the offence will be obtained through the use of the investigative device, technique or procedure or the doing of the thing;

(2) that it is in the best interests of the administration of justice to issue the authorization; and

(3) that there is no provision in this Code or in another Act that would provide for a warrant, authorization or order permitting the technique or procedure to be used or the thing to be done.

Nothing in this article operates to permit interference with the physical integrity of any person.

"**141.3.** The general warrant or telewarrant shall set out such terms and conditions as the judge considers appropriate, in the circumstances, in particular concerning the execution of the authorization, to ensure that the search or seizure is reasonable and to protect lawyers' and notaries' professional secrecy.

"**141.4.** A judge who issues a general warrant or telewarrant authorizing a person to enter and search a place covertly must require that notice of the entry and search be given after its execution within the time the judge considers appropriate in the circumstances.

Where that judge or another judge having jurisdiction to issue such a warrant is satisfied, on a written application made on the basis of an affidavit, that the interests of justice warrant the issue of such a warrant, the judge may grant an extension of the period referred to in the first paragraph, up to a maximum of three years. The extension may be granted any time before expiry of the three-year period.

"**141.5.** Articles 99 to 101.1 apply, with the necessary modifications, to the issue of the general warrant or telewarrant.

Divisions III and IV apply to a general warrant or telewarrant that authorizes a search.

"**DIVISION VI**

"COMMUNICATION ORDERS ISSUED TO A THIRD PARTY

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

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

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

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

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

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

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

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

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

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

Any copy of a document communicated under this article, provided it is certified by affidavit, is admissible in evidence in any proceeding and has the same probative force as the original document would have had if it had been filed as evidence in the usual manner.

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

"**141.8.** A judge may, on an application made on the basis of an affidavit by a peace officer or a person entrusted with the enforcement of an Act, order a financial institution within the meaning of section 2 of the Bank Act (Statutes of Canada, 1991, chapter 46) or a person or entity referred to in section 5 of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act (Statutes of Canada, 2000, chapter 17), unless that financial institution, person or entity is under investigation, to prepare and communicate a document setting out the following information that is in their possession or control when they receive the order:

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

(2) the type of account;

(3) the status of the account; and

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

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

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

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

(3) all previous addresses of that person.

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

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

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

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

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

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

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

Any copy of a document communicated under this section, provided it is certified by affidavit, is admissible in evidence in any proceeding and has the same probative force as the original document would have had if it had been filed in evidence in the usual manner.

"**141.9.** No person is excused from complying with an order made under article 141.7 or 141.8 on the ground that the information or document the person is required to communicate or prepare may tend to incriminate the person or subject the person to a proceeding or penalty. However, no information or document that a natural person is required to communicate or prepare may be used or received in evidence against him in a proceeding that is subsequently instituted against him, except in a prosecution for perjury, the giving of contradictory testimony or the fabrication of evidence.

"**141.10.** A judge may, on an application made on the basis of an affidavit by a peace officer or a person entrusted with the enforcement of an Act, make an order prohibiting any person from disclosing the existence or part or all of the content of an order made under article 141.7 or 141.8, for the period specified in the order.

Before making the order, the judge must be satisfied that there are reasonable grounds to believe that disclosure of the information in the specified period could interfere with the investigation relating to the offence that is the subject of the order made under article 141.7 or 141.8.

The peace officer, the person entrusted with the enforcement of an Act, or the person, financial institution or entity mentioned in the order made under the first paragraph may apply in writing to the judge who made the order, or to a judge having jurisdiction to make such an order, to vary or revoke the order.

"**141.11.** Before being required to communicate information or a certified copy or to prepare and communicate a document under an order made under article 141.7 or 141.8, the person, financial institution or entity mentioned in the order may apply in writing to the judge who made the order, or to a judge having jurisdiction to make such an order, to vary or revoke the order.

The application may be made within 30 days after the day on which the order is made, provided prior notice of not less than three clear days of the intention to do so is given to a peace officer or a person entrusted with the enforcement of an Act named in the order. The person, financial institution or entity concerned is not required to communicate the information or the certified copy or prepare and communicate the document under the order until the judge has ruled on the application.

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

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

(2) that such communication would disclose information that is privileged or otherwise protected from disclosure by law.

"**141.12.** Applications made to a judge under article 141.7, 141.8 or 141.10 are made in the sole presence of the applicant.

"**141.13.** Article 122 and Division IV of Chapter III do not apply to information or documents communicated under an order provided for in article 141.7 or 141.8."

37. The Code is amended by inserting the following division after article 159:

"**DIVISION III.1**

"PROCEEDING RULES ADAPTATION PROGRAM

"**159.1.** The purpose of a program to adapt the rules governing proceedings is to offer defendants, within the framework of an education, public awareness, prevention, intervention, reparation or rehabilitation process, an alternative to going to trial or to a continuation of proceedings. Participation in such a program results in, among other things, the withdrawal of one or more counts, in accordance with article 12.

The offences or classes of offences covered by this program are determined by regulation.

"**159.2.** Before a judgment is rendered, the prosecutor may offer the defendant the possibility of participating in an adaptation program, to the extent that such a program is available.

To make such an offer, the prosecutor must ensure that

(1) there is sufficient evidence to go to trial or to continue proceedings;

(2) participation in such a program corresponds to the defendant's needs;

(3) the defendant acknowledges the facts resulting in the offence and wishes to participate in the program;

(4) no rule of law prevents the beginning or continuation of proceedings;

(5) the defendant has been informed of his right to obtain the assistance of a lawyer;

(6) the defendant renounces, in writing, invoking the time spent participating in the program for the calculation of the time spent waiting to be tried; and

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

"**159.3.** If the defendant agrees in writing to participate in an adaptation program during proceedings, the judge shall adjourn them.

"**159.4.** The defendant's participation in an adaptation program ends when he withdraws his consent. The same applies, on the prosecutor's decision, if the defendant no longer complies with the conditions of the program.

In such a case, the judicial proceedings provided for in this Code resume and the information gathered during the defendant's participation in the program may not be admitted as evidence against him in those proceedings or any other proceeding.

"**159.5.** Where the defendant completes the adaptation program in compliance with the conditions determined in the program, the prosecutor may, in accordance with article 12, withdraw the counts against the defendant for offences or classes of offences covered by the program."

38. Article 162 of the Code is amended by adding the following paragraph at the end:

"The same applies if, after entering a plea of not guilty, the defendant transmits the whole amount before proceedings begin."

39. Article 188 of the Code is amended by adding the following sentence at the end of the first paragraph: "In such a case, a witness may, should the prosecutor so choose, make his deposition at a distance using any technological means that allows the witness to be identified, heard and seen live."

40. The Code is amended by inserting the following article after article 188:

"**188.1.** In the context of proceedings under article 188, the prosecutor may file an expert's report, along with a document detailing the expert's qualifications, without notice or other formality. The expert's report stands in lieu of his testimony."

41. Article 192 of the Code is replaced by the following articles:

"**192.** The prosecutor and the defendant may act personally or through an attorney. A legal person may act through an attorney or through its directors or officers.

For the purposes of this article, the president, chief executive officer, chief operating officer, chief financial officer and secretary of a legal person, and any other person holding a similar position, are officers.

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

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

"**192.2.** The judge may, in the interests of justice, in particular given the complexity of the case and the anticipated duration of the trial, order the defendant to be present. The order shall be served on the defendant in person by a peace officer or a bailiff.

Where the defendant, after having received service of the order, fails to attend without a legitimate excuse, the judge may issue a warrant to bring a defendant, if he is satisfied that the warrant is the only reasonable means to ensure the defendant's presence, and adjourn the trial, where applicable.

Where a judge issues a warrant to bring a defendant, the judge may attach an order to the warrant authorizing the person carrying out the arrest to release the defendant if he promises to appear before the court at the time specified in the promise.

Subject to the order provided for in the third paragraph, the rules of Division VII of Chapter I apply, with the necessary modifications."

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

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

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

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

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

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

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

44. Article 257 of the Code is amended by inserting the following paragraph after the first paragraph:

"The prosecutor may also make an application for revocation of the judgment to such a judge where the judgment is for an offence or class of offences determined by regulation and where the defendant has completed a judgment execution rules adaptation program referred to in the second paragraph of article 333."

45. Article 259 of the Code is amended by adding the following paragraphs at the end:

"In the case referred to in the second paragraph of article 257, the judge shall grant the application for revocation if he is satisfied that

(1) the judgment execution rules adaptation program in which the defendant participated corresponds to the defendant's needs;

(2) the defendant completed the program in compliance with the conditions determined in the program; and

(3) the revocation is in the interests of justice.

The prosecutor shall provide the judge with confirmation that the conditions set out in subparagraphs 1 to 3 of the third paragraph have been met."

46. Article 318 of the Code is amended by adding the following paragraph at the end:

"The intervention of the Attorney General or the Director of Criminal and Penal Prosecutions as a party to take the place of the party who instituted proceedings does not operate to change the specific rules set out in another Act specifying the payee of the fines."

47. Article 324 of the Code is amended

(1) by replacing "warrant ordering that the defendant be arrested and brought" in the first paragraph by "warrant to bring a defendant";

(2) by striking out "of arrest" in the second paragraph.

48. Article 325 of the Code is amended by replacing "warrant of arrest" in the first paragraph by "warrant to bring a defendant".

49. Article 326 of the Code is amended

(1) by replacing "warrant of arrest" in the first paragraph by "warrant to bring a defendant";

(2) by replacing "A warrant of arrest" in the second paragraph by "Such a warrant".

50. Article 333 of the Code is amended by adding the following paragraphs at the end:

"All or part of the compensatory work may be replaced by alternative measures to the extent that a judgment execution rules adaptation program, within the framework of an education, public awareness, prevention, intervention, reparation or rehabilitation process, is available. The offences or classes of offences covered by such a program are determined by regulation.

In this Code, unless the context indicates otherwise, "compensatory work" also refers to the alternative measures provided for in such a program."

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

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

52. Article 337 of the Code is amended by adding the following sentence at the end of the first paragraph: "Where the defendant opts for alternative measures in place of compensatory work, the number of such hours may exceed 1,500 hours."

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

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

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

55. Article 344 of the Code is amended by adding the following sentence at the end of the second paragraph: "Where the defendant opts for alternative measures, a partial payment does not affect the nature or duration of those measures."

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

57. Article 345.3 of the Code is amended by inserting "and sums due for offences or classes of offences determined by regulation" at the end.

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

"(3.1) if the arrest was made in a dwelling house under a warrant or telewarrant of entry, allow the defendant and, where applicable, the person in charge of the premises, to examine the warrant or telewarrant or, if it is not in his possession, promptly allow them to examine it;".

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

"**367.1.** The Minister of Justice may, by regulation, determine the offences or classes of offences for which a proceeding rules adaptation program within the meaning of article 159.1 and a judgment execution rules adaptation program within the meaning of the second paragraph of article 333 may be implemented. The Minister may also determine the offences and classes of offences for which an application may be made for a revocation of judgment under the second paragraph of article 257 and those to which Division II of Chapter XIII does not apply."

60. The Code is amended by inserting the following article after article 368:

"**368.1.** After considering the effects of the project on the rights of individuals and obtaining the agreement of the Chief Justice of Québec or the Chief Justice of the Superior Court or the Chief Judge of the Court of Québec, according to their jurisdiction, and after consulting the Barreau du Québec and, if applicable, the Chambre des huissiers de justice du Québec, the Minister of Justice may, by regulation, modify a rule of procedure or introduce a new one for the period determined by the Minister, which period may not exceed three years, for the purposes of a pilot project conducted in the judicial districts specified by the Minister."

TAX ADMINISTRATION ACT

61. Section 40.1.1 of the Tax Administration Act (chapter A-6.002) is amended by inserting "device," after "investigative" in the first paragraph.

CODE OF CIVIL PROCEDURE

62. Article 72 of the Code of Civil Procedure (chapter C-25.01) is amended by inserting "except in the cases described in article 497," after "witness," in the first paragraph.

63. Article 274 of the Code is amended by replacing "an arrest warrant" in the second paragraph by "a warrant for witness".

64. Article 497 of the Code is amended

(1) by striking out the last sentence of the first paragraph;

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

"The court issues a certificate in keeping with the model established by the Minister of Justice and with the requirements of the law of the witness's place of residence if it is established that the witness's attendance at court is necessary to resolve the matter regarding which the witness is called to attend. The subpoena, together with the advance on the witness indemnity and the certificate, must be homologated and notified in accordance with the law of the witness's place of residence.

During the period in which the witness is present to attend at the court, the witness is deemed not to be subject to the jurisdiction of Québec courts otherwise than as a witness in the matter regarding which the witness was called to attend at court. Furthermore, the witness enjoys immunity that prohibits notifying pleadings to, undertaking execution measures against and compelling or imprisoning the witness under Québec law, unless it results from a fact that occurred during that period."

65. Article 498 of the Code is replaced by the following article:

"**498.** The court homologates a subpoena issued by an authority in another province or in a territory of Canada if it is accompanied by the advance on the witness indemnity and a certificate stating that the authority is convinced that the witness's attendance at court is necessary to resolve the matter regarding which the witness is called to attend.

If the witness's attendance in person is required, the court homologates the subpoena only if the law of the witness's place of residence provides for immunity similar to that provided for in article 497.

Once homologated, the subpoena must be notified to the witness at least 10 days before the time at which the witness is scheduled to attend at court."

CANNABIS REGULATION ACT

66. Sections 78 and 79 of the Cannabis Regulation Act (chapter C-5.3) are repealed.

67. Section 82 of the Act is replaced by the following section:

"**82.** The rules established in Division IV of Chapter III of the Code of Penal Procedure (chapter C-25.1) and the third and fourth paragraphs of section 73 of this Act apply, with the necessary modifications, to things seized under section 80."

FIRE SAFETY ACT

68. Section 114 of the Fire Safety Act (chapter S-3.4) is amended by replacing "warrant for the person's arrest" by "warrant for witness".

69. Section 115 of the Act is amended by replacing "warrant of arrest" by "warrant for witness".

70. Section 124 of the Act is amended by replacing "warrants of arrest" in subparagraph *b* of subparagraph 2 of the first paragraph by "warrants for witness".

COURTS OF JUSTICE ACT

71. Schedule IV to the Courts of Justice Act (chapter T-16) is amended by replacing all occurrences of "authorizing a special method of service (article 24 of the Code of Penal Procedure" by "authorizing a method of service (articles 20.2, 22.1 and 24 of the Code of Penal Procedure".

72. Schedule V to the Act is amended, in paragraph 1,

(1) by inserting "and article 89.3 of the Code of Penal Procedure" after "516 of the Criminal Code" in the fourth item;

(2) by inserting the following item after the fourth item:

"— authorizing appearances from a distance using a technological means (articles 89.1 and 89.2 of the Code of Penal Procedure);";

(3) by inserting ", telewarrants, orders" after "warrants" in the sixth item;

(4) by replacing "warrant for the arrest of a witness" in the thirteenth item by "warrant for witness";

(5) by inserting the following item after the thirteenth item:

"— issuing a warrant to bring a defendant (article 192.2 of the Code of Penal Procedure);";

(6) by adding the following item at the end:

"— issuing certificates and homologating summons to appear in accordance with article 35.1 of the Code of Penal Procedure."

REGULATION RESPECTING THE FORM OF STATEMENTS OF OFFENCE

73. Schedule I to the Regulation respecting the form of statements of offence (chapter C-25.1, r. 1) is amended by inserting the following sentence after the sixth sentence of the portion entitled "PLEA OF GUILTY AND PAYMENT":

"A defendant who transmits the whole amount of the fine and costs requested after entering a plea of not guilty and before the trial is deemed to have transmitted a plea of guilty."

TARIFF OF COURT COSTS IN PENAL MATTERS

74. Section 1 of the Tariff of court costs in penal matters (chapter C-25.1, r. 6) is amended by replacing paragraph 8 of the first paragraph by the following paragraph:

"(8) for the amount of supplementary costs payable by a defendant who entered a plea of not guilty and changed it before the trial to enter a plea of guilty but has not paid the total amount of the fine and costs requested: $28."

CHAPTER II

MEASURES CONCERNING COURTS OF JUSTICE

DIVISION I

APPEAL AND CONTESTATION BEFORE THE COURT OF QUÉBEC

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

COURTS OF JUSTICE ACT

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

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

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

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

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

SPECIAL AMENDING PROVISIONS

TAX ADMINISTRATION ACT

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

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

77. Section 12.0.3 of the Act is amended, in the introductory clause of the first paragraph,

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

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

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

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

79. Section 27.0.1 of the Act is amended by replacing "an appeal or a summary appeal" by "a contestation filed in accordance with Chapter III.2 or Chapter IV or an appeal".

80. Section 35.4 of the Act is amended

(1) in the introductory clause,

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

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

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

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

81. Section 65 of the Act is amended

(1) in the first paragraph,

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

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

(2) in the second paragraph,

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

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

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

82. Section 83 of the Act is amended by replacing "or appeal" by ", a contestation or an appeal".

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

(1) by replacing "is issued, an objection or appeal was made to an earlier assessment or determination" by "was issued, an earlier assessment or determination was the subject of an objection, contestation or appeal, respectively";

(2) by replacing "or for filing" by "or a contestation or bringing".

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

"CONTESTATION BEFORE THE COURT OF QUÉBEC AND APPEAL TO THE COURT OF APPEAL".

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

86. Section 93.1.10.1 of the Act is amended

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

(2) in the second paragraph,

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

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

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

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

89. Section 93.1.15 of the Act is amended

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

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

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

91. Section 93.1.15.2 of the Act is amended

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

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

92. Section 93.1.15.3 of the Act is amended

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

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

93. Section 93.1.17 of the Act is amended

(1) by replacing “An appeal before the Court of Québec is brought by an application” and “contentious proceedings governing” in the first paragraph by “A contestation before the Court of Québec is filed” and “procedure for contentious proceedings that governs”, respectively;

(2) in the second paragraph,

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

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

94. Section 93.1.21 of the Act is amended

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

(2) in the second paragraph,

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

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

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

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

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

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

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

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

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

99. Section 93.4 of the Act is amended

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

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

100. Section 93.7 of the Act is amended

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

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

101. Section 93.9 of the Act is amended

(1) in the first paragraph,

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

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

(2) in the third paragraph,

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

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

102. Section 93.11 of the Act is amended

(1) in the first paragraph,

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

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

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

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

104. Section 93.13 of the Act is amended

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

(2) in the third paragraph,

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

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

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

105. Section 93.29 of the Act is amended

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

(2) in the third paragraph,

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

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

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

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

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

107. Section 94.1 of the Act is amended by replacing “is not subject to opposition or appeal” in the third paragraph by “may not be the subject of an objection, contestation or appeal”.

REAL ESTATE BROKERAGE ACT

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

(1) in the first paragraph,

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

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

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

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

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

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

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

110. Section 51.12 of the Act is amended by replacing “The appeal is brought” in the first paragraph by “The contestation is made”.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

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

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

(2) in the third paragraph,

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

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

ACT RESPECTING SCHOOL ELECTIONS

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

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

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

(3) in the third paragraph,

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

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

ELECTION ACT

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

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

(2) in the third paragraph,

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

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

PETROLEUM RESOURCES ACT

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

TAXATION ACT

115. Section 766.2.1 of the Taxation Act (chapter I-3) is amended by replacing "is not subject to opposition or appeal" in the third paragraph by "may not be the subject of an objection, contestation or appeal".

116. Section 899 of the Act is amended by replacing "an appeal" in the first paragraph by "a contestation".

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

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

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

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

THE EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

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

121. Section 470 of the Act is amended

(1) in subsection 1,

(*a*) by replacing "the decision of the commissioners appealed from" by "the decision of the commissioners being contested";

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

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

ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

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

123. Section 102 of the Act is amended by replacing "his appeal" in the first paragraph by "his application".

MINING ACT

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

CULTURAL HERITAGE ACT

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

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

POLICE ACT

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

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

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

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

(4) in the fourth paragraph,

(*a*) by replacing “If the appeal” by “If the contestation”;

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

(*c*) by replacing “de l’appelant” in the French text by “du demandeur”.

YOUTH PROTECTION ACT

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

(1) in the first paragraph,

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

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

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

ACT RESPECTING PROPERTY TAX REFUND

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

130. Section 39 of the Act is amended

(1) by inserting “, contests” after “objects to”;

(2) by replacing “or appeal from” by “, contest or appeal from”.

131. Section 40 of the Act is amended

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

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

ACT RESPECTING THE QUÉBEC SALES TAX

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

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

LOBBYING TRANSPARENCY AND ETHICS ACT

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

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

(2) in the second paragraph,

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

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

GENERAL AMENDING PROVISIONS

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

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

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

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

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

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

(6) by replacing “on appeal” in section 100 of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6), “appeal” in section 101 and sections 103 to 105 of that Act and “proceedings in appeal” in section 117 of that Act by “on a contestation”, “contestation” and “contestation proceedings”, respectively;

(7) by replacing “appeal” in sections 38, 142.1, 296 and 300 of the Mining Act (chapter M-13.1) and “appeal from” in section 288 of that Act by “contestation” and “contestation of”, respectively;

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

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

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

(1) by replacing “contested or appealed” in section 10 of the Tax Administration Act, “proceedings in appeal” in section 91 of that Act, and “on appeal” in section 93.1.14 of that Act by “the subject of an objection, contestation or appeal”, “contestation or appeal proceedings” and “on a contestation or an appeal”, respectively;

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

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

(4) by replacing “an appeal” in paragraph *f* of section 312 of the Taxation Act and “or appeal” in paragraph *e* of section 336 of that Act by “a contestation or appeal” and “, contestation or appeal”, respectively;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

139. The second paragraph of section 1010.0.1, the first paragraph of section 1014 and the second paragraph of section 1079.13.2 of the Taxation Act are amended by replacing "an appeal or a summary appeal" and "appeal or summary appeal" by "contestation or appeal".

140. Section 93.2.1 of the Tax Administration Act is amended by replacing "A summary appeal is brought" and "bring a summary appeal" by "A contestation is filed" and "file a contestation", respectively, sections 93.8, 93.14, 93.17 and 93.18 of that Act are amended by replacing "summary appeal" by "contestation" and section 93.6 of that Act is amended by replacing "summary appeal" by "a contestation".

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

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

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

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

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

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

(1) by replacing "decision being appealed from" in section 51.13 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories by "contested decision";

(2) by replacing "decision appealed from" in section 171 of the Petroleum Resources Act by "contested decision";

(3) by replacing "resolution appealed from" in section 468 of the Education Act for Cree, Inuit and Naskapi Native Persons" by "contested resolution";

(4) by replacing "decision appealed from" in section 299 of the Mining Act by "contested decision".

DIVISION II

APPOINTMENT OF CERTAIN JUDGES TO THE COURT OF QUÉBEC

COURTS OF JUSTICE ACT

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

DIVISION III

PROTECTION OF JURORS AND WITNESSES IN CASES OF EMPLOYER-IMPOSED PENALTIES

JURORS ACT

144. Section 47 of the Jurors Act (chapter J-2) is amended by striking out the second paragraph.

ACT RESPECTING LABOUR STANDARDS

145. Section 3.1 of the Act respecting labour standards (chapter N-1.1) is amended by replacing "17" in the second paragraph by "19".

146. Section 122 of the Act is amended by adding the following subparagraphs after subparagraph 17 of the first paragraph:

"(18) on the ground that the employee has been summoned as a prospective juror under the Jurors Act (chapter J-2) or that the employee has acted as a juror;

"(19) on the ground that the employee has been called to attend at court or that the employee has acted as a witness before a court of justice."

147. Section 140 of the Act is amended by replacing "17" in paragraph 6 by "19".

COURTS OF JUSTICE ACT

148. Section 5.2 of the Courts of Justice Act (chapter T-16) is amended by replacing the second paragraph by the following paragraph:

"Any contravention of the first paragraph is an offence."

CHAPTER III

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

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

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

150. Section 4.4 of the Act is replaced by the following sections:

"**4.3.1.** Legal aid shall be granted for legal advice on subjects for which legal services are already covered.

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

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

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

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

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

154. Section 74 of the Act is amended

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

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

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

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

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

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

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

REGULATION RESPECTING LEGAL AID

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

159. The Regulation is amended by inserting the following section after section 43.1:

"**43.2.** Legal aid shall be granted within the scope of the services mentioned in section 4.7 of the Act, except those in family cases, for participation in a collaborative law process or a mediation process. In the latter case, only services rendered by an advocate or notary assisting the recipient are covered."

160. Section 45.1 of the Regulation is repealed.

CHAPTER IV

FINAL PROVISION

161. This Act comes into force on (*insert the date of assent to this Act*), except sections 1 to 74, 76 to 107, 115 to 119 and 129 to 133, paragraphs 1 and 4 of section 135, paragraphs 1 to 4 and 6 to 8 of section 136, paragraphs 2 and 5 of section 137, and sections 139, 140 and 143 to 148, which come into force on the date or dates to be set by the Government.