



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 35

**An Act to amend the Act respecting
administrative justice and other
legislative provisions**

Introduction

**Introduced by
Mr. Marc Bellemare
Minister of Justice**

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EXPLANATORY NOTES

This bill amends the Act respecting administrative justice to create the Administrative Review Tribunal of Québec by bringing together the Commission des lésions professionnelles and the Administrative Tribunal of Québec, establish its three divisions and provide for the establishment of an office of the Tribunal in every administrative region where it is warranted by the number of review proceedings. It also amends the provisions relating to the panels formed to hear and determine proceedings.

The bill provides that members of the Tribunal are appointed to hold office during good behaviour and sets new rules concerning ethics. It abolishes the Conseil de la justice administrative and revises the mechanism for the receipt and examination of complaints regarding the conduct of members.

As regards indemnification or benefits, it shapes new procedures for administrative review by certain government departments and bodies and for conciliation before the Tribunal and introduces various procedural and consequential measures to this effect.

LEGISLATION AMENDED BY THIS BILL:

- Workmen’s Compensation Act (R.S.Q., chapter A-3);
- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Financial Administration Act (R.S.Q., chapter A-6.001);
- Automobile Insurance Act (R.S.Q., chapter A-25);
- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Act respecting childcare centres and childcare services (R.S.Q., chapter C-8.2);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Labour Code (R.S.Q., chapter C-27);

- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Crime Victims Compensation Act (R.S.Q., chapter I-6);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère de l’Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001);
- Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);
- Act respecting transport infrastructure partnerships (R.S.Q., chapter P-9.001);
- Act respecting family benefits (R.S.Q., chapter P-19.1);
- Act respecting the Régie du logement (R.S.Q., chapter R-8.1);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001).

Bill 35

AN ACT TO AMEND THE ACT RESPECTING ADMINISTRATIVE JUSTICE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING ADMINISTRATIVE JUSTICE

1. Section 1 of the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by striking out “and the Conseil de la justice administrative” in the first and second lines of the third paragraph.

2. Section 6 of the said Act is amended by replacing the second paragraph by the following paragraph:

“When notifying the decision, the administrative authority must inform the citizen that the citizen may contact the administrative authority to obtain information or to request a review of the decision.”

3. The heading of Title II of the said Act is replaced by the following heading:

“ADMINISTRATIVE REVIEW TRIBUNAL OF QUÉBEC”.

4. Section 14 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**14.** The Administrative Review Tribunal of Québec is hereby instituted.”

5. Section 16 of the said Act is amended by adding the following paragraph at the end:

“The Tribunal shall have an office in Montréal and, if the number of proceedings warrants it, in other administrative regions. However, it may not have an office in a building where an administrative authority whose decisions may be contested before the Tribunal already has an office.”

6. Section 17 of the said Act is replaced by the following section:

“**17.** The Tribunal shall consist of three divisions:

— the social affairs division;

- the employment injuries division; and
- the economic affairs division.”

7. Sections 21, 22.1, 25, 27, 29 and 31 of the said Act are repealed.

8. The said Act is amended by adding the following division after section 31:

“DIVISION I.1

“EMPLOYMENT INJURIES DIVISION

“31.1. The employment injuries division is charged with making determinations in respect of proceedings pertaining in particular to the prevention of and compensation for employment injuries, the right of a worker who has suffered an employment injury to return to work and the financing of the employment injuries compensation plan, which proceedings are listed in Schedule II.”

9. The heading of Division II of Chapter II of Title II of the said Act is replaced by the following heading:

“THE ECONOMIC AFFAIRS DIVISION”.

10. Section 32 of the said Act is amended

(1) by replacing “The immovable property division” in the first line by “In immovable property matters, the economic affairs division”;

(2) by replacing “Schedule II” at the end by “section 1 of Schedule III”.

11. Section 33 of the said Act is repealed.

12. The said Act is amended by striking out the following after section 33:

“DIVISION III

“TERRITORY AND ENVIRONMENT DIVISION”.

13. Section 34 of the said Act is amended

(1) by replacing “The territory and environment division” in the first line by “In territorial and environmental matters, the economic affairs division”;

(2) by inserting “section 2 of” after “in” in the last line.

14. Section 35 of the said Act is repealed.

15. The said Act is amended by striking out the following before section 36:

“DIVISION IV

“ECONOMIC AFFAIRS DIVISION”.

16. Section 36 of the said Act is amended

- (1) by inserting “also” after “is” in the first line;
- (2) by replacing “Schedule IV” at the end by “section 3 of Schedule III”.

17. Section 37 of the said Act is repealed.

18. Section 38 of the said Act is replaced by the following section:

“38. The Tribunal shall be composed of members appointed by the Government in a number determined according to the needs of the Tribunal, to hold office during good behaviour.”

19. Division III of Chapter III of Title II of the said Act, comprising sections 46 to 50, is repealed.

20. The heading of Division IV of Chapter III of Title II of the said Act is amended by replacing “PREMATURE TERMINATION OF TERM OF OFFICE” by “TERMINATION OF APPOINTMENT”.

21. Section 51 of the said Act is amended by replacing “The term of office of a member may terminate” in the first line by “The appointment of a member may terminate”.

22. Section 53 of the said Act is amended

(1) by replacing “if the Conseil de la justice administrative” in the first and second lines of the first paragraph by “if a committee formed under section 186.1”;

(2) by replacing “the Conseil de la justice administrative” in the second line of the second paragraph by “the committee”.

23. Section 54 of the said Act is amended by replacing “the Conseil de la justice administrative” in the third line of paragraph 2 by “a committee formed under section 193”.

24. Section 55 of the said Act is amended

(1) by replacing “may, with the authorization of and for the time determined by the president of the Tribunal, continue to perform his duties after the expiry of his term of office” in the first, second and third lines of the first paragraph by “who has retired or resigned may, with the authorization of and for the time determined by the president of the Tribunal, continue to perform his duties”;

(2) by striking out the second paragraph.

25. Section 60 of the said Act is amended by replacing “term of office, he is on full leave without pay for the purpose of performing his duties of office” in the third and fourth lines by “appointment, he is on full leave without pay for the purpose of performing the duties of a member of the Tribunal”.

26. Section 65 of the said Act is amended by replacing “premature termination or non-renewal of his term of office” in the second and third lines by “termination of his appointment”.

27. Section 66 of the said Act is amended by replacing “if the Conseil de la justice administrative” in the second line by “if the committee referred to in section 197.2”.

28. Section 75 of the said Act is amended

(1) by inserting the following subparagraph after subparagraph 3 of the second paragraph:

“(3.1) periodically evaluating, in accordance with the rules established by government regulation, the knowledge, skills, attitudes and behaviour of the members in the exercise of their functions and their contribution to the processing of cases before the Tribunal;”;

(2) by adding the following subparagraph at the end:

“(5) designating a member to be in charge of the administration of an office of the Tribunal.”

29. Section 76 of the said Act is amended by replacing “conciliators” in the first line of the first paragraph by “experts or persons from employers’ associations or union associations assigned to sit with a member and to the conciliators,”.

30. Section 77 of the said Act is amended

(1) by adding the following paragraph at the beginning:

“**77.** Upon the appointment of a member, the president shall assign the member to one or more regions where the Tribunal has an office.”;

(2) by inserting “the member concerned and” after “consultation with” in the second line;

(3) by replacing “a member temporarily to another division” in the third line by “the member temporarily to another division or another region”.

31. Section 78 of the said Act is amended by adding the following paragraph after paragraph 7:

“(8) the number of decisions made by the employment injuries division that confirm or quash the opinion given by a member of the Bureau d’évaluation médicale.”

32. Section 79 of the said Act is amended by adding “or to a member responsible for the administration of a regional office” at the end.

33. Section 81 of the said Act is amended by adding “or another region” at the end of paragraph 2.

34. The heading of Division II of Chapter V of Title II and sections 82 and 83 of the said Act are replaced by the following:

PANELS AND SITTINGS OF THE TRIBUNAL

“82. Unless otherwise provided, proceedings brought before the Tribunal shall be heard and determined by a single member who must be an advocate or a notary.

“82.1. Proceedings referred to in section 22 shall be heard and determined by a panel of three members composed of an advocate or a notary, a psychiatrist and a social worker.

“82.2. If considered expedient owing to the nature of a case or the facts raised, the president of the Tribunal may, on the president’s own initiative or at the request of a party, form a panel of two members, except in the employment injuries division.

The panel must include only one advocate. In the social affairs division, the other member of the panel may be a physician, a social worker or a psychologist; for immovable property matters brought before the economic affairs division, the other member must be a chartered appraiser.

“82.3. If the president of the Tribunal believes it expedient in view of the complexity or importance of a case, the president may form a panel comprising a greater number of members, not exceeding five, than the number provided for in this division.

The additional members must be advocates or notaries.

“82.4. In all cases, a single member who must be an advocate or a notary shall sit in order to determine measures relating to the management of proceedings or matters incidental to the management of proceedings.

“82.5. Mention of the decisions of the president modifying the panels provided for by law shall be made in the annual report.

“83. The president, the vice-president responsible for the division concerned or a member designated by either of them shall determine which members are to be called upon to sit in a proceeding and, where applicable, which member is to preside.

“83.1. Where a proceeding pertains to the existence of an employment injury other than a recurrence, relapse or aggravation, the president, the vice-president responsible for the division or the member designated by either of them may, if a party so requests, designate two persons, one from an employers’ association and the other from a union association, to sit with and advise the member during the hearing.

These persons may ask questions during the hearing and give the member their opinion when the case is taken under advisement.

In order to designate these persons, the president, the vice-president responsible for the division or the member designated by either of them shall call upon the persons appointed under section 86.1 in the order in which their names are entered on the list of persons from employers’ associations drawn up by the Government for the region in which the persons are appointed until one of them declares himself or herself able to act. The president, vice-president or member shall follow the same procedure for persons whose names are entered on the list of persons from union associations.

“83.2. In employment injury matters, if the president, the vice-president responsible for the division or the member designated by either of them believes it expedient owing to the nature of the proceeding or the facts raised, that person may, on that person’s own initiative or at the request of a party, assign one or more experts to sit with and advise the member during the hearing.”

35. Section 85 of the said Act is amended by replacing “immovable property” in the second line of the second paragraph by “economic affairs”.

36. Section 86 of the said Act is amended

(1) by inserting “, the experts, the conciliators” after “Tribunal” in the first line of the first paragraph;

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

“However, the Government may appoint experts, in particular physicians, psychiatrists, social workers, psychologists and chartered appraisers, for a renewable five-year term.

Moreover, to expedite the business of the Tribunal, the president of the Tribunal may appoint part-time or temporary experts and determine their fees.”

37. The said Act is amended by inserting the following sections after section 86:

“36.1. The persons from employers’ associations assigned to sit with a member of the employment injuries division shall be appointed by the Government from among the persons whose names appear on a list drawn up annually by the board of directors of the Commission de la santé et de la sécurité du travail for each region in which the Tribunal has an office.

The appointment of persons from union associations is governed by the same rules.

The Minister may draw up either of the lists if the board of directors of the Commission fails to do so.

“36.2. No judicial proceedings may be brought against the personnel members of the Tribunal or the other persons referred to in section 86 or 86.1 for an act done in good faith in the performance of their duties.”

38. Section 102 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“102. In a proceeding before the social affairs division pertaining to compensation for rescuers and victims of crime, a proceeding under section 65 of the Workmen’s Compensation Act (chapter A-3) or a proceeding under section 12 of the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (chapter I-7), the parties may be represented by the person of their choice, with the exception of a former professional suspended or removed from the roll in accordance with the Code of Professions (chapter C-26) or any other legislation governing a profession.

The same applies with respect to the employment injuries division; moreover, a person from an employers’ association or a union association whose name is entered on a list of persons called upon to sit with a member of the employment injuries division may not act as a representative before the Tribunal.”

39. The said Act is amended by inserting the following section after section 103:

“103.1. The Tribunal may exclude a representative who is not an advocate from a proceeding if the Tribunal considers that the representative does not have the required competence or is not performing the duties involved responsibly.”

40. Section 109 of the said Act is amended

(1) by striking out “, in the case of the social affairs division, ” in the second paragraph;

(2) by striking out “, after consultation with the Conseil de la justice administrative and,” in the third paragraph.

41. Section 110 of the said Act is replaced by the following section:

“110. A proceeding must be brought before the Tribunal within 30 days after notification of the contested decision to the applicant or after the occurrence of the facts giving rise to the proceeding; however, unless otherwise provided in a special Act, a proceeding must be brought within 90 days if it pertains to a matter within the purview of the social affairs division or the employment injuries division.

The proceeding is brought by means of a motion filed in the office of the Tribunal in the region in which the domicile of the applicant is located. In employment injury matters, the motion must be filed in the office of the Tribunal in the region in which the domicile of the worker is located or, if the worker is domiciled outside Québec or if no worker is party to the contestation, in a region in which the employer has an establishment.

In the case of a region where the Tribunal does not have an office, the motion may be filed at the secretariat of the Tribunal or in any office of the Court of Québec; in the latter case, the clerk shall forward the motion immediately to the secretary of the Tribunal.

As regards indemnification or benefits, the motion may be delivered to the administrative authority whose decision is contested; the administrative authority must forward the motion immediately to the secretariat of the Tribunal. The motion is deemed to have been filed with the Tribunal on the date on which it was delivered.”

42. Section 113 of the said Act is amended

(1) by replacing “and to the persons indicated by law” by “, to the persons specified in the law and, in employment injury matters, to the Commission de la santé et de la sécurité du travail”;

(2) by adding the following paragraph:

“As regards indemnification or benefits, the secretary of the Tribunal shall also notify the administrative authority that it may revise the contested decision within the time limit prescribed by law.”

43. Section 114 of the said Act, amended by section 7 of chapter 22 of the statutes of 2002, is again amended

(1) by replacing “a copy of the record relating to the matter and the name, address, phone number and fax number of its representative to the secretary of the Tribunal and to the applicant” in the second, third and fourth lines of the first paragraph by “the secretary of the Tribunal and the applicant a copy of the

record relating to the matter as well as the representative's name and details for contacting the representative by mail, email, phone, fax or other means";

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

"As regards indemnification or benefits, the administrative authority must do so not later than 30 days after the applicant has informed it of the applicant's intention to maintain the proceeding after the revision of the decision or, if it has not revised the decision within the allotted time, not later than 30 days after the expiry of that time.";

(3) by replacing "Within the same time, the municipal body responsible for the assessment must send" in the first and second lines of the second paragraph by "Within 30 days of receipt of a copy of the motion, the municipal body responsible for the assessment must send".

44. The said Act is amended by inserting the following section after section 116:

"116.1. When evidence relating to an essential fact is presented to the Tribunal without having previously been communicated to the administrative authority concerned, the Tribunal may suspend the case for the time it determines to allow the administrative authority to examine the evidence and, if necessary, revise its decision. If, at the expiry of the allotted time, the proceeding before the Tribunal is maintained, the Tribunal shall hear the proceeding as though it were a proceeding in respect of the original decision."

45. Section 119 of the said Act is amended by adding the following paragraphs after paragraph 7:

"(8) a proceeding under section 359 of the Act respecting industrial accidents and occupational diseases which pertains to the reduction or suspension of an indemnity under subparagraph *e* of paragraph 2 of section 142 of that Act;

(9) a proceeding under section 37.3 of the Act respecting occupational health and safety (chapter S-2.1) which pertains to the re-assignment of a worker to other duties;

(10) a proceeding under section 193 of the Act respecting occupational health and safety which pertains to the complete or partial shut-down of a workplace or the exercise of a right of refusal."

46. The said Act is amended by inserting the following section after section 119:

"119.0.1. A proceeding under section 359 of the Act respecting industrial accidents and occupational diseases which pertains to the existence of an employment injury other than a recurrence, relapse or aggravation, the fact that a person is a worker or considered to be a worker, the foreseeable date

or time of consolidation of a worker's employment injury, or the existence or assessment of a worker's functional disability shall be heard and decided before other proceedings."

47. The said Act is amended by inserting the following section before section 120:

"119.6. Upon receipt by the Tribunal of a copy of the record pertaining to indemnification or benefits, and if the matter and circumstances so permit, the president of the Tribunal, the vice-president in charge of the division concerned or the member designated by either of them must offer the parties a conciliation session conducted by a member, an expert or a personnel member chosen by the president of the Tribunal or a person designated by the president.

If the applicant agrees to the conciliation, the party against whom the proceeding is brought is required to participate."

48. Section 135 of the said Act is amended by replacing "heard by the immovable property division" in the first line of the second paragraph by "in immovable property matters heard by the economic affairs division".

49. The said Act is amended by adding the following section after section 136:

"136.1. Where a person called upon to sit with a member of the employment injuries division ceases or is unable to perform those duties, the president, the vice-president of the division or the member designated by either of them shall immediately designate a substitute according to the rules provided for the designation of the person to be replaced."

50. Section 145 of the said Act is amended by adding the following paragraph at the end:

"In a decision made by the employment injuries division, the member shall set out the opinion, if any, expressed by the persons from employers' associations and union associations sitting with the member, and the reasons on which the opinion is based."

51. Section 159 of the said Act is amended by replacing "matters heard by the immovable property division, and from decisions rendered" in the second and third lines by "immovable property matters or".

52. The heading of Title III of the said Act is replaced by the following heading:

"ETHICAL CONDUCT OF AND INQUIRIES CONCERNING MEMBERS OF THE TRIBUNAL".

53. Chapters I and II of Title III of the said Act, comprising sections 165 to 179, are repealed.

54. The said Act is amended by inserting the following section before section 180:

“179.1. The members of the Tribunal must exercise their functions purposefully, maintain their competence and act diligently. They must avoid placing themselves in a position that undermines such exercise of their functions and must conduct themselves in a manner fully compatible with the honour, dignity and integrity required by adjudicative functions.”

55. Section 180 of the said Act is amended

(1) by replacing “council” in the first line of the first paragraph by “Government”;

(2) by striking out the second paragraph.

56. Section 181 of the said Act is amended by inserting the following paragraph after the first paragraph:

“The code of ethics shall also contain rules concerning the maintenance of the members’ competence in the exercise of their functions.”

57. Section 182 of the said Act is amended by replacing “council” in the first line by “president of the Tribunal”.

58. Section 183 of the said Act is amended by replacing “council” in the second paragraph by “Tribunal”.

59. The said Act is amended by inserting the following section after section 183:

“183.1. Unless the complaint is lodged by the Minister, the president shall form a committee to examine the admissibility of the complaint.

The committee shall be composed of the following persons:

(1) a representative of the Tribunal chosen from a list drawn up by the president after consulting all the members of the Tribunal; and

(2) a person from the legal community and a person from socio-economic groups, chosen from a list drawn up by the Government.

The president shall call upon them in the order in which their names are entered on the lists.”

60. Section 184 of the said Act is repealed.

61. Section 184.1 of the said Act is amended by replacing “council” in the first line by “committee”.

62. Section 184.2 of the said Act is amended by replacing “council shall examine the complaint. For that purpose, it” in the first line by “committee, for the purpose of examining the complaint.”.

63. Section 185 of the said Act is replaced by the following section:

“**185.** The committee may reject any clearly unfounded complaint.

It shall send the complainant and the president of the Tribunal a copy of its conclusion with reasons.”

64. Section 186 of the said Act is replaced by the following sections:

“**186.** If the complaint is lodged by the Minister, the president of the Tribunal shall send a copy of the complaint to the member concerned.

“**186.1.** If the committee considers the complaint admissible or if the complaint is lodged by the Minister, the president of the Tribunal shall form a committee, in accordance with the rules set out in section 183.1, to conduct an inquiry and dispose of the complaint.”

65. Section 187 of the said Act is amended by replacing “The council shall designate a chairman from among the members of the committee” by “A committee shall designate a chair from among its members”.

66. Section 189 of the said Act is amended by replacing “council” by “president of the Tribunal”.

67. Section 190 of the said Act is amended by replacing “council” in the third paragraph by “president of the Tribunal”.

68. Section 191 of the said Act is amended by replacing “council” in the first line by “president of the Tribunal”.

69. Section 192 of the said Act is amended by replacing “council” in the first and second paragraphs by “president of the Tribunal”.

70. The said Act is amended by inserting the following section after section 192:

“**192.1.** If the president of the Tribunal is charged with a breach referred to in section 182, the complaint is brought before the chief judge of the Court of Québec and the chief judge replaces the president of the Tribunal for the purposes of this chapter.”

71. Section 193 of the said Act is replaced by the following section:

“**193.** The president of the Tribunal, on the president’s own initiative or at the request of the Minister, and after sending a copy of the request to the

member concerned, shall form an inquiry committee to determine whether the member is suffering from a permanent disability which makes the member unable to discharge the duties of a member.”

72. Section 194 of the said Act is amended by replacing “provided for in the second and third paragraphs of section 186 and in section” in the second line by “set out in sections 183.1 and”.

73. Section 195 of the said Act is amended

- (1) by replacing “council” in the first line by “president of the Tribunal”;
- (2) by striking out “, the president” in the second line.

74. Section 196 of the said Act is amended

- (1) by striking out “, the president” in the first line of the first paragraph;
- (2) by replacing “council” in the third line of the first paragraph by “president of the Tribunal”;
- (3) by striking out the second paragraph.

75. Section 197 of the said Act is amended by replacing “council shall transmit a copy of the committee’s conclusions to the member, the president or the vice-president” in the first and second lines of the first paragraph by “president of the Tribunal shall send a copy of the committee’s conclusions to the member”.

76. The said Act is amended by inserting the following sections after section 197:

“197.1. Where a request for an inquiry seeks to determine whether the president of the Tribunal is suffering from a permanent disability, the chief judge of the Court of Québec replaces the president of the Tribunal for the purposes of this chapter.

“197.2. This chapter also applies if a lapse is raised as grounds for removal of the president or a vice-president from an administrative office; for that purpose, if it is a lapse of the president that is raised, the chief judge of the Court of Québec replaces the president.

If the committee believes that there has been a lapse in the exercise of an administrative office, it may recommend removal from that office. In that case, the committee shall send its recommendation and inquiry report to the chief judge of the Court of Québec or the president of the Tribunal, as the case may be.

“197.3. The Government may, by regulation, make rules of evidence and procedure applicable to the conduct of inquiries under this Title.”

77. Schedule I to the said Act is amended

(1) by replacing “section 132 or 139” in the first line of paragraph 3 of section 1 by “section 139”;

(2) by inserting the following paragraph after paragraph 5.1 of section 3:

“(6) proceedings against decisions pertaining to permits brought under section 41 of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (chapter L-0.2);”;

(3) by striking out “on a reconsideration” in the first line of paragraph 1 of section 4;

(4) by replacing “section 74” in the first line of paragraph 2 of section 4 by “section 73”;

(5) by striking out “in review” in the first line of paragraph 6 of section 5.

78. Schedules II to IV to the said Act are replaced by the following schedules:

“SCHEDULE II

“EMPLOYMENT INJURIES DIVISION

“The employment injuries division hears and determines proceedings under

“(1) section 359, 450 or 451 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001);

“(2) section 37.3 or 193 of the Act respecting occupational health and safety (chapter S-2.1).

“SCHEDULE III

“ECONOMIC AFFAIRS DIVISION

“1. In immovable property matters, the economic affairs division hears and determines proceedings under

“(1) section 117.1 of the Act respecting land use planning and development (chapter A-19.1);

“(2) section 68 of the Act respecting the National Assembly (chapter A-23.1) to determine the price or indemnity arising from the acquisition of an immovable belonging to a Member;

“(3) section 43 of the Cultural Property Act (chapter B-4) to determine the indemnity arising from damages suffered;

“(4) article 738.3 of the Municipal Code of Québec (chapter C-27.1);

“(5) section 104 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);

“(6) section 97 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);

“(7) the Expropriation Act (chapter E-24) to determine the amount of indemnities arising from the establishment of reserves for public purposes and from the expropriation of immovables or immovable real rights;

“(8) Chapter X of the Act respecting municipal taxation (chapter F-2.1);

“(9) section 36.14 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14);

“(10) section 13 of the Watercourses Act (chapter R-13) to assess and determine damages sustained;

“(11) section 45, 137 or 191.29 of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1) to determine the indemnity arising from an expropriation;

“(12) section 27 of the Act respecting roads (chapter V-9);

“(13) sections 184 and 192 of Schedule C to the Charter of Ville de Montréal (chapter C-11.4);

“(14) sections 56 and 86 of Schedule C to the Charter of Ville de Québec (chapter C-11.5);

“(15) section 13 of the Act respecting the reconstruction and redevelopment of areas affected by the torrential rains of 19 and 20 July 1996 in the Saguenay—Lac-Saint-Jean region (1997, chapter 60);

“(16) section 9 of the Act respecting Ville de Varennes (1997, chapter 106);

“(17) section 9 of the Act respecting Ville de Saint-Basile-le-Grand (1999, chapter 97);

“(18) section 9 of the Act respecting Ville de Contrecoeur (2002, chapter 95).

“2. In territorial and environmental matters, the economic affairs division hears and determines proceedings against

“(1) decisions of the Commission de protection du territoire agricole, brought under section 34 of the Act respecting the acquisition of farm land by non-residents (chapter A-4.1);

“(2) decisions or orders of the Communauté métropolitaine de Montréal or, in the case of delegation, the head of a department or an officer, brought under section 159.2 or 159.14 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);

“(3) decisions or orders of Ville de Québec or, in the case of delegation, the executive committee or a department head, brought under section 104 of the Charter of Ville de Québec (chapter C-11.5);

“(4) decisions or orders of Ville de Gatineau or, in the case of delegation, decisions or orders of the executive committee or of a department head, brought under section 66 of the Charter of Ville de Gatineau (chapter C-11.1);

“(5) decisions or orders of the Commission de protection du territoire agricole du Québec, brought under section 21.1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);

“(6) decisions made by the Minister of Transport, brought under section 10.1 of the Roadside Advertising Act (chapter P-44);

“(7) decisions or orders made by the Minister of the Environment, brought under sections 24 and 64 of the Natural Heritage Conservation Act (chapter C-61.01), section 96 of the Environment Quality Act (chapter Q-2) or section 68 of the Pesticides Act (chapter P-9.3);

“(8) decisions of the Minister under sections 12, 14, 17, 23 and 25 of the Dam Safety Act (chapter S-3.1.01).

“3. The economic affairs division also hears and determines proceedings under

“(1) section 13.2 of the Travel Agents Act (chapter A-10);

“(2) section 45 of the Act respecting prearranged funeral services and sepultures (chapter A-23.001);

“(3) section 366 of the Act respecting insurance (chapter A-32);

“(4) section 17 of the Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (chapter B-7.1);

“(5) section 154 of the Cinema Act (chapter C-18.1);

“(6) paragraph 2 of section 560 of the Highway Safety Code (chapter C-24.2);

“(7) section 123.145 of the Companies Act (chapter C-38);

“(8) section 25.1 of the Act respecting financial services cooperatives (chapter C-67.3);

“(9) section 23.1 of the Act to foster the development of manpower training (chapter D-7.1);

“(10) section 26 of the Act respecting the development of Québec firms in the book industry (chapter D-8.1);

“(11) section 15 of the Act respecting tourist accommodation establishments (chapter E-14.2);

“(12) section 26 of the Act respecting stuffing and upholstered and stuffed articles (chapter M-5);

“(13) section 22 of the Cullers Act (chapter M-12.1);

“(14) section 36.14 pursuant to section 36.16 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14) in registration matters;

“(15) section 191.1 of the Act respecting the marketing of agricultural, food and fish products (chapter M-35.1);

“(16) section 21.1 of the Act respecting transport infrastructure partnerships (chapter P-9.001);

“(17) section 21 of the Act respecting commercial fisheries and aquaculture (chapter P-9.01);

“(18) section 51.1 of the Farm Producers Act (chapter P-28);

“(19) section 17 of the Food Products Act (chapter P-29);

“(20) section 34 or 46 of the Act respecting petroleum products and equipment (chapter P-29.1);

“(21) section 38 of the Act respecting owners and operators of heavy vehicles (chapter P-30.3);

“(22) section 339 of the Consumer Protection Act (chapter P-40.1);

“(23) section 55.35 of the Animal Health Protection Act (chapter P-42);

“(24) section 35 of the Act respecting the class action (chapter R-2.1);

“(25) section 36 of the Act respecting the collection of certain debts (chapter R-2.2);

“(26) section 40.1 of the Act respecting the Régie des alcools, des courses et des jeux (chapter R-6.1);

“(27) section 243 of the Supplemental Pension Plans Act (chapter R-15.1);

“(28) section 22.3 of the Act respecting supplemental pension plans (chapter R-17);

“(29) section 53.1 of the Act respecting safety in sports (chapter S-3.1);

“(30) section 85 of the Act respecting transportation services by taxi (chapter S-6.01);

“(31) section 36 of the Act respecting the Société des alcools du Québec (chapter S-13);

“(32) section 5.7 of the Act respecting farmers’ and dairymen’s associations (chapter S-23);

“(33) section 18 of the Horticultural Societies Act (chapter S-27);

“(34) section 251 of the Act respecting trust companies and savings companies (chapter S-29.01);

“(35) section 22 of the Marine Products Processing Act (chapter T-11.01);

“(36) section 51 of the Transport Act (chapter T-12).”

WORKMEN’S COMPENSATION ACT

79. Section 38 of the Workmen’s Compensation Act (R.S.Q., chapter A-3) is amended by replacing “of the delays provided by section 64 and 65 or when a review office or” in the fourth and fifth lines of subsection 3 by “of the period provided for in section 65 or when”.

80. Section 55 of the said Act is amended by striking out “of the examination of an application for review by a review board or” in the fourth and fifth lines of the first paragraph.

81. Section 63 of the said Act is amended

(1) by replacing “subsections 4 and 5” in the second line of subsection 3 by “subsection 4”;

(2) by striking out subsection 5;

(3) by replacing “persons and boards under subsection 5” in the first line of subsection 6 by “such persons”;

(4) by replacing “Persons designated under subsection 4 and members of review boards are” in the first line of subsection 7 by “A functionary designated under subsection 4 is”.

82. Section 64 of the said Act is replaced by the following sections:

“64. A decision made by a designated functionary must include reasons and be communicated in writing to the person concerned.

“64.1. When notifying a decision, the designated functionary must inform the person concerned that the decision may be contested before the Administrative Review Tribunal of Québec within 90 days.

The functionary must also inform the person concerned that the person may contact the functionary at any time to obtain information or to request a review of the decision.”

83. Section 65 of the said Act is amended

(1) by replacing “by a review board may, within 60 days” in the second line by “by a designated functionary may, within 90 days”;

(2) by adding the following paragraph:

“If the motion to introduce a proceeding is delivered to the designated functionary, the functionary must forward it immediately to the Tribunal.”

84. Section 65.1 of the said Act is amended by replacing “An application for review to a review board or a” in the first line by “A”.

85. The said Act is amended by inserting the following sections after section 65.1:

“65.2. The designated functionary may revise the decision within 90 days of receipt of a copy of the motion to introduce a proceeding before the Tribunal.

However, the functionary and the applicant may agree to extend the 90-day period by not more than 90 days to allow for a medical assessment; the functionary shall notify the Tribunal accordingly.

When notifying a revised decision, the functionary shall request that the applicant inform the functionary within 30 days of whether the applicant intends to maintain or abandon the proceeding before the Tribunal. If the applicant fails to do so, the applicant is deemed to have abandoned the proceeding. The functionary shall notify the Tribunal accordingly.

“65.3. Unless the applicant has abandoned the proceeding, and not later than 30 days after being informed that the applicant intends to maintain the proceeding or, if the designated functionary did not revise the decision within the allotted time, not later than 30 days after the expiry of that time, the functionary must send the secretary of the Tribunal and the parties a copy of the record of the case, prepared in accordance with the applicable rules of procedure of the Tribunal, the name of the functionary’s representative and details for contacting the representative by mail, email, telephone, fax or other means.”

86. Section 119.2 of the said Act is amended by replacing “, any person designated by it or a review board” in the second and third lines and “, any person designated by it or of a review board” in the fourth line by “or any person designated by the Commission”.

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

87. Section 241 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by replacing “An application for review filed under section 358 or a” in the first line by “A”.

88. Section 262 of the said Act is amended by replacing “the Commission des lésions professionnelles” in the second line of the second paragraph by “the Administrative Review Tribunal of Québec”.

89. Section 341 of the said Act is amended

(1) by inserting “, in addition to what is required in section 358.1,” after “indicating” in the fourth line of the first paragraph;

(2) by striking out “and” at the end of subparagraph 2 of the first paragraph;

(3) by striking out subparagraph 3 of the first paragraph.

90. The heading of Chapter XI of the said Act is replaced by the following heading:

“JURISDICTION OF THE COMMISSION AND PROCEEDINGS BEFORE THE ADMINISTRATIVE REVIEW TRIBUNAL OF QUÉBEC”.

91. Section 357.1 of the said Act is amended

(1) by striking out “rights to review or” in the first and second lines of the first paragraph;

(2) by striking out “apply for a review of or” in the second line of the second paragraph.

92. Sections 358 to 359.1 of the said Act are replaced by the following sections:

“358. When notifying a decision, the Commission must inform the parties that they may contest the decision before the Administrative Review Tribunal of Québec within 90 days.

The Commission must also inform the parties that they may contact the Commission at any time to obtain information or to request a review of the decision.

“359. A person who feels aggrieved by a decision of the Commission may contest the decision before the Administrative Review Tribunal of Québec within 90 days of being notified of the decision.

If the motion to introduce the proceeding is delivered to the Commission, the Commission must send it immediately to the Tribunal.

“359.1. The Commission may revise a decision within 90 days of receipt of a copy of the motion to introduce a proceeding before the Tribunal.

However, the revision may not pertain to a matter of a medical nature in respect of which the Commission is bound under section 224, or to a refusal of the Commission to reconsider its decision under the first paragraph of section 365 or to make an agreement under section 284.2.

The Commission and the applicant may agree to extend the 90-day period by not more than 90 days to allow for a medical assessment; the Commission shall notify the Tribunal accordingly.

When notifying a revised decision, the Commission shall request that the applicant inform the Commission within 30 days of whether the applicant intends to maintain or abandon the proceeding before the Tribunal. If the applicant fails to do so, the applicant is deemed to have abandoned the proceeding. The Commission shall notify the Tribunal accordingly.

“359.2. Unless the applicant has abandoned the proceeding, and not later than 30 days after being informed that the applicant intends to maintain the proceeding or, if the Commission did not revise the decision within the allotted time, not later than 30 days after the expiry of that time, the Commission must send the secretary of the Tribunal and the parties a copy of the record of the case, prepared in accordance with the applicable rules of procedure of the Tribunal, the name of the Commission’s representative and details for contacting the representative by mail, email, telephone, fax or other means.”

93. Section 361 of the said Act is repealed.

94. Section 362 of the said Act is amended

(1) by replacing “under section 358.3” in the first line by “of the Commission”;

(2) by replacing “the Commission des lésions professionnelles” in the second line by “the Administrative Review Tribunal of Québec”.

95. Section 363 of the said Act is amended by replacing “decision under section 358.3, or the Commission des lésions professionnelles” in the first and second lines by “revised decision, or the Administrative Review Tribunal of Québec”.

96. Section 364 of the said Act is amended by replacing “an application under section 358, or by the Commission des lésions professionnelles” in the first and second lines of the first paragraph by “a revised decision, or by the Administrative Review Tribunal of Québec”.

97. Section 365 of the said Act is amended

(1) by replacing “, within 90 days, reconsider a decision it has rendered if the decision has not been the subject of a decision rendered under section 358.3” in the first, second and third lines of the first paragraph by “reconsider a decision as long as no proceeding has been brought before the Administrative Review Tribunal of Québec”;

(2) by replacing “within 90 days of the fact becoming known” in the third line of the second paragraph by “as long as no proceeding has been brought before the Administrative Review Tribunal of Québec”.

98. Section 366 of the said Act is amended by replacing “361” in the first line by “362”.

99. Chapter XII of the said Act, comprising sections 367 to 429.59, is replaced by the following chapter:

“CHAPTER XII

“PROVISIONS SPECIFIC TO THE ADMINISTRATIVE REVIEW TRIBUNAL OF QUÉBEC

“367. When a decision that cancels an income replacement indemnity granted by the Commission is contested before the Administrative Review Tribunal of Québec, the Tribunal may order the application of the following measures:

(1) postpone the execution of the contested decision as regards that conclusion;

(2) maintain the effects of the initial decision for the time it indicates if the beneficiary demonstrates that the matter is urgent or that the beneficiary

would suffer serious harm were the initial decision of the Commission to cease to have effect.

The beneficiary's application shall be heard and decided by preference.

“368. The Commission may intervene before the Tribunal at any time until the end of the proof and hearing or until an agreement is reached.

Where the Commission wishes to intervene, it shall send a notice to that effect to each of the parties and to the Tribunal; the Commission is then considered to be a party to the proceeding.

The same applies to the worker in a proceeding under section 329.

“369. The Tribunal shall have access to the record held by the Commission respecting the contested decision.

“370. To examine and assess the facts of a case, a member of the Tribunal may visit the premises or order an expert appraisal by a qualified person designated by the member.

The member shall be accompanied by persons from employers' associations or union associations designated to sit with the member, if any.

The owner, lessee or occupant of premises that the member wishes to visit must facilitate access to them.”

100. Section 432 of the said Act is amended by replacing “the amount and reasons for the due date of the debt and the right of the debtor to apply for a review of the decision” in the first, second and third lines of the first paragraph by “, in addition to what is required by section 358, the amount of the debt and the reasons why it is due”.

101. Section 433 of the said Act is amended by replacing “filing an application for review under section 358 or the time for bringing a proceeding under section 359 or, if the application has been filed or the proceeding brought,” in the first, second, third and fourth lines by “bringing a proceeding under section 359 or, if the proceeding has been brought,”.

102. Section 436 of the said Act is amended by replacing “the board” in the second line by “the Administrative Review Tribunal of Québec”.

103. Section 570.1 of the said Act is amended

- (1) by replacing “361” in the fifth line of the first paragraph by “362”;
- (2) by striking out “any application for review or” in the first and second lines of the second paragraph;

(3) by replacing “the board” wherever it appears in the said section by “the Administrative Review Tribunal of Québec”.

FINANCIAL ADMINISTRATION ACT

104. Schedule 1 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by striking out “Conseil de la justice administrative”.

105. Schedule 2 to the said Act is amended by striking out “Commission des lésions professionnelles”.

AUTOMOBILE INSURANCE ACT

106. Section 83.26 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing “An application for review or a” in the first line by “A”.

107. Section 83.31 of the said Act is replaced by the following section:

“83.31. Where, following a revision or a proceeding brought before the Administrative Review Tribunal of Québec, a decision is amended in favour of a person who filed a medical expert’s written report, the person is entitled to reimbursement of the cost of that report, up to the amount established by regulation.”

108. Section 83.32 of the said Act is amended by replacing “an application for” in the first line of the first paragraph by “a”.

109. The heading of Chapter IX of Title II of the said Act is amended by striking out “, REVIEW”.

110. Section 83.41 of the said Act is amended

(1) by striking out the second paragraph;

(2) by replacing “the officers so designated” in the first line of the third paragraph by “the designated officers”.

111. Section 83.43 of the said Act is amended by replacing the second and third paragraphs by the following paragraphs:

“When notifying a decision, the Société must inform the person concerned that the decision may be contested before the Administrative Review Tribunal of Québec within 90 days, except in the case of a decision that grants a maximum indemnity or the full reimbursement of the expenses to which the person is entitled.

The Société must also inform the person concerned that the person may contact the Société at any time to obtain information or to request a review of the decision.”

112. Section 83.44.1 of the said Act is amended by replacing “no application for review has been presented and no proceeding” in the first and second lines by “no proceeding has been”.

113. The heading of Division II of Chapter IX of Title II of the said Act is amended by striking out “REVIEW AND”.

114. Sections 83.45 to 83.48 of the said Act are repealed.

115. Section 83.49 of the said Act is amended

(1) by replacing “or by a decision rendered after a review may, within 60” in the second line by “may, within 90”;

(2) by adding the following paragraph:

“If the motion to introduce a proceeding is delivered to the Société, the Société must forward it immediately to the Tribunal.”

116. The said Act is amended by inserting the following sections after section 83.49:

“83.49.1. The Société may revise its decision within 90 days of receipt of a copy of the motion to introduce a proceeding before the Tribunal.

However, the Société and the applicant may agree to extend the 90-day period by not more than 90 days to allow for a medical assessment; the Société shall notify the Tribunal accordingly.

When notifying a revised decision, the Société shall request that the applicant inform the Société within 30 days of whether the applicant intends to maintain or abandon the proceeding before the Tribunal. If the applicant fails to do so, the applicant is deemed to have abandoned the proceeding. The Société shall notify the Tribunal accordingly.

“83.49.2. Unless the applicant has abandoned the proceeding, and not later than 30 days after being informed that the applicant intends to maintain the proceeding or, if the Société did not revise the decision within the allotted time, not later than 30 days after the expiry of that time, the Société must send the secretary of the Tribunal and the parties a copy of the record of the case, prepared in accordance with the applicable rules of procedure of the Tribunal, the name of the Société’s representative and details for contacting the representative by mail, email, telephone, fax or other means.”

117. Section 83.50 of the said Act is amended by replacing “an application for review or” in the second line of the fourth paragraph by “a”.

118. Section 83.51 of the said Act is amended

(1) by replacing “an application for” in the first line by “a”;

(2) by striking out “application for” in the fifth line.

119. Section 83.55 of the said Act is amended by striking out “to apply for a review of the decision or” in the second and third lines of the second paragraph.

120. Section 195 of the said Act is amended by replacing paragraph 17 by the following paragraph:

“(17) to establish the amounts paid to reimburse the cost of a medical expert’s report under section 83.31;”.

HEALTH INSURANCE ACT

121. Section 9.7 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by striking out “applies for a review of the Board’s decision under section 18.1 or” in the first and second lines of the third paragraph.

122. The heading of Division II.1 of the said Act is amended by replacing “REVIEW” by “DECISION”.

123. Sections 18.1 and 18.2 of the said Act are repealed.

124. Section 18.3 of the said Act is amended

(1) by replacing the first two lines by the following:

“**18.3.** Decisions of the Board with respect to an insured person or a person eligible for a program administered by the Board under the first paragraph of section 2 of the Act respecting the Régie de l’assurance maladie du Québec (chapter R-5) must include reasons. The Board shall notify the”;

(2) by adding the following paragraph:

“The Board must also inform the applicant that the applicant may contact the Board at any time to obtain information or to request a review of the decision.”

125. Section 18.3.1 of the said Act is amended by replacing “made by the Board under” in the second line by “referred to in”.

126. Section 18.4 of the said Act is replaced by the following sections:

“18.4. A person who feels aggrieved by a decision referred to in section 18.3 may contest the decision before the Administrative Review Tribunal of Québec within 90 days of being notified of the decision.

If the motion to introduce a proceeding is delivered to the Board, the Board must forward it immediately to the Tribunal.

“18.4.1. The Board may revise its decision within 90 days of receipt of a copy of the motion to introduce a proceeding before the Tribunal.

However, the Board and the applicant may agree to extend the 90-day period by not more than 90 days to allow for a medical assessment; the Board shall notify the Tribunal accordingly.

When notifying a revised decision, the Board shall request that the applicant inform the Board within 30 days of whether the applicant intends to maintain or abandon the proceeding before the Tribunal. If the applicant fails to do so, the applicant is deemed to have abandoned the proceeding. The Board shall notify the Tribunal accordingly.

“18.4.2. Unless the applicant has abandoned the proceeding, and not later than 30 days after being informed that the applicant intends to maintain the proceeding or, if the Board did not revise the decision within the allotted time, not later than 30 days after the expiry of that time, the Board must send the secretary of the Tribunal and the parties a copy of the record of the case, prepared in accordance with the applicable rules of procedure of the Tribunal, the name of the Board’s representative and details for contacting the representative by mail, email, telephone, fax or other means.”

ACT RESPECTING THE BARREAU DU QUÉBEC

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

(1) by striking out “a review board established under the said Act or the Workers’ Compensation Act (chapter A-3),” in the second, third and fourth lines of subparagraph 3 of paragraph *a* of subsection 2;

(2) by replacing the last four lines of subparagraph 3 of paragraph *a* of subsection 2 by “and quarries (chapter I-7) or the employment injuries division of the Administrative Review Tribunal of Québec”.

ACT RESPECTING CHILDCARE CENTRES AND CHILDCARE SERVICES

128. Sections 41.3 to 41.5 of the Act respecting childcare centres and childcare services (R.S.Q., chapter C-8.2) are repealed.

129. Section 45 of the said Act is replaced by the following sections:

“44.1. The holder of a childcare centre permit or day care centre permit referred to in section 39.1 who makes a decision regarding a parent’s eligibility for the contribution or exemption referred to in section 39 shall inform the person concerned, when notifying the decision, that the person may contest the decision before the Administrative Review Tribunal of Québec within 90 days.

The permit holder must also inform the person concerned that the person may contact the permit holder at any time to obtain information or to request a review of the decision.

“45. A parent who feels aggrieved by a decision regarding eligibility for the contribution or exemption referred to in section 39 made by the holder of a childcare centre or day care centre permit referred to in section 39.1 may contest the decision before the Administrative Review Tribunal of Québec within 90 days of being notified of the decision.

If the motion to introduce a proceeding is delivered to the permit holder, the permit holder must forward it immediately to the Tribunal.

The Minister may revise the decision within 30 days of receipt of a copy of the motion forwarded to the Minister by the Tribunal.

A revised decision must be notified to the permit holder and to the applicant. The Minister shall request that the applicant inform the Minister within 30 days of whether the applicant intends to maintain or abandon the proceeding before the Tribunal. If the applicant fails to do so, the applicant is deemed to have abandoned the proceeding. The Minister shall notify the Tribunal accordingly.

Unless the applicant has abandoned the proceeding, and not later than 30 days after being informed that the applicant intends to maintain the proceeding or, if the Minister did not revise the decision within the allotted time, not later than 30 days after the expiry of that time, the Minister must send the secretary of the Tribunal and the parties a copy of the record of the case, prepared in accordance with the applicable rules of procedure of the Tribunal, the name of the Minister’s representative and details for contacting the representative by mail, email, telephone, fax or other means.”

HIGHWAY SAFETY CODE

130. Article 202.6.2 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by adding “if no proceeding has been brought before the Administrative Review Tribunal of Québec” at the end.

131. Article 202.6.11 of the said Code is amended by inserting “after a decision by a peace officer to suspend the person’s licence or the right to

obtain such licence for a period of 90 days or, as the case may be,” after “10 days” in the first line of the first paragraph.

LABOUR CODE

132. Section 137.24 of the Labour Code (R.S.Q., chapter C-27) is amended

(1) by replacing “if the Conseil de la justice administrative” in the first and second lines of the first paragraph by “if a committee formed under section 186.1 of the Act respecting administrative justice (chapter J-3)”;

(2) by replacing “seat of the council” in the second line of the second paragraph by “president of the Commission des relations du travail at the head office of the Commission or, if the complaint is brought against the president, to the chief judge of the Court of Québec”;

(3) by replacing the third and fourth paragraphs by the following paragraph:

“Sections 183.1 to 192 of the Act respecting administrative justice apply to the examination of the complaint, with the necessary modifications; for that purpose, the president of the Commission or, if the complaint is brought against the president, the chief judge of the Court of Québec replaces the president of the Tribunal.”

133. Section 137.25 of the said Code is amended

(1) by replacing “the Conseil de la justice administrative” in the fourth line of the first paragraph by “a committee formed under section 193 of the Act respecting administrative justice”;

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

“Sections 193 to 197 of the Act respecting administrative justice apply to the inquiry, with the necessary modifications; for that purpose, the president of the Commission or, if the inquiry pertains to the president, the chief judge of the Court of Québec replaces the president of the Tribunal.”

134. Section 137.46 of the said Code is amended

(1) by replacing “if the Conseil de la justice administrative” in the second line by “if a committee formed under section 193 of the Act respecting administrative justice”;

(2) by replacing the second sentence by the following sentence: “Sections 193 to 196 and the second paragraph of section 197.2 of the Act respecting administrative justice apply concerning such a lapse, with the necessary modifications; for that purpose, the president of the Commission or, if the inquiry pertains to the president, the chief judge of the Court of Québec replaces the president of the Tribunal.”

ACT RESPECTING MUNICIPAL TAXATION

135. Section 140 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing “immovable property” in the first line of the first paragraph by “economic affairs”.

136. Section 156 of the said Act is amended by replacing “immovable property” in the second line of the first paragraph by “economic affairs”.

CRIME VICTIMS COMPENSATION ACT

137. Section 15 of the Crime Victims Compensation Act (R.S.Q., chapter I-6), amended by section 215 of chapter 54 of the statutes of 1993, is again amended by striking out the third paragraph.

ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE AND ESTABLISHING THE COMMISSION DES PARTENAIRES DU MARCHÉ DU TRAVAIL

138. Section 53.1 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001) is amended by replacing “129” in the third line by “139.1”.

ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

139. Section 3.0.1 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) is amended by striking out “the Conseil de la justice administrative” in the fifth and sixth lines of the fourth paragraph.

ACT RESPECTING TRANSPORT INFRASTRUCTURE PARTNERSHIPS

140. Section 20 of the Act respecting transport infrastructure partnerships (R.S.Q., chapter P-9.001) is amended

(1) by adding “if no proceeding has been brought against the decision before the Administrative Review Tribunal of Québec” at the end of the first paragraph;

(2) by replacing “and of the time limit for doing so” in the third line of the second paragraph by “or to contest the decision before the Administrative Review Tribunal of Québec and of the applicable time limits”.

141. Section 21 of the said Act is amended by striking out the second sentence of the first paragraph.

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

“21.1. Within 30 days of notification of the partner’s decision to dismiss an application for cancellation or of a review decision rendered by the person designated by the Minister, a person may contest the decision before the Administrative Review Tribunal of Québec.”

ACT RESPECTING FAMILY BENEFITS

143. Section 18 of the Act respecting family benefits (R.S.Q., chapter P-19.1) is replaced by the following section:

“18. A formal notice demanding the repayment of an amount received without entitlement shall state, in addition to what is required by section 27, the grounds for the demand for repayment and the amount to be repaid.”

144. Section 20 of the said Act is amended by striking out “for applying for a review of the decision or” in the second line of the first paragraph.

145. The heading of Chapter IV of the said Act is amended by replacing “REVIEW” by “DECISION”.

146. Sections 26 to 28 of the said Act are replaced by the following sections:

“26. Unfavourable decisions of the Board must include reasons and be communicated in writing to the person concerned.

“27. When notifying a decision, the Board shall inform the person concerned that the decision may be contested before the Administrative Review Tribunal of Québec within 90 days.

The Board must also inform the person concerned that the person may contact the Board at any time to obtain information or to request a review of the decision.

“28. A decision rendered by the Board may be contested before the Administrative Review Tribunal of Québec within 90 days of notification.

If the motion to introduce a proceeding is delivered to the Board, the Board must forward it immediately to the Tribunal.

“28.1. The Board may revise its decision within 90 days of receipt of a copy of the motion to introduce a proceeding before the Tribunal.

When notifying a revised decision, the Board shall request that the applicant inform the Board within 30 days of whether the applicant intends to maintain or abandon the proceeding before the Tribunal. If the applicant fails to do so, the applicant is deemed to have abandoned the proceeding. The Board shall notify the Tribunal accordingly.

“28.2. Unless the applicant has abandoned the proceeding, and not later than 30 days after being informed that the applicant intends to maintain the proceeding or, if the Board did not revise the decision within the allotted time, not later than 30 days after the expiry of that time, the Board must send the secretary of the Tribunal and the parties a copy of the record of the case, prepared in accordance with the applicable rules of procedure of the Tribunal, the name of the Board’s representative and details for contacting the representative by mail, email, telephone, fax or other means.”

ACT RESPECTING THE RÉGIE DU LOGEMENT

147. Section 7.11 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended

(1) by replacing “if the Conseil de la justice administrative, instituted by” in the first and second lines of the first paragraph by “if a committee formed under section 186.1 of”;

(2) by replacing “Conseil” in the second line of the second paragraph by “committee”.

148. Section 7.12 of the said Act is amended

(1) by replacing “the Conseil de la justice administrative” in the fourth and fifth lines of the first paragraph by “a committee formed under section 193 of the Act respecting administrative justice (chapter J-3)”;

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

“Sections 193 to 197 of the Act respecting administrative justice apply to the inquiry, with the necessary modifications; for that purpose, the chairman of the board or, if the inquiry pertains to the chairman, the chief judge of the Court of Québec replaces the president of the Tribunal.”

149. Section 8.2 of the said Act is amended by striking out “with the Conseil de la justice administrative” in the first and second lines.

150. Section 8.3 of the said Act is amended by replacing the second paragraph by the following paragraph:

“It shall be transmitted to the head office of the board or, if the complaint is brought against the chairman of the board, to the chief judge of the Court of Québec.”

151. Section 8.4 of the said Act is replaced by the following section:

“8.4. Sections 183.1 to 192 of the Act respecting administrative justice apply to the examination of the complaint, with the necessary modifications; for that purpose, the chairman of the board or, if the complaint is brought

against the chairman, the chief judge of the Court of Québec replaces the president of the Tribunal.”

152. Section 9.5 of the said Act is amended

(1) by replacing “if the Conseil de la justice administrative” in the second line of the first paragraph by “if a committee formed under section 193 of the Act respecting administrative justice”;

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

“Sections 193 to 196 and the second paragraph of section 197.2 of the Act respecting administrative justice apply concerning such a lapse, with the necessary modifications; for that purpose, the chairman of the board or, if the inquiry pertains to the chairman, the chief judge of the Court of Québec replaces the president of the Tribunal.”

ACT RESPECTING THE QUÉBEC PENSION PLAN

153. Section 102.7.1 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by replacing the second paragraph by the following paragraph:

“A spouse or an applicant may contest the decision of the Régie before the Administrative Review Tribunal of Québec within the period specified in section 188.”

154. Section 140 of the said Act is amended by striking out the second sentence of the first paragraph.

155. Section 149 of the said Act is replaced by the following section:

“**149.** The formal notice to repay an amount received without entitlement shall state, in addition to what is required by section 187, the reasons why the debt is owed and the amount of the debt.”

156. Section 150 of the said Act is amended by striking out “an application for review or” in the first line of the second paragraph.

157. Section 151 of the said Act is amended

(1) by replacing “applying for a review or for contesting the review decision” in the second line of the first paragraph by “contesting the decision”;

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) attesting to the debtor’s failure to contest the decision rendered under section 149 before the Administrative Review Tribunal of Québec.”

158. Section 158.7 of the said Act is amended by replacing “the date on which the partition takes effect and inform the spouses of their right to apply for a review of the decision of the Board within the time prescribed by section 186” in the second, third and fourth lines of the second paragraph by “, in addition to what is required by section 187, the date on which the partition takes effect”.

159. The heading of Division II of Title V of the said Act is amended by striking out “REVIEW OF”.

160. Sections 186 and 187 of the said Act are replaced by the following sections:

“**186.** Decisions of the Board must include reasons and be communicated in writing to the person concerned.

“**187.** When notifying a decision, the Board must inform the person concerned that the decision may be contested before the Administrative Review Tribunal of Québec within 90 days.

The Board must also inform the person concerned that the person may contact the Board at any time to obtain information or to request a review of the decision.”

161. Section 188 of the said Act is replaced by the following sections:

“**188.** A decision rendered by the Board may be contested before the Administrative Review Tribunal of Québec within 90 days of notification.

If the motion to introduce a proceeding is delivered to the Board, the Board must forward it immediately to the Tribunal.

“**188.1.** The Board may revise its decision within 90 days of receipt of a copy of the motion to introduce a proceeding before the Tribunal.

However, the Board and the applicant may agree to extend the 90-day period by not more than 90 days to allow for a medical assessment; the Board shall notify the Tribunal accordingly.

When notifying a revised decision, the Board shall request that the applicant inform the Board within 30 days of whether the applicant intends to maintain or abandon the proceeding before the Tribunal. If the applicant fails to do so, the applicant is deemed to have abandoned the proceeding. The Board shall notify the Tribunal accordingly.

“**188.2.** Unless the applicant has abandoned the proceeding, and not later than 30 days after being informed that the applicant intends to maintain the proceeding or, if the Board did not revise the decision within the allotted time, not later than 30 days after the expiry of that time, the Board must send

the secretary of the Tribunal and the parties a copy of the record of the case, prepared in accordance with the applicable rules of procedure of the Tribunal, the name of the Board's representative and details for contacting the representative by mail, email, telephone, fax or other means."

162. Section 189 of the said Act is repealed.

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

163. Section 70.2 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by striking out paragraph 8.

164. The heading of Chapter X of the said Act is amended by replacing "REVIEW" by "DECISION".

165. Section 71 of the said Act is amended

(1) by replacing the first, second and third lines of the first paragraph by the following:

"71. A member of a municipal council, a beneficiary or a person who claims to be a beneficiary is entitled to receive in writing, with reasons included, any decision";

(2) by striking out the second paragraph.

166. The said Act is amended by inserting the following sections after section 71:

"71.1. When notifying a decision, the Commission must inform the member of a municipal council, the beneficiary or the person who claims to be a beneficiary that the decision may be contested within 90 days before the Administrative Review Tribunal of Québec.

The Commission must also inform the member of a municipal council, the beneficiary or the person who claims to be a beneficiary that they may contact the Commission at any time to obtain information or to request a review of the decision.

"71.2. A person who feels aggrieved by the decision may contest it before the Administrative Review Tribunal of Québec within 90 days of being notified of the decision.

If the motion to introduce a proceeding is delivered to the Commission, the Commission must forward it immediately to the Tribunal.

“71.3. The Commission must review its decision within 90 days of receipt of a copy of the motion to introduce a proceeding before the Tribunal.”

167. Section 73 of the said Act is amended by replacing the third, fourth and fifth lines of the first paragraph by “within the allotted time. Where opinions are divided, the decision of the Commission is deemed to have been confirmed.”

168. Section 74 of the said Act is replaced by the following sections:

“74. When notifying a revised decision, the Commission shall request that the applicant inform the Commission within 30 days of whether the applicant intends to maintain or abandon the proceeding before the Tribunal. If the applicant fails to do so, the applicant is deemed to have abandoned the proceeding. The Commission shall notify the Tribunal accordingly.

“74.1. Unless the applicant has abandoned the proceeding, and not later than 30 days after being informed that the applicant intends to maintain the proceeding or, if the Commission did not revise the decision within the allotted time, not later than 30 days after the expiry of that time, the Commission must send the secretary of the Tribunal and the parties a copy of the record of the case, prepared in accordance with the applicable rules of procedure of the Tribunal, the name of the Commission’s representative and details for contacting the representative by mail, email, telephone, fax or other means.”

SUPPLEMENTAL PENSION PLANS ACT

169. The heading of Chapter XIV of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is amended by replacing “REVIEW” by “DECISION”.

170. Sections 241 to 243 of the said Act are replaced by the following sections:

“241. Decisions or orders of the Régie must include reasons and be communicated in writing to the person concerned.

“242. When notifying a decision or an order, the Régie must inform the person concerned that the decision may be contested before the Administrative Review Tribunal of Québec within 90 days.

The Régie must also inform the person concerned that the person may contact the Régie at any time to obtain information or to request a review of the decision.

“243. A decision or an order of the Régie may be contested before the Administrative Review Tribunal of Québec within 90 days of notification of the decision.

If the motion to introduce a proceeding is delivered to the Régie, the Régie must forward it immediately to the Tribunal.

“243.0.1. The Régie may revise its decision within 90 days of receipt of a copy of the motion to introduce a proceeding before the Tribunal.

When notifying a revised decision, the Régie shall request that the applicant inform the Régie within 30 days of whether the applicant intends to maintain or abandon the proceeding before the Tribunal. If the applicant fails to do so, the applicant is deemed to have abandoned the proceeding. The Régie shall notify the Tribunal accordingly.

“243.0.2. Unless the applicant has abandoned the proceeding, and not later than 30 days after being informed that the applicant intends to maintain the proceeding or, if the Régie did not revise the decision within the allotted time, not later than 30 days after the expiry of that time, the Régie must send the secretary of the Tribunal and the parties a copy of the record of the case, prepared in accordance with the applicable rules of procedure of the Tribunal, the name of the Régie’s representative and details for contacting the representative by mail, email, telephone, fax or other means.”

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

171. Section 1 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by striking out the definition of **“Commission des lésions professionnelles”**.

172. Section 20 of the said Act is replaced by the following section:

“20. The inspector’s decision may be contested before the Administrative Review Tribunal of Québec in accordance with section 193.

The inspector’s decision has effect immediately, notwithstanding contestation before the Tribunal.”

173. Section 36 of the said Act is amended by replacing “its decision may be the object of an application for review and contestation before the Commission des lésions professionnelles” in the third and fourth lines of the third paragraph by “the decision may be contested before the Administrative Review Tribunal of Québec”.

174. Section 37 of the said Act is amended by replacing “any application for review” in the second line of the third paragraph by “contestation before the Administrative Review Tribunal of Québec”.

175. Sections 37.1 to 37.3 of the said Act are replaced by the following sections:

“37.1. When notifying a decision, the health and safety committee or the safety representative and the employer or the Commission, must inform the person concerned that the decision may be contested before the Administrative Review Tribunal of Québec within 10 days.

The authority having made the decision must also inform the person concerned that the person may contact that authority at any time to obtain information or to request a review of the decision.

“37.2. Any person who feels aggrieved by the decision may contest it before the Tribunal within 10 days of being notified of the decision.

If the motion to introduce a proceeding is delivered to the authority having made the decision, that authority must forward it immediately to the Tribunal.

“37.3. The Commission may revise the decision upon receiving a copy of the motion from the Tribunal. The Commission shall proceed by preference with the matter.

A revised decision must be notified to the applicant and, where applicable, to the authority having made the decision. The Commission shall request that the applicant inform it within 10 days of whether the applicant intends to maintain or abandon the proceeding before the Tribunal. If the applicant fails to do so, the applicant is deemed to have abandoned the proceeding. The Commission shall notify the Tribunal accordingly.

“37.4. Unless the applicant has abandoned the proceeding, and not later than 20 days after being informed that the applicant intends to maintain the proceeding or, if the Commission did not revise the decision within the allotted time, not later than 20 days after the expiry of that time, the Commission must send the secretary of the Tribunal and the parties a copy of the record of the case, prepared in accordance with the applicable rules of procedure of the Tribunal, the name of the Commission’s representative and details for contacting the representative by mail, email, telephone, fax or other means.”

176. Section 42 of the said Act is amended by replacing “37.3” in the first line by “37.5”.

177. Section 48 of the said Act is amended by replacing “37.3” in the first line by “37.5”.

178. Section 191 of the said Act is amended by replacing “application for review.” at the end by “contestation before the Administrative Review Tribunal of Québec.”

179. Sections 191.1 to 192 of the said Act are replaced by the following sections:

“192. Decisions made by an inspector must include reasons and be communicated in writing to the person concerned.

“192.1. When notifying a decision, the inspector must inform the person concerned that the decision may be contested before the Tribunal within 10 days.

The inspector must also inform the person concerned that the person may contact the inspector at any time to obtain information or to request a review of the decision.”

180. Section 193 of the said Act is replaced by the following sections:

“193. Any person who feels aggrieved by a decision made by an inspector may contest it before the Tribunal within 10 days of being notified of the decision.

If the motion to introduce a proceeding is delivered to the inspector, the inspector must forward it immediately to the Tribunal.

“193.1. The inspector may revise the decision immediately after receiving a copy of the motion to introduce a proceeding before the Tribunal.

When notifying a revised decision, the inspector shall request that the applicant inform the inspector within 10 days of whether the applicant intends to maintain or abandon the proceeding before the Tribunal. If the applicant fails to do so, the applicant is deemed to have abandoned the proceeding. The inspector shall notify the Tribunal accordingly.

“193.2. Unless the applicant has abandoned the proceeding, and not later than 20 days after being informed that the applicant intends to maintain the proceeding or, if the inspector did not revise the decision within the allotted time, not later than 20 days after the expiry of that time, the inspector must send the secretary of the Tribunal and the parties a copy of the record of the case, prepared in accordance with the applicable rules of procedure of the Tribunal, the name of the inspector’s representative and details for contacting the representative by mail, email, telephone, fax or other means.”

ACT RESPECTING INCOME SUPPORT, EMPLOYMENT ASSISTANCE AND SOCIAL SOLIDARITY

181. Section 95 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) is amended by striking out “an application for review has been filed or” in the fourth line of the second paragraph.

182. Section 112 of the said Act is amended by replacing “the debtor’s right to apply for a review” in the third line of the first paragraph by “the information required by section 129”.

183. Section 116 of the said Act is amended by replacing “for applying for a review of the decision requiring payment or for contesting the review decision” in the first, second and third lines by “for contesting the decision requiring payment”.

184. The heading of Chapter IV of Title III of the said Act is replaced by the following heading: “DECISION AND PROCEEDINGS”.

185. Sections 128 to 133 of the said Act are replaced by the following sections:

“**128.** Decisions made by the Minister must include reasons and be communicated in writing to the person concerned.

“**129.** When notifying a decision, the Minister shall inform the person concerned that the decision may be contested before the Administrative Review Tribunal of Québec within 90 days.

The Minister must also inform the person concerned that the person may contact the Minister at any time to obtain information or to request a review of the decision.”

186. Section 134 of the said Act is amended

(1) by replacing “An application for review” in the first paragraph by “A proceeding before the Administrative Review Tribunal of Québec”;

(2) by replacing “128” in the third line of the second paragraph by “139.1”.

187. Sections 135 to 139 of the said Act are replaced by the following sections:

“**139.** Any person who feels aggrieved by the decision may contest it before the Tribunal within 90 days of being notified of the decision.

No person may, however, contest a decision made under Title I, section 16, sections 82.1 to 82.3 or section 115 before the Tribunal.

If the motion to introduce a proceeding is delivered to the Minister, the Minister must forward it immediately to the Tribunal.

“**139.1.** The Minister may review the decision within 30 days of receipt of a copy of the motion to introduce a proceeding before the Tribunal.

However, the Minister and the applicant may agree to extend the 30-day period by not more than 90 days to allow for a medical assessment; the Minister shall notify the Tribunal accordingly.

When notifying a revised decision, the Minister shall request that the applicant inform the Minister within 30 days of whether the applicant intends to maintain or abandon the proceeding before the Tribunal. If the applicant fails to do so, the applicant is deemed to have abandoned the proceeding. The Minister shall notify the Tribunal accordingly.

“139.2. Unless the applicant has abandoned the proceeding, and not later than 30 days after being informed that the applicant intends to maintain the proceeding or, if the Minister did not revise the decision within the allotted time, not later than 30 days after the expiry of that time, the Minister must send the secretary of the Tribunal and the parties a copy of the record of the case, prepared in accordance with the applicable rules of procedure of the Tribunal, the name of the Minister’s representative and details for contacting the representative by mail, email, telephone, fax or other means.”

188. Section 141 of the said Act is amended by striking out “against a review decision concerning such a decision” in the second and third lines.

OTHER AMENDMENTS

189. The name “Administrative Tribunal of Québec” is replaced by “Administrative Review Tribunal of Québec” wherever it appears in the legislative provisions referred to in the schedules to the Act respecting administrative justice and in the following provisions:

(1) sections 38, 53 and 65.1 of the Workmen’s Compensation Act (R.S.Q., chapter A-3);

(2) section 579 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);

(3) Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001);

(4) the heading of Division III and section 13.2 of the Travel Agents Act (R.S.Q., chapter A-10);

(5) section 117.7 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1);

(6) section 45 of the Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001);

(7) section 68 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1);

(8) sections 83.26, 83.31 and 83.32, the heading of Chapter IX of Title II, sections 83.43 and 83.44.1, the heading of Division II of Chapter IX of Title II, sections 83.49, 83.50, 83.51, 83.55, 83.56, 83.67 and 195 of the Automobile Insurance Act (R.S.Q., chapter A-25);

(9) sections 9.6 and 9.7, the heading of Division II.1, sections 18.3, 18.3.1, 18.4, 50, 51 and 52 of the Health Insurance Act (R.S.Q., chapter A-29);

(10) section 68 of the Act respecting prescription drug insurance (R.S.Q., chapter A-29.01);

(11) section 12 of the Crop Insurance Act (R.S.Q., chapter A-30);

(12) section 93.27.4, the heading of Chapter IX of Title IV and section 366 of the Act respecting insurance (R.S.Q., chapter A-32);

(13) section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1);

(14) section 43 of the Cultural Property Act (R.S.Q., chapter B-4);

(15) section 17 of the Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (R.S.Q., chapter B-7.1);

(16) Division V of Chapter II, sections 42, 44, 45 and 45.0.1 of the Act respecting childcare centres and childcare services (R.S.Q., chapter C-8.2);

(17) section 83.4 of the Charter of the French language (R.S.Q., chapter C-11);

(18) section 66 of the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1);

(19) sections 184 to 192 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4);

(20) section 104 and sections 56 and 86 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5);

(21) the headings of Division VI of Chapter III and of subdivision 2 of Division VI of Chapter III and section 154 of the Cinema Act (R.S.Q., chapter C-18.1);

(22) sections 7 and 19 of the Act to promote good citizenship (R.S.Q., chapter C-20);

(23) sections 202.6.11 and 202.6.12, the heading of Division II of Chapter I of Title X and sections 557 and 560 of the Highway Safety Code (R.S.Q., chapter C-24.2);

(24) article 782 of the Code of Civil Procedure (R.S.Q., chapter C-25);

(25) articles 738.2 and 738.3 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);

(26) sections 104, 159.2 and 159.14 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);

(27) section 97 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);

(28) the heading of Chapter XX of Part IA and section 123.145 of the Companies Act (R.S.Q., chapter C-38);

(29) sections 24 and 64 of the Natural Heritage Conservation Act (R.S.Q., chapter C-61.01);

(30) section 23.1 of the Act to foster the development of manpower training (R.S.Q., chapter D-7.1);

(31) the heading of Division V and section 26 of the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1);

(32) section 121.1 of the Act respecting private education (R.S.Q., chapter E-9.1);

(33) the heading of subdivision 3 of Division II and section 15 of the Act respecting tourist accommodation establishments (R.S.Q., chapter E-14.2);

(34) sections 20, 30, 44, 48 and 59 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);

(35) section 39 of the Expropriation Act (R.S.Q., chapter E-24);

(36) section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(37) the heading of Division VII and section 17 of the Act respecting immigration to Québec (R.S.Q., chapter I-0.2);

(38) section 12 of the Crime Victims Compensation Act (R.S.Q., chapter I-6);

(39) sections 34 and 34.3 of the Education Act (R.S.Q., chapter I-13.3);

(40) sections 1 and 9, the heading of Title II and sections 97, 167 and 177 of the Act respecting administrative justice (R.S.Q., chapter J-3);

(41) section 41 of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (R.S.Q., chapter L-0.2);

(42) the heading of Division VI and section 26 of the Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5);

- (43) section 22 of the Cullers Act (R.S.Q., chapter M-12.1);
- (44) section 36.14 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14);
- (45) section 3.0.1 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);
- (46) the heading of Title IV.1 and section 191.1 of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1);
- (47) section 18 of the Act respecting the Cree Hunters and Trappers Income Security Board (R.S.Q., chapter O-2.1);
- (48) sections 21, 22 and 23 of the Act respecting transport infrastructure partnerships (R.S.Q., chapter P-9.001);
- (49) the headings of Chapter III and of Division II of Chapter III and section 21 of the Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01);
- (50) the heading of Chapter V and sections 68 and 129 of the Pesticides Act (R.S.Q., chapter P-9.3);
- (51) sections 20, 29 and 64 of the Act respecting family benefits (R.S.Q., chapter P-19.1);
- (52) section 51.1 of the Farm Producers Act (R.S.Q., chapter P-28);
- (53) the heading of Division IV and section 17 of the Food Products Act (R.S.Q., chapter P-29);
- (54) sections 34 and 46 of the Act respecting petroleum products and equipment (R.S.Q., chapter P-29.1);
- (55) section 38 of the Act respecting owners and operators of heavy vehicles (R.S.Q., chapter P-30.3);
- (56) sections 12, 17 and 19, the heading of Division II of Chapter III, sections 20, 21 and 27 of and the schedule to the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (R.S.Q., chapter P-38.001);
- (57) the heading of Chapter III of Title V and section 339 of the Consumer Protection Act (R.S.Q., chapter P-40.1);
- (58) section 18.6, the heading of Division II of Chapter II and section 21.1 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);

(59) the heading of Division IV.4 and section 55.35 of the Animal Health Protection Act (R.S.Q., chapter P-42);

(60) section 10.1 of the Roadside Advertising Act (R.S.Q., chapter P-44);

(61) section 95.6, the heading of Division XI of Chapter I and sections 96 and 123.2 of the Environment Quality Act (R.S.Q., chapter Q-2);

(62) the heading of Division III of Chapter III of Title II and section 35 of the Act respecting the class action (R.S.Q., chapter R-2.1);

(63) the heading of Division V of Chapter III and section 36 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2);

(64) sections 37 and 39, the heading of Chapter II.1 and section 40.1 of the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1);

(65) sections 150 and 151, the heading of Title V, section 187, the heading of Division III of Title V and sections 188 and 189 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);

(66) the heading of Chapter X of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);

(67) section 10.1.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);

(68) section 111.0.1.1 and section 2.1 of Schedule II to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

(69) sections 13, 14, 15 and 25 of the Watercourses Act (R.S.Q., chapter R-13);

(70) sections 45, 137 and 191.29 of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1);

(71) the heading of Chapter XIV and sections 243, 256.1 and 286.1 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);

(72) section 120 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1);

(73) sections 76, 77 and 173 of the Public Health Act (R.S.Q., chapter S-2.2);

(74) the headings of Chapter VI and of Division II of Chapter VI and section 53.1 of the Act respecting safety in sports (R.S.Q., chapter S-3.1);

(75) sections 12, 14, 17, 23 and 25 of the Dam Safety Act (R.S.Q., chapter S-3.1.01);

(76) sections 27, 148, 190, 205, 218, 252, 253, 259.8, 450, 453, 517, 530.16, 530.67, 530.97 and 606.1 of the Act respecting health services and social services (R.S.Q., chapter S-4.2);

(77) sections 7, 19, 24, 48, 59, 114 and 132, the heading of subdivision 2 of Division VI and sections 148, 162 and 182.1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);

(78) the heading of Chapter XI and section 85 of the Act respecting transportation services by taxi (R.S.Q., chapter S-6.01);

(79) sections 57 and 73 of the Act respecting pre-hospital emergency services (R.S.Q., chapter S-6.2);

(80) section 16.4 of the Act respecting the Société de l'assurance automobile du Québec (R.S.Q., chapter S-11.011);

(81) the heading of Division III.1 and section 36 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);

(82) section 32 of the Act respecting the Société nationale de l'amiante (R.S.Q., chapter S-18.2);

(83) section 5.7 of the Act respecting farmers' and dairymen's associations (R.S.Q., chapter S-23);

(84) the heading of subdivision 3 of Division I of Chapter XVI and section 251 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);

(85) section 155 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01);

(86) sections 95, 137, 139 and 140 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001);

(87) the heading of Division IV and section 22 of the Marine Products Processing Act (R.S.Q., chapter T-11.01);

(88) section 17.2, the heading of Division VII and section 51 of the Transport Act (R.S.Q., chapter T-12);

(89) section 27 of the Act respecting roads (R.S.Q., chapter V-9);

(90) sections 6, 13 and 18 of the Act respecting the reconstruction and redevelopment of areas affected by the torrential rains of 19 and 20 July 1996 in the Saguenay—Lac-Saint-Jean region (1997, chapter 60).

190. Unless otherwise indicated by the context, in any other Act, statutory instrument under an Act and other document, a reference to the Administrative Tribunal of Québec is a reference to the Administrative Review Tribunal of Québec.

191. Until section 4 of this Act amending section 14 of the Act respecting administrative justice instituting the new Administrative Review Tribunal of Québec comes into force, a reference to the Administrative Review Tribunal of Québec is a reference to the Administrative Tribunal of Québec in all provisions enacted by this Act.

192. If section 53 of this Act abolishing the Conseil de la justice administrative comes into force before section 101 abolishing the Commission des lésions professionnelles, the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) shall be amended as follows:

(1) section 399 of the said Act is amended

(a) by replacing “the Conseil de la justice administrative” in the fifth line of the first paragraph by “a committee instituted under section 193 of the Act respecting administrative justice”;

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

“Sections 193 to 197 of the Act respecting administrative justice apply to the inquiry, with the necessary modifications; for that purpose, the president of the Commission des lésions professionnelles or, if the inquiry pertains to the president, the chief judge of the Court of Québec replaces the president of the Tribunal.”;

(2) section 400 of the said Act is amended

(a) by replacing “if the Conseil de la justice administrative” in the first and second lines of the first paragraph by “if a committee instituted under section 186.1 of the Act respecting administrative justice”;

(b) by replacing “seat of the Conseil de la justice administrative” in the second and third lines of the second paragraph by “president of the Commission des lésions professionnelles at the head office of the Commission or, if the complaint is brought against the president, to the chief judge of the Court of Québec”;

(c) by replacing the third and fourth paragraphs by the following paragraph:

“Sections 183.1 to 192 of the Act respecting administrative justice apply to the examination of the complaint, with the necessary modifications; for that purpose, the president of the Commission or, if the complaint is brought against the president, the chief judge of the Court of Québec replaces the president of the Tribunal.”;

(3) section 411 of the said Act is amended

(a) by replacing “if the Conseil de la justice administrative” in the first and second lines of the second paragraph by “if a committee instituted under section 193 of the Act respecting administrative justice”;

(b) by replacing the second sentence by the following sentence: “Sections 193 to 196 and the second paragraph of section 197.2 of the Act respecting administrative justice apply concerning such a lapse, with the necessary modifications; for that purpose, the president of the Commission or, if the inquiry pertains to the president, the chief judge of the Court of Québec replaces the president of the Tribunal.”

TRANSITIONAL PROVISIONS

193. The provisions of this Act, referred to as “new provisions” in the following sections, apply immediately to any juridical situation they cover, except to the extent specified in the following sections.

194. The hearing of proceedings already commenced on the date of coming into force of a new rule on the panels of the Administrative Tribunal of Québec shall be continued by the same persons.

195. If a new provision extends a time limit, the new time limit applies to any situation pending, taking into account any time already elapsed.

If a new provision shortens a time limit, the new time limit applies but runs from the coming into force of the new provision. If applying the new time limit would extend the time limit set in the provision as it used to stand, the latter time limit is maintained.

If a time limit is set in a new provision where none used to exist, and it runs from an event that happened before the coming into force of the new provision and has not already expired, the new time limit runs from the coming into force of the new provision.

196. Where the law used to provide for a review proceeding before an administrative authority against a decision rendered in the exercise of an administrative function, the right to bring such a proceeding is maintained for decisions rendered before the coming into force of the new provision abolishing that right, unless the time limit for bringing such a proceeding, set under the law as it used to stand, has expired.

The revised decision may be contested before the Administrative Review Tribunal of Québec within the time limit set under the law as it used to stand; in the case of a revised decision rendered by the Commission de la santé et de la sécurité du travail, the time limit is 45 days from the date of notification.

197. Proceedings brought before the Commission des lésions professionnelles before (*insert the date of coming into force of this section*) are continued by the employment injuries division of the Administrative Review Tribunal of Québec. Those brought before the Administrative Tribunal of Québec before the same date are continued by the social affairs division or the economic affairs division of the Administrative Review Tribunal of Québec, as appropriate.

The rules of evidence and procedure set out in the Act respecting administrative justice and applicable before the Administrative Review Tribunal of Québec, particularly those relating to conciliation and case management conferences, apply to proceedings thus continued by the Tribunal as warranted by the status of each case.

The hearing of proceedings already commenced before the Commission des lésions professionnelles or the Administrative Tribunal of Québec are continued by the same persons in the same place.

198. The president, vice-presidents and members of the Administrative Tribunal of Québec in office on (*insert the date preceding the date of coming into force of this section*) become members of the Administrative Review Tribunal of Québec but shall not hold administrative offices. They are deemed appointed to hold office during good behaviour. Those assigned to the social affairs division shall remain with that division and those assigned to the immovable property, territory and environment, and economic affairs divisions shall be assigned to the economic affairs division. They shall remain assigned to the region where they chiefly exercised their functions.

199. The president, vice-presidents and commissioners of the Commission des lésions professionnelles in office on (*insert the date preceding the date of coming into force of this section*) become members of the Administrative Review Tribunal of Québec but shall not hold administrative offices. They are deemed appointed to hold office during good behaviour and are assigned to the employment injuries division in the same regions as on that date.

200. Assignments made under section 198 or 199 may be changed within three months from the date of coming into force of the applicable section in order to meet the needs of the Tribunal. Division assignments may be changed by the Government after consulting the president of the Tribunal and the member concerned, and region assignments, by the president after consulting the member concerned.

201. Persons who become members of the Administrative Review Tribunal of Québec under section 198 or 199 and who held administrative offices within the Administrative Tribunal of Québec or the Commission des lésions professionnelles shall continue to receive, for the remainder of their administrative terms of office, the same salary they were receiving before they became members of the Tribunal and shall continue to participate in the pension plan that was applicable to them in that capacity.

202. Any notice of recruitment of persons apt for appointment as members of the Administrative Tribunal of Québec or as commissioners of the Commission des lésions professionnelles published before (*insert the date of coming into force of this section*) and any list of persons declared apt before that date shall remain valid for the purpose of recruiting and appointing a member of the Administrative Review Tribunal of Québec.

203. Despite section 82 of the Act respecting administrative justice enacted by this Act, persons who become members of the Administrative Review Tribunal of Québec under section 198 or 199 and who are not advocates or notaries may sit alone to hear and determine a proceeding.

204. The Rules of procedure of the Administrative Tribunal of Québec, approved by Order in Council 1217-99 dated 3 November 1999, are deemed to have been made by the Administrative Review Tribunal of Québec.

The same applies, with respect to employment injury matters, to sections 9 to 11, 14, 18, 31, 33, 35, 37 to 39 and 41 of the Rules of evidence, procedure and practice of the Commission des lésions professionnelles, approved by Order in Council 217-2000 dated 1 March 2000; to that end, an expert or representative of an employers' association or union association is considered an assessor and a member of the Tribunal, a commissioner.

205. The Code of ethics of the assessors and conciliators of the Commission des lésions professionnelles, published on page 5333 of Part II of the *Gazette officielle du Québec* dated 22 November 2000, is deemed to have been established by the president of the Administrative Review Tribunal of Québec; to that end, an expert or representative of an employers' association or union association is considered an assessor.

206. The Administrative Review Tribunal of Québec succeeds the Commission des lésions professionnelles and the Administrative Tribunal of Québec; their personnel become the personnel of the new Tribunal to the extent determined by the Government. Likewise, their records, documents and archives become those of the new Tribunal.

The appropriations allocated to their programs by a government department or the sums placed at their disposal by another body shall, to the extent and in the manner determined by the Government, be transferred to the new Tribunal's fund, established under section 97 of the Act respecting administrative justice.

207. Unless otherwise indicated by the context, in any text or document,

(1) a reference to the immovable property division or the territory and environment division of the Administrative Tribunal of Québec is a reference to the economic affairs division of the Administrative Review Tribunal of Québec; and

(2) a reference to the Commission des lésions professionnelles is a reference to the Administrative Review Tribunal of Québec or to the employment injuries division of the Tribunal, as the case may be.

208. The terms of office of members of the Conseil de la justice administrative shall end on *(insert the date of coming into force of this section)*.

The examination of complaints and applications for inquiries pending before the Conseil shall be continued according to the new rules and, where applicable, by the members of the committees already seized of these matters.

To this end, the person in charge of the management of records at the Conseil must forward the records to the president or chairman of the body concerned or the chief judge of the Court of Québec, as appropriate.

209. The provisions of this Act come into force on the date or dates to be fixed by the Government.