



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 77
(2005, chapter 2)

An Act to amend the Act respecting the Ministère du Revenu

**Introduced 11 November 2004
Passage in principle 9 December 2004
Passage 15 March 2005
Assented to 17 March 2005**

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EXPLANATORY NOTES

This bill amends the Act respecting the Ministère du Revenu to allow the Minister of Revenue to supply a product or service related to the expertise of the Ministère du Revenu and to establish a procedure for obtaining an order of injunction.

The bill also amends the Act respecting the Ministère du Revenu to exempt the fiscal set-off mechanism from the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information requiring written agreements, to require that a record of the information files obtained for the purposes of the fiscal set-off mechanism be kept by the Minister of Revenue and to ensure that the opinion of the Commission d'accès à l'information be sought with respect to any amendment to the regulations respecting the fiscal set-off mechanism.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act to facilitate the payment of support (R.S.Q., chapter P-2.2).

Bill 77

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DU REVENU

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE MINISTÈRE DU REVENU

1. The Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by inserting the following section after section 9.0.6:

“**9.0.7.** The Minister may supply a product or service related to the expertise of the Ministère du Revenu. Such a product or service may be supplied for a consideration.”

2. Section 31 of the Act is amended

(1) by inserting “, after obtaining the opinion of the Commission d'accès à l'information,” after “The Government may” in the second paragraph;

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

“A regulation under the second paragraph may prescribe terms and conditions for the allocation operations provided for in that paragraph, including the method for providing the necessary information to the Ministère du Revenu and the order in which the allocations of the amounts referred to in subparagraph *b* of the third paragraph must be made.”;

(3) by inserting the following paragraph after the fourth paragraph:

“At the request of the Minister or a person authorized specifically by the Minister for that purpose, the information may be provided by the transfer of information files.”

3. Section 31.1.5 of the Act is amended

(1) by inserting “, after obtaining the opinion of the Commission d'accès à l'information,” after “may”;

(2) by adding the following paragraph:

“At the request of the Minister or a person authorized specifically by the Minister for that purpose, the information may be provided by the transfer of information files.”

4. The Act is amended by inserting the following sections after section 31.1.5:

“31.1.6. The Minister shall record the name of the department or body having transferred a file in accordance with section 31 or 31.1.5, the intervals at which such a file is to be transferred and the use for which the information is intended. Any person who applies therefore shall be given access to such record.

“31.1.7. The second paragraph of section 30.1, section 31 and sections 31.1.1 to 31.1.6 apply despite sections 68, 68.1 and 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

5. Section 68.1 of the Act is amended by inserting the following paragraph after the first paragraph:

“An application under the first paragraph shall be made by means of a motion that is heard and decided by preference. The motion is governed by the rules of the Code of Civil Procedure (chapter C-25) applicable to motions made during proceedings, with the necessary modifications.”

6. Section 69.1 of the Act, amended by section 1 of chapter 10 of the statutes of 2004, is again amended, in the second paragraph,

(1) by striking out subparagraph *e*;

(2) by striking out subparagraph 4 of subparagraph *n*.

7. Section 69.8 of the Act is amended by replacing “subparagraphs *a* to *e*, *i* and *s*” in the portion of the first paragraph before subparagraph *a* by “subparagraphs *a* to *d*, *i* and *s*”.

ACT TO FACILITATE THE PAYMENT OF SUPPORT

8. Section 53 of the Act to facilitate the payment of support (R.S.Q., chapter P-2.2) is amended by replacing “31.1.1 to 31.1.5” in the second paragraph by “31.1.1 to 31.1.7”.

9. This Act comes into force on 17 March 2005.