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LAWS AND REGULATIONS

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Summary

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Part 2 – LAWS AND REGULATIONS

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(1) Acts assented to;

(2) proclamations and Orders in Council for the coming into force of Acts;

(3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;

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PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 30 MAY 2024

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 30 May 2024

This day, at twenty to two o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to assent to the following bills:

37 An Act respecting the Commissioner for Children's Well-Being and Rights

53 An Act to enact the Act respecting protection against reprisals related to the disclosure of wrongdoings and to amend other legislative provisions

To these bills the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

Québec Official Publisher

PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 6 JUNE 2024

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 6 June 2024

This day, at a quarter past two o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to assent to the following bill:

57 An Act to enact the Act to protect elected municipal officers and to facilitate the unhindered exercise of their functions and to amend various legislative provisions concerning municipal affairs (*modified title*)

To this bill the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

Québec Official Publisher

PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 7 JUNE 2024

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 7 June 2024

This day, at twenty-five to two o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to assent to the following bill:

45 An Act to amend the Act respecting safety in sports mainly to better protect the integrity of persons in recreation and sports

To this bill the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

Québec Official Publisher

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 37
(2024, chapter 20)

An Act respecting the Commissioner for Children's Well-Being and Rights

Introduced 26 October 2023
Passed in principle 14 February 2024
Passed 29 May 2024
Assented to 30 May 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act provides for the appointment by the National Assembly of a Commissioner for Children's Well-Being and Rights, whose functions are to promote the well-being of children and respect for their rights as well as to see to the protection of the interest of the child.

More specifically, the Act provides that the Commissioner for Children's Well-Being and Rights must, among other things,

(1) implement, including by collaborating with community organizations involved in youth-related matters, means to gather the concerns and opinions of children, in particular with regard to societal issues;

(2) analyze the state of well-being of children in Québec and, each year, draw up an overview of that state;

(3) analyze the impacts of government policies on children's well-being;

(4) inform the public about the Commissioner's role, the principles and provisions of the Convention on the Rights of the Child as well as about children's well-being and rights and raise awareness on those matters, in particular through information and educational programs;

(5) support children in the exercise of their rights by directing them to the appropriate resources and assisting them in their efforts where necessary;

(6) assess the implementation of programs and the provision of services that are intended for children and are under the responsibility of public bodies;

(7) monitor all child deaths as well as all deaths of persons at least 18 years of age and not more than 25 years of age for which an investigation or an inquest has been conducted under the Coroners Act;

(8) form a national advisory committee and regional advisory committees composed, as much as possible, of children and young adults who are representative of the diversity of Québec society to

obtain their opinions at least once a year on any question concerning a matter within the scope of the Commissioner's functions, and see to the operation of the committees;

(9) where the Commissioner considers it necessary or on request from the National Assembly, the Government or any minister, provide them with opinions and recommendations the Commissioner considers appropriate on any question concerning a matter within the scope of the Commissioner's functions; and

(10) where the Commissioner considers it necessary, provide a public body with opinions and recommendations the Commissioner considers appropriate on any question concerning a matter within the scope of the Commissioner's functions.

The Act provides that the Commissioner also exercises certain functions of office with regard to young adults in a vulnerable situation, including those whose situation has already been taken in charge by the director of youth protection or who have already been the subject of a custody or supervision measure under the Youth Criminal Justice Act. It also provides that, each year, the Commissioner must produce an activity report, which must be sent to the President of the National Assembly, as is the case for any other report the Commissioner produces within the exercise of the functions of office.

The Act provides that the Commissioner may enter into a collaboration agreement on any matter within the scope of the Commissioner's functions with the First Nations or the Inuit, and that such an agreement may also pertain to a mechanism for concerted action to coordinate their actions in supporting First Nations or Inuit children and young adults.

The Act grants the Commissioner the power, among others, to conduct any investigation the Commissioner considers useful for assessing the public bodies' implementation of programs and provision of services that are intended for children. It also provides for the appointment, by the Government, of a Deputy Commissioner, sets out the general rules for the organization of the office of Commissioner, in particular as concerns the Commissioner's personnel, and provides certain immunities to the Commissioner, the Deputy Commissioner and the members of the Commissioner's personnel.

The Act also provides that the Commissioner is to cooperate with the Commission des droits de la personne et des droits de la jeunesse, the Public Protector, the National Director of Youth Protection, the National Student Ombudsman, the national public health director or,

when the Commissioner considers it necessary, any public body or community organization to provide for mechanisms for concerted action to harmonize their interventions with regard to children and young adults.

Lastly, the Act includes amending provisions to allow the coroner or the Chief Coroner to forward to the Commissioner any report of investigation concerning the death of a child or to obtain confidential information concerning a child taken in charge by a director of youth protection, where it is necessary for the exercise of the Commissioner's functions, as well as miscellaneous and final provisions.

LEGISLATION AMENDED BY THIS ACT:

– Coroners Act (chapter C-68.01);

– Youth Protection Act (chapter P-34.1).

Bill 37

AN ACT RESPECTING THE COMMISSIONER FOR CHILDREN'S WELL-BEING AND RIGHTS

AS Québec has declared itself bound by the Convention on the Rights of the Child by Order in Council 1676-91 dated 9 December 1991;

AS Québec is a society that cares about children, where parents must exercise their authority without any violence and where children's well-being is a core concern;

AS children's rights are protected by law in Québec, in particular by the Civil Code of Québec, by the Charter of human rights and freedoms and by the Youth Protection Act;

AS it is essential to take into account the interest of children, as well as their concerns and opinions, in government policies that concern their well-being;

AS Québec must take preventive action to improve the well-being of children and facilitate the exercise of their rights;

AS a particular approach must be favoured to take into account the historic, social and cultural factors specific to First Nations and Inuit children;

AS the First Nations and Inuit are best suited to meet the needs of their children in the manner that is the most appropriate;

AS it is necessary that a person be devoted exclusively to promoting the well-being of all children and respect for their rights and to seeing to the protection of the interest of the child;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

APPOINTMENT

1. On the proposal of the Prime Minister and with the approval of two-thirds of its Members, the National Assembly appoints a Commissioner for Children's Well-Being and Rights.

The Assembly determines, in the same manner, the remuneration, employee benefits and other conditions of employment of the Commissioner.

The person proposed by the Prime Minister must have significant work experience in the promotion of the well-being of children and of respect for their rights as well as in-depth knowledge in that matter.

2. Before entering into office, the Commissioner must take the oath set out in Schedule I before the President of the National Assembly.

3. The Commissioner is appointed for a five-year term. At the expiry of the term, the Commissioner remains in office until replaced or reappointed.

4. The Commissioner may resign at any time by giving written notice to the President of the National Assembly. The Commissioner may be dismissed only by a resolution of the Assembly approved by two-thirds of its Members.

CHAPTER II
FUNCTIONS AND POWERS

DIVISION I
FUNCTIONS

5. The functions of the Commissioner are to promote the well-being of children and respect for their rights as well as to see to the protection of the interest of the child.

For those purposes, the Commissioner must, in particular,

(1) implement, including by collaborating with community organizations involved in youth-related matters, means to gather the concerns and opinions of children, in particular with regard to societal issues;

(2) analyze the state of well-being of children in Québec and, each year, draw up an overview of that state;

(3) analyze the impacts of government policies on children's well-being;

(4) inform the public about the Commissioner's role, the principles and provisions of the Convention on the Rights of the Child as well as about children's well-being and rights, and raise awareness on those matters, in particular through information and educational programs;

(5) support children in the exercise of their rights by directing them to the appropriate resources and assisting them in their efforts where necessary;

(6) assess the implementation of programs and the provision of services that are intended for children and are under the responsibility of public bodies;

(7) monitor all child deaths as well as all deaths of persons at least 18 years of age and not more than 25 years of age for which an investigation or an inquest has been conducted under the Coroners Act (chapter C-68.01);

(8) form a national advisory committee and regional advisory committees composed, as much as possible, of children and young adults who are representative of the diversity of Québec society to obtain their opinions at least once a year on any question concerning a matter within the scope of the Commissioner's functions, and see to the operation of the committees;

(9) where the Commissioner considers it necessary or on request from the National Assembly, the Government or any minister, provide them with opinions and recommendations the Commissioner considers appropriate on any question concerning a matter within the scope of the Commissioner's functions; and

(10) where the Commissioner considers it necessary, provide a public body with opinions and recommendations the Commissioner considers appropriate on any question concerning a matter within the scope of the Commissioner's functions.

The Commissioner also exercises, with regard to young adults, the functions set out in subparagraphs 3 to 6 of the second paragraph.

For the purposes of this Act,

"child" means a person under 18 years of age;

"public body" means a government department as well as a body referred to in any of sections 4 to 7 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);

"young adult" means a person at least 18 years of age and not more than 25 years of age in a vulnerable situation, including a person whose situation has already been taken in charge by the director of youth protection or who has already been the subject of a custody or supervision measure under the Youth Criminal Justice Act (Statutes of Canada, 2002, chapter 1).

6. The Commissioner exercises the functions of office with due regard for the responsibilities otherwise assigned to the Commission des droits de la personne et des droits de la jeunesse by the Charter of human rights and freedoms (chapter C-12) and the Youth Protection Act (chapter P-34.1).

This section does not prevent the Commissioner from exercising the functions set out in section 5 with regard to the children's rights recognized by those two Acts.

7. The Commissioner exercises the functions of office exclusively and on a full-time basis.

DIVISION II

POWERS

8. For the discharge of the functions of office, the Commissioner may, in particular,

(1) receive and hear observations from persons or groups;

(2) conduct or commission such analyses, studies and research as the Commissioner considers necessary;

(3) call on outside experts to report on one or more specific points determined by the Commissioner;

(4) assign a member of the Commissioner's personnel or an expert mandated by the Commissioner to a public body and require that body to provide the premises and equipment that the Commissioner considers necessary; and

(5) at any time, produce a report on any matter within the scope of the Commissioner's functions.

9. A public body must, on request, allow the Commissioner to have access to and make copies of records, reports, documents or information, in whatever form, that are necessary to the exercise of the functions of office referred to in subparagraphs 2, 3, 6 and 7 of the second paragraph of section 5, and provide the Commissioner with any related information and explanation.

A public body that provides services intended for children must also, on request, allow the Commissioner to access, at any reasonable time, premises held by the body if the Commissioner considers it useful for the exercise of the functions of office referred to in subparagraph 6 of the second paragraph of section 5, in particular to receive and hear observations from the persons present.

10. The Commissioner may, on the Commissioner's own initiative, conduct any investigation the Commissioner considers useful for the exercise of the functions of office referred to in subparagraph 6 of the second paragraph of section 5.

The Commissioner may also conduct such an investigation at the National Assembly's request. The Commissioner produces a report following any investigation so conducted.

The Commissioner and every person specially authorized by the Commissioner to investigate are vested, for the purposes of the investigation, with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

11. The Commissioner cooperates with the Commission des droits de la personne et des droits de la jeunesse, the Public Protector, the National Director of Youth Protection, the National Student Ombudsman, the national public health director or, when the Commissioner considers it necessary, any public body or community organization to provide for mechanisms for concerted action to harmonize their interventions with regard to children and young adults.

12. The Commissioner may, in the exercise of the functions of office referred to in subparagraphs 2, 3 and 6 of the second paragraph of section 5, make any recommendation to a public body and require that the Commissioner be informed of the measures that are taken to follow up on the recommendation.

13. If, after making a recommendation to a public body, the Commissioner considers that no satisfactory measure has been taken within a reasonable time to follow up on it, the Commissioner may so notify the Government in writing and, if the Commissioner considers it necessary, explain the situation in a report referred to in paragraph 5 of section 8.

14. In order to remedy situations observed in the exercise of the functions of office referred to in subparagraphs 2, 3 and 6 of the second paragraph of section 5, avoid the recurrence of such situations or prevent similar situations, the Commissioner may give an opinion to a public body or the Government on the legislative, regulatory or administrative reforms that the Commissioner considers to be consistent with the interest of the child.

If the Commissioner considers it necessary, the Commissioner may explain the situations in a report referred to in paragraph 5 of section 8.

15. Each year, within four months after the end of the fiscal year, the Commissioner produces a report on the Commissioner's activities related to the exercise of the functions of office referred to in section 5.

In the report, the Commissioner points out any matter or any case that, in the Commissioner's opinion, should be brought to the attention of the National Assembly. The Commissioner also mentions any difficulties encountered in the Commissioner's investigations, any recommendations made under section 12 or any notices or opinions given under section 13 or 14.

The Commissioner also includes in the report the overview of the state of well-being of children in Québec provided for in subparagraph 2 of the second paragraph of section 5.

16. The Commissioner sends the reports produced under this division to the President of the National Assembly.

The President tables the reports in the National Assembly within 15 days after receiving them or, if the Assembly is not sitting, within 15 days after the opening of the next session or after resumption.

The competent committee of the National Assembly examines the activity report referred to in section 15 within three months after it is tabled.

CHAPTER III

FIRST NATIONS AND INUIT

17. The Commissioner may, in accordance with the Act respecting the Ministère du Conseil exécutif (chapter M-30), enter into a collaboration agreement on any matter within the scope of the Commissioner's functions with the First Nations or the Inuit represented by all the band councils or northern village councils of the communities that make them up, with the Makivik Corporation, with the Cree Nation Government or with a First Nations or Inuit community represented by its band council or by the northern village council, with a group of communities so represented or with any other First Nations or Inuit group. The agreement may also pertain to a mechanism for concerted action to coordinate their actions in supporting First Nations or Inuit children and young adults.

The Commissioner sends any agreement entered into under this section to the President of the National Assembly, who tables it in the Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days after the opening of the next session or after resumption.

CHAPTER IV

ORGANIZATION

18. The Government appoints a Deputy Commissioner on the recommendation of the Commissioner to assist the latter in the exercise of the functions of office.

The Government determines the remuneration, employee benefits and other conditions of employment of the Deputy Commissioner. The Deputy Commissioner's term must not exceed five years, but the Deputy Commissioner remains in office at the expiry of that term until reappointed or replaced. The Government may dismiss the Deputy Commissioner before the end of the term, but only for cause.

19. The Commissioner determines the functions and powers of the Deputy Commissioner.

20. If the Commissioner is absent or unable to act, or if the office of Commissioner is vacant, the Deputy Commissioner acts as interim Commissioner.

If the Deputy Commissioner is also absent or unable to act, or if the office of Deputy Commissioner is vacant, the Commissioner is replaced by a person appointed temporarily for that purpose by the Government, which, if need be, determines the remuneration, employee benefits and other conditions of employment of that person.

21. Members of the Commissioner's personnel are appointed in accordance with the Public Service Act (chapter F-3.1.1).

The Commissioner exercises, with regard to the personnel, the powers conferred by that Act on a chief executive officer.

22. The Commissioner establishes, without further formality, the Commissioner's human resources management policies with respect to planning, organization and development.

Subject to the appropriations granted by Parliament, the Commissioner determines the staff needed for the exercise of the functions of office, the staff distribution and the level of the staff members' positions.

23. The Commissioner prepares annual budget estimates and submits them to the Office of the National Assembly, which approves them with or without modification.

If, during a fiscal year, the Commissioner foresees that the budget estimates approved by the Office of the National Assembly will be exceeded, the Commissioner prepares supplementary budget estimates and submits them to the Office of the National Assembly, which approves them with or without modification.

The provisions of the Financial Administration Act (chapter A-6.001) applicable to budget-funded bodies, except sections 30 and 31, apply to the management of the Commissioner's financial resources.

24. The Public Administration Act (chapter A-6.01), except subparagraph 6 of the first paragraph and the second paragraph of section 9, sections 10 to 23, subparagraph 3 of the second paragraph of section 24 and the third paragraph of that section, sections 25 to 28, section 44, the fourth paragraph of section 45, sections 46, 48, 49, 50 and 53, the third paragraph of section 57, and sections 74 to 75, 77.3 and 78, applies to the Commissioner. The report referred to in section 24 of that Act is included in the activity report referred to in section 12 of this Act.

The President of the National Assembly tables in the Assembly the Commissioner's strategic plan referred to in section 8 of the Public Administration Act.

25. The Commissioner may, by regulation, determine the conditions applicable to the contracts the Commissioner may enter into.

The regulation comes into force on the date it is approved by the Office of the National Assembly. It is published in the *Gazette officielle du Québec*.

CHAPTER V
IMMUNITY

26. The Commissioner, the experts the Commissioner calls on under paragraph 3 of section 8, the Deputy Commissioner and the members of the Commissioner's personnel cannot be compelled to make a deposition relating to information obtained in the exercise of their functions or to produce a document containing such information.

27. No judicial proceedings may be brought against the Commissioner, the Deputy Commissioner or the members of the Commissioner's personnel for an act or omission in good faith in the exercise of their functions.

28. No civil action may be brought because of the publication of an opinion, recommendation or report of the Commissioner, or the publication, in good faith, of an extract from or summary of such an opinion, recommendation or report.

29. Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be brought, nor any injunction granted, nor any other provisional measure taken, against the Commissioner, the experts the Commissioner calls on under paragraph 3 of section 8, the Deputy Commissioner or the members of the Commissioner's personnel in the exercise of their functions.

A judge of the Court of Appeal may, on an application, summarily annul a decision, order or injunction made or granted contrary to this section.

CHAPTER VI
AMENDING PROVISIONS

CORONERS ACT

30. Section 99 of the Coroners Act (chapter C-68.01) is amended by adding the following paragraph at the end:

"The coroner or the Chief Coroner shall forward to the Commissioner for Children's Well-Being and Rights such a copy of any report of investigation concerning the death of a person 25 years of age or under."

YOUTH PROTECTION ACT

31. Section 72.6 of the Youth Protection Act (chapter P-34.1) is amended by adding the following subparagraph at the end of the second paragraph:

"(5) to the Commissioner for Children's Well-Being and Rights, where the disclosure is necessary for the exercise of the Commissioner's functions referred to in subparagraph 6 of the second paragraph of section 5 of the Act respecting the Commissioner for Children's Well-Being and Rights (2024, chapter 20)."

CHAPTER VII

MISCELLANEOUS AND FINAL PROVISIONS

32. The Commissioner must, not later than three years after the date of coming into force of this Act, report to the National Assembly on the implementation of this Act.

The Commissioner sends the report to the President of the National Assembly, who tables it within 30 days after receiving it or, if the Assembly is not sitting, within 30 days of resumption.

The competent committee of the National Assembly examines the report within three months after it is tabled.

33. The Minister of Health and Social Services is responsible for the administration of this Act.

34. The provisions of this Act come into force on 30 May 2024, except sections 5, 6 and 8 to 31, which come into force on the date on which the first Commissioner for Children's Well-Being and Rights appointed under section 1 takes office.

SCHEDULE I
(*Section 2*)

OATH

I declare under oath that I will fulfil the duties of my office with honesty, impartiality and justice and that I will not accept any sum of money or any other consideration for what I do in the discharge of my duties apart from what is allowed to me by law.

I further declare under oath that I will not reveal, unless duly authorized, any information I have obtained in the discharge of my duties.

106947

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 45
(2024, chapter 25)

An Act to amend the Act respecting safety in sports mainly to better protect the integrity of persons in recreation and sports

Introduced 6 February 2024
Passed in principle 9 April 2024
Passed 7 June 2024
Assented to 7 June 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act amends the Act respecting safety in sports mainly to reinforce the measures for protecting the integrity of persons in recreation and sports.

For that purpose, the scope of the Act is broadened to include the recreational activities determined by government regulation. Sports federations and unaffiliated sports bodies are entrusted with the responsibility to see that their safety regulations are observed, and the Minister is given the power to order a person to observe those regulations where the federation or body fails to enforce them.

The Act provides that the Government is to appoint a recreation and sports integrity ombudsman responsible for receiving all complaints with respect to integrity in recreation and sports and for making recommendations in that regard, in particular to a sports federation, a sports body or a recreation body. The Act establishes that the functions of the ombudsman are to promote the ombudsman's role and the complaint processing procedure as well as to give an opinion to the Minister on any matter within the ombudsman's jurisdiction. The ombudsman is also empowered to take action after receiving a report or on the ombudsman's own initiative and is granted inspection powers in that regard.

Protection is granted against reprisals, in particular to persons who make a report or file a complaint. The Minister, the recreation and sports integrity ombudsman and any person designated for that purpose by them are vested with investigation powers and immunity.

The Act requires sports federations, sports bodies and recreation bodies to make background verifications concerning persons who work with, or are regularly in contact with, minors or handicapped persons, in particular with regard to the declaration of their judicial record. The Government is granted regulatory powers in that regard, including the power to determine cases in which such a verification must also cover behaviours that could reasonably pose a threat for the safety or integrity of minors or handicapped persons.

Lastly, the Act makes amendments to the penal provisions and includes transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

– Financial Administration Act (chapter A-6.001);

– Act respecting safety in sports (chapter S-3.1).

Bill 45

AN ACT TO AMEND THE ACT RESPECTING SAFETY IN SPORTS MAINLY TO BETTER PROTECT THE INTEGRITY OF PERSONS IN RECREATION AND SPORTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING SAFETY IN SPORTS

1. The title of the Act respecting safety in sports (chapter S-3.1) is amended by inserting "recreation and" before "sports".

2. Section 1 of the Act is amended

(1) by inserting the following paragraph before paragraph 2:

"(1) "recreation" and "recreational activity" mean a recreational activity practised during one's free time, determined by government regulation and having an organizational structure;";

(2) by inserting "in combat sports" after "contestants" in paragraph 2;

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

"(3) "recreation body" means an organization one of whose activities is to organize a recreational activity or coordinate the supply of services with regard to such an activity;";

(4) by striking out the paragraph number of each of its paragraphs, and by placing all the definitions in the English text in alphabetical order.

3. Section 2 of the Act is replaced by the following section:

"**2.** This Act does not apply to professional sports, except with regard to sports events and only to the extent provided for in Chapter V and the other provisions related to Chapter V."

4. Section 20 of the Act is amended

(1) in the first paragraph,

(*a*) by inserting "les loisirs et" after "dans" in the French text;

(*b*) by replacing "supervising personal safety and integrity in the practice of sports" by "seeing that the safety and integrity of persons in recreation and sports is ensured";

(2) in the second paragraph,

(*a*) by replacing "sports safety" in subparagraphs 1 and 2 by "the safety and integrity of persons in recreation and sports";

(*b*) by replacing "safety in relation to the practice of sports" in subparagraph 3 by "the safety and integrity of persons in recreation and sports";

(*c*) by replacing "safety training methods for persons who work in the sports field" in subparagraph 4 by "methods for training persons who work in recreation and sports with respect to the safety and integrity of persons";

(*d*) by replacing "sports safety" in subparagraph 6 by "the safety and integrity of persons in recreation and sports";

(*e*) by replacing subparagraph 8 by the following subparagraph:

"(8) encourage and promote non-violence in recreation and sports and raise public awareness on the matter."

5. Section 21 of the Act is amended by replacing paragraph 2 by the following paragraph:

"(2) establish, by regulation, standards for ensuring the safety and integrity of persons during the practice of a recreational activity or a sport; such standards may pertain, in particular, to behaviours that are prohibited;".

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

"**21.1.** A sports federation, a sports body or a recreation body must provide the Minister with any information or document required by the Minister for the purposes of this Act."

7. Section 22 of the Act is amended

(1) by inserting "or integrity" after "safety";

(2) by inserting "a recreational activity or" after "practising".

8. The Act is amended by inserting the following section after section 22:

"**23.** For the conduct of an inquiry, the Minister and any person designated for that purpose are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment."

9. Section 24 of the Act is replaced by the following section:

"**24.** Whenever the Minister holds an inquiry, the Minister may give notice of it to the public by any means the Minister considers appropriate."

10. Section 25 of the Act is amended, in the second paragraph,

(1) by inserting the following subparagraph after subparagraph 5:

"(6) enter, at any reasonable time, any premises where a recreational activity can be practised and take photographs and make recordings;";

(2) by inserting "a recreational activity or" after "where" in subparagraph 8.

11. Section 26 of the Act is amended by striking out "by its members" in the first paragraph.

12. Section 27 of the Act is amended

(1) in the third paragraph,

(*a*) by inserting ", if the Minister considers it necessary," after "may";

(*b*) by striking out "where after their approval by the Minister, the regulations or any provision thereof prove ineffective to ensure public safety in the practice of sports";

(2) by replacing "provisions which have proved ineffective" in the fourth paragraph by "necessary provisions".

13. Section 29 of the Act is amended by striking out ", by registered mail,".

14. Section 29.1 of the Act is replaced by the following section:

"**29.1.** The Minister may order a person to observe the safety regulations of a sports federation or unaffiliated sports body where the federation or body fails to enforce them."

15. Section 30 of the Act is repealed.

16. The Act is amended by inserting the following chapters after section 30:

"**CHAPTER IV**

"RECREATION AND SPORTS INTEGRITY OMBUDSMAN

"**DIVISION I**

"APPOINTMENT AND ORGANIZATION

"**30.1.** On the recommendation of the Minister, the Government shall appoint a recreation and sports integrity ombudsman. The ombudsman's term of office must not exceed five years.

The person so appointed must have knowledge of the recreation and sports sector and of dispute resolution mechanisms.

"**30.2.** The recreation and sports integrity ombudsman shall exercise the functions of office exclusively and on a full-time basis.

"**30.3.** At the expiry of the term, the recreation and sports integrity ombudsman remains in office until replaced or reappointed.

"**30.4.** If the recreation and sports integrity ombudsman is absent or unable to act, or the office is vacant, the Minister shall appoint a replacement acting on a full-time basis to act as interim ombudsman.

"**30.5.** The recreation and sports integrity ombudsman must not be, in particular,

(1) a member of the board of directors of a sports federation, sports body or recreation body;

(2) an employee of a sports federation, sports body or recreation body; or

(3) a relative in the direct line in the first degree or the spouse of a person referred to in paragraph 1.

"**30.6.** The Government shall fix the recreation and sports integrity ombudsman's salary, conditions of employment and, where applicable, allowances or fees.

"**30.7.** The members of the recreation and sports integrity ombudsman's personnel shall be appointed in accordance with the Public Service Act (chapter F-3.1.1).

"**30.8.** The recreation and sports integrity ombudsman is a body for the purposes of the law.

The recreation and sports integrity ombudsman's head office is located at the place determined by the Government.

Notice of the location and any change of location of the head office shall be published in the *Gazette officielle du Québec*.

"**DIVISION II**

"FUNCTIONS AND RESPONSIBILITIES

"**30.9.** The recreation and sports integrity ombudsman is responsible for receiving any complaint in matters of integrity and for making recommendations in that regard, in particular to a sports federation, sports body or recreation body.

"**30.10.** The recreation and sports integrity ombudsman is responsible for the application of the provisions relating to the complaint processing procedure provided for by this Act.

For that purpose, the ombudsman shall promote the ombudsman's role and the complaint processing procedure provided for by this Act.

"**30.11.** The recreation and sports integrity ombudsman shall give an opinion to the Minister on any matter within the ombudsman's jurisdiction.

"**DIVISION III**

"COMPLAINTS

"**30.12.** The recreation and sports integrity ombudsman shall process any complaint filed by a person.

"**30.13.** The recreation and sports integrity ombudsman shall assist any persons who require it in filing a complaint or in taking any action relating to the complaint and inform them of their right to be accompanied by a person of their choice, at any step of the processing of the complaint.

"**30.14.** Any complaint must be filed in writing and addressed to the recreation and sports integrity ombudsman.

The complaint must also be filed in accordance with the other terms that the Minister determines by regulation.

"**30.15.** Complaints concerning acts of sexual violence shall be processed as urgent.

"**30.16.** On receiving a complaint concerning an act of sexual violence, the recreation and sports integrity ombudsman must inform the complainant or any victim that it is possible to refer the complaint to the Commission des services juridiques. If the victim is under 14 years of age, the ombudsman shall

also inform the person having parental authority or the tutor of that option. If the victim is 14 years of age or over, the ombudsman may also inform the person having parental authority or the tutor of that option, with the victim's consent.

"**30.17.** The recreation and sports integrity ombudsman may, if the ombudsman considers that circumstances so warrant, refuse to examine a complaint or terminate the examination of a complaint where a proceeding is brought by the complainant before a court of justice or before a person or body of the administrative branch exercising adjudicative functions, where the proceeding regards the facts on which the complaint is based and where, in the ombudsman's opinion, the conclusions sought by bringing the proceeding are similar to the conclusions sought by filing the complaint.

The recreation and sports integrity ombudsman may also refuse to examine a complaint if the ombudsman considers that another proceeding could correct the situation giving rise to the complaint adequately and within a reasonable time.

"**30.18.** The recreation and sports integrity ombudsman may, upon summary examination, refuse or cease to examine any complaint if, in the ombudsman's opinion, it is frivolous, vexatious or made in bad faith.

The recreation and sports integrity ombudsman may also refuse or cease to examine a complaint if

(1) the complainant refuses or neglects to provide any information or document that the ombudsman considers relevant for a clear understanding of the facts;

(2) the ombudsman has reasonable grounds to believe that the ombudsman's intervention would clearly serve no purpose; or

(3) the lapse of time between the facts on which the complaint is based and the receipt of the complaint makes it impossible to examine the complaint.

"**30.19.** Each time the recreation and sports integrity ombudsman refuses to examine a complaint or terminates the examination of a complaint, the ombudsman must notify the complainant in writing without delay, giving reasons and, in the case of the second paragraph of section 30.17, indicating the proceedings to be brought.

The recreation and sports integrity ombudsman must, if of the opinion that the complaint may be processed by another person or body and with the complainant's consent, send without delay the information relating to the complaint to that person or body.

"**30.20.** When the recreation and sports integrity ombudsman examines a complaint, the ombudsman shall inform the sports federation, sports body or recreation body concerned and send it the content of the complaint, unless the ombudsman has reasonable grounds to believe that sending the information could impede an investigation. The federation or body must in that case send the information it holds relating to the complaint to the ombudsman without delay.

The recreation and sports integrity ombudsman shall give the complainant and the person directly concerned by the complaint the opportunity to be heard and, where applicable, invite those persons to remedy the situation which gave rise to the complaint.

The recreation and sports integrity ombudsman shall ensure follow-up on the actions taken by the federation or body informed of the complaint.

If the recreation and sports integrity ombudsman terminates the examination of the complaint, the ombudsman shall so inform the federation or the body. If the recreation and sports integrity ombudsman considers it expedient, the ombudsman may also inform the person directly concerned by the complaint.

"**30.21.** The recreation and sports integrity ombudsman may, if the ombudsman considers it appropriate and if the complainant and the other parties consent to it in writing, meet with them to attempt to bring the parties to an agreement. The complaint processing is suspended for the duration of that process.

"**30.22.** During the examination of a complaint, the recreation and sports integrity ombudsman may, if the ombudsman considers it expedient, conduct an investigation.

The ombudsman may also entrust the investigation to a person the ombudsman designates.

"**DIVISION IV**

"REPORTS AND INITIATIVE OF THE OMBUDSMAN

"**30.23.** The recreation and sports integrity ombudsman must, after receiving a report or on the ombudsman's own initiative and if of the opinion that the information in the ombudsman's possession could show a failure with regard to integrity, send the information to the sports federation, sports body or recreation body concerned unless the ombudsman has reasonable grounds to believe that sending the information could impede an investigation.

The recreation and sports integrity ombudsman shall assist any person who requires it in making a report or in taking any action relating to it.

In addition, the recreation and sports integrity ombudsman shall process such information as a complaint that the ombudsman examines in accordance with the provisions of Division III of this chapter, with the necessary modifications.

"**30.24.** The recreation and sports integrity ombudsman shall take all necessary measures to preserve the confidentiality of any information allowing a person who has made a report to be identified, unless the person consents to being identified. However, the ombudsman may communicate the identity of the person to the director of youth protection or to the police force concerned.

"**30.25.** In exercising functions assigned under this division, the recreation and sports integrity ombudsman and any person authorized by the ombudsman may act as inspectors.

"**30.26.** Persons acting as inspectors may

(1) enter, at any reasonable time, the premises of a sports federation, sports body or recreation body;

(2) require, for examination or reproduction purposes, any information or document relating to the application of this division;

(3) take photographs or make recordings; and

(4) require a person, by any means that allows proof of receipt and of the exact time of receipt, to communicate to them any information or document required for exercising inspection functions conferred on them by this division, within the time and according to the conditions they specify.

"**30.27.** Persons acting as inspectors must, on request, identify themselves and produce a certificate of authority.

No judicial proceedings may be brought against such persons for any act done in good faith in the exercise of their functions.

"**DIVISION V**

"INVESTIGATIONS, IMMUNITY AND PROTECTION AGAINST REPRISALS

"**30.28.** For the conduct of an investigation, the recreation and sports integrity ombudsman and any other person authorized for such purpose are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

"**30.29.** Despite any other general law or special Act, the recreation and sports integrity ombudsman and members of the ombudsman's personnel cannot be compelled to make a deposition relating to information obtained in the exercise of their functions or produce any document containing such information.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to such a document.

"**30.30.** No judicial proceedings may be brought against the recreation and sports integrity ombudsman or members of the ombudsman's personnel for an omission or act in good faith in the exercise of their functions.

No judicial proceedings may be brought against a person who, in good faith, has made a report or filed a complaint, cooperated in the processing of a report or complaint or accompanied a person who has made a report or filed a complaint in accordance with this Act.

"**30.31.** No civil action may be instituted because of the publication of conclusions, recommendations or reports of the recreation and sports integrity ombudsman or the publication, in good faith, of an extract from or summary of such conclusions, recommendations or reports.

"**30.32.** Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised nor any injunction granted against the recreation and sports integrity ombudsman or a member of the ombudsman's personnel in the exercise of their functions.

"**30.33.** Reprisals are prohibited against a person who, in good faith, makes a report or files a complaint, cooperates in the processing of a report or complaint or accompanies a person who makes a report or files a complaint in accordance with this Act.

It is also prohibited to threaten to take a reprisal against a person to dissuade them from performing an act described in the first paragraph.

The demotion, suspension, termination of employment or transfer of a person or any disciplinary or other measure that adversely affects the employment or working conditions of a person is presumed to be a reprisal. Depriving a person of any right, subjecting them to differential treatment or suspending or expelling them is also presumed to be a reprisal.

"**DIVISION VI**

"CONCLUSIONS AND RECOMMENDATIONS

"**30.34.** The recreation and sports integrity ombudsman must, within 45 days after receiving a complaint, complete the examination of the complaint and determine the conclusions and, if applicable, the recommendations the ombudsman considers advisable to make to the sports federation, sports body or recreation body concerned.

The time limit specified in the first paragraph shall be extended by the number of days equivalent to the period during which the processing of the complaint was suspended under section 30.21, if applicable.

"**30.35.** The recreation and sports integrity ombudsman shall send the ombudsman's conclusions and recommendations to the sports federation, sports body or recreation body concerned and to the complainant. The ombudsman may also send them to the person directly concerned by the complaint. If the ombudsman considers it expedient, the ombudsman shall also send them to any other body concerned.

"**30.36.** The sports federation, sports body or recreation body must, within 15 days after receiving any conclusion or recommendation, inform the complainant and the recreation and sports integrity ombudsman in writing of the action it intends to take on the recommendation or conclusion and, if applicable, of the grounds for any refusal to take action on it.

"**30.37.** If the sports federation, sports body or recreation body fails to take action on the recommendations of the recreation and sports integrity ombudsman, or fails to implement another measure appropriate to the situation that led to the complaint, the recreation and sports integrity ombudsman shall send the Minister, as soon as possible, the conclusions and recommendations made to the federation or body and the grounds invoked by the latter.

"**30.38.** Where the recreation and sports integrity ombudsman sends the Minister the conclusions and recommendations made to a sports federation, sports body or recreation body and the grounds invoked by that federation or body for not acting on them, the Minister may order the federation or body to take the measures indicated by the Minister, if the Minister considers it necessary to ensure respect for the integrity of persons.

"**DIVISION VII**

"FINANCIAL PROVISIONS, ACCOUNTS AND REPORTS

"**30.39.** The fiscal year of the recreation and sports integrity ombudsman ends on 31 March.

"**30.40.** The recreation and sports integrity ombudsman must, not later than 30 June of each year, send the Minister a report on the ombudsman's activities for the preceding year. The report must list separately the complaints and reports received.

The report must state, in particular,

(1) the number of complaints received, examined, refused or abandoned since the last report, and the nature of and grounds for those complaints;

(2) the time taken for complaint examination; and

(3) the nature of the recommendations and the action taken on those recommendations within the scope of the examination of a complaint.

The Minister shall make the report public.

The Minister may, by regulation, prescribe any other information that the recreation and sports integrity ombudsman's annual report must contain as well as the form of the report.

"**CHAPTER IV.1**

"BACKGROUND VERIFICATIONS

"**31.** For the purposes of this chapter, "judicial record" means

(1) a finding of guilty for a criminal offence committed in Canada or elsewhere, unless a pardon has been obtained for that offence;

(2) a charge still pending for a criminal offence committed in Canada or elsewhere; and

(3) a court order subsisting against a person in Canada or elsewhere.

"**32.** Before persons who would be required to work with, or to be regularly in contact with, minors or handicapped persons take office, a sports federation, sports body or recreation body must ensure that they have no judicial record relevant to the functions that could be assigned to them within the federation or body.

To that end, such persons must send a declaration concerning their judicial record to the federation or body. The federation or body must verify the declaration or have it verified.

"**33.** At the request of a sports federation, sports body or recreation body, persons who work with, and persons regularly in contact with, minors or handicapped persons must send it a declaration concerning their judicial record to enable the federation or body to ensure that they have no judicial record relevant to their functions within the federation or body.

To that end, the federation or body may act on the strength of that declaration, verify the declaration or have it verified, subject to a regulation made under section 39.4.

"**34.** If a sports federation, sports body or recreation body has reasonable grounds to believe that a person who works with, or is regularly in contact with, minors or handicapped persons has a judicial record, it must require the person to send it a declaration concerning the person's judicial record. The person is required to comply with the request within 10 days.

The federation or body must verify the declaration or have it verified, and ensure that the person has no judicial record relevant to the person's functions within the federation or body.

"**35.** Within 10 days after being notified of a change in their judicial record, persons who work with, and persons regularly in contact with, minors or handicapped persons must inform the sports federation, sports body or recreation body of the change, regardless of whether they have already filed a declaration concerning their judicial record.

The federation or body must verify the declaration or have it verified, and ensure that such persons have no judicial record relevant to their functions within the federation or body.

"**36.** When a sports federation, sports body or recreation body verifies a declaration concerning a judicial record, or has such a declaration verified, it may have it verified by, among others, a Québec police force and, to that end, communicate or receive any information for the verification.

"**37.** The form for declarations concerning a judicial record must state that the sports federation, sports body or recreation body may verify the declaration, or have it verified by, among others, a Québec police force, and, to that end, communicate and receive any information for the verification.

"**38.** The background verifications must, in the cases determined by regulation, also pertain to behaviours that could reasonably pose a threat for the safety or integrity of minors or handicapped persons.

"**39.** Québec police forces are required to communicate any information and documents required by regulation that are necessary to establish the existence or absence of judicial records referred to in this chapter.

Such police forces are also required to provide, in the cases and on the terms and conditions determined by regulation, any information and documents necessary to establish the existence or absence of behaviours that could reasonably pose a threat for the safety or integrity of minors or handicapped persons.

"**39.1.** Information concerning background verifications may be gathered, used and kept only with a view to ensuring the safety and integrity of minors or handicapped persons in the application of this chapter.

The sports federation, sports body or recreation body must make sure that such information is accessible only to persons qualified to receive it due to their responsibilities, and that those persons undertake in writing with the federation or body to comply with the purposes set out in the first paragraph.

"**39.2.** The Minister and the Minister of Public Security must enter into a framework agreement establishing the procedures to be followed by Québec police forces when conducting verifications for sports federations, sports bodies and recreation bodies.

"**39.3.** The Minister may prepare a background verification guide for sports federations, sports bodies and recreation bodies and ensure that it is disseminated.

"**39.4.** The Government may, by regulation,

(1) determine the information and documents necessary for establishing the existence or absence of a judicial record that police forces are required to provide to a sports federation, sports body or recreation body or to a person who is the subject of a judicial record verification, and prescribe the fees payable for the issue of such documents;

(2) determine the cases in which a judicial record declaration is not required;

(3) determine the cases in which verification of a judicial record declaration is not required;

(4) determine the terms and conditions applicable to judicial record declarations and verifications, in particular the cases in which additional documents must be sent and the nature of those documents;

(5) determine the terms and conditions applicable to a request for a judicial record declaration to be sent, and the cases in which and intervals at which such a declaration must be requested and verified by a federation or body;

(6) determine the cases in which background verifications must also pertain to behaviours that could reasonably pose a threat for the safety or integrity of minors or handicapped persons, and prescribe the applicable terms and conditions; and

(7) determine the information and documents necessary for establishing the existence or absence of behaviours that could reasonably pose a threat for the safety or integrity of minors or handicapped persons that police forces are required to provide, and prescribe the fees payable for the issue of such documents.

"**39.5.** The Minister may order a person, sports federation, sports body or recreation body to take such appropriate measures as the Minister may indicate to ensure the safety and integrity of minors or handicapped persons in accordance with the provisions of this chapter."

17. Section 46.2.5 of the Act is amended

(1) by replacing "on safety" in paragraph 1 by "on the safety and integrity of persons";

(2) by replacing "safety training methods for persons who work in the field of professional combat sports" in paragraph 2 by "methods for training persons who work in professional combat sports with respect to the safety and integrity of persons".

18. Section 46.2.6 of the Act is amended

(1) by inserting "or integrity" after "safety" in the first paragraph;

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

"Whenever the board holds an inquiry, it may give notice of it to the public by any means it considers appropriate."

19. Section 46.11 of the Act is amended by replacing "pocket-size diagram of the ski slopes and ski lifts is available at the ticket office to those Alpine skiers who wish to have one. The content of the diagram shall be" by "diagram of the ski slopes and ski lifts is available to Alpine skiers, in the form and with the content".

20. Section 46.39 of the Act is amended by replacing "and 21, 26 to 30" by ", 21, 21.1, 26 to 29.1, 30.37, 30.38, 39.5".

21. Section 54 of the Act is amended

(1) by inserting the following paragraph after paragraph 1:

"(2) determine the activities covered by the definition of "recreation" and "recreational activity" provided in this Act;";

(2) by replacing "of Alpine ski centres or of sports" in paragraph 8 by "sports federations, sports bodies, recreation bodies, Alpine ski centres, recreational activities or sports".

22. Section 55 of the Act is amended

(1) by replacing paragraph 1 by the following paragraph:

"(1) establish standards to ensure the safety and integrity of persons during the practice of a recreational activity or a sport; such standards may pertain, in particular, to behaviours that are prohibited;";

(2) by replacing paragraph 11 by the following paragraph:

"(11) prescribe the filing and processing procedures for complaints made to the recreation and sports integrity ombudsman."

23. Section 55.1 of the Act is amended

(1) by inserting "form and" after "prescribe the" in paragraph 9;

(2) by inserting ", as well as for the keeping of registers" at the end of paragraph 15.

24. Section 55.2 of the Act is amended by inserting "of recreational activities," after "classes".

25. Section 58 of the Act is amended

(1) by replacing "is guilty of an offence and is liable to a fine of $100 to $5,000" in the first paragraph by "is liable to a fine of $250 to $2,500";

(2) by replacing the introductory clause of the second paragraph by the following introductory clause: "The first paragraph does not apply in the following cases:".

26. The Act is amended by inserting the following section after section 58:

"**58.1.** Anyone who threatens or intimidates or attempts to threaten or intimidate a person or takes or attempts to take reprisals against a person because the person complies with this Act, exercises a right provided for by this Act or reports conduct that contravenes this Act commits an offence and is liable to a fine of $2,000 to $20,000 in the case of a natural person and $10,000 to $250,000 in any other case."

27. Section 59 of the Act is amended by replacing "is guilty of an offence and is liable to a fine of $200 to $10,000" by "is liable to a fine of $500 to $5,000 in the case of a natural person and $1,000 to $10,000 in any other case".

28. The Act is amended by inserting the following sections after section 59:

"**59.1.** The operator of an Alpine ski centre who contravenes a provision of this Act or the regulations is liable to a fine of $500 to $5,000 in the case of a natural person and $1,000 to $10,000 in any other case.

"**59.2.** A person who contravenes section 46.17 is liable to a fine of $250 to $2,500.

"**59.3.** Anyone who contravenes section 46.18 is liable to a fine of $500 to $5,000 in the case of a natural person and $1,000 to $10,000 in any other case."

29. Section 60 of the Act is amended

(1) by replacing "is guilty of an offence and is liable to a fine of $200 to $10,000" in the first paragraph by "is liable to a fine of $1,000 to $10,000 in the case of a natural person and $2,000 to $20,000 in any other case";

(2) by striking out the second paragraph.

30. Section 60.1 of the Act is amended

(1) by inserting ", the recreation and sports integrity ombudsman" after "Minister";

(2) by replacing "25" by "22, 25, 30.22, 30.26";

(3) by replacing "is guilty of an offence and is liable to a fine of $100 to $5,000" by "is liable to a fine of $500 to $5,000 in the case of a natural person and $1,000 to $10,000 in any other case".

31. Section 61 of the Act is amended by replacing "is guilty of an offence and is liable to a fine of $50 to $500" by "is liable to a fine of $250 to $2,500 in the case of a natural person and $500 to $5,000 in any other case".

32. Section 63 of the Act is amended by replacing "convicted therefor" by "found guilty".

33. Section 64 of the Act is amended by striking out "himself a party to the offence and".

34. The Act is amended by inserting the following section after section 64:

"**64.1.** The amounts of the fines prescribed in this chapter are doubled for a subsequent offence."

35. Section 65 of the Act is amended

(1) by replacing "one year from the date on which the investigation record relating to the offence was opened" in the first paragraph by "two years from the date on which the offence was committed";

(2) by striking out the second paragraph.

36. The Act is amended by replacing "convicted" by "found guilty" in the following provisions:

(1) subparagraph 1 of the first paragraph of section 46;

(2) subparagraph 1 of the first paragraph of section 46.1;

(3) section 46.20;

(4) section 46.21.

FINANCIAL ADMINISTRATION ACT

37. Schedule 1 to the Financial Administration Act (chapter A-6.001) is amended by inserting "Recreation and sports integrity ombudsman" in alphabetical order.

TRANSITIONAL AND FINAL PROVISIONS

38. Unless the context provides otherwise, in any Act, regulation or other document, a reference to the Act respecting safety in sports (chapter S-3.1) becomes a reference to the Act respecting safety in recreation and sports (chapiter S-3.1).

39. The recreation and sports integrity ombudsman must, not later than 7 June 2030, report to the Minister on the implementation of Chapter IV of the Act respecting safety in recreation and sports. The report may, in particular, contain recommendations to improve the complaint processing scheme.

The Minister tables the report in the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days after resumption.

40. Persons who, on the date of coming into force of Chapter IV.1 of the Act respecting safety in recreation and sports, enacted by section 16, exercise functions within a sports federation, sports body or recreation body and work with, or are regularly in contact with, minors or handicapped persons must send the federation or body a declaration concerning their judicial record to enable the federation or body to ensure that they have no judicial record relevant to their functions. The sports federation, sports body or recreation body must verify the declaration or have it verified not later than two years after the date of coming into force of Chapter IV.1 of the Act respecting safety in recreation

and sports, enacted by section 16. The provisions of Chapter IV.1 of the Act respecting safety in recreation and sports, enacted by section 16, apply to such a verification.

However, such persons who have already been the subject of a judicial record verification for their functions are presumed to have been the subject of a judicial record verification in accordance with the provisions of that chapter.

41. This Act comes into force on 7 June 2024, except

(1) section 16, insofar as it enacts Chapter IV of the Act respecting security in recreation and sports, which comes into force on 7 June 2025;

(2) section 16, insofar as it enacts Chapter IV.1 of the Act respecting security in recreation and sports, which comes into force on the date or dates to be determined by the Government.

106942

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 53
(2024, chapter 21)

An Act to enact the Act respecting protection against reprisals related to the disclosure of wrongdoings and to amend other legislative provisions

Introduced 15 February 2024
Passed in principle 10 April 2024
Passed 29 May 2024
Assented to 30 May 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act enacts the Act respecting protection against reprisals related to the disclosure of wrongdoings. The enacted Act entrusts the Public Protector with the responsibility of processing complaints relating to reprisals, in particular those related to disclosures made under the Act to facilitate the disclosure of wrongdoings relating to public bodies. It also entrusts the Public Protector with the responsibility of offering mediation. It grants the Public Protector the power to represent a complainant for the exercise of a recourse and the power to make, following an audit or an investigation conducted to determine if the complaint is well-founded, recommendations the Public Protector considers appropriate. In addition, it confers these responsibilities and powers on the Ethics Commissioner in relation to complaints involving the Public Protector. It also specifies that taking reprisals constitutes a failure that may give rise to the imposition of a disciplinary sanction, and provides for penal sanctions.

The Act provides for various amendments to the Act to facilitate the disclosure of wrongdoings relating to public bodies, in particular to grant additional powers to the Public Protector and the Commission municipale du Québec for the processing of the disclosures they receive and to confer on the Ethics Commissioner responsibility for processing disclosures involving the Public Protector. It creates the function of person in charge of ethics and integrity within public bodies and abolishes the function of officer responsible for dealing with disclosures.

The Act removes the possibility of contacting the Minister of Families to make disclosures concerning childcare centres, day care centres with subsidized childcare spaces or home educational childcare coordinating offices governed by the Educational Childcare Act so that such disclosures are under the exclusive purview of the Public Protector.

The Act amends the Public Protector Act mainly to allow the appointment of a third deputy public protector, who will be responsible for the exercise of the Public Protector's functions provided for in the Act to facilitate the disclosure of wrongdoings relating to public bodies and the Act respecting protection against reprisals related to the disclosure of wrongdoings.

Lastly, the Act grants the Conseil du trésor the power to establish ethics and public integrity policies and the power to make directives establishing the terms governing the designation of the persons in charge of ethics and integrity and specifying those persons' functions.

LEGISLATION AMENDED BY THIS ACT:

– Tax Administration Act (chapter A-6.002);

– Public Administration Act (chapter A-6.01);

– Act respecting the Autorité des marchés publics (chapter A-33.2.1);

– Act respecting the Commission municipale (chapter C-35);

– Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1);

– Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1);

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

– Public Protector Act (chapter P-32);

– Educational Childcare Act (chapter S-4.1.1);

– Act to establish the Administrative Labour Tribunal (chapter T-15.1).

LEGISLATION ENACTED BY THIS ACT:

– Act respecting protection against reprisals related to the disclosure of wrongdoings (2024, chapter 21, section 1).

REGULATION AMENDED BY THIS ACT:

– Regulation respecting the information that a school service centre's or governing board's annual report must contain (chapter I-13.3, r. 10.1).

Bill 53

AN ACT TO ENACT THE ACT RESPECTING PROTECTION AGAINST REPRISALS RELATED TO THE DISCLOSURE OF WRONGDOINGS AND TO AMEND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I

ENACTMENT OF THE ACT RESPECTING PROTECTION AGAINST REPRISALS RELATED TO THE DISCLOSURE OF WRONGDOINGS

1. The Act respecting protection against reprisals related to the disclosure of wrongdoings, the text of which appears in this Part, is enacted.

"ACT RESPECTING PROTECTION AGAINST REPRISALS RELATED TO THE DISCLOSURE OF WRONGDOINGS

"**CHAPTER I**

"INTRODUCTORY PROVISIONS

"**1.** For the purposes of this Act,

(1) "disclosure" means

(*a*) the communication of information in accordance with section 6 or the first paragraph of section 7 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1);

(*b*) the communication, by a person to the public body within which that person exercises a function, of information which could show that a wrongdoing has been committed or is about to be committed in relation to the public body; or

(*c*) the communication, by a person to any person, partnership, entity or group within which the person exercises a function, of information which could show that a wrongdoing has been committed or is about to be committed in relation to a public body and that the wrongdoing concerns that person, partnership, entity or group;

(2) "public body" has the meaning assigned by section 2 of the Act to facilitate the disclosure of wrongdoings relating to public bodies; and

(3) "wrongdoing" has the meaning assigned by section 4 of that Act.

"**2.** This Act is binding on the State.

"**CHAPTER II**

"PROTECTION AGAINST REPRISALS

"**DIVISION I**

"PROHIBITIONS

"**3.** It is prohibited to take a reprisal against a person on any of the following grounds:

(1) the person has made a disclosure;

(2) the person has cooperated in an audit or an investigation conducted for the purposes of this Act or the Act to facilitate the disclosure of wrongdoings relating to public bodies;

(3) the person has exercised a right conferred on them by this Act;

(4) the person has advised another person to make a disclosure or exercise a right conferred on the latter by this Act, has encouraged the latter to do so or has informed the latter of those possibilities; or

(5) the person has a relationship, in particular a personal or family relationship, with another person who has made a disclosure or exercised a right conferred on the latter by this Act.

It is also prohibited to threaten to take a reprisal against a person so that the person will abstain from making a disclosure, cooperating in an audit or an investigation referred to in the first paragraph, or exercising a right conferred on them by this Act.

"**4.** Reprisals within the meaning of section 3 include

(1) transferring, suspending, demoting or dismissing a person or ending a person's training, imposing on them any other disciplinary measure or measure that adversely affects their employment, conditions of employment or training, including discriminatory measures, or imposing on them any other sanction; and

(2) if the person referred to in that section is the parent of a child to whom childcare services are provided by a public body referred to in paragraph 9 of section 2 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, depriving that person or that person's child of any right, subjecting them to differential treatment or suspending or expelling that person's child.

For the purposes of this Act,

(1) "training" has the meaning assigned by section 1 of the Act to ensure the protection of trainees in the workplace (chapter P-39.3); and

(2) the person who has de facto custody of a child is considered to be a parent of the child, except if the person having parental authority objects.

"**DIVISION II**

"COMPLAINTS

"**5.** A person who believes they have been the victim of a reprisal or threats of reprisal prohibited under section 3 may file a complaint with the Public Protector within 90 days of becoming aware of the reprisal or threats.

The complaint may be filed, on behalf of and on the written consent of the complainant, by any person, body or association.

The Public Protector may, on reasonable grounds, relieve a person from failure to act within the time prescribed in the first paragraph.

"**6.** The Public Protector may refuse to process a complaint that is frivolous, vexatious or made in bad faith.

"**7.** If the Public Protector refuses to process a complaint, the Public Protector notifies the complainant of that decision and of the grounds on which it is based.

If the complaint is related to employment or training, the decision must state that it is possible for the complainant to file the complaint with the Administrative Labour Tribunal within 90 days following receipt of the decision.

"**DIVISION III**

"MEDIATION

"**8.** The Public Protector may, with the agreement of the parties, appoint a mediator to attempt to settle the complaint to their satisfaction.

"**9.** Unless the parties agree otherwise, the mediation process may not continue for more than 30 days after the date on which the mediator is appointed.

"**10.** Unless the parties to the mediation consent to it, nothing that is said or written in the course of a mediation session may be admitted as evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

Any verbal or written information collected by the mediator must remain confidential. No mediator may be compelled to disclose anything that has been revealed to them or that has come to their knowledge in the exercise of their functions, or to produce any document made or obtained in the exercise of their functions, before a court or before a person or body exercising adjudicative functions, except in penal matters, where the court considers that such proof is necessary for a full and complete defence.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to any such document.

"**DIVISION IV**

"RECOURSE

"§1. — *Roles of the Public Protector*

"**11.** If the parties refuse to enter into mediation or if no settlement is reached at the end of the mediation process, the Public Protector may represent the complainant for the exercise of any appropriate recourse before a court, including a recourse before the Administrative Labour Tribunal, in order that the subject-matter of the complaint be decided.

"**12.** On the consent of the complainant, the Public Protector refers to the Administrative Labour Tribunal, without delay, a complaint related to employment or training if the parties refuse to enter into mediation or if no settlement is reached at the end of the mediation process.

"§2. — *Recourse before the Administrative Labour Tribunal*

"**13.** This subdivision applies to the following persons:

(1) an employee within the meaning of subparagraph 10 of the first paragraph of section 1 of the Act respecting labour standards (chapter N-1.1) in accordance with section 2 of that Act; and

(2) a trainee within the meaning of section 1 of the Act to ensure the protection of trainees in the workplace in accordance with section 2 of that Act.

"**14.** A person who believes they have been the victim of a reprisal or threats of reprisal prohibited under section 3 on the part of their employer or of an agent of their employer or, in the case of a trainee, on the part of an educational

institution or professional order or of an agent of the institution or order may file a complaint with the Administrative Labour Tribunal within 90 days after the latest of the following events:

(1) the awareness of the reprisal or threats of reprisal; or

(2) the receipt of a Public Protector's decision to refuse to process the complaint.

The complaint may be filed, on behalf of and on the written consent of the complainant, by any person, body or association.

"**15.** If a person makes a disclosure, cooperates in an audit or an investigation referred to in the first paragraph of section 3 or exercises a right conferred on them by this Act and alleges that they are the victim of reprisals referred to in subparagraph 1 of the first paragraph of section 4, there is a simple presumption in their favour that the sanction was imposed on them or the measure was taken against them because of that disclosure, cooperation or exercise of a right. The burden of proving that there was good and sufficient reason to resort to the sanction or measure lies on the author of the sanction or measure.

"**16.** The president of the Administrative Labour Tribunal determines that a recourse exercised under this Act and relating to an alleged dismissal is to be heard and decided on an urgent basis if the president is of the opinion that the recourse appears, on its face, to be well-founded.

"**17.** The provisions of the Labour Code (chapter C-27) and the Act to establish the Administrative Labour Tribunal (chapter T-15.1) that are applicable to a recourse relating to the exercise by an employee of a right arising from that Code apply, with the necessary modifications, to a recourse before the Administrative Labour Tribunal provided for in this Act.

In addition to the orders it may make under those provisions, the Administrative Labour Tribunal may make any other order it considers fair and reasonable, taking into account all the circumstances of the matter, such as

(1) order the employer to pay the employee an indemnity for loss of employment; or

(2) order financing for the psychological support needed by the employee or trainee for a reasonable period of time it determines.

The Administrative Labour Tribunal may not, however, order the reinstatement of a domestic or a person whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person in the employer's dwelling.

"**DIVISION V**

"RECOMMENDATIONS

"**18.** If the parties refuse to enter into mediation or if no settlement is reached at the end of mediation, the Public Protector, with the agreement of the complainant, may conduct an audit or an investigation to determine if the complaint is well-founded and make the recommendations the Public Protector considers appropriate,

(1) in the case where the public body concerned is referred to in paragraph 9 of section 2 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, to the Minister of Families and, if warranted by the circumstances, to the board of directors of that public body or to the natural person who is the holder of a day care centre permit;

(2) in the case where the public body concerned is referred to in paragraph 9.1 of that section, to the highest ranking administrative official within that public body or, if warranted by the circumstances, to the Minister of Municipal Affairs, Regions and Land Occupancy, and, if warranted by the circumstances, to the board or council of the public body or to any local municipality having ties with the public body if the public body is not a local municipality; or

(3) in any other case, to the highest ranking administrative official within the public body concerned or, if warranted by the circumstances, to the minister responsible for that public body.

However, the Public Protector may not conduct an audit or an investigation or make recommendations if the complainant exercises or has exercised a recourse before the Administrative Labour Tribunal under this Act or a civil recourse pertaining to alleged reprisals or threats of reprisal prohibited under this Act. If the complainant exercises such a recourse after an audit or an investigation has started, the Public Protector must end the audit or the investigation.

For the purposes of this Act, the highest ranking administrative official is the official responsible for the day-to-day management of the public body, such as the deputy minister, the chair or the director general. However, the highest ranking administrative official is

(1) in the case of a public body referred to in paragraph 5 of section 2 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, the board of directors or, in the case of a school board, the council of commissioners;

(2) in the case of an institution referred to in Schedule II to the Act to make the health and social services system more effective (2023, chapter 34), the president and chief executive officer of Santé Québec.

"**19.** If, after making recommendations, the Public Protector considers that the public body has failed to take any satisfactory measure within a reasonable time, the Public Protector must so inform the minister responsible for that body in writing. If the Public Protector considers it expedient, the Public Protector may relate the case to the National Assembly in a special report or in the activity report referred to in section 28 of the Public Protector Act (chapter P-32).

"**CHAPTER III**

"SANCTIONS

"**DIVISION I**

"DISCIPLINARY SANCTIONS

"**20.** The fact that an employee takes a reprisal or makes threats of reprisal prohibited under section 3 or seeks to identify a person on the ground that the person made a disclosure or cooperated in an audit or an investigation referred to in the first paragraph of that section constitutes a failure that may give rise to the imposition, by the employer, of a disciplinary sanction, up to and including dismissal.

"**DIVISION II**

"PENAL SANCTIONS

"**21.** Anyone who contravenes the provisions of section 3 is liable to a fine of $5,000 to $30,000 in the case of a natural person and $15,000 to $250,000 in all other cases.

"**22.** Anyone who hinders or attempts to hinder the Public Protector, refuses to provide information or a document they are required to submit or refuses to make such information or such a document available, or conceals or destroys any document relevant to an audit or an investigation is liable to a fine of $5,000 to $30,000 in the case of a natural person and $15,000 to $100,000 in all other cases.

"**23.** Anyone, including a director or officer of a legal person or of an employer, who, by an act or omission, helps a person to commit an offence under this Act or who, by encouragement, advice or consent or by an authorization or order, induces another person to commit such an offence is considered to have committed the same offence.

"**24.** For a subsequent offence, the minimum and maximum fines prescribed in this Act are doubled.

"**25.** Penal proceedings for an offence under a provision of this Act are prescribed three years from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted if more than seven years have elapsed since the date of the commission of the offence.

"**CHAPTER IV**

"VARIOUS AND FINAL PROVISIONS

"**26.** The Public Protector must inform the public about the protection against reprisals provided for in this Act.

"**27.** Sections 11 and 11.1, the first and second paragraphs of section 13, sections 14, 14.1, 17.0.1 and 26.2 to 29, the first paragraph of section 29.1 and section 32 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) apply to the Public Protector, with the necessary modifications, in the framework of the functions the Public Protector exercises under this Act.

"**28.** This Act applies to the National Assembly to the extent and on the conditions determined by regulation of the Office of the National Assembly.

"**29.** Once a year, the Deputy Public Protector for Public Integrity, appointed under section 4 of the Public Protector Act (chapter P-32), prepares a report stating

(1) the number of complaints received, broken down according to the class of entity to which the complaints are related;

(2) the number of mediation processes held;

(3) the number of cases where a settlement was reached at the end of a mediation process;

(4) the number of cases where the Public Protector represents a complainant for the exercise of a recourse;

(5) the number of settlements and the number of discontinuances in connection with those recourses;

(6) the number of cases where the Public Protector made recommendations in accordance with section 17 of this Act; and

(7) the recommendations the Deputy Public Protector for Public Integrity considers appropriate.

The Public Protector includes the report in the Public Protector's activity report.

"**30.** The complaint of a person who believes they have been the victim of a reprisal or threats of reprisal prohibited under section 3 on the part of the Public Protector is processed by the Ethics Commissioner in compliance with sections 1 to 18, 22, 27 and 29, with the necessary modifications.

"**31.** The Minister who is Chair of the Conseil du trésor is responsible for the administration of this Act."

PART II

AMENDING PROVISIONS

TAX ADMINISTRATION ACT

2. Section 69.0.0.16 of the Tax Administration Act (chapter A-6.002) is amended

(1) by replacing ", to a police" by "or to a police";

(2) by striking out ", or to a body responsible for the prevention, detection or repression of crime or statutory offences, including a police force and a professional order, where the communication is necessary for the purposes of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1)".

3. Section 69.3 of the Act is amended by striking out the second paragraph.

4. Section 69.4.2 of the Act is amended by striking out "the first paragraph of".

5. Section 69.6 of the Act is amended by striking out the second and third paragraphs.

PUBLIC ADMINISTRATION ACT

6. The Public Administration Act (chapter A-6.01) is amended by inserting the following section after section 72:

"**72.1.** The Conseil du trésor may establish ethics and public integrity policies applicable to the departments and bodies of the Administration, taking into account the standards of ethics, professional conduct and discipline provided for by law."

7. Section 77 of the Act is amended by inserting the following paragraphs after paragraph 6:

"(7) support the departments and bodies of the Administration in the implementation of the ethics and public integrity policies established by the Conseil du trésor and coordinate their actions in such matters to ensure consistency;

"(8) advise the Government and the departments and bodies of the Administration in matters of ethics and public integrity;".

ACT RESPECTING THE AUTORITÉ DES MARCHÉS PUBLICS

8. Section 58 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) is amended by replacing "third and fourth" by "second and third".

9. Section 71 of the Act is amended by inserting ", the Ethics Commissioner" after "the Public Protector" in subparagraph 2 of the first paragraph.

ACT RESPECTING THE COMMISSION MUNICIPALE

10. Section 100.1 of the Act respecting the Commission municipale (chapter C-35) is amended, in the second paragraph,

(1) by striking out "and complaints" in the introductory clause;

(2) by replacing "set out in" in subparagraph 6 by "set out in the first paragraph of";

(3) by striking out subparagraphs 7 and 8;

(4) by replacing "three" in subparagraph 9 by "four".

ACT TO FACILITATE THE DISCLOSURE OF WRONGDOINGS RELATING TO PUBLIC BODIES

11. Section 1 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) is amended

(1) by striking out "and establish a general protection regime against reprisals";

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

"In addition, it aims to prevent wrongdoings, and reprisals or threats of reprisals in relation to a disclosure."

12. Section 3.1 of the Act, enacted by section 1000 of chapter 34 of the statutes of 2023, is amended

(1) by replacing the last sentence of the first paragraph by the following sentence: "Likewise, the person in charge of ethics and integrity for those institutions is the person designated within Santé Québec under section 18.";

(2) by striking out the second paragraph.

13. Section 4 of the Act is amended by adding the following paragraph at the end:

"A wrongdoing can be committed or about to be committed by, in particular, a member of the personnel, a shareholder or a director of a public body in the exercise of his or her functions, or by any other person, partnership, group or other entity in the course of the tendering or awarding process for, or the performance of, a contract of a public body, including a grant of financial assistance."

14. Section 5 of the Act is amended by replacing "made for personal purposes rather than in the public interest, such as when the subject-matter" in the first paragraph by "whose purpose is not in the public interest, such as a disclosure whose purpose".

15. The Act is amended by inserting the following section after section 5:

"**5.1.** The Public Protector must raise public awareness about the possibility of disclosing a wrongdoing in accordance with this Act, in particular by informing the public that it is possible to make a disclosure concerning a wrongdoing before it is committed."

16. Section 6 of the Act is amended

(1) by striking out the second and third sentences of the first paragraph;

(2) by striking out the second and third paragraphs;

(3) by adding the following paragraphs at the end:

"If a person wishes to make a disclosure involving the Public Protector, the person must contact the Ethics Commissioner, appointed under the Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1), to make the disclosure.

A disclosure may be made anonymously or not."

17. Section 7 of the Act is amended by striking out "and may enjoy the protection against reprisals provided for in Chapter VII" in the first paragraph.

18. Section 10 of the Act is amended by replacing subparagraph 6 of the first paragraph by the following subparagraph:

"(6) indicate the rights and recourses provided for in the Act respecting protection against reprisals related to the disclosure of wrongdoings (2024, chapter 21, section 1) and the time limits for exercising them."

19. Section 11 of the Act is amended, in the second paragraph,

(1) by striking out "referred to in section 25 of the Public Protector Act (chapter P-32)";

(2) by striking out the last sentence.

20. The Act is amended by inserting the following sections after section 11:

"**11.1.** For the conduct of an investigation under this Act, the Public Protector, the Deputy Public Protectors and the public servants and employees of the Public Protector as well as the persons designated by the Public Protector in writing for that purpose are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

The provisions of articles 282, 283 and 285 of the Code of Civil Procedure (chapter C-25.01) apply, with the necessary modifications.

"**11.2.** The Public Protector may prohibit a person from communicating any information related to an investigation to anyone except to the person's lawyer."

21. Section 12 of the Act is amended by replacing "the disclosure is made for personal purposes and not in the public interest" in subparagraph 2 of the second paragraph by "the purpose of the disclosure is not in the public interest".

22. The Act is amended by inserting the following section after section 13:

"**13.1.** The Public Protector may suspend the processing of a disclosure of a wrongdoing if the Public Protector ascertains, during an audit, that the wrongdoing is already known and that the situation is being addressed within the public body concerned; in such a case, the Public Protector so informs the highest ranking administrative official within that public body and the person who made the disclosure, if that person's identity is known.

The highest ranking administrative official within the public body must inform the Public Protector of any corrective measure taken to remedy the situation.

If the Public Protector considers that the public body has taken satisfactory measures within a reasonable time, the Public Protector puts an end to the processing of the disclosure; if the Public Protector considers that the body has failed to do so, the Public Protector takes over the processing.

Despite the suspension of the processing of the disclosure, the Public Protector sends the notices provided for in the second paragraph of section 10 to the person who made the disclosure, if that person's identity is known."

23. Section 14 of the Act is amended

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

"Likewise, if the Public Protector considers that the information disclosed to the Public Protector may be reported under section 19 of the Act respecting the National Student Ombudsman (chapter P-32.01), the Public Protector forwards the information, as soon as possible, to the competent regional student ombudsman.";

(2) in the second paragraph,

(*a*) by inserting "involves him or her or" after "disclosed to the Public Protector";

(*b*) by inserting "the Ethics Commissioner," after "soon as possible to";

(3) by adding the following sentence at the end of the third paragraph: "However, if the disclosure involves the Public Protector, he or she must put an end to its examination or processing."

24. Section 16 of the Act is amended by striking out the last sentence.

25. The Act is amended by inserting the following sections after section 16:

"**16.1.** The Public Protector may, so as to remedy the consequences of wrongdoings, avoid the recurrence of wrongdoings or prevent them from being committed, call to the attention of a chief executive officer of a public body or to the attention of the Government such legislative, regulatory or administrative reforms as the Public Protector considers to be in the public interest.

"**16.2.** The Deputy Public Protector for Public Integrity, appointed under section 4 of the Public Protector Act (chapter P-32), outlines in a report the information he or she considers appropriate concerning

(1) any situation where, after informing the minister responsible for the public body concerned, he or she considers that the public body has failed to take satisfactory measures within a reasonable time;

(2) any situation where he or she concludes that a wrongdoing has been committed; and

(3) any situation where he or she concludes that no wrongdoing has been committed, if he or she considers it in the public interest.

The information referred to in the first paragraph refers to, for example,

(1) the name of the public body concerned;

(2) an indication of the period during which the wrongdoing was committed;

(3) the recommendations that were made to the public body concerned;

(4) a description of the follow-up given to those recommendations; and

(5) any information that may help to prevent the commission of wrongdoings.

The Public Protector includes the report in the activity report referred to in section 28 of the Public Protector Act or, if the Public Protector considers it appropriate, sends the report to the National Assembly as a special report. The President of the National Assembly tables the special report before the Assembly within three days after receiving it or, if the Assembly is not sitting, within three days after resumption."

26. Section 17 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing the introductory clause by "Once a year, the Deputy Public Protector for Public Integrity prepares a report specifying";

(*b*) by replacing "in section 4" in subparagraph 5 by "in the first paragraph of section 4";

(*c*) by replacing subparagraphs 7 and 8 by the following subparagraphs:

"(7) the number of disclosures whose processing was suspended under section 13.1;

"(8) the number of disclosures referred to in subparagraph 7 whose processing was taken over by the Public Protector;

"(8.1) the number of disclosures referred to in subparagraph 7 whose processing was ended by the Public Protector;";

(*d*) by replacing "and second" in subparagraph 9 by ", second and third";

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

"The information referred to in subparagraphs 1, 2, 4, 5, 8.1 and 9 must be broken down according to the public body concerned, except for public bodies referred to in paragraph 9 or 9.1 of section 2 or those for which, in particular by reason of their size, doing so would not make it possible to preserve the confidentiality of the identity of a person who has disclosed information or cooperated in an audit or investigation conducted on the basis of a disclosure. The Public Protector must also report on whether the time limits for the processing of disclosures were complied with.

The Public Protector includes the report in his or her activity report."

27. The Act is amended by inserting the following section after section 17:

"**17.0.1.** The Public Protector may, if he or she considers it to be in the public interest, comment publicly on a report sent to the National Assembly as a special report or on an audit or an investigation conducted under this Act.

The Public Protector may also comment publicly on an audit or an investigation in progress if he or she considers it to be necessary in the public interest."

28. Section 17.1 of the Act is amended by adding the following paragraph at the end:

"The Commission municipale du Québec outlines, in a report it publishes by any means it considers appropriate, the information referred to in the first paragraph of section 16.2 that it considers appropriate."

29. Section 17.2 of the Act is amended by striking out "or to compliance with the Acts under the administration of the minister responsible for municipal affairs" in subparagraph 1 of the first paragraph.

30. The Act is amended by inserting the following chapter after section 17.2:

"**CHAPTER III.2**

"FOLLOW-UP ON DISCLOSURES BY THE ETHICS COMMISSIONER

"**17.3.** Disclosures involving the Public Protector are processed by the Ethics Commissioner in keeping with the rules provided for in sections 10 to 12, 13 to 15 and 17, with the necessary modifications.

The Ethics Commissioner outlines, in the activity report referred to in section 79 of the Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1), the information referred to in the first paragraph of section 16.2 that he or she considers appropriate."

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

"OBLIGATIONS OF CERTAIN PUBLIC BODIES".

32. Sections 18 to 20 of the Act are replaced by the following sections:

"**18.** The highest ranking administrative official within a public body must see to the establishment of measures within the body to prevent wrongdoings, and reprisals or threats of reprisals in relation to a disclosure. For that purpose, the official must designate, within the body, a person in charge of ethics and integrity.

That obligation does not apply to the highest ranking administrative official within a body referred to in paragraph 9 or 9.1 of section 2.

"**19.** The functions of the person in charge of ethics and integrity are

(1) to coordinate and implement the measures to prevent wrongdoings, and reprisals or threats of reprisals;

(2) to inform the members of the public body's personnel about the possibility of making a disclosure and the protection against reprisals provided for in the Act respecting protection against reprisals related to the disclosure of wrongdoings (2024, chapter 21, section 1); and

(3) to act as liaison officer when an audit or an investigation is conducted for the purposes of this Act and the Act respecting protection against reprisals related to the disclosure of wrongdoings."

33. Section 21 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "designated officer" by "person in charge of ethics and integrity";

(*b*) by replacing "her, including the identity of the person who made the disclosure, remains confidential" by "her remains confidential, including the identity of any person who contacts the person in charge of ethics and integrity to obtain information on the possibility of making a disclosure or on the protection against reprisals";

(2) by striking out the second paragraph.

34. Sections 22 to 25 of the Act are repealed.

35. Section 26 of the Act is amended

(1) by replacing "IV of this Act or Chapter VII.2 of the Educational Childcare Act (chapter S-4.1.1)" in the first paragraph by "III.1 of this Act";

(2) by striking out the second paragraph.

36. The Act is amended by inserting the following section after section 26:

"**26.1.** The Ethics Commissioner provides access to legal advice to any person making or wishing to make a disclosure involving the Public Protector or cooperating in an audit or investigation conducted on the basis of such a disclosure in accordance with the provisions of Chapter III.2 of this Act.

The second and third paragraphs of section 26 apply, with the necessary modifications."

37. The Act is amended by inserting the following section after the heading of Chapter VI:

"**26.2.** The Public Protector exercises in private the functions of office assigned by this Act."

38. Sections 27 to 29 of the Act are replaced by the following sections:

"**27.** No judicial proceedings may be brought against the Public Protector, the Deputy Public Protectors, the public servants and employees of the Public Protector or the persons in charge of ethics and integrity for any act performed or omitted in good faith in the exercise of their functions.

"**28.** Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be brought nor any injunction granted against the Public Protector, the Deputy Public Protectors, the public servants and employees of the Public Protector or the persons in charge of ethics and integrity in the exercise of their functions.

"**29.** A judge of the Court of Appeal may, on an application, summarily annul any decision, order or injunction made or granted contrary to section 27 or 28.

"**29.1.** Despite any Act to the contrary, no one may be compelled to make a deposition relating to information obtained in the exercise of his or her functions as Public Protector or Deputy Public Protector, as public servant or employee of the Public Protector or as person in charge of ethics and integrity, nor to produce any document containing such information.

Despite sections 9, 83 and 89 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no one has a right of access to or of correction of such information."

39. Chapter VII of the Act is amended by replacing the part preceding section 32.1 by the following sections:

"**30.** Sections 26.2 to 29.1, 32 and 33.1 apply, with the necessary modifications, to the Ethics Commissioner and to the Commission municipale du Québec with regard to investigations they conduct and other acts they perform under this Act.

"**31.** The Conseil du trésor may, by directive,

(1) establish terms governing the designation of the persons in charge of ethics and integrity; and

(2) specify the functions of the persons in charge of ethics and integrity and the terms and conditions governing the exercise of their functions.

Such a directive is binding on the public bodies concerned.

"**32.** No civil action may be taken by reason or in consequence of the publication of a report of the Public Protector produced under this Act, or the publication, made in good faith, of an extract from or summary of such a report."

40. Section 33 of the Act is amended

(1) in the first paragraph,

(*a*) by striking out "is guilty of an offence and" in the portion following subparagraph 2";

(*b*) by replacing "section 30" in subparagraph 2 by "a prohibition imposed under section 11.2";

(2) by striking out the second paragraph.

41. The Act is amended by inserting the following section after section 33:

"**33.1.** Anyone who, without being duly authorized, reveals information obtained in the exercise of his or her functions as Deputy Public Protector, as public servant or as employee of the Public Protector, is liable to a fine of $5,000 to $30,000."

42. Section 34 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "a designated officer" by "the Ethics Commissioner";

(*b*) by striking out "is guilty of an offence and";

(2) by striking out the second paragraph.

43. Section 35 of the Act is amended by replacing "section 33 or 34" by "section 33, 33.1 or 34".

44. The Act is amended by inserting the following sections after section 35:

"**35.1.** For a subsequent offence, the minimum and maximum fines prescribed in this Act are doubled.

"**35.2.** Penal proceedings for an offence under this Act are prescribed three years after the date on which the prosecutor becomes aware of the commission of the offence. However, no proceedings may be instituted if more than seven years have passed since the date of the commission of the offence."

MUNICIPAL ETHICS AND GOOD CONDUCT ACT

45. Section 36.4 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) is amended by replacing "third and fourth" by "second and third".

46. Section 36.5 of the Act is amended by inserting "or, as applicable, to the Ethics Commissioner" after "Public Protector" in subparagraph 2 of the first paragraph.

ACT RESPECTING LABOUR STANDARDS

47. Section 122 of the Act respecting labour standards (chapter N-1.1) is amended by striking out subparagraph 11 of the first paragraph.

48. Section 140 of the Act is amended by striking out ", 11" in paragraph 6.

PUBLIC PROTECTOR ACT

49. Section 4 of the Public Protector Act (chapter P-32) is amended

(1) by replacing "two" in the first paragraph by "three";

(2) by replacing "The other Deputy Public Protector" in the second paragraph by "One of the Deputy Public Protectors";

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

"One of the Deputy Public Protectors, bearing the title of Deputy Public Protector for Public Integrity, is mainly responsible for exercising the Public Protector's functions provided for in the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) and the Act respecting protection against reprisals related to the disclosure of wrongdoings (2024, chapter 21, section 1)."

50. Section 11 of the Act is amended

(1) in the first paragraph,

(*a*) by inserting ", the Act respecting protection against reprisals related to the disclosure of wrongdoings (2024, chapter 21, section 1)" after "(chapter D-11.1)" in the first paragraph;

(*b*) by striking out "which shall fix the standards according to which they shall be remunerated";

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

"Subject to the provisions of a collective agreement, the Public Protector shall determine the standards and scales of remuneration, employment benefits and other conditions of employment of the Public Protector's public servants and employees in accordance with the conditions defined by the Government."

51. Section 13 of the Act is amended by inserting "and the Act respecting protection against reprisals related to the disclosure of wrongdoings (2024, chapter 21, section 1)" after "(chapter D-11.1)" in the third paragraph.

52. Section 33 of the Act is amended by replacing "guilty of an offence and liable to a fine of $300 to $1,000" by "liable to a fine of $5,000 to $30,000".

53. The Act is amended by replacing section 33.1 by the following sections:

"**33.1.** Every person who contravenes any of the provisions of section 22 is liable to a fine of $5,000 to $30,000.

"**33.2.** For a subsequent offence, the minimum and maximum fines prescribed by this Act are doubled."

54. Section 34 of the Act is amended by replacing the second paragraph by the following paragraph:

"Despite sections 9, 83 and 89 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no one has a right of access to or of correction of such information."

55. Section 37 of the Act is amended by replacing "if, immediately before being appointed to the staff of the Public Protector" in the first paragraph by "if his appointment to the staff of the Public Protector precedes 30 May 2024 and if, immediately before that appointment".

EDUCATIONAL CHILDCARE ACT

56. Chapter VII.2 of the Educational Childcare Act (chapter S-4.1.1), comprising sections 101.21 to 101.34, is repealed.

57. Section 117.1 of the Act is repealed.

58. Section 117.2 of the Act is amended by replacing "115.1 or 117.1" by "115.1".

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

59. Schedule I to the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by adding the following paragraph at the end:

"(34) sections 12 and 14 of the Act respecting protection against reprisals related to the disclosure of wrongdoings (2024, chapter 21, section 1)."

REGULATION RESPECTING THE INFORMATION THAT A SCHOOL SERVICE CENTRE'S OR GOVERNING BOARD'S ANNUAL REPORT MUST CONTAIN

60. Section 2 of the Regulation respecting the information that a school service centre's or governing board's annual report must contain (chapter I-13.3, r. 10.1) is amended by striking out subparagraph *g* of paragraph 3.

PART III

TRANSITIONAL AND FINAL PROVISIONS

61. Disclosures that are being processed on 29 November 2024 by a person designated as officer responsible for dealing with disclosures under the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1) continue to be processed by that person in that capacity and sections 21 to 24, 27, 28, 34 and 35 of that Act as well as sections 69.0.0.16, 69.3 and 69.6 of the Tax Administration Act (chapter A-6.002), as they read on that date, continue to apply for that purpose. The procedure to facilitate the disclosure by employees of wrongdoings established under section 18 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, as it reads on that date, and the power to designate an officer responsible for dealing with disclosures provided for in that section also continue to apply for that purpose.

62. Disclosures concerning a public body referred to in paragraph 9.1 of section 2 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, whose subject-matter pertains to compliance with the Acts under the administration of the minister responsible for municipal affairs and which are being processed on 29 November 2024 by the Public Protector, continue to be processed by the Public Protector.

63. Disclosures that are being processed on 29 November 2024 by the Minister of Families continue to be processed by that Minister in accordance with Division II of Chapter VII.2 of the Educational Childcare Act (chapter S-4.1.1), as it reads on 29 November 2024.

64. Complaints referred to in section 32 of the Act to facilitate the disclosure of wrongdoings relating to public bodies which are being processed on 29 November 2024 by the Public Protector or the Commission municipale du Québec continue to be processed by the Public Protector or the Commission, as applicable, in accordance with the first three paragraphs of that section, the sections of that Act to which those paragraphs refer and section 31 of that Act, as they read on 29 November 2024.

At the complainant's discretion, such a complaint may also be processed by the Public Protector in accordance with the Act respecting protection against reprisals related to the disclosure of wrongdoings (2024, chapter 21, section 1). In that case, the Commission municipale du Québec forwards the complaint to the Public Protector; the complaint is deemed to be filed within the time prescribed in section 5 of that Act.

65. Complaints referred to in section 101.33 of the Educational Childcare Act which are being processed on 29 November 2024 by the Minister of Families continue to be processed by that Minister in accordance with sections 101.31 and 101.32, the first paragraph of section 101.33 and section 101.34 of that Act as they read on that date.

At the complainant's discretion, such a complaint may also be processed by the Public Protector in accordance with the Act respecting protection against reprisals related to the disclosure of wrongdoings, in which case the Minister of Families forwards the complaint to the Public Protector; the complaint is deemed filed within the time prescribed in section 5 of that Act.

66. Complaints filed by employees who believe they have been the victims of a practice prohibited under subparagraph 11 of the first paragraph of section 122 of the Act respecting labour standards (chapter N-1.1) as it reads on 29 November 2024 or under subparagraph 5 of the first paragraph of section 20 of the Act to ensure the protection of trainees in the workplace (chapter P-39.3), insofar as it refers to that subparagraph 11, which are being processed on 29 November 2024 by the Commission des normes, de l'équité, de la santé et de la sécurité du travail, continue to be processed by the Commission in accordance with those Acts.

67. Matters pending before the Administrative Labour Tribunal on 29 November 2024 relating to a prohibited practice referred to in subparagraph 11 of the first paragraph of section 122 of the Act respecting labour standards, as it reads on 29 November 2024, or in subparagraph 5 of the first paragraph of section 20 of the Act to ensure the protection of trainees in the workplace insofar as it refers to that subparagraph 11, are continued by that Tribunal in accordance with those Acts.

68. Section 17 of the Act respecting protection against reprisals related to the disclosure of wrongdoings applies to matters arising from a complaint referred to in section 66 and to matters referred to in section 67 of this Act.

69. Until, in accordance with section 37 of the Public Administration Act (chapter A-6.01), the Conseil du trésor makes a decision under the second paragraph of section 11 of the Public Protector Act (chapter P-32), enacted by section 50 of this Act, the scales according to which the public servants and employees of the Public Protector are remunerated, established by Order in Council 327-2023 (2023, G.O. 2, 1076, French only), continue to apply.

70. The information referred to in subparagraphs 7 and 8 of the first paragraph of section 17 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, as it reads on 29 November 2024, concerning complaints that are filed after those indicated in the Public Protector's last activity report must be indicated in the Public Protector's next activity report.

71. The information referred to in section 25 of the Act to facilitate the disclosure of wrongdoings relating to public bodies as it reads on 29 November 2024 concerning disclosures and communications that occur after those indicated in the last annual report of a public body referred to in that section must be indicated in the next annual report of that public body.

To that end, subparagraph *g* of paragraph 3 of section 2 of the Regulation respecting the information that a school service centre's or governing board's annual report must contain (chapter I-13.3, r. 10.1) as it read on 29 November 2024 continues to apply.

A public body that does not produce an annual report must use another means it considers appropriate to make that information public.

72. The information referred to in the second paragraph of section 100.1 of the Act respecting the Commission municipale (chapter C-35), as it reads on 29 November 2024, concerning complaints that are filed after those indicated in the last annual report of the Commission municipale du Québec must be indicated in its next annual report.

73. The information referred to in section 101.30 of the Educational Childcare Act, as it reads on 29 November 2024, concerning disclosures that are made after those indicated in the last annual management report of the Minister of Families must be indicated in the Minister of Families' next annual management report.

74. This Act comes into force on 30 November 2024, except

(1) section 1, insofar as it enacts subparagraph 2 of the third paragraph of section 18 of the Act respecting protection against reprisals related to the disclosure of wrongdoings, and section 12, which come into force on the later of the following dates:

(*a*) the date of coming into force of section 1000 of the Act to make the health and social services system more effective (2023, chapter 34); and

(*b*) 30 November 2024; and

(2) sections 6 and 7, section 39 insofar as it enacts section 31 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, subparagraph *b* of paragraph 1 and paragraph 2 of section 50 and sections 55 and 69, which come into force on 30 May 2024.

106949

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 57
(2024, chapter 24)

An Act to enact the Act to protect elected municipal officers and to facilitate the unhindered exercise of their functions and to amend various legislative provisions concerning municipal affairs

Introduced 10 April 2024
Passed in principle 7 May 2024
Passed 6 June 2024
Assented to 6 June 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act enacts the Act to protect elected municipal officers and to facilitate the unhindered exercise of their functions, which introduces the possibility for an elected municipal officer who, due to being an elected officer, is the subject of comments or actions that abusively hinder the exercise of their functions or constitute an unlawful infringement of their privacy, to apply to the Superior Court for an injunction to put an end to the situation. The new Act makes anyone who hinders the exercise of an elected officer's functions by threatening, intimidating or harassing the officer in a manner that causes them to reasonably fear for their integrity or safety liable to a fine. It also makes anyone who causes disorder in a way that abusively interferes with the conduct of a sitting of a council of a municipal body liable to a fine. The legal action provided for by the enacted Act may be taken by the elected officer concerned or by a municipal body.

The Act allows a Member of the National Assembly who, due to being an elected officer, is the subject of comments or actions that abusively hinder the exercise of their functions or that constitute an unlawful infringement of their privacy to apply to the Superior Court for an injunction to put an end to the situation, and sets out the conditions on which the Member is entitled to reimbursement of the expenses incurred in such a case. The Act also makes anyone who intimidates or harasses a Member liable to a fine.

Furthermore, the Act allows elected municipal officers to refuse to allow their address and other personal information entered on a list of electors or on other electoral documents to be communicated. The Act also establishes that the address and, in certain cases, other personal information of a candidate in a provincial or municipal election or of a Member of the National Assembly, where the address and other personal information are entered on, among other things, a list of electors or other electoral documents, are confidential information.

As concerns municipal affairs, the Act broadens admissibility for mobile voting, allows voting at the office of the returning officer and establishes new ways to make applications to a board of revisors of the municipal list of electors. The Act amends the criteria to be met to be an elector and to be a qualified voter as well as those

applicable to eligibility for office as a member of the council of a local municipality. The Act also provides that a person is disqualified from holding office as a member of the council of a local municipality if they are the director general, clerk or treasurer of the regional county municipality whose territory includes that of the municipality concerned or of another local municipality included in the territory of the same urban agglomeration or of the same regional county municipality.

The Act allows another person to act as the returning officer in local municipalities where the clerk-treasurer also holds the office of director general. The Act makes adjustments to certain rules concerning the financial reports of municipal political parties, and provides that an extract of the permanent list of electors is to be sent annually to authorized parties.

The minister responsible for municipal affairs is granted the power to postpone or suspend a municipal election where the safety of persons or property is threatened or where an unforeseeable event seriously hinders the orderly conduct of the election.

The Act imposes on intermunicipal management boards the obligation to adopt a code of ethics and conduct for their employees, and requires every municipality and metropolitan community to adopt standards with respect to maintaining order, respect and civility during council sittings. It allows a municipality to prescribe measures to give precedence, during question period at sittings of the council, to questions put by persons who reside in the territory of the municipality or who are owners of immovables or occupants of business establishments situated in that territory.

The Act provides that the Commission municipale du Québec may cause a decision it has made to impose a financial penalty on a member of a municipal council under the Municipal Ethics and Good Conduct Act to be executed.

The Act allows the minister responsible for municipal affairs to designate a person to advise a municipality in the preparation and conduct of sittings of its council and in its relations with citizens. It also allows the minister to determine the training that elected municipal officers must undergo on their role and on the municipal system, and introduces the possibility for the Commission municipale du Québec to suspend an elected municipal officer who fails to participate in such training.

The Act allows a member of the council of a municipal body to participate remotely in a sitting of the council on certain conditions. It also provides that an elected officer who must be absent from council sittings for a period of more than 90 consecutive days may request the council or the Commission municipale du Québec, as applicable, to grant the officer a new period during which the officer may be absent.

The Act allows a municipality having a population of under 2,000 to reduce the number of its councillors from six to four. Moreover, it imposes the transmission of a notice to the minister responsible for municipal affairs where there is a vacancy on the council, and provides for the transmission, after each election, of a statement regarding the composition of the council.

The Act extends to four years the term of office of a warden elected by co-optation, while allowing a regional county municipality to limit such a term to two years. The Act specifies that a municipality has the duty to offer assistance to elected municipal officers and municipal employees who are summoned to appear at an inquiry or a pre-inquiry.

The Act allows a mayor of a municipality having a population of between 50,000 and 99,999 or a councillor of such a municipality, designated by a political party other than the party of the mayor, to appoint a chief of staff and any other staff members necessary for the orderly administration of the mayor's or councillor's office. It provides that the mayor of a municipality having a population of 50,000 or more may request the municipal council to designate another member to act as council chair. It also provides that a local municipality continues to be subject to the legal provisions that apply to municipalities having a population of 100,000 or more even if its population falls below that threshold.

The Act updates the process whereby municipalities sell immovables at public auction for failure to pay property taxes, in particular by allowing remote bidding. It provides that dams owned by the State or under its administration or management are not to be entered on the property assessment roll.

The Act grants local municipalities the power to adopt a differentiated zoning by-law. The Act allows such municipalities to require, under an agreement concerning incentive zoning, payment of a sum of money intended for the implementation of an affordable,

social or family housing program. It amends the penal sanctions that may be imposed for the felling of trees in contravention of a municipal by-law.

The Act provides that a municipal body's by-law on contract management must also include measures to promote Québec or otherwise Canadian goods and services as well as suppliers, insurers and contractors having an establishment in Québec or elsewhere in Canada, and increases the ceiling applicable to the amounts that a municipality may pay into its financial reserves.

The Act confers on the minister responsible for natural resources the power to transfer gratuitously lands in the domain of the State for educational purposes, for the provision of health services and social services or for uses that are incidental to those uses and, where the assignee is a municipality, for purposes of urban development.

The Act establishes that, for the purposes of any Act other than the Act to amend mainly the Education Act with regard to school organization and governance, a commissioner of an English-language school board, a council of commissioners of an English-language school board and an English-language school board are deemed to be, respectively, a member of the board of directors of a school service centre, a board of directors of a school service centre and a school service centre.

Lastly, the Act includes miscellaneous, transitional and final provisions.

LEGISLATION ENACTED BY THIS ACT:

– Act to protect elected municipal officers and to facilitate the unhindered exercise of their functions (2024, chapter 25, section 1).

LEGISLATION AMENDED BY THIS ACT:

– Act respecting land use planning and development (chapter A-19.1);

– Act respecting the National Assembly (chapter A-23.1);

– Charter of Ville de Gatineau (chapter C-11.1);

– Charter of Ville de Longueuil (chapter C-11.3);

– Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);

– Charter of Ville de Québec, national capital of Québec (chapter C-11.5);

– Cities and Towns Act (chapter C-19);

– Municipal Code of Québec (chapter C-27.1);

– Act respecting the Commission municipale (chapter C-35);

– Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);

– Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);

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

– Election Act (chapter E-3.3);

– Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1);

– Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1);

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

– Act establishing the Eeyou Istchee James Bay Regional Government (chapter G-1.04);

– Education Act (chapter I-13.3);

– Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1);

– Act respecting municipal territorial organization (chapter O-9);

– Police Act (chapter P-13.1);

– Act respecting the Société du Centre des congrès de Québec (chapter S-14.001);

– Act respecting the Société du Palais des congrès de Montréal (chapter S-14.1);

– Act respecting public transit authorities (chapter S-30.01);

– Act respecting the lands in the domain of the State (chapter T-8.1);

– Act to make the health and social services system more effective (2023, chapter 34);

– Act to amend various legislative provisions with respect to housing (2024, chapter 2).

Bill 57

AN ACT TO ENACT THE ACT TO PROTECT ELECTED MUNICIPAL OFFICERS AND TO FACILITATE THE UNHINDERED EXERCISE OF THEIR FUNCTIONS AND TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ENACTMENT OF THE ACT TO PROTECT ELECTED MUNICIPAL OFFICERS AND TO FACILITATE THE UNHINDERED EXERCISE OF THEIR FUNCTIONS

1. The Act to protect elected municipal officers and to facilitate the unhindered exercise of their functions, the text of which appears in this chapter, is enacted.

"ACT TO PROTECT ELECTED MUNICIPAL OFFICERS AND TO FACILITATE THE UNHINDERED EXERCISE OF THEIR FUNCTIONS

"**1.** The purpose of this Act is to promote the role of elected municipal officers, to encourage candidates to run in municipal elections and to improve the retention of elected municipal officers already in office by facilitating exercise of the functions of elected office within Québec municipal institutions that is unhindered and free from threats, harassment and intimidation, without restricting the right of any person to participate in public debates.

"**2.** For the purposes of this Act,

(1) "**elected municipal officer**" means a member of the council of a local municipality or a warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9);

(2) "**municipal body**" means a local municipality, a regional county municipality, a metropolitan community, a public transit authority, an intermunicipal board, the Kativik Regional Government or the Eeyou Istchee James Bay Regional Government.

"**3.** An elected municipal officer who, due to being an elected officer, is the subject of comments and actions that abusively hinder the exercise of their functions or that constitute an unlawful infringement of their privacy, may apply to the Superior Court for an injunction to put an end to the situation.

The Court assesses the application taking into account the public interest. It may, in particular, order a person

(1) to not attend the sittings of any council of a municipal body of which the elected officer is a member;

(2) to not be in the offices of any municipal body referred to in subparagraph 1 without having been authorized to do so by the council of that body;

(3) to cease communicating with the elected officer; or

(4) to cease disseminating in the public sphere comments referred to in the first paragraph.

An application is heard and decided on an urgent basis.

For the purposes of the first paragraph, expressing an opinion, by any means, in a manner that is in keeping with the democratic values of Québec does not constitute a hindrance.

"**4.** Anyone who, during a sitting of any council of a municipal body, causes disorder in a way that abusively interferes with the conduct of the sitting is liable to a fine of not less than $50 nor more than $500.

"**5.** Anyone who hinders the exercise of an elected municipal officer's functions by threatening, intimidating or harassing the officer in a manner that causes them to reasonably fear for their integrity or safety is liable to a fine of not less than $500 nor more than $1,500.

"**6.** Legal action referred to in section 3 may be taken by a local municipality for the benefit of a member of its council or by a regional county municipality for the benefit of its warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization.

Where the member or warden takes such legal action themselves or through an attorney of their choice, the municipality referred to in the first paragraph must pay any reasonable costs incurred for the action or, with the consent of the member or warden, reimburse those costs to them instead of paying the costs. However, if the Superior Court does not grant an injunction and the municipality is of the opinion that the legal action was taken without reasonable cause, the municipality is exempt from that obligation and may, where applicable, claim reimbursement of the expenses it incurred.

"**7.** A local municipality may institute penal proceedings for an offence under section 4 or 5 that was committed in its territory.

The fine belongs to the municipality that instituted the proceedings.

Proceedings referred to in the first paragraph are instituted in any municipal court having jurisdiction in the territory in which the offence was committed. The costs relating to proceedings instituted before a municipal court belong to the municipality to which the court is attached, except the part of the costs remitted to another prosecuting party by the collector under article 345.2 of the Code of Penal Procedure (chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of that Code.

"**8.** No injunction may be applied for under section 3 against an elected municipal officer regarding words or actions directed at another member of the municipal council of which the elected officer is a member.

No penal proceedings may be instituted against an elected municipal officer under section 4 regarding an act performed during a sitting of the council of which the elected officer is a member, or under section 5 regarding an act directed at another member of the municipal council of which the elected officer is a member.

"**9.** The Minister of Municipal Affairs, Regions and Land Occupancy is responsible for the administration of this Act."

CHAPTER II

AMENDING PROVISIONS

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

2. Section 110.10.1 of the Act respecting land use planning and development (chapter A-19.1) is amended by replacing "or incentive zoning by-law" in the first paragraph by ", incentive zoning by-law or differentiated zoning by-law".

3. Section 120 of the Act is amended by replacing "with the by-law adopted under section 116 and with the by-law adopted under section 145.21" in subparagraph 1 of the first paragraph by "with the by-law adopted under section 116, 145.21 or 145.35.5".

4. Section 123 of the Act is amended by inserting "or the differentiated zoning by-law" after "the incentive zoning by-law" in subparagraph 2 of the fourth paragraph.

5. Section 145.35.2 of the Act is amended by inserting the following subparagraph after subparagraph *a* of subparagraph 1 of the second paragraph:

"(*a*.1) pay the municipality a sum of money intended for the implementation of an affordable, social or family housing program, or transfer, in favour of the municipality, an immovable intended to be used for those purposes,".

6. The Act is amended by inserting the following division after section 145.35.4:

"**DIVISION X.2**

"DIFFERENTIATED ZONING

"**145.35.5.** Every municipality may adopt a differentiated zoning by-law to promote the construction of affordable or social housing.

"**145.35.6.** The by-law may contain any standard that complies with section 113, excluding a standard relating to uses, and that is intended to apply in replacement of a standard contained in the zoning by-law.

A replacement standard applies to a project where the following conditions are met:

(1) the applicant for the building permit or certificate of authorization indicates to the municipality that the applicant wishes to be subject to the replacement standards; and

(2) the project consists mainly of the construction of affordable or social housing units, in accordance with the requirements prescribed for that purpose in the by-law.

"**145.35.7.** The by-law must prescribe standards to ensure the social nature or affordability of the housing for the time it determines.

The by-law may provide that an offence under any of its provisions is punishable by a fine of which it prescribes the minimum and maximum amounts, provided the maximum does not exceed $10,000.

The by-law may prescribe separate minimum and maximum amounts for a second or subsequent offence or for cases where the offender is not a natural person."

7. Section 188 of the Act is amended by inserting "and subject to the third paragraph of article 4 of that Code" after "(chapter C-27.1)" in the second paragraph.

8. Section 233.1 of the Act is amended by replacing "under section 79.3 or either of subparagraphs 12 or 12.1" and "2,500" in the introductory clause of the first paragraph by "under subparagraph 12" and "500", respectively.

9. The Act is amended by inserting the following section after section 233.1:

"**233.1.0.1.** The minimum fine for felling trees in contravention of a regulatory provision adopted under section 79.3 or subparagraph 12.1 of the second paragraph of section 113 is $500 plus,

(1) for felling trees on 1,000 m^2 or less of land, an amount varying from $100 to $2,500; or

(2) for felling trees on more than 1,000 m^2 of land, an amount varying from $5,000 to $15,000 per hectare deforested or, proportionately, per fraction of a hectare; where at least half of the forest cover has been felled, the maximum amount is increased to $30,000.

The amounts specified in the first paragraph are doubled for a second or subsequent offence."

10. Section 264.0.9 of the Act is amended by replacing "or incentive zoning by-law" in the second paragraph by ", incentive zoning by-law or differentiated zoning by-law".

ACT RESPECTING THE NATIONAL ASSEMBLY

11. Section 55 of the Act respecting the National Assembly (chapter A-23.1) is amended

(1) by replacing "parliamentary duties or" in paragraph 7 by "duties or";

(2) by inserting "intimidating, harassing or" at the beginning of paragraph 8;

12. The Act is amended by inserting the following section after section 56:

"**56.1.** A Member who, due to being an elected officer, is the subject of comments or actions from a person other than a Member that abusively hinder the exercise of their functions or that constitute an unlawful infringement of their privacy may apply to the Superior Court for an injunction to put an end to the situation.

The Court assesses the application taking into account the public interest. It may, in particular, order a person

(1) to not be in the Member's electoral division office;

(2) to not be in the offices of the staff of a member of the Conseil exécutif;

(3) to cease communicating with the Member; or

(4) to cease disseminating in the public sphere comments referred to in the first paragraph.

An application shall be heard and decided on an urgent basis.

For the purposes of the first paragraph, expressing an opinion, by any means, in a manner that is in keeping with the democratic values of Québec does not constitute a hindrance.

A copy of the application must be notified to the President."

13. Section 85.1 of the Act is amended

(1) by inserting "or where the Member takes the legal action provided for in section 56.1" at the end of the second paragraph;

(2) by adding the following sentence at the end of the third paragraph: "It may also refuse to reimburse the costs incurred in connection with the legal action taken under section 56.1 but only if the Superior Court refused to grant an injunction and the jurisconsult is of the opinion that the legal action was taken without reasonable cause."

CHARTER OF VILLE DE GATINEAU

14. Section 18 of Schedule B to the Charter of Ville de Gatineau (chapter C-11.1) is repealed.

CHARTER OF VILLE DE LONGUEUIL

15. Section 72 of the Charter of Ville de Longueuil (chapter C-11.3) is amended by inserting ", X.2" after "X.1" in the first paragraph.

16. Section 39 of Schedule C to the Charter is repealed.

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

17. Section 131 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended by inserting ", X.2" after "X.1" in the first paragraph.

18. Section 144.7 of the Charter is amended by replacing "June" in the first paragraph by "September".

19. Section 223 of Schedule C to the Charter is amended by inserting "educational, social, community, environmental, scientific," after "organize" in the first paragraph.

20. Schedule D to the Charter is amended by adding the following at the end:

"— Maison Nivard-De Saint-Dizier."

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

21. Section 115 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended by inserting ", X.2" after "X.1" in the first paragraph.

22. Schedule C to the Charter is amended by inserting the following section after section 125:

"**126.** A person who demolishes an immovable or has it demolished without the Commission's authorization or in contravention of the conditions of the authorization is liable to a fine of not less than $10,000 and not more than $250,000."

CITIES AND TOWNS ACT

23. The Cities and Towns Act (chapter C-19) is amended by inserting the following section after section 6:

"**6.1.** The provisions of this Act or of another Act, except those of the Act respecting elections and referendums in municipalities (chapter E-2.2), that apply only to municipalities having a population of 100,000 or more continue to apply to a municipality whose population falls below that threshold.

Despite the first paragraph, a municipality ceases to be subject to the provisions that are applicable to it under the first paragraph when its population is both decreasing and below 100,000 inhabitants for five consecutive years. In such a case, the municipality must notify the Minister and the Minister of Public Security.

A municipality that, under the second paragraph, is no longer subject to those provisions becomes subject to them again if its population is again 100,000 inhabitants or more."

24. Section 105.2 of the Act is amended by replacing "15 May" in the first paragraph by "30 June".

25. Section 105.2.2 of the Act is amended by replacing "June" in the first paragraph by "September".

26. Section 114.4 of the Act is amended by replacing "100,000" in the first paragraph by "50,000".

27. Section 322 of the Act is amended by adding the following sentence at the end of the third paragraph: "It may also, by by-law, prescribe measures to give precedence to questions put by persons who reside in the territory of the municipality or who are the owners of an immovable or the occupants of a business establishment situated in that territory."

28. Section 328 is amended

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

"Despite the first paragraph, the council of a municipality with a population of 50,000 or more must, if the mayor so requests, choose from among its members a chair of the council as well as a vice-chair to replace the chair if the latter is absent. In the absence of the chair and the vice-chair, the council shall choose another of its members to preside.";

(2) by replacing "fourth" in the third and fifth paragraphs by "fifth".

29. Section 331 of the Act is replaced by the following section:

"**331.** The council must adopt internal management by-laws that include standards with respect to maintaining order, respect and civility during its sittings."

30. The Act is amended by inserting the following section after section 332:

"**332.1.** A member of the council of a municipality who so wishes may participate remotely in a sitting of the council by a means allowing all persons who participate in or attend the sitting to see and hear each other in real time, in the following cases:

(1) during a special sitting;

(2) because of a reason related to the member's safety or health, or the safety or health of a close relation, and, if a health reason is invoked, for a maximum of three regular sittings per year or, where applicable, for the duration indicated in a medical certificate attesting that remote participation by the member is necessary;

(3) because of a deficiency causing a significant and persistent disability that constitutes a barrier to the member's participation in person in council sittings; or

(4) because of the member's pregnancy or the birth or adoption of the member's child, in which case remote participation shall not exceed the following number of consecutive weeks:

(*a*) 50, if the member was not absent due to pregnancy or the birth or adoption of the member's child in accordance with section 317 of the Act respecting elections and referendums in municipalities (chapter E-2.2); or

(*b*) the number obtained by subtracting 50 from the number of weeks the member was absent for a reason referred to in subparagraph *a*.

Remote participation is allowed only if the member participates in the sitting from a location situated in Québec or in a bordering province.

The minutes of the sitting must mention the name of any council member who participated in the sitting remotely.

If a majority of the council members participate in a sitting remotely, the municipality must make a video recording of the sitting and make it available to the public, on the municipality's website or on any other website it designates by resolution, from the working day following the day on which the sitting ended."

31. The Act is amended by inserting the following section after section 468.27:

"**468.27.1.** The board of directors must adopt a code of ethics and conduct applicable to the officers and employees of the management board. Section 16.1 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) applies, with the necessary modifications, to that code."

32. The Act is amended by inserting the following section after section 468.28:

"**468.28.1.** A member who so wishes may participate remotely in a meeting by a means allowing all persons who participate in or attend the meeting to see and hear each other in real time.

Remote participation is allowed only if the member participates in the meeting from a location situated in Québec or in a bordering province.

The minutes of the meeting must mention the name of any member who participated in the meeting remotely.

If a majority of the members participate remotely in a meeting, the management board must make a video recording of the meeting and make it available to the public from the working day following the day on which the meeting ended.

Despite the first paragraph, a member must participate in person in the meeting during which the budget of the management board is drawn up. However, a member's remote participation in that meeting is allowed in the following cases:

(1) for a reason related to the member's safety or health, or the safety or health of a close relation, provided that, where a health reason is invoked, a medical certificate attests that the member's remote participation is necessary;

(2) because of a deficiency causing a significant and persistent disability that constitutes a barrier to the member's participation in person in the meeting; or

(3) because of the member's pregnancy or the birth or adoption of the member's child."

33. Section 468.45.5 of the Act is amended, in the first paragraph,

(1) by replacing "30" in subparagraph 1 by "50";

(2) by replacing "15" in subparagraph 2 by "30".

34. Section 509 of the Act is amended by striking out the third paragraph.

35. Section 512 of the Act is amended by adding the following paragraphs at the end:

"The council may prescribe the payment period to be granted to the purchaser of an immovable. In such a case, the council shall prescribe the manner in which the immovable is to be put up for sale again should payment not be made within the allotted period.

If the council grants a payment period, it may also provide that the bids are to be made remotely instead of being made in a physical place."

36. The Act is amended by inserting the following section after section 512:

"**512.1.** The council may prescribe that, should the highest bidder fail to pay the amount of his purchase money within the applicable period, the second highest bidder shall be substituted for him as the purchaser, instead of the immovable being put up for sale again.

The council's decision must also prescribe the terms of such an adjudication, in particular the manner in which the immovable is to be put up for sale again should the second highest bidder be in default of payment within the applicable period."

37. Section 513 of the Act is amended by adding the following paragraph at the end:

"The notice must mention any decision made under the second or third paragraph of section 512 or under section 512.1. If bids are made remotely, the notice must state how and when bids will be received and specify the closing date."

38. Section 517 of the Act is amended by striking out the last sentence.

39. Section 519 of the Act is amended by inserting the following at the beginning of the first paragraph: "Subject to a payment period prescribed under the second paragraph of section 512,".

40. The Act is amended by inserting the following section after section 534:

"**534.1.** The purchaser may compel the owner, or the person who redeems the immovable in the name of the owner, to indemnify him for all necessary repairs and improvements made by him on the immovable so redeemed, even if they are then non-existent, with interest on the whole at the rate of 10% per annum, a fraction of the year being counted as a year.

The purchaser may retain possession of the immovable redeemed until payment of such claim."

41. Section 535 of the Act is repealed.

42. Section 536 of the Act is amended by striking out the second paragraph.

43. Section 569.5 of the Act is amended, in the first paragraph,

(1) by replacing "30" in subparagraph 1 by "50";

(2) by replacing "15" in subparagraph 2 by "30".

44. Section 573.3.1.2 of the Act is amended, in the third paragraph,

(1) by inserting the following subparagraph after subparagraph 6:

"(6.1) measures to promote Québec or otherwise Canadian goods and services as well as suppliers, insurers and contractors having an establishment in Québec or elsewhere in Canada for the making of any contract that involves an expenditure below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573; and";

(2) by replacing "that may be made by agreement under the rules adopted under the fourth paragraph and that involve an expenditure of at least $25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573" in subparagraph 7 by "that involve an expenditure of at least $25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573, to the extent that those contracts may be made by agreement under the rules adopted under the fourth paragraph or are covered by a measure taken under subparagraph 6.1".

45. Section 604.6 of the Act is amended

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

"(4) offer assistance to a person who is summoned to appear at an inquiry or a pre-inquiry in connection with his functions as a member of the council or as an officer or employee of the municipality or of a mandatary body of the municipality.";

(2) by inserting "or where he obtains assistance from the attorney of his choice" after "representation" in the second paragraph.

46. Section 604.7 of the Act is amended by replacing "relating to the person's defence or representation assumed by the person himself or by an attorney of his choice" in the second paragraph by "incurred under the second paragraph of section 604.6".

MUNICIPAL CODE OF QUÉBEC

47. Article 4 of the Municipal Code of Québec (chapter C-27.1) is amended by adding the following paragraph at the end:

"This article also applies for the purposes of the exercise by a regional county municipality of a function set out in Title XXV on behalf of a municipality governed by the Cities and Towns Act, under an agreement made in accordance with article 569 or 569.0.1 or under article 678.0.1."

48. Article 149.1 of the Code is amended by replacing "paragraph 2 of article 491" in the first paragraph by "article 159.1".

49. Article 150 of the Code is amended by adding the following sentence at the end of the second paragraph: "It may also, by by-law, prescribe measures to give precedence to questions put by persons who reside in the territory of the municipality, or who are the owners of an immovable or the occupants of a business establishment situated in that territory."

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

"**159.1.** The council must adopt internal management by-laws that include standards with respect to maintaining order, respect and civility during its sittings."

51. Article 164.1 of the Code is replaced by the following article:

"**164.1.** A member of the council of a municipality who so wishes may participate remotely in a sitting of the council by a means allowing all persons who participate in or attend the sitting to see and hear each other in real time, in the following cases:

(1) during a special sitting;

(2) because of a reason related to the member's safety or health, or the safety or health of a close relation, and, if a health reason is invoked, for a maximum of three regular sittings per year or, where applicable, for the duration indicated in a medical certificate attesting that remote participation by the member is necessary;

(3) because of a deficiency causing a significant and persistent disability that constitutes a barrier to the member's participation in person in council sittings;

(4) because of the member's pregnancy or the birth or adoption of the member's child, in which case remote participation shall not exceed the following number of consecutive weeks:

(*a*) 50, if the member was not absent due to pregnancy or the birth or adoption of the member's child in accordance with section 317 of the Act respecting elections and referendums in municipalities (chapter E-2.2); or

(*b*) the number obtained by subtracting 50 from the number of weeks the member was absent for a reason referred to in subparagraph *a*;

(5) during a sitting of the council of Municipalité régionale de comté de Caniapiscau, Municipalité régionale de comté de Minganie or Municipalité régionale de comté du Golfe-du-Saint-Laurent; or

(6) the member is the representative of Municipalité de Rapides-des-Joachims, Paroisse de Notre-Dame-des-Sept-Douleurs or Paroisse de Saint-Antoine-de-l'Isle-aux-Grues on the council of the regional county municipality to which the member belongs and the member participates in a sitting of the council of that regional county municipality.

Remote participation is allowed only if the member participates in the sitting from a location situated in Québec or in a bordering province.

The minutes of the sitting must mention the name of any council member who participated in the sitting remotely.

If a majority of the council members participate in a sitting remotely, the municipality must make a video recording of the sitting and make it available to the public, on the municipality's website or on any other website it designates by resolution, from the working day following the day on which the sitting ended."

52. Article 176.2 of the Code is amended by replacing "15 May" in the first paragraph by "30 June".

53. Article 176.2.2 of the Code is amended by replacing "June" in the first paragraph by "September".

54. Article 491 of the Code is amended by striking out paragraph 2.

55. The Code is amended by inserting the following article after article 596:

"**596.1.** The board of directors must adopt a code of ethics and conduct applicable to the officers and employees of the management board. Section 16.1 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) applies, with the necessary modifications, to that code."

56. The Code is amended by inserting the following article after article 597:

"**597.1.** A member who so wishes may participate remotely in a meeting by a means allowing all persons who participate in or attend the meeting to see and hear each other in real time.

Remote participation is allowed only if the member participates in the meeting from a location situated in Québec or in a bordering province.

The minutes of the meeting must mention the name of any member who participated in the meeting remotely.

If a majority of the members participate in a meeting remotely, the management board must make a video recording of the meeting and make it available to the public from the working day following the day on which the meeting ended.

Despite the first paragraph, a member must participate in person in the meeting during which the budget of the management board is drawn up. However, a member's remote participation in that meeting is allowed in the following cases:

(1) for a reason related to the member's safety or health, or the safety or health of a close relation, provided that, where a health reason is invoked, a medical certificate attests that the member's remote participation is necessary;

(2) because of a deficiency causing a significant and persistent disability that constitutes a barrier to the member's participation in person in the meeting; or

(3) because of the member's pregnancy or the birth or adoption of the member's child."

57. Article 614.5 of the Code is amended, in the first paragraph,

(1) by replacing "30" in subparagraph 1 by "50";

(2) by replacing "15" in subparagraph 2 by "30".

58. Article 711.19.1 of the Code is amended

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

"(4) offer assistance to a person who is summoned to appear at an inquiry or a pre-inquiry in connection with his functions as a member of the council or as an officer or employee of the municipality or of a mandatary body of the municipality.";

(2) by inserting "or where he obtains assistance from the attorney of his choice" after "representation" in the second paragraph.

59. Article 711.19.2 of the Code is amended by replacing "relating to the person's defence or representation assumed by the person himself or by an attorney of his choice" in the second paragraph by "incurred under the second paragraph of article 711.19.1".

60. Article 938.1.2 of the Code is amended, in the third paragraph,

(1) by inserting the following subparagraph after subparagraph 6:

"(6.1) measures to promote Québec or otherwise Canadian goods and services as well as suppliers, insurers and contractors having an establishment in Québec or elsewhere in Canada for the making of any contract that involves an expenditure below the expenditure threshold for a contract that may be awarded only after a public call for tenders under article 935; and";

(2) by replacing "that may be made by agreement under the rules adopted under the fourth paragraph and that involve an expenditure of at least $25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under article 935" in subparagraph 7 by "that involve an expenditure of at least $25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under article 935, to the extent that those contracts may be made by agreement under the rules adopted under the fourth paragraph or are covered by a measure taken under subparagraph 6.1".

61. Article 1026 of the Code is amended by inserting "or time" after "other date" in the fourth paragraph.

62. The Code is amended by inserting the following articles after article 1026:

"**1026.1.** The council of the regional county municipality may prescribe the payment period to be granted to the purchaser of an immovable. In such a case, the council shall prescribe the manner in which the immovable is to be put up for sale again should payment not be made within the allotted period.

If the council grants a payment period, it may also prescribe that the bids are to be made remotely instead of being made in a physical place.

"**1026.2.** The council of the regional county municipality may prescribe that, should the highest bidder fail to pay the amount of his purchase money within the applicable period, the second highest bidder shall be substituted for him as the purchaser, instead of the immovable being put up for sale again.

The council's decision must also prescribe the terms of such an adjudication, including the manner in which the immovable is to be put up for sale again should the second highest bidder be in default of payment within the applicable period.

"**1026.3.** The notice provided for in the second paragraph of article 1026 must mention any decision made under article 1026.1 or 1026.2. If bids are made remotely, the notice must state how and when bids will be received and specify the closing date."

63. Article 1033 of the Code is repealed.

64. Article 1034 of the Code is amended by inserting the following at the beginning of the first paragraph: "Subject to a payment period prescribed under article 1026.1,".

65. Article 1036 of the Code is amended by inserting "or structures" after "timber" in the third paragraph.

66. Article 1038 of the Code is amended by striking out the second paragraph.

67. Article 1044 of the Code is amended by replacing "all municipal taxes" in the first paragraph by "the municipal and school taxes".

68. Article 1057 of the Code is amended by replacing "The owner of any immovable sold under Chapter I of this Title (articles 1022 to 1056) may, within the year following the date of the adjudication, redeem the same" by "An immovable sold for taxes may be redeemed by the owner or his legal representatives, at any time within the year following the date of the adjudication".

69. Article 1094.5 of the Code is amended, in the first paragraph,

(1) by replacing "30" in subparagraph 1 by "50";

(2) by replacing "15" in subparagraph 2 by "30".

ACT RESPECTING THE COMMISSION MUNICIPALE

70. Section 19 of the Act respecting the Commission municipale (chapter C-35) is amended by inserting ", 32" after "22".

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

71. Section 28 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended by adding the following paragraph at the end:

"The council must adopt standards with respect to maintaining order, respect and civility during its sittings."

72. The Act is amended by inserting the following section after section 28:

"**28.0.1.** Section 332.1 of the Cities and Towns Act (chapter C-19) applies, with the necessary modifications, to remote participation in a sitting of the council of the Community."

73. Section 113.2 of the Act is amended, in the third paragraph,

(1) by inserting the following subparagraph after subparagraph 6:

"(6.1) measures to promote Québec or otherwise Canadian goods and services as well as suppliers, insurers and contractors having an establishment in Québec or elsewhere in Canada for the making of any contract that involves an expenditure below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 108; and";

(2) by replacing "that may be made by agreement under the rules adopted under the fourth paragraph and that involve an expenditure of at least $25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 108" in subparagraph 7 by "that involve an expenditure of at least $25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 108, to the extent that those contracts may be made by agreement under the rules adopted under the fourth paragraph or are covered by a measure taken under subparagraph 6.1".

74. Section 194 of the Act is amended, in the first paragraph,

(1) by replacing "30" in subparagraph 1 by "50";

(2) by replacing "15" in subparagraph 2 by "30".

75. Section 209 of the Act is amended by replacing "15 May" in the first paragraph by "30 June".

76. Section 210.1 of the Act is amended by replacing "June" in the first paragraph by "September".

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

77. Section 20 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is amended by adding the following paragraph at the end:

"The council must adopt standards with respect to maintaining order, respect and civility during its sittings."

78. The Act is amended by inserting the following section after section 20:

"**20.0.1.** Section 332.1 of the Cities and Towns Act (chapter C-19) applies, with the necessary modifications, to remote participation in a sitting of the council of the Community."

79. Section 106.2 of the Act is amended, in the third paragraph,

(1) by inserting the following subparagraph after subparagraph 6:

"(6.1) measures to promote Québec or otherwise Canadian goods and services as well as suppliers, insurers and contractors having an establishment in Québec or elsewhere in Canada for the making of any contract that involves an expenditure below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 101; and";

(2) by replacing "that may be made by agreement under the rules adopted under the fourth paragraph and that involve an expenditure of at least $25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 101" in subparagraph 7 by "that involve an expenditure of at least $25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 101, to the extent that those contracts may be made by agreement under the rules adopted under the fourth paragraph or are covered by a measure taken under subparagraph 6.1".

80. Section 184 of the Act is amended, in the first paragraph,

(1) by replacing "30" in subparagraph 1 by "50";

(2) by replacing "15" in subparagraph 2 by "30".

81. Section 196 of the Act is amended by replacing "15 May" in the first paragraph by "30 June".

82. Section 197.1 of the Act is amended by replacing "June" in the first paragraph by "September".

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

83. The Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by inserting the following section after section 44:

"**44.1.** Despite section 44, the council of a municipality having a population of under 2,000 and whose territory is not divided for election purposes may be composed of the mayor and four councillors if a by-law is passed for that purpose.

To that end, the council must pass, by resolution, a draft by-law and hold a public consultation meeting on it. Not later than ten days before the day of the meeting, the council must have a notice published that indicates the date, time and place of the meeting. The provisions of section 20 apply to the meeting.

The by-law must be passed not later than 31 December of the calendar year preceding the year in which the general election is to be held and applies from that general election. The same applies to a by-law that repeals the by-law, which, however, is not subject to the requirements of the second paragraph.

The clerk or the clerk-treasurer must send a certified copy of the by-law to the Minister of Municipal Affairs, Regions and Land Occupancy and to the Chief Electoral Officer."

84. Section 47 of the Act is amended by replacing "12 months" in subparagraph 2 by "45 days".

85. Section 54 of the Act is amended by replacing the first and second paragraphs by the following paragraph:

"Every person who is an elector of a municipality, or will be such an elector on polling day, may be entered on the list of electors."

86. Section 55 of the Act is amended by replacing "on 1 September of the calendar year in which a general election must be held" by "or who will be on polling day".

87. Section 58 of the Act is amended by striking out ", on 1 September of the calendar year in which a general election is to be held," in the first paragraph.

88. Section 61 of the Act is replaced by the following section:

"**61.** A person is eligible for office as a member of the council of a municipality if he is entitled to have his name entered on the list of electors of the municipality and if he resides in the territory of the municipality."

89. The Act is amended by inserting the following sections after section 70:

"**70.0.1.** A clerk-treasurer who also holds the office of director general may, with the authorization of the Commission municipale du Québec, appoint another person to act as returning officer for a period not exceeding four years. Where the person is not already an officer or employee of the municipality, the application for authorization must, on pain of dismissal, be accompanied by the contract of employment to be entered into with the person. If the application is filed during a year in which a general election is to be held, it must be filed not later than 1 May.

The clerk-treasurer may, with the authorization of the Commission, enter into the contract of employment referred to in the first paragraph, which has no effect unless, in accordance with a by-law adopted under the second paragraph of section 477 of the Cities and Towns Act (chapter C-19) or the second paragraph of article 960.1 of the Municipal Code of Québec (chapter C-27.1), as the case may be, funds are available.

If the appointed person is unable to act, the clerk-treasurer shall replace the person, except during the election period.

The clerk-treasurer shall inform the Chief Electoral Officer as soon as possible of the person's appointment as returning officer.

"**70.0.2.** The Commission may, for cause, dismiss the person appointed in accordance with the first paragraph of section 70.0.1 after giving the person the opportunity to be heard."

90. Section 77 of the Act is amended by adding the following paragraph at the end:

"This section does not apply to the deputy returning officer and the poll clerk of the polling station at the office of the returning officer."

91. Section 81.1 of the Act is amended by replacing the first, second and third paragraphs by the following paragraphs:

"An identity verification panel must be established in every place where a polling station is located. The panel shall be established, at the discretion of the returning officer, at the polling station or elsewhere in that place.

Any panel referred to in the first paragraph shall be composed of three members, including a chairman.

The members of a panel established at the polling station are the deputy returning officer, the poll clerk and a chairman appointed by the returning officer. The members of a panel established elsewhere in that place shall be appointed by the returning officer and, in the case of a municipality described in section 77, sections 77 to 79 apply, with the necessary modifications, to the appointment of members other than the chairman."

92. Section 81.2 of the Act is replaced by the following section:

"**81.2.** Despite section 81.1, an identity verification panel established for a mobile polling station or for the polling station at the office of the returning officer shall be composed of the deputy returning officer, who is the chairman of the panel, and the poll clerk; the deputy returning officer and the poll clerk shall make their decisions unanimously."

93. Section 99 of the Act is amended by inserting the following subparagraph after subparagraph 4 of the first paragraph:

"(4.1) the requirements to be met to be entitled to vote at a mobile polling station;".

94. Section 100 of the Act is amended by striking out the fifth paragraph.

95. Section 125 of the Act is amended by inserting the following subparagraph after subparagraph 3 of the first paragraph:

"(3.1) the other means of making an application to the board of revisors, determined in accordance with subparagraph 2 of the first paragraph of section 132;".

96. Section 126 of the Act is amended by inserting ", 3.1" after both occurrences of "3" in the first paragraph.

97. Section 128 of the Act is replaced by the following section:

"**128.** Any person whose name is not entered on the list of electors when it could be may apply to the competent board of revisors to have his name entered on the list.

An application to have one's name struck off the list of electors may be submitted by any person

(1) who should not be entered on the list of electors;

(2) who does not wish to be entered on the list of electors; or

(3) who is entered on the list of electors for the wrong domicile, immovable or business establishment.

In a case referred to in subparagraph 2 of the second paragraph, the striking off may apply only for the purposes of a municipal poll.

In a case referred to in subparagraph 3 of the second paragraph, a person's application to have his name struck off must be accompanied by an application to have his name entered on the list of electors if the person wishes to exercise his right to vote. Where two boards are each competent to hear one of the applications, the board before which a first application is made becomes competent to hear the other application. That board shall notify the returning officer of its decision concerning the part of the list that is not within its competence, and the returning officer shall send the notice to the other board."

98. Section 129 of the Act is amended by replacing "apply in person to the competent board of revisors to have the name of that person struck off the list" by "apply to the competent board of revisors to have that person's name struck off the list".

99. Section 130 of the Act is amended by replacing "shall apply in person to the competent board of revisors" by "may apply to the competent board of revisors".

100. Section 132 of the Act is replaced by the following section:

"**132.** Every application must be made to the board of revisors

(1) in person, on the days and at the times fixed by the returning officer; or

(2) by any other means determined by the returning officer.

The Chief Electoral Officer may determine standards applicable to the choice and use of the means referred to in subparagraph 2 of the first paragraph.

The returning officer must provide that the board of revisors must hear the applications made in person on at least two separate days, not later than two days before the last day the board of revisors sits in accordance with the first paragraph of section 122. The sittings must be held between 8:00 a.m. and 10:00 p.m. and last for at least three hours, and one of them must be held between 5:00 p.m. and 8:00 p.m."

101. Section 133 of the Act is amended by replacing "before" in the first paragraph by "to".

102. Section 134.1 of the Act is amended by replacing "person" and "lodged in such a facility" in the first paragraph by "person who is domiciled in the territory of the municipality and who has a mobility impairment or is unable

to move about for health reasons, any person who is" and "any person who is lodged in such a facility and", respectively.

103. Section 146 of the Act is amended by replacing the last sentence of the second paragraph by the following sentence: "Section 6.1 of the Cities and Towns Act (chapter C-19) applies, with the necessary modifications, if the population of the municipality falls below 100,000."

104. Section 171 of the Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) an entry allowing a distinction to be made between the independent candidates for the same office who have the same name, if applicable;".

105. Section 172 of the Act is amended by replacing ", to the name and to the address" in the first paragraph by "and to the name".

106. Section 174 of the Act is replaced by the following sections:

"**174.** An advance poll must be held seven days before polling day and, if the returning officer so decides, eight days before polling day.

In addition to the advance poll, the returning officer may allow voters to exercise their right to vote at the polling station at his office or at a mobile polling station, which are considered advance polling stations for the purposes of this Act.

Voting at the returning officer's office may, at the discretion of the returning officer, take place on the ninth, sixth, fifth and fourth days before polling day. For municipalities with a population of 20,000 or more, such voting must be held at least nine days before polling day.

Voting at a mobile polling station may, at the discretion of the returning officer, take place on the ninth, eighth, sixth, fifth and fourth days before polling day.

"**174.1.** The returning officer may, instead of establishing a polling station at his office, decide that voting will take place at any other place. The other place is considered to be the office of the returning officer for the purposes of the provisions of this Act governing the voting to take place there."

107. Section 175 of the Act is replaced by the following section:

"**175.** Any elector whose name is entered on the list of electors may vote in an advance poll.

An elector who has a mobility impairment or is unable to move about for health reasons may vote at a mobile polling station if the following requirements are met:

(1) the elector is entered on the list of electors as a domiciled person; and

(2) the elector or his caregiver applies therefor to the returning officer not later than the last day fixed for making applications to the board of revisors or, if there is no revision of the list under section 277, not later than 12 days before polling day.

An elector referred to in the second paragraph who is domiciled in any private seniors' residence within the meaning of the Act to make the health and social services system more effective (2023, chapter 34) or the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2) or in any facility referred to in the second paragraph of section 50 and who has not made an application under subparagraph 2 may be admitted to vote in an advance poll at a mobile polling station if he applies therefor at the mobile polling station.

An elector who acts as a caregiver for an elector referred to in the second paragraph may vote at the same mobile polling station as that elector if he is registered on the part of the list of electors for the polling subdivision in which the domicile of the person for whom he acts as a caregiver is located."

108. Section 177 of the Act is amended

(1) by striking out "and determine, where applicable, any such station that is a mobile polling station" in the first paragraph;

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

"The mobile polling station established for a private seniors' residence within the meaning of the Act to make the health and social services system more effective (2023, chapter 34) or the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2) or a facility referred to in the second paragraph of section 50 may, at the discretion of the returning officer and in addition to going to electors, be set up in a common area."

109. Section 177.1 of the Act is replaced by the following section:

"**177.1.** No person to whom Division V of Chapter V applies may be present during polling at the office of the returning officer or at the mobile polling station."

110. Section 178 of the Act is replaced by the following section:

"**178.** Every advance polling station and every office of the returning officer must be accessible to handicapped persons.

The operator of any private seniors' residence within the meaning of the Act to make the health and social services system more effective (2023, chapter 34) or the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2) or the president and executive director or the executive director, as the case may be, of any institution referred to in the second paragraph of section 50 is required to ensure that the mobile polling station has access to the electors."

111. Section 179 of the Act is amended by replacing the second paragraph by the following paragraphs:

"Voting at a mobile polling station shall take place during the hours fixed by the returning officer. Those hours may not, however, coincide with the hours fixed for voting in the advance poll or with those fixed for voting at the office of the returning officer.

Voting at the office of the returning officer shall take place during the hours fixed by the returning officer, who must allow at least four consecutive hours, between 9:30 a.m. and 8:00 p.m. For municipalities with a population of 20,000 or over, he must also provide that voting shall take place between 4:00 p.m. and 8:00 p.m. on the ninth day before polling day."

112. The Act is amended by inserting the following section after section 179:

"**179.1.** A staff member of a private seniors' residence within the meaning of the Act to make the health and social services system more effective (2023, chapter 34) or the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2) or a facility referred to in the second paragraph of section 50 may confirm the identity of an elector who is domiciled there and who has no proof of identity in his possession. The procedure set out in subparagraph *b* of subparagraph 3 of the first paragraph of section 213.2 applies for that purpose, except subparagraph iii."

113. Section 182 of the Act is amended by inserting "on the first day" after "advance polling station" in the introductory clause of the first paragraph.

114. Section 183 of the Act is amended

(1) by replacing "the second day" in the first paragraph by "another day";

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

"After the close of the polling station on that day, the deputy returning officer and the poll clerk shall observe the same formalities as after the close of the polling station on the first day. The ballot papers used or cancelled on that day shall be placed in envelopes separate from those containing the ballot papers used or cancelled on any prior day."

115. Section 193 of the Act is repealed.

116. Section 196 of the Act is amended by replacing the fourth paragraph by the following paragraph:

"Where two or more independent candidates for the same office have the same name, the ballot papers used in the polling for that office must include, under each candidate's name, an entry allowing a distinction to be made between the candidates."

117. Section 284 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

"(8) the returning officer appointed in accordance with section 70.0.1."

118. Section 300 of the Act is amended

(1) by striking out "after 1 September of the calendar year in which the election was held," in paragraph 2;

(2) by inserting the following paragraph after paragraph 4:

"(4.1) if he was elected while holding the office of director general, clerk or treasurer of the regional county municipality whose territory includes that of the municipality concerned or such an office in another municipality included in the same urban agglomeration as that of the municipality concerned or in the same regional county municipality and did not cease to hold that office before the 31st day after taking his oath of office as a member of the council, as long as the plurality continues;";

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

"(6) if he begins, after his election, to hold the office of director general, clerk or treasurer of the regional county municipality whose territory includes that of the municipality concerned or such an office in another municipality included in the same urban agglomeration as that of the municipality concerned or in the same regional county municipality, as long as the plurality continues."

119. Section 317 of the Act is amended

(1) by replacing "in due time" in the third paragraph by ", not later than at the first sitting following the 90-day period mentioned in the first paragraph,";

(2) by inserting "or under section 8 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1)" after "(chapter E-15.1.0.1)" in the fifth paragraph.

120. The Act is amended by inserting the following section after section 317:

"**317.1.** A council member whose absence is due to a reason referred to in the third paragraph of section 317 and causes no prejudice to the citizens of the municipality may request that the council, on the expiry of the 90-day period referred to in the first paragraph of that section, grant the member a new time limit. The request must be read by the clerk or the clerk-treasurer not later than at the first sitting of the council following the expiry of the 90-day period and the council must decide the matter at that sitting.

If the council refuses the request or fails to decide the matter, the member may, within 15 days after the sitting referred to in the first paragraph, apply to the Commission municipale du Québec for a new time limit of 30 days.

The Commission shall render its decision after hearing the member and the municipality, if the latter wishes to be heard.

The Commission shall send the municipality a notice of its decision, which must be read by the clerk or the clerk-treasurer at the first sitting of the council following its receipt.

On the expiry of any period of time granted by the Commission, a new time limit may be granted, with the necessary modifications, in accordance with the second, third and fourth paragraphs."

121. Section 333 of the Act is amended by adding the following paragraph at the end:

"Within 30 days after the date on which the clerk or the clerk-treasurer ascertains that an office has become vacant, he shall also notify the Minister of Municipal Affairs, Regions and Land Occupancy of the vacancy."

122. Section 341 of the Act is repealed.

123. The Act is amended by inserting the following section after section 346:

"**346.1.** The Minister may, at the request of the returning officer and after informing the Chief Electoral Officer, postpone or suspend an election where the safety of persons or property is threatened by a real or apprehended emergency situation or when an unforeseeable event seriously hinders the orderly conduct of the election.

The Minister may prescribe the standards applicable to the resumption of the election and may for that purpose adapt any provision of this Act, except Chapters XIII and XIV.

The Chief Electoral Officer may then, after informing the Minister, adapt any provision of Chapters XIII and XIV.

Within 30 days following the polling day fixed for the postponed or suspended election, the Minister must transmit to the President or the Secretary General of the National Assembly a report on the decisions the Minister made under the first and second paragraphs. The Chief Electoral Officer must do likewise with regard to the decisions he made under the third paragraph. The President shall table the reports in the National Assembly within 30 days after the day on which he received them or, if the Assembly is not sitting, within 30 days after resumption."

124. Section 387.1 of the Act is amended by replacing both occurrences of "being appointed" by "their names are entered in the register provided for in section 424".

125. Section 429 of the Act is amended by replacing "designated in accordance with section 429.1" by "designated for that purpose by means of a power of attorney. Sections 55 to 55.2 apply to the power of attorney, with the necessary modifications".

126. Section 429.1 of the Act is repealed.

127. Section 436 of the Act is amended by inserting "or by a transfer of funds to an account held by the official representative of the authorized party or independent candidate for which or whom the contribution is intended" at the end of the second paragraph.

128. Section 446.1 of the Act is amended by inserting "or by a transfer of funds from such an account to an account held by the official representative" at the end.

129. Section 471 of the Act is amended

(1) by replacing "to his order" in the third paragraph by "to the order of the treasurer or make a transfer of funds to the account held by the treasurer";

(2) by inserting "or the transfer of funds" at the end of the fourth paragraph.

130. Section 488 of the Act is amended

(1) by replacing "revenues collected" by "revenues";

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

"Any reimbursement of election expenses or of the expense incurred for the audit of a financial report as well as any supplemental public financing shall be excluded from the revenues referred to in the first paragraph."

131. Section 494 of the Act is amended by inserting "or with a transfer of funds to the account held by the treasurer. The Chief Electoral Officer may, by directive, determine the terms governing the transfer of funds" at the end of the second paragraph.

132. Section 506 of the Act is replaced by the following section:

"**506.** On proof that the failure to file the report or return is due to the absence, death, illness, misconduct or physical disability of the official representative or official agent, a case of irresistible force or any other reasonable cause, the Chief Electoral Officer may determine an additional period of time for the preparation and delivery of the report or return."

133. Section 508 of the Act is amended by replacing "505 to 507" by "505 and 507" in the first paragraph.

134. Section 512.14 of the Act is amended by replacing the third paragraph by the following paragraph:

"A private intervenor must pay any expense by means of a cheque or order of payment signed by the private intervenor if the private intervenor is an elector, or by the representative if the private intervenor is a group of electors, and drawn on the private intervenor's account in a financial institution having an office in Québec. The expense can also be paid by a transfer of funds from such an account."

135. Section 513.1.2 of the Act is amended by adding the following paragraphs at the end:

"The gift of money may also be made by a transfer of funds from the account of the person making the gift to the account held by the person referred to in the first paragraph of section 513.1.

The Chief Electoral Officer may determine, by directive, the terms governing the transfer of funds."

136. Section 518 of the Act is amended by replacing "has been, for at least 12 months" in subparagraph 2 of the first paragraph by "is, on the date of reference".

137. Section 612 of the Act is amended

(1) by inserting "transfer of funds," after "credit card," in paragraph 2;

(2) by inserting "or a transfer of funds" after "credit card" in paragraph 2.1.

138. Section 649 of the Act is amended

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

"The clerk or the clerk-treasurer shall, not later than 30 days after an election, transmit to the Minister of Municipal Affairs, Regions and Land Occupancy and to the Chief Electoral Officer a statement naming the persons who form the council of the municipality. The clerk or the clerk-treasurer shall also, at the request of the Minister or the Chief Electoral Officer and for the purpose of drawing up a statistical portrait of the election, transmit, as soon as possible, any data relating to the nominations, to the participation of electors in the election or to the results of the election.";

(2) by inserting ", within 30 days," after "notify" in the second paragraph.

139. Section 659 of the Act is amended by adding the following sentence at the end of the second paragraph: "Nor is a candidate's or elected candidate's address appearing on his nomination paper or declaration of election, as the case may be, except the name of the municipality."

140. The Act is amended by inserting the following sections after section 659:

"**659.0.1.** Despite section 659, a member of a council of a municipality, including a regional county municipality, may refuse to allow his address appearing on any document provided for by this Act, other than a list of electors or referendum list, to be communicated.

He may also refuse to allow his name, address, date of birth and sex entered on a list of electors or referendum list to be communicated when such a list is deposited for examination under section 121 or transmitted to an authorized party, a recognized ticket, a candidate or a representative of the qualified voters under section 106, 109, 139, 184, 564 or 659.5.

The council member shall inform the director general of the municipality concerned of his refusal, and the director general shall inform the Chief Electoral Officer, the returning officer and the treasurer.

The council member's refusal shall remain valid until three months after the expiry of his term of office.

"**659.0.2.** Despite section 659, the address of a Member of the National Assembly appearing on any document provided for by this Act, other than a list of electors or referendum list, must not be communicated.

The name, address, date of birth and sex of any Member entered on a list of electors or referendum list must not be communicated when that list is deposited for examination under section 121 or transmitted to an authorized party, a recognized ticket, a candidate or a representative of the qualified voters under section 106, 109, 139, 184, 564 or 659.5.

The Chief Electoral Officer shall request that each Member indicate every address that must be covered by the first and second paragraphs. He shall transmit that information to the returning officer and the treasurer of each municipality concerned.

"**659.0.3.** In any publication of the Chief Electoral Officer relating to a list of electors having made a contribution or gift to an authorized party or to a candidate, the postal code of a Member of the National Assembly or that of a member of a council of a municipality who refused to allow the communication of his information under section 659.0.1 is replaced by the postal code of the Member's electoral division office or that of the council member's city hall, as applicable."

141. The Act is amended by inserting the following section after section 659.4:

"**659.5.** Except during an election year or during the election period within the meaning of section 364, the Chief Electoral Officer shall send, in September of each year and according to the procedure he determines, to any party authorized under Chapter XIII, the list of the electors of the municipality within which the authorized party carries on activities whose names are entered on the permanent list of electors. The Chief Electoral Officer shall also send a copy to the municipality concerned.

The procedure provided for in the first paragraph must, in particular, be aimed at promoting compliance with the provisions of section 659.1. It must also concern the confidentiality of the information entered on the list and the designation of a person by the party to receive the list."

142. Section 888 of the Act is amended by replacing "and 579" in the second paragraph by ", 579, 659.0.1 and 659.0.2".

ELECTION ACT

143. Section 40.38.2 of the Election Act (chapter E-3.3) is amended by inserting ", with the exception of an elector who is a Member or of a member of a council of a municipality having exercised his right to refuse to allow the communication of information under section 659.0.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2)" after "elector" in the second paragraph.

144. Section 93.1 of the Act is amended

(1) in the second paragraph,

(*a*) by replacing "elector, the city and" by "elector, the name of the municipality and the";

(*b*) by inserting "or by a member of a council of a municipality having exercised his right to refuse to allow the communication of information under section 659.0.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2)" after "contribution paid by a Member";

(*c*) by replacing "the city and postal code of the Member's electoral division office instead of the city and postal code of the Member's domicile" by "the name of the municipality and the postal code of the Member's electoral division office or the name of the municipality and the postal code of the city hall of the municipality of the council member having exercised his right to refuse to allow the communication of information, as the case may be, instead of the name of the municipality and the postal code of the Member's or council member's domicile";

(2) by replacing the first sentence of the fourth paragraph by the following sentence: "In addition, the Chief Electoral Officer shall replace, on the Chief Electoral Officer's website, the name of the municipality and the postal code of the domicile of the Member or of the member of a council of a municipality having exercised his right to refuse to allow the communication of information under section 659.0.1 of the Act respecting elections and referendums in municipalities by the name of the municipality and the postal code of the Member's electoral division office or of the council member's city hall, as the case may be, for any contribution paid before his election."

145. Section 126 of the Act is amended by adding the following subparagraphs at the end of the first paragraph:

"(6) a Member's domiciliary address; and

"(7) the domiciliary address of a member of a council of a municipality having exercised his right to refuse to allow the communication of information under section 659.0.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2)."

146. Section 127.9 of the Act is amended

(1) by replacing "elector, the city and" in the second paragraph by "elector, the name of the municipality and the";

(2) in the third paragraph,

(*a*) by inserting "or a member of a council of a municipality having exercised his right to refuse to allow the communication of information under section 659.0.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2)" after "contribution paid by a Member";

(*b*) by replacing "the city and postal code of the Member's electoral division office instead of the city and postal code of the Member's domicile" by "the name of the municipality and the postal code of the Member's electoral division office or the name of the municipality and the postal code of the city hall of

the municipality of the council member having exercised his right to refuse to allow the communication of information, as the case may be, instead of the name of the municipality and the postal code of the Member's or council member's domicile;

(3) by replacing the first sentence of the fifth paragraph by the following sentence: "In addition, the Chief Electoral Officer shall replace, on the Chief Electoral Officer's website, the name of the municipality and the postal code of the domicile of the Member or of the member of a council of a municipality having exercised his right to refuse to allow the communication of information under section 659.0.1 of the Act respecting elections and referendums in municipalities by the name of the municipality and the postal code of the Member's electoral division office or of the council member's city hall, as the case may be, for any contribution paid before his election."

147. The Act is amended by inserting the following section after section 147:

"**148.** Any list transmitted under this Title by the Chief Electoral Officer or the returning officer to an authorized party or a candidate shall not include the name, address, date of birth or sex of an elector who was a Member at the time of the end or the dissolution of the last Legislature or of an elector who is a member of a council of a municipality having exercised his right to refuse to allow the communication of information under section 659.0.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2)."

148. Section 246 of the Act is amended by inserting the following paragraph after the first paragraph:

"With the exception of the name of the municipality, the candidate's address is not accessible."

149. Section 260 of the Act is amended by replacing "his address" in the second paragraph by "the name of his municipality".

150. Section 488 of the Act is amended by adding the following paragraph at the end:

"Despite subparagraph 2 of the first paragraph, the domiciliary address of a Member or of a member of a council of a municipality having exercised his right to refuse to allow the communication of information under section 659.0.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2) shall not be accessible."

MUNICIPAL ETHICS AND GOOD CONDUCT ACT

151. Section 15 of the Municipal Ethics and Good Conduct Act (chapter E-15.1.0.1) is amended by inserting "within nine months after the beginning" after "term and" in the first paragraph.

152. Section 22.1 of the Act is amended by inserting ", 32" after "22" in the first paragraph.

153. Section 32 of the Act is replaced by the following section:

"**32.** The forced execution of a decision of the Commission that imposes a penalty or the delivery of a thing or the reimbursement of an amount of money is carried out by the filing of the decision with the office of the competent court in accordance with the rules set out in the Code of Civil Procedure (chapter C-25.01).

If the Commission finds that such a decision has not been executed, the Commission itself may cause the decision to be executed, in the manner specified in the first paragraph, after notifying the municipality and the council member in writing of its intention to cause the decision to be executed if they fail to do so themselves within 60 days after the sending of the notice. If the Commission executes the decision, the amounts or things received through the execution of the decision must be delivered or remitted to the municipality."

ACT TO SECURE HANDICAPPED PERSONS IN THE EXERCISE OF THEIR RIGHTS WITH A VIEW TO ACHIEVING SOCIAL, SCHOOL AND WORKPLACE INTEGRATION

154. Section 61.1 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1) is amended by replacing "Not later than 17 December 2005, every" and "15,000" by "Every" and "10,000", respectively.

ACT RESPECTING MUNICIPAL TAXATION

155. The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following section after section 64.1:

"**64.2.** Dams owned, administered or managed by the State are not to be entered on the roll."

ACT ESTABLISHING THE EEYOU ISTCHEE JAMES BAY REGIONAL GOVERNMENT

156. Section 12 of the Act establishing the Eeyou Istchee James Bay Regional Government (chapter G-1.04) is replaced by the following section:

"**12.** A council member may participate remotely in a meeting by a means allowing all persons who participate in or attend the meeting to see and hear each other in real time.

Remote participation is allowed only if the member participates in the meeting from a location situated in Québec or in a bordering province.

The minutes of the meeting must mention the name of any council member who participated in the meeting remotely.

If a majority of the council members participate in a meeting remotely, the Regional Government must make a video recording of the meeting and make it available to the public from the working day following the day on which the meeting ended.

Despite the first paragraph, the Regional Government must, every year, hold at least two meetings in which the council members participate in person; one of those meetings is to be held in the territory of a Cree community and the other in the territory of an enclosed municipality or a locality. However, a member's remote participation in either of the meetings is allowed in the following cases:

(1) for a reason related to the member's safety or health, or the safety or health of a close relation, provided that, where a health reason is invoked, a medical certificate attests that remote participation by the member is necessary;

(2) because of a deficiency causing a significant and persistent disability that constitutes a barrier to the member's participation in person in the meeting; or

(3) because of the member's pregnancy or the birth or adoption of the member's child."

EDUCATION ACT

157. The Education Act (chapter I-13.3) is amended by inserting the following section after section 705:

"**705.1.** For the purposes of any Act other than the Act to amend mainly the Education Act with regard to school organization and governance (2020, chapter 1), a commissioner of an English-language school board, a council of commissioners of an English-language school board and an English-language school board shall be deemed to be, respectively, a member of the board of directors of a school service centre, a board of directors of a school service centre and a school service centre.

This section is declaratory."

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES, DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

158. The Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) is amended by inserting the following section after section 7.0.1:

"**8.** The Minister may, by regulation, prescribe the training that members of municipal councils must undergo on their role and on the municipal system, and prescribe any condition and procedure concerning participation in such training.

A member of the council of a local municipality must, within 30 days after participating in such training, report his participation to the clerk or the clerk-treasurer of the local municipality, who in turn shall report it to the council.

Every local municipality shall keep up to date on its website a list of the members of its council who have participated in all the training prescribed by regulation.

Where a council member fails to participate in training prescribed by regulation, the clerk or the clerk-treasurer of the local municipality must notify the Commission municipale du Québec in writing of that fact within 30 days.

The Commission municipale du Québec may suspend a council member who, without a serious reason, fails to participate in training prescribed by regulation. The suspension may continue after the expiry of the council member's term if he is re-elected in an election held during the suspension and that suspension has not expired on the day the council member's new term begins. The suspension ends following a decision of the Commission municipale du Québec stating that the council member has participated in the program.

When suspended, the council member may not perform any duty related to the office of warden, mayor or councillor and, in particular, may not sit on any council, committee or commission of the municipality or, in his capacity as member of a council of a municipality, on those of another body, nor receive any remuneration, allowance or other sum from the municipality or such a body.

This section applies, with the necessary modifications, to any warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9) as well as to the regional county municipality of which he is the warden."

159. The Act is amended by inserting the following section after section 14.1:

"**14.2.** The Minister may designate a person to advise a municipal body

(1) in the preparation and conduct of its sittings; and

(2) with regard to its relations with citizens.

The person so designated may require the body to provide any information or document relevant to the performance of his mandate."

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

160. Section 210.25 of the Act respecting municipal territorial organization (chapter O-9) is replaced by the following section:

"**210.25.** Subject to section 210.29.1, the council of the regional county municipality shall, at a sitting held within three months of the general election, elect the warden.

The council may also, by resolution, within the time prescribed in the first paragraph and before the election of the warden, decide that an additional election for the office of the warden will be held at its first sitting to be held two years after the election of the warden. The resolution shall be adopted by a two-thirds majority vote as provided for in section 202 of the Act respecting land use planning and development (chapter A-19.1), except the second paragraph. The resolution shall not be repealed and is valid for only one election."

161. Section 210.26 of the Act is amended

(1) by striking out "Subject to section 210.26.1," in the first paragraph;

(2) by replacing "may" in the fifth paragraph by "must".

162. Section 210.26.1 of the Act is repealed.

163. Section 210.28 of the Act is amended

(1) by replacing the first and second paragraphs by the following paragraph:

"The warden's term of office expires when the succeeding warden is elected. However, it comes to an end when the warden resigns from that office, is removed from office in accordance with the provisions of the third paragraph or ceases to be the mayor of a local municipality whose territory is comprised in that of the regional county municipality.";

(2) by striking out the last sentence of the fourth paragraph;

(3) by striking out the fifth paragraph.

164. Section 210.29 of the Act is replaced by the following section:

"**210.29.** Any vacancy in the office of warden must be filled in accordance with section 210.26 at the next regular sitting or at a special sitting called for that purpose.

However, where the office is vacant because the warden ceases to be the mayor of a local municipality following a general election, the deputy warden shall hold the office of warden until a new warden is elected in accordance with section 210.25. If the deputy warden was not re-elected as mayor, a new deputy warden must be appointed at the first sitting of the council following the general election."

165. Section 26 of Schedule I to the Act is amended by replacing the second paragraph of section 244 by the following paragraphs:

"The returning officer of the local municipality shall then transmit the statement of votes by a technological means to the returning officer of the regional county municipality or to the person the returning officer designates to receive it. If the statement of votes cannot be transmitted by a technological means, the returning officer of the local municipality must instead transmit a paper statement.

The Chief Electoral Officer may determine the terms governing the transmission and the storage of the statement transmitted by a technological means."

166. Schedule I to the Act is amended by inserting the following sections after section 26:

"**26.1.** Section 247 is replaced by the following section:

"**(247)** The returning officer shall proceed to the addition of the votes by using the statements of votes received and compiling the votes cast in favour of each candidate.

The returning officer shall, however, use the statements contained in the ballot boxes if a candidate or an elector concerned produces to him a sworn declaration in writing attesting that there is reason to believe that a statement received is erroneous or fraudulent and does not correspond to the statement placed in the ballot box, and that the results may be different if the statement placed in the ballot box is used in conducting the addition of the votes. The returning officer shall then determine the time limit within which the returning officer of the local municipality must transmit the ballot boxes and shall adjourn the addition of the votes until he obtains them.

"**26.2.** The first paragraph of section 249 does not apply where the statement was transmitted by a technological means."

POLICE ACT

167. Section 78 of the Police Act (chapter P-13.1) is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

"(1) four to seven persons who are,

(*a*) where the agreement is entered into with the regional county municipality, designated by that municipality and chosen from among the members of the councils of the local municipalities to which the agreement applies and, where applicable, the warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9); or

(*b*) where the agreement is entered into with the local municipality, designated by that municipality and chosen from among the members of its council."

168. Schedule C to the Act is amended by replacing subparagraph *a* of paragraph 3 by the following subparagraphs:

"(*a*) in the case of an agreement entered into with a local municipality, four members of the council of that municipality who are designated by the local municipality or, failing such designation, by the Minister;

"(*a*.1) in the case of an agreement entered into with a regional county municipality, four members designated by that municipality or, failing such designation, by the Minister, from among the members of the councils of the local municipalities to which the agreement applies and, where applicable, the warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9);".

ACT RESPECTING THE SOCIÉTÉ DU CENTRE DES CONGRÈS DE QUÉBEC

169. Section 17 of the Act respecting the Société du Centre des congrès de Québec (chapter S-14.001) is amended

(1) by inserting "as well as any other establishment that is situated in the Québec city region or the surrounding regions and that is dedicated to holding conventions, trade shows or exhibitions for which responsibility is entrusted to it by the Government" at the end of paragraph 1;

(2) by replacing "Centre des congrès" in paragraph 2 by "establishments referred to in paragraph 1";

(3) by replacing "of the Centre des congrès and take up their operation, promotion and management" in paragraph 3 by "and promotion of the establishments referred to in paragraph 1 and to maximize the economic, tourism, intellectual and social benefits generated by their operation".

ACT RESPECTING THE SOCIÉTÉ DU PALAIS DES CONGRÈS DE MONTRÉAL

170. Section 18 of the Act respecting the Société du Palais des congrès de Montréal (chapter S-14.1) is amended

(1) by inserting "as well as any other establishment that is situated in the Montréal region or the surrounding regions and that is dedicated to holding conventions, trade shows or exhibitions for which responsibility is entrusted to it by the Government" at the end of paragraph 1;

(2) by replacing "Palais des congrès" in paragraph 2 by "establishments referred to in paragraph 1";

(3) by replacing "of the Palais des congrès and take up their operation, promotion and management" in paragraph 3 by "and promotion of the establishments referred to in paragraph 1 and to maximize the economic, tourism, intellectual and social benefits generated by their operation".

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

171. Section 37 of the Act respecting public transit authorities (chapter S-30.01) is replaced by the following section:

"**37.** A member may participate remotely in a meeting by a means allowing all persons who participate in or attend the meeting to see and hear each other in real time.

Remote participation is allowed only if the member participates in the meeting from a location situated in Québec or in a bordering province.

The minutes of the meeting must mention the name of any member who participated in the meeting remotely.

If a majority of the members participate in a meeting remotely, the transit authority must make a video recording of the meeting and make it available to the public from the working day following the day on which the meeting ended."

172. Section 103.2 of the Act is amended, in the third paragraph,

(1) by inserting the following subparagraph after subparagraph 6:

"(6.1) measures to promote Québec or otherwise Canadian goods and services as well as suppliers, insurers and contractors having an establishment in Québec or elsewhere in Canada for the making of any contract that involves an expenditure below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 95; and";

(2) by replacing "that may be made by agreement under the rules adopted under the fourth paragraph and that involve an expenditure of at least $25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 95" in subparagraph 7 by "that involve an expenditure of at least $25,000 but below the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 95, to the extent that those contracts may be made by agreement under the rules adopted under the fourth paragraph or are covered by a measure taken under subparagraph 6.1".

ACT RESPECTING THE LANDS IN THE DOMAIN OF THE STATE

173. Section 37 of the Act respecting the lands in the domain of the State (chapter T-8.1) is replaced by the following section:

"**37.** The Minister may, by the issue of letters patent or by notarial act *en minute*, transfer gratuitously land under his authority, together with the buildings, improvements and movable property situated thereon, for the following uses:

(1) educational purposes or the provision of health services and social services, and uses incidental to those uses; and

(2) a public utility use prescribed by regulation of the Government.

A use provided for in the first paragraph must be specified in the letters patent or notarial act."

174. Section 38 of the Act is amended by replacing "of the letters patent, the conditions and restrictions attached to a gratuitous transfer cease to apply, and the transfer" in the first paragraph by "of the gratuitous transfer referred to in section 37, the conditions and restrictions attached to the transfer cease to apply, and the transfer".

175. Section 39 of the Act is amended by replacing "holder of the letters patent" and "purpose" by "assignee" and "use", respectively.

176. Section 40 of the Act is amended

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

"At the request of the assignee, the Minister may amend the conditions set out in the letters patent or notarial act in order to substitute another use provided for in the first paragraph of section 37 for the use specified in the letters patent or notarial act.";

(2) by replacing "purpose not so prescribed" and "holder, he may amend or waive the purpose clause" in the second paragraph by "use not provided for in the first paragraph of section 37" and "assignee, he may amend or waive the use clause", respectively.

177. The Act is amended by inserting the following sections after section 40:

"**40.0.1.** The Minister may, by the issue of letters patent or by notarial act *en minute*, transfer gratuitously, to a municipality, land under his authority, together with the buildings, improvements and movable property situated thereon for purposes of urban development.

The municipality must send to the Minister, before the transfer, a land development plan that specifies the nature of the urban development project and that demonstrates the municipality's needs.

The development plan may provide that a part of the land transferred under this section is to be allocated to a use provided for in the first paragraph of section 37.

"**40.0.2.** Where a transfer is for urban development purposes, the letters patent or notarial act may contain restrictive clauses, in particular to ensure compliance with the land development plan. At the end of a period of 30 years from the date of the transfer, such clauses cease to apply, and the transfer becomes irrevocable."

ACT TO MAKE THE HEALTH AND SOCIAL SERVICES SYSTEM MORE EFFECTIVE

178. Sections 1003 and 1004 of the Act to make the health and social services system more effective (2023, chapter 34) are repealed.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS WITH RESPECT TO HOUSING

179. Section 93 of the Act to amend various legislative provisions with respect to housing (2024, chapter 2) is amended by inserting ", unless it is possible to establish that the project is in conformity with the land uses determined in the municipality's planning program" at the end of subparagraph 3 of the second paragraph.

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

180. Until 6 June 2027, section 145.35.1 of the Act respecting land use planning and development (chapter A-19.1) is to be read as if ", in accordance with the policy directions defined for that purpose in the planning program," were struck out.

181. Despite subparagraph 2 of the fourth paragraph of section 123 of the Act respecting land use planning and development, amended by section 4 of this Act, a differentiated zoning by-law or a by-law that amends or replaces such a by-law is not subject to approval by way of referendum where the draft by-law is adopted before 6 June 2029.

182. Section 6.1 of the Cities and Towns Act (chapter C-19), enacted by section 23 of this Act, applies to Ville de Saint-Jean-sur-Richelieu from 1 January 2024.

183. Section 509 of the Cities and Towns Act, as it reads on 5 June 2024, continues to apply to an immovable sold before 6 June 2024.

184. Section 534.1 of the Cities and Towns Act, enacted by section 40 of this Act, does not apply to an immovable sold before 6 June 2024.

185. Article 4 of the Municipal Code of Québec (chapter C-27.1), as it reads on 5 June 2024, continues to apply to a sale for taxes ordered by the council of a municipality before 6 June 2024.

186. No sale for taxes ordered before 6 June 2024 that is executed by a regional county municipality for a local municipality governed by the Cities and Towns Act is invalidated solely because the provisions of the Municipal Code of Québec relating to such sales were applied when those of the Cities and Towns Act should have been.

187. Not later than 31 December 2025, every local municipality that, on 6 June 2024, has at least 10,000 inhabitants but less than 15,000 inhabitants must adopt the plan described in section 61.1 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1), as amended by section 154 of this Act.

188. Sections 54, 55, 58, 61, 77, 81.1, 81.2, 99, 100, 125, 126, 128, 129, 130, 132, 133, 134.1, 174, 175, 177, 177.1, 178, 179, 182, 183, 300 and 341 of the Act respecting elections and referendums in municipalities (chapter E-2.2) and Schedule I to the Act respecting municipal territorial organization (chapter O-9), as they read on 5 June 2024, continue to apply to election or referendum proceedings that begin before the 2025 municipal general election.

Sections 47 and 518 of the Act respecting elections and referendums in municipalities, as they read on 5 June 2024, continue to apply to election or referendum proceedings that begin before 1 January 2025.

Sections 171 and 172 of the Act respecting elections and referendums in municipalities, as they read on 5 June 2024, continue to apply to election proceedings that begin before 6 June 2024.

Sections 174.1 and 179.1 of the Act respecting elections and referendums in municipalities, enacted by sections 106 and 112 of this Act, do not apply to election or referendum proceedings that begin before the 2025 municipal general election.

For the purposes of this section, election proceedings begin when a notice is given in accordance with section 99 of the Act respecting elections and referendums in municipalities, and referendum proceedings begin when a notice is given in accordance with section 539 of that Act or, in the absence of such a notice, in accordance with section 572 of that Act.

189. Despite paragraphs 4 and 5 of section 300 of the Act respecting elections and referendums in municipalities, no member of a council of a municipality is disqualified on the ground that the council member is an elected, appointed or designated member of the board of directors of an English-language school service centre before 2 November 2025.

190. Until the date of coming into force of section 1293 of the Act to make the health and social services system more effective (2023, chapter 34), sections 175, 177, 178 and 179.1 of the Act respecting elections and referendums in municipalities are to be read as if "within the meaning of the Act to make the health and social services system more effective (2023, chapter 34) or the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2)" were replaced by "listed in the register established under the Act respecting health services and social services (chapter S-4.2)".

191. No amount referred to in section 254 of the Act respecting municipal taxation (chapter F-2.1) is to be paid by the Government, from the municipal fiscal period 2025, with regard to a dam not entered on the property assessment roll under section 64.2 of that Act, as enacted by section 155 of this Act.

The first paragraph applies despite the third paragraph of section 254.1 of the Act respecting municipal taxation and section 7.1 of the Regulation respecting compensations in lieu of taxes (chapter F-2.1, r. 2).

192. The territory of the Indian reserve of Mashteuiatsh is withdrawn from the territory of Ville de Roberval and thereby integrated into the unorganized territory of the Municipalité régionale de comté du Domaine-du-Roy, in accordance with section 7 of the Act respecting municipal territorial organization.

193. Each of the local municipalities of Gatineau, Laval, Lévis, Longueuil, Mirabel, Montréal, Québec, Saguenay, Sherbrooke and Trois-Rivières and each of the regional county municipalities of Beauharnois-Salaberry, Deux-Montagnes, La Côte-de-Beaupré, La Jacques-Cartier, La Vallée-du-Richelieu, L'Assomption, L'Île-d'Orléans, Marguerite-D'Youville, Les

Moulins, Roussillon, Rouville, Thérèse-De Blainville and Vaudreuil-Soulanges must produce, for the four-year period beginning on 1 January 2025, a report containing the following information:

(1) a status report on housing in the territory to which its land use and development plan applies;

(2) reporting on achievement of the targets and implementation of the policy directions and objectives set out in the land use and development plan with respect to housing; and

(3) the means it intends to take to achieve any target with respect to housing that was not achieved during the period covered by the report.

Sections 10 and 11 of the Act respecting land use planning and development apply to that report, with the necessary modifications.

A municipality referred to in the first paragraph must also produce such a report to cover each subsequent four-year period as long as the Minister of Municipal Affairs, Regions and Land Occupancy has not determined the date provided for in section 129 of the Act to amend the Act respecting land use planning and development and other provisions (2023, chapter 12). The expired portion of the four-year period in progress on the date determined by the Minister is, where applicable, covered by the first regional report the municipality produces under section 9 of the Act respecting land use planning and development.

194. The provisions of this Act come into force on 6 June 2024, except

(1) sections 139, 148 and 149, which come into force on 6 July 2024;

(2) sections 30, 32, 51, 56, 72, 78, 156 and 171, which come into force on 6 September 2024;

(3) sections 29, 31, 44, 48, 50, 54, 55, 60, 71, 73, 77, 79 and 172, which come into force on 6 December 2024;

(4) sections 140, 142 to 147 and 150, which come into force on 6 March 2025;

(5) sections 84, 125 to 129, 131, 134 to 137 and 155, which come into force on 1 January 2025;

(6) paragraphs 2 and 3 of section 118 and section 138, which come into force on 19 September 2025;

(7) sections 121 and 160 to 164, which come into force on 2 November 2025;

(8) sections 115 and 116, which come into force on the date of coming into force of the first regulation made after 6 June 2024 to amend the Regulation respecting models of ballot papers and the form of the template for municipal elections and referendums (chapter E-2.2, r. 1); and

(9) section 26, which comes into force on the date of coming into force of the first amounts or percentages determined, after 6 June 2024, by the Minister of Municipal Affairs, Regions and Land Occupancy, under section 114.11 of the Cities and Towns Act.

106951

Regulations and other Acts

M.O., 2024

Order of the Minister of Municipal Affairs dated 8 July 2024

Act respecting municipal taxation
(chapter F-2.1)

Regulation to amend the Regulation respecting the form and minimum content of various documents relative to municipal taxation

THE MINISTER OF MUNICIPAL AFFAIRS,

CONSIDERING subparagraph 2 of the first paragraph of section 263 of the Act respecting municipal taxation (chapter F-2.1), which provides that the Minister may prescribe, among other things, the form or content of notices of assessment and municipal tax accounts;

CONSIDERING the making of the Regulation respecting the form and minimum content of various documents relative to municipal taxation (chapter F-2.1, r. 6.1);

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the form and minimum content of various documents relative to municipal taxation was published in Part 2 of the *Gazette officielle du Québec* of 24 April 2024 with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting the form and minimum content of various documents relative to municipal taxation, attached to this Order, is hereby made.

Québec, 8 July 2024

ANDRÉE LAFOREST
Minister of Municipal Affairs

Regulation to amend the Regulation respecting the form and minimum content of various documents relative to municipal taxation

Act respecting municipal taxation
(chapter F-2.1, s. 263, 1st par., subpars. 1 and 2)

1. The Regulation respecting the form and minimum content of various documents relative to municipal taxation (chapter F-2.1, r. 6.1) is amended in section 9 by inserting the following after paragraph 13:

"(13.1) an indication that the unit belongs to a sub-category of residential immovables within the residual category, determined under subdivision 6.1 of Division III.4 of Chapter XVIII of the Act and the percentage applicable for the purpose of establishing the amount of the tax;

(13.2) an indication that the unit belongs to a sector established in accordance with Division III.4.1 of Chapter XVIII of the Act;".

2. Section 13 is amended by replacing "section 244.29, section 244.64.5 or section 244.64.9" in paragraph 6 by "any of sections 244.29, 244.64.5, 244.64.8.7, 244.64.9, 244.64.12, 244.64.15 or 244.64.24".

3. Section 16 is amended

(1) by replacing the portion before subparagraph 1 of the first paragraph by "Where, under section 244.58, section 244.64.7, section 244.64.8.9, section 244.64.9 or section 244.64.15 of the Act, the rate provided for in paragraph 8 of section 13 is a combination made up of either one of the specific rates fixed under section 244.29, 244.64.5, 244.64.8.7, 244.64.9, 244.64.15 or 244.64.24 of the Act and of part of another of those rates, that is, parts of several of those rates,";

(2) by replacing "or section 244.64.9" in the second paragraph by ", the fourth paragraph of section 244.64.8.9, section 244.64.9 or section 244.64.24".

4. Schedule V is amended by inserting "Sector to which the unit belongs*" before "Category and class of immovable for applying various tax rates" in the "Display name" column of the "Tax breakdown" section.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

106956

M.O., 2024

Cities and Towns Act
(chapter C-19)

Municipal Code of Québec
(chapter C-27.1)

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

Regulation determining, for the purposes of section 116.0.1 of the Cities and Towns Act, article 269.1 of the Municipal Code of Québec and section 305.0.1 of the Act respecting elections and referendums in municipalities, the types of businesses from which goods may be acquired or leased

THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING,

CONSIDERING that the Minister of Municipal Affairs must, by Regulation, determine the types of businesses from which goods may be acquired or leased for the purposes of section 116.0.1 of the Cities and Towns Act (chapter C-19), article 269.1 of the Municipal Code of Québec (chapter C-27.1) and section 305.0.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2);

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation determining, for the purposes of section 116.0.1 of the Cities and Towns Act, article 269.1 of the Municipal Code of Québec and section 305.0.1 of the Act respecting elections and referendums in municipalities, the types of businesses from which goods may be acquired or leased was published in Part 2 of the *Gazette officielle du Québec* of 10 April 2024 with a notice that it could be made on the expiry of 45 days following that publication and that any person could submit written comments within that period;

CONSIDERING that it is expedient to make the Regulation without amendment;

ORDERS AS FOLLOWS:

The Regulation determining, for the purposes of section 116.0.1 of the Cities and Towns Act, article 269.1 of the Municipal Code of Québec and section 305.0.1 of the Act respecting elections and referendums in municipalities, the types of businesses from which goods may be acquired or leased is hereby made.

Québec, 2 July 2024

ANDRÉE LAFOREST
Minister of Municipal Affairs

Regulation determining, for the purposes of section 116.0.1 of the Cities and Towns Act, article 269.1 of the Municipal Code of Québec and section 305.0.1 of the Act respecting elections and referendums in municipalities, the types of businesses from which goods may be acquired or leased

Cities and Towns Act
(chapter C-19, s. 116.0.1, 2nd par.)

Municipal Code of Québec
(chapter C-27.1, art. 269.1, 2nd par.)

Act respecting elections and referendums in municipalities
(chapter E-2.2, s. 305.0.1, 2nd par.)

1. For the purposes of section 116.0.1 of the Cities and Towns Act (chapter C-19), article 269.1 of the Municipal Code of Québec (chapter C-27.1) and section 305.0.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2), the types of businesses from which goods may be acquired or leased are the following:

(1) food and catering businesses;

(2) service stations;

(3) pharmacies;

(4) hardware stores;

(5) businesses offering mechanical parts for sale; and

(6) businesses offering machinery or tools for lease.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

106948

Notice of adoption

Code of Civil Procedure
(chapter C-25.01)

Superior Court of Québec
— Regulation in civil and family matters for the district of Montréal
— Amendment

Notice is hereby given, in accordance with articles 63 to 65 of the Code of Civil Procedure (chapter C-25.01), that the Regulation to amend the Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal, appearing below, was adopted on March 14, 2024 and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

The Honourable MARIE-ANNE PAQUETTE,
Chief Justice of the Superior Court

Regulation to amend the Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal

Code of Civil Procedure
(chapter C-25.01, art. 63)

1. Schedule 1 to the Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal, added by the Regulation to amend the Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal (2023) 155 G.O.Q. 2, 1786, is revoked.

2. The Regulation is amended by adding the following after section 1:

"**1.1 Lexius applications.** The applications covered by the Regulation respecting the pilot project relating to digital transformation of the administration of justice, *(insert the reference to the CQLR), (insert the reference to the Gazette officielle du Québec),* that concern class actions, commercial cases and applications dealt with according to the procedure for non-contentious proceedings, are governed for the duration of the pilot project by the special procedural rules provided therein, by those specifically adopted in Schedule 1 to this Regulation, in Schedule 1 to the Regulation of the Superior Court of Québec in civil matters (chapter C-25.01, r. 0.2.1) and by directives of the Superior Court of Québec, as a complement to the terms of use for the Lexius platform.".

3. The Regulation is amended by adding Schedule 1.

4. This Regulation is in force with respect to the judicial district of Montréal for the period during which the Regulation respecting the pilot project relating to digital transformation of the administration of justice, *(insert the reference to the CQLR), (insert the reference to the Gazette officielle du Québec)*, is in force for that district.

SCHEDULE 1
(Section 3)

REGULATION OF THE SUPERIOR COURT OF QUÉBEC RELATING TO LEXIUS APPLICATIONS IN CIVIL MATTERS

1. For the duration of the pilot project as regards applications relating to class actions, commercial cases and applications dealt with according to the procedure for non-contentious proceedings provided for in the Regulation respecting the pilot project relating to digital transformation of the administration of justice, *(insert the reference to the CQLR), (insert the reference to the Gazette officielle du Québec)*, the following provisions of this Regulation are amended or revoked as indicated in this Schedule where they apply to an application covered by the pilot project.

The text that differs from the text otherwise in force is highlighted by the underlining of added text and a strikethrough line for deleted portions.

2. Section 1 is amended as follows:

"**1.** The rules set out in the Regulation of the Superior Court of Québec in civil matters (chapter C-25.01, r. 0.2.1) are replaced, amended or completed, as the case may be, by the rules set out in this Regulation, which apply in the district of Montréal.

More specifically, rules 22 and 25 of the Regulation of the Superior Court of Québec in civil matters are replaced, for the district of Montréal, by the rules in this Regulation, to the extent they enter into conflict with the latter rules.".

3. Section 3 is amended as follows:

"**3.** At least 2 months before the opening of the term, the master of the rolls posts the roll for hearing on the website or otherwise and notifies, ~~by messenger or by mail,~~

by a technological means an extract of the roll relating to their cases to each of the lawyers of record or to the parties by any means if they have no lawyer.

The transmission to the lawyers by the clerk of an extract of the roll relating to their cases constitutes the notice to lawyers required by article 178 of the Code of Civil Procedure (chapter C-25.01).".

4. Section 6 is amended as follows:

"**6.** Any request for a postponement is made within 30 days of the publication of the roll for hearing, by written application presented before the judge in chambers; the judge disposes of the application at discretion and may, if granting the postponement, fix the case for hearing as soon as possible on a subsequent roll or ask the clerk to place it on the roll for the fixing of another date. The request must be made using the Lexius platform, except in the case of a self-represented natural person who, as provided in the provisions of the Regulation respecting the pilot project relating to digital transformation of the administration of justice, may file a pleading in hard copy. ~~where it is made by a lawyer, must be made by the technological means put in place for that purpose.~~".

5. Section 8 is amended as follows:

"**8.** An advocate who is unable, for serious reasons, to make a written application for postponement before the case is called may communicate orally or in writing using the technological means put in place for that purpose with the Chief Justice or the presiding judge.".

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

106953

Notice of adoption

Code of Civil Procedure
(chapter C-25.01)

Superior Court of Québec
— Regulation in civil matters
— Amendment

Notice is hereby given, in accordance with articles 63 to 65 of the Code of Civil Procedure (chapter C-25.01), that the Regulation to amend the Regulation of the Superior Court of Québec in civil matters, appearing below, was adopted on March 14, 2024 and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

The Honourable MARIE-ANNE PAQUETTE,
Chief Justice of the Superior Court

Regulation to amend the Regulation of the Superior Court of Québec in civil matters

Code of Civil Procedure
(chapter C-25.01, art. 63)

1. Schedule 1 to the Regulation of the Superior Court of Québec in civil matters, added by the Regulation to amend the Regulation of the Superior Court of Québec in civil matters (2023) 155 G.O.Q. 2, 1787, is revoked.

2. The Regulation is amended by adding the following after section 1:

"**1.1 Lexius applications.** The applications covered by the Regulation respecting the pilot project relating to digital transformation of the administration of justice, *(insert the reference to the CQLR), (insert the reference to the Gazette officielle du Québec)*, that concern class actions, commercial cases and applications dealt with according to the procedure for non-contentious proceedings, are governed for the duration of the pilot project by the special procedural rules provided therein, by those specifically adopted in Schedule 1 to this Regulation and by directives of the Superior Court of Québec, as a complement to the terms of use for the Lexius platform.".

3. The Regulation is amended by adding Schedule 1.

4. This Regulation is in force with respect to a judicial district for the period during which the Regulation respecting the pilot project relating to digital transformation of the administration of justice is in force for that district.

SCHEDULE 1
(Section 3)

REGULATION OF THE SUPERIOR COURT OF QUÉBEC RELATING TO LEXIUS APPLICATIONS IN CIVIL MATTERS

1. For the duration of the pilot project as regards applications relating to class actions, commercial cases and applications dealt with according to the procedure for non-contentious proceedings provided for in the Regulation

respecting the pilot project relating to digital transformation of the administration of justice, *(insert the reference to the CQLR), (insert the reference to the Gazette officielle du Québec)*, the following provisions of this Regulation are amended or revoked as indicated in this Schedule where they apply to an application covered by the pilot project.

The text that differs from the text otherwise in force is highlighted by the underlining of added text and a strikethrough line for deleted portions.

2. Section 2 is replaced by the following:

"**2. Access to registers and records.** Any person may have access free of charge to the digital registers and judicial records using the technological means put in place in the courthouses, during the opening hours of the court offices.

Subject to section 3 of the Regulation respecting the pilot project relating to digital transformation of the administration of justice, only the persons designated in section 17 of that Regulation may remotely consult their Lexius record at any time of the day.".

3. Section 3 is replaced by the following:

"**3. Form and designation of parties.** Pleadings and agreements to be attached to a judgment must be legibly written in a document measuring 21.25 cm × 28 cm (8.5 inches by 11 inches) and indicate the nature and object of the document, the record number, the names of the parties and the party filing it.

Pleadings and other documents filed in Lexius must also satisfy the conditions regarding form set out in the directives of the Court and the terms of use for the platform. Each document must be filed in a separate file. Exhibits may, however, be filed in a bundle in a single file if they have the same identification.

The hard copy of an originating application must also indicate the address and postal code of the parties and on the back, as applicable, the contact information of the lawyer.

A self-represented natural person who, as provided in the provisions of the Regulation respecting the pilot project relating to digital transformation of the administration of justice, may file a pleading in hard copy, must in addition indicate the email address of the parties, if any.

In every pleading, the parties keep the same order and designation as in the originating application.".

4. Section 4 is amended as follows:

"**4. Change of address, lawyer or notary.** In the event of a change ~~of address~~ in contact information, the parties and their lawyers and notaries must inform the court office without delay.

In the event of a change or substitution of lawyer in the course of a proceeding, the new lawyer must inform the court office without delay.

The notice to the court office must comply with the terms of use for the Lexius platform, if applicable.".

5. Section 5 is replaced by the following:

"**5. Laws, regulations, jurisprudence and doctrine.** A party relying on a law, regulation, judgment or excerpt from doctrine must provide a permanent hyperlink allowing access thereto free of charge, with a reference to the relevant excerpt, page or paragraph. If there is no permanent hyperlink, the party must file a copy on a technological medium in Lexius.".

A self-represented natural person who, as provided in the provisions of the Regulation respecting the pilot project relating to digital transformation of the administration of justice, may file a document in hard copy, must indicate on it the full permanent hyperlink allowing access free of charge to the law, regulation, judgment or excerpt from doctrine relied on. If there is no permanent hyperlink, the person must provide a hard copy.".

6. Sections 6 and 8 are revoked:

"~~**6. Laws and regulations.** A party relying on regulatory or legislative provisions other than those in the Civil Code of Québec, the Code of Civil Procedure (chapter C-25.01) or the Divorce Act (R.S.C., 1985, c. 3 (2nd Supp.)) must provide a copy for the judge and indicate the relevant articles or sections. *(Revoked.)*~~";

"~~**8. Updating of court ledger.** Where the record is forwarded to the Court or to the judge, an extract of the updated court ledger must be filed in the record and the previous extracts destroyed. *(Revoked.)*~~".

7. Section 9 is replaced by the following:

"**9. Receipt of pleadings and exhibits.** Pleadings and exhibits must be numbered as provided in the terms of use for the Lexius platform.".

8. Section 16 is replaced by the following:

"**16. Medical records and expert reports.** A medical record or an expert report prepared by a physician, psychologist or social worker must be identified as confidential when filed in Lexius; it must be confidentially kept and no person, except an authorized person, may have access to it without the permission of the Court or a judge.".

9. Section 18 is replaced by the following:

"**18. Identification of exhibits and pagination.** Identification and pagination of an exhibit filed in the Lexius record are determined as provided in the directives of the Court and the terms of use for the Lexius platform.".

10. Section 21 is amended as follows:

"**21. Setting down for trial**

(*a*) Attestation that a record is complete (ARC): After the request for setting down for trial and judgment has been filed in the Lexius court office, the clerk verifies whether the record is complete and ready for trial and, if appropriate, ~~signs an attestation~~ so attests as provided in the terms of use for the Lexius platform, specifying the estimated duration of the trial on the merits, and so informs the parties.

(*b*) Notice that a record is incomplete: If the Clerk ascertains that the record is incomplete after verification, the Clerk sends a notice to the parties, and the party in default has 30 days to correct the situation.".

11. Section 22 is amended as follows:

"**22. Provisional roll.** After the request for setting down for trial and judgment has been filed, the clerk prepares a list of the cases that may be called in the following weeks and, at least 15 days before the date of the session referred to hereafter, ~~mails~~ sends by a technological means to each lawyer of record, or by any means to the parties if not represented, an extract of that list containing mention of their cases and convenes them to a calling of the provisional roll presided by the Chief Justice or a judge designated by the Chief Justice or, with the latter's consent, by the clerk.

At that session, the judge or clerk presiding determines the means of simplifying the procedure and shortening the hearing.

Having consulted the lawyers, the judge or clerk presiding fixes the dates of hearing for the cases on the list. Any request for postponement must be presented at that session.

The clerk draws up the minutes of the session and enters in the record of each case called the presence or absence of the lawyers or parties that are not represented.".

12. Section 25 is amended as follows:

"**25. Roll for hearing.** As soon as possible, the clerk sends the roll for hearing to the judges who will be hearing the cases appearing on the roll and, where applicable, to the judge who presided at the session mentioned in section 22 of this Regulation.

The roll for hearing indicates:

(*a*) the name of the judge;

(*b*) the number of the record;

(*c*) the names of all the parties;

(*d*) the names of the lawyers of record;

(*e*) the date and time of the hearing;

(*f*) the place of the hearing and, where applicable, the room number; and

(*g*) any other information ordered by the judge or clerk who presided at the session mentioned in section 22.

An extract from that roll is also sent by the clerk by a technological means to each lawyer of record or by any means to unrepresented parties concerning their cases.".

13. Section 39 is amended as follows:

"**39. Role of court clerk.** The clerk draws up the minutes of the hearing, noting

(*a*) the name of the presiding Judge;

(*b*) the various stages of the hearing;

(*c*) the names of the lawyers and witnesses;

(*d*) the names of the clerk and the stenographer;

(*e*) the exhibits filed;

(*f*) the Court orders, and the decisions rendered without being taken under advisement, except those concerning the evidence given in the depositions;

(*g*) the admissions dictated to the stenographer or mechanically recorded;

(*h*) the admissions dictated to the court clerk, which must be signed by the parties or their lawyers; and

(*i*) where applicable, the reasons stated by the Court for not proceeding with the case.

~~Similarly, the court clerk marks the exhibits with a letter and series of numbers previously used, and indicates and initials the case number; the clerk indicates on the copies of doctrine and jurisprudence the name of the lawyer or party who filed it.~~

~~The clerk prepares a separate list of exhibits filed by each of the parties and describes each exhibit.~~".

14. Section 47 is replaced by the following:

"**47. Record under advisement.** No case is taken under advisement until the clerk has ascertained that the Lexius record is complete, unless the judge decides otherwise.

If the record is incomplete, the clerk notifies the lawyers so that they may remedy the default.".

15. Section 48 is amended as follows:

"**48. Incomplete arguments.** If either party fails to complete its oral or written argument within the time period fixed at the hearing, the judge may send or have the clerk send ~~to the parties or their lawyers~~ , by a technological means to each of the parties of record or by any means to the parties if not represented, a notice to remedy the default within the time fixed by the Judge and take the case under advisement as it stands upon the expiry of that period. The judge informs the Chief Justice of that situation.".

16. Section 49 is amended as follows:

"**49. Evidence outside the presence of the court.** When evidence taken outside the presence of the court has been filed in the record, the special clerk must, if having no jurisdiction to render judgment and if the Court is not sitting in the district, ~~send the record to~~ so inform the judge who authorized the taking of evidence outside the presence of the court.".

17. Section 52 is revoked:

"~~**52. Judgment rendered in the course of a proceeding.** A judgment rendered in the course of a proceeding that is written out and signed on an application submitted to the court need not be written out and signed again on a separate paper, and the clerk may issue true copies of such a judgment.~~ *(Revoked.)*".

18. Section 53 is replaced by the following:

"**53. Compulsory indications.** All class action pleadings must include the words "Class Action" immediately above "Superior Court".

The back of an originating application for a class action also must include those words.".

19. Section 55 is amended as follows:

"**55. Documents accompanying the application.** The application for authorization is accompanied by ~~a copy of all other applications for authorization to bring a class action dealing in whole or in part with the same subject matter and~~ an attestation from the applicant or the applicant's lawyer indicating that the application will be entered in the national class action register. The~~se~~ document~~s~~ must be served on the adverse party at the same time as the application for authorization.

Failure by the applicant to comply with this section does not entail dismissal of the application; however, the judge, at the request of any interested person or on the judge's own initiative, may postpone the date of presentation of the application and order the applicant to remedy the failure.".

20. Section 56 is amended as follows:

"**56. Registry of class actions.** Within 5 days of filing, ~~a copy of~~ the application for authorization to institute a class action must be registered in the registry of class actions in accordance with article 573 of the Code of Civil Procedure (chapter C-25.01).".

21. Section 57 is amended as follows:

"**57. Relevent evidence.** An application for authorization to submit relevant evidence in accordance with article 574 of the Code of Civil Procedure (chapter C-25.01) must be accompanied by the documentary evidence, the affidavit or the written statement deemed to be sworn that the applicant wishes to submit.".

22. Section 63 is amended as follows:

"**63. Commercial cases:** All cases where the initial application is based principally, in whole or in part, on any of the following legislative provisions is a commercial case and is tried in the Commercial Chamber:

(Statutes of Canada)

— The Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3);

— The Companies and Creditors' Arrangement Act (R.S.C. 1985, c. C-36);

— The Winding-Up and Restructuring Act (R.S.C. 1985, c. W-11);

— The Canada Business Corporations Act (R.S.C. 1985, c. C-44);

— The Bank Act (S.C. 1991, c. 46);

— The Farm Debt Mediation Act (S.C. 1997, c. 21);

— The Commercial Arbitration Act (R.S.C. 1985, c. 17 (2nd Suppl.));

(Statutes of Québec)

— Code of Civil Procedure (chapter C-25.01):

– articles 527, 645 and 647 (homologation of an arbitration award);

– articles 507 and 508 (recognition and enforcement of an arbitration award made outside Québec);

— Companies Act (chapter C-38);

— Winding-Up Act (chapter L-4);

— Securities Act (chapter V-1.1);

— Act respecting the regulation of the financial sector (chapter E-6.1);

— Business Corporations Act (chapter S-31.1).

The same applies to any other case of a commercial nature, on a decision of the Chief Justice or a judge designated by the Chief Justice, made on initiative or on application.".

23. Section 64 is revoked:

"~~**64. Registry and jurisdictional numeration.** The Commercial Chamber has its own Registry and a distinct jurisdictional numeration.~~ *(Revoked.)*".

24. Section 65 is replaced by the following:

"**65. Compulsory indications.** A pleading in the Commercial Chamber must include, beneath the words "Superior Court", the words "Commercial Chamber" and, beneath those latter words, a reference to the law that governs the proceeding.

The back of an originating application must also include those words.".

25. Sections 66 and 67 are revoked:

"~~**66. Multiple cases within the same record.** Whenever there are multiple cases within the same record, each new originating application must bear the indication "New Case". In subsequent pleadings relative to the new application, the sequential number given to the new application must be mentioned in the heading "Case sequence number _____" under the court number of the record.~~ *(Revoked.)*";

"~~**67. Exception.** If the volume of commercial cases in any judicial district is limited, the coordinating judge of the district or the judge designated by the coordinating judge may have commercial cases dealt with in the general court office and tried in the civil practice chamber.~~ *(Revoked.)*".

26. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

106952

Notice of adoption

Code of Civil Procedure
(chapter C-25.01)

Superior Court of Québec
— Regulation in civil matters for the district of Québec
— Amendment

Notice is hereby given, in accordance with articles 63 to 65 of the Code of Civil Procedure (chapter C-25.01), that the Regulation to amend the Regulation of the Superior Court of Québec in civil matters for the district of Québec, appearing below, was adopted on March 14, 2024 and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

The Honourable MARIE-ANNE PAQUETTE,
Chief Justice of the Superior Court

Regulation to amend the Regulation of the Superior Court of Québec in civil matters for the district of Québec

Code of Civil Procedure
(chapter C-25.01, art. 63)

1. Schedule 1 to the Regulation of the Superior Court of Québec in civil matters for the district of Québec, added by the Regulation to amend the Regulation of the Superior Court of Québec in civil matters for the district of Québec (2023) 155 G.O.Q. 2, 1789, is revoked.

2. The Regulation is amended by adding the following after section 1:

"**1.1 Lexius applications.** The applications covered by the Regulation respecting the pilot project relating to digital transformation of the administration of justice, *(insert the reference to the CQLR), (insert the reference to the Gazette officielle du Québec)*, that concern class actions, commercial cases and applications dealt with according to the procedure for non-contentious proceedings, are governed for the duration of the pilot project by the special procedural rules provided therein, by those specifically adopted in Schedule 1 to this Regulation, in Schedule 1 to the Regulation of the Superior Court of Québec in civil matters (chapter C-25.01, r. 0.2.1) and by directives of the Superior Court of Québec, as a complement to the terms of use for the Lexius platform.".

3. The Regulation is amended by adding Schedule 1.

4. This Regulation is in force with respect to the judicial district of Québec for the period during which the Regulation respecting the pilot project relating to digital transformation of the administration of justice, *(insert the reference to the CQLR), (insert the reference to the Gazette officielle du Québec)*, is in force for that district.

SCHEDULE 1
(Section 3)

REGULATION OF THE SUPERIOR COURT OF QUÉBEC RELATING TO LEXIUS APPLICATIONS IN CIVIL MATTERS

1. For the duration of the pilot project as regards applications relating to class actions, commercial cases and applications dealt with according to the procedure for non-contentious proceedings provided for in the Regulation respecting the pilot project relating to digital transformation of the administration of justice, *(insert the reference to the CQLR), (insert the reference to the Gazette officielle du Québec)*, the following provisions of this Regulation are amended or revoked as indicated in this Schedule where they apply to an application covered by the pilot project.

The text that differs from the text otherwise in force is highlighted by the underlining of added text and a strikethrough line for deleted portions.

2. Section 7 is replaced by the following:

"**7.** A medical record or an expert report prepared by a physician, psychologist or social worker must be identified as confidential when filed in Lexius; it must be confidentially kept and no person, except an authorized person, may have access to it without the permission of the Court or a judge.".

3. Section 15 is amended as follows:

"**15.** If evidence is presented by way of affidavit or statements deemed to be sworn, a judge may decide the joint application on a draft agreement without a trial.".

4. Section 17 is amended as follows:

"**17.** A proceeding is a commercial proceeding if:

(*a*) the application is made under:

(Statutes of Canada)

— the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3);

— the Companies and Creditors' Arrangement Act (R.S.C. 1985, c. C-36);

— the Winding-Up and Restructuring Act (R.S.C. 1985, c. W-11);

— the Canada Business Corporations Act (R.S.C. 1985, c. C-44);

— the Bank Act (S.C. 1991, c. 46);

— the Farm Debt Mediation Act (S.C. 1997, c. 21);

— the Commercial Arbitration Act (R.S.C. 1985, c. 17 (2nd Suppl.));

(Statutes of Québec)

— the Code of Civil Procedure (chapter C-25.01):

– articles 527, 645 and 647 (homologation of an arbitration award);

– articles 507 and 508 (recognition and enforcement of an arbitration award made outside Québec);

—the Companies Act (chapter C-38);

—the Winding-Up Act (chapter L-4);

—the Securities Act (chapter V-1.1);

—the Act respecting the regulation of the financial sector (chapter E-6.1);

—the Business Corporations Act (chapter S-31.1);

(*b*) the same applies to any other case of a commercial nature, on a decision of the Associate Chief Justice or the judge responsible for the commercial chamber, made on initiative or on application.".

5. Section 18 is revoked:

"~~**18**. The commercial chamber has its own office and its own jurisdictional number~~ *(Revoked.)*".

6. Section 19 is replaced by the following:

"**19.** A pleading in the commercial chamber must include, beneath the words "Superior Court", the words "Commercial Chamber", and beneath those latter words, a reference to the law that governs the proceeding.

The back of an originating application must also include those words.".

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

106954

Draft Regulations

Draft Regulation

Act respecting land use planning and development
(chapter A-19.1)

An Act to amend the Act respecting municipal taxation and other legislative provisions
(2023, chapter 33)

Certain contributions to municipal services required for the issue of a permit or certificate
— Making

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting certain contributions to municipal services required for the issue of a permit or certificate, appearing below, may be made by the Minister of Municipal Affairs on the expiry of 45 days following this publication.

The purpose of the draft Regulation is mainly to provide for exemptions from the payment of a contribution for the issue of certain development permits or certificates and, for contributions other than those intended for the financing of a shared transportation service, to determine the classes of municipal infrastructures or equipment that may be financed by the payment of such a contribution.

Further information on the draft Regulation may be obtained by contacting Véronique Brisson Duchesne, Director, Direction de la politique fiscale et des revenus municipaux, Ministère des Affaires municipales et de l'Habitation, 10, rue Pierre-Olivier-Chauveau, 2e étage, Québec (Québec) G1R 4J3; telephone: 418 691-2015, extension 83834; email: veronique.brissonduchesne@mamh.gouv.qc.ca.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Véronique Brisson Duchesne using the contact information above.

ANDRÉE LAFOREST
Minister of Municipal Affairs

Regulation respecting certain contributions to municipal services required for the issue of a permit or certificate

Act respecting land use planning and development
(chapter A-19.1, s. 226.2)

An Act to amend the Act respecting municipal taxation and other legislative provisions
(2023, chapter 33, s. 4)

DIVISION 1
APPLICATION

1. Unless otherwise indicated, this Regulation applies to contributions that may be required from the applicant for a permit or certificate under subparagraph 2 or 3 of the first paragraph of section 145.21 of the Act respecting land use planning and development (chapter A-19.1).

DIVISION 2
CLASSES OF STRUCTURES THAT MAY NOT BE SUBORDINATED TO THE PAYMENT OF A CONTRIBUTION

2. No contribution may be required in respect of a dwelling referred to in one of the following paragraphs:

(1) a dwelling in low-rental or modest-rental housing;

(2) a dwelling that is or will be the subject of an operating agreement of a duration of at least 25 years, in particular as affordable housing, entered into with the Société d'habitation du Québec, a municipality, the Government, a government minister or body, or the Canada Mortgage and Housing Corporation;

(3) a dwelling that is or will be the subject of an operating agreement of a duration of at least 25 years entered into with a person other than the persons mentioned in paragraph 2 and for which the rent is determined according to criteria set out in a program implemented under the Act respecting the Société d'habitation du Québec (chapter S-8);

(4) a dwelling in an immovable for which the owner is or will be recognized in accordance with the regulation referred to in the second paragraph of article 1979 of the Civil Code.

3. No contribution may be required in respect of all or part of an immovable that is or will be a private seniors' residence within the meaning of the Act to make the health and social services system more effective (2023, chapter 34) or the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2).

DIVISION 3
CLASSES OF MUNICIPAL INFRASTRUCTURES OR EQUIPMENT THAT MAY BE FINANCED BY THE PAYMENT OF A CONTRIBUTION

4. This Division applies to any contribution required under subparagraph 2 of the first paragraph of section 145.21 of the Act respecting land use planning and development.

5. The infrastructures and equipment that may be financed by the payment of a contribution must relate to the following services:

(1) water supply;

(2) waste water and rainwater management;

(3) residual material management;

(4) roads;

(5) public safety.

DIVISION 4
TRANSITIONAL AND FINAL

6. No contribution may be required in respect of a dwelling that meets the following conditions:

(1) the dwelling is intended for a person pursuing studies within the meaning of article 1979 of the Civil Code;

(2) the dwelling is or will be included in a unit of assessment entered on the roll in the name of a non-profit legal person whose object is to build and administer residences for students at the university level.

The first paragraph ceases to have effect on 21 February 2029.

7. Until the date of coming into force of section 1293 of the Act to make the health and social services system more effective (2023, chapter 34), section 3 of this Regulation is to be read as if "for the Inuit and Naskapi" were struck out.

8. This Regulation does not apply to a municipal by-law adopted under subparagraph 2 or 3 of the first paragraph of section 145.21 of the Act respecting land use planning and development (chapter A-19.1) if the by-law came into force before (insert the date of coming into force of this Regulation).

The first paragraph ceases to have effect on 1 January 2027.

9. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

106955