



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 77

**An Act to amend the Tourist
Establishments Act and to repeal
certain legislative provisions**

Introduction

**Introduced by
Mr André Vallerand
Minister of Tourism**

**Québec Official Publisher
1993**

EXPLANATORY NOTES

This bill amends the Tourist Establishments Act to entrust the Minister of Agriculture, Fisheries and Food with the administration of measures relating to the issue of permits for the operation of restaurant establishments.

Under this bill, permits remain valid for twelve months and the transfer of rights conferred by a permit remains prohibited. Amendments to the regulatory power of the Government are introduced in respect of tourist establishments, the conditions governing the granting of permits, the form and tenor of permits and the duties payable for their issue.

Finally, the bill abolishes the obligation imposing on applicants for a permit that they file a sworn statement.

ACTS AMENDED BY THIS BILL:

- Act respecting tourist establishments (R.S.Q., chapter E-15.1);
- Act to amend the Tourist Establishments Act (1991, chapter 49).

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Tourist Establishments Act (R.S.Q., chapter E-15.1) is amended by replacing the words “designed to offer” in the first line of the first paragraph by the word “offering”.

2. Section 7 of the said Act is amended by striking out the words “file a sworn statement and” in the second line.

3. Section 11 of the said Act is replaced by the following sections:

“11. The Minister may refuse to issue a permit if

(1) the person applying for the permit does not meet the conditions prescribed by this Act and the regulations;

(2) the person applying for the permit has, in the last three years, been convicted of an offence under any of the provisions of this Act, the Building Act (R.S.Q., chapter B-1.1), the Environment Quality Act (R.S.Q., chapter Q-2), the Consumer Protection Act (R.S.Q., chapter P-40.1), the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) or the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30), unless he has been pardoned.

“11.1 The Minister may suspend, cancel or refuse to renew a permit if

(1) the permit holder no longer meets the conditions prescribed by this Act and the regulations;

(2) the permit holder has, during the term of his permit, been convicted of an offence under any of the provisions of this Act, the Building Act (R.S.Q., chapter B-1.1), the Environment Quality Act (R.S.Q., chapter Q-2), the Consumer Protection Act (R.S.Q., chapter P-40.1), the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) or the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30), unless he has been pardoned.”

4. Section 36 of the said Act is amended

(1) by adding, at the end of subparagraph 4 of the first paragraph, the following words: “according to the classes and subclasses of tourist establishments”;

(2) by striking out subparagraph 5 of the first paragraph;

(3) by replacing subparagraph 8 of the first paragraph by the following subparagraphs:

“(8) determine the form and tenor of a permit according to the classes and subclasses of tourist establishments, and the cases where a permit may be issued for a period of less than twelve months;

“(8.1) determine the duties payable for the issue or renewal of a permit according to the classes and subclasses of tourist establishments, the number of sleeping-accommodation units or camping sites and the period for which a permit is valid;

“(8.2) prescribe, according to the classes and subclasses of tourist establishments, non-refundable fees payable for the classification of a tourist establishment, the examination of an application for a permit, the supply and replacement of the material necessary for posting the classification of a tourist establishment and the rates fixed for sleeping-accommodations or camping sites as well as the charge payable in relation to a cheque without sufficient funds or a cheque returned by a financial institution for any other reason;”;

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

“(16) define the expression “tourist establishment”.”;

(5) by adding, after the second paragraph, the following paragraph:

“The standards adopted under subparagraphs 1, 2, 4, 6, 8, 8.1, 8.2, 12 and 15 of the first paragraph which apply to a permit for the

operation of a restaurant establishment shall be established jointly with the Minister of Agriculture, Fisheries and Food."

5. Section 55 of the said Act is amended by adding, at the end, the following paragraph:

"However, the Minister of Agriculture, Fisheries and Food is responsible for the administration of section 4, the first and second paragraphs of section 6, sections 7 to 21, the first paragraph of section 30, sections 33 to 35, sections 37 to 41 and for the administration of the regulatory provisions relating to the said legislative provisions, where such legislative and regulatory provisions apply to a permit for the operation of a restaurant establishment."

6. Sections 2 and 3, paragraph 1 of section 4, sections 5 to 9, paragraphs 2, 3, 4 and 5 of section 10 and section 11 of the Act to amend the Tourist Establishments Act (1991, chapter 49) are repealed.

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