

# Gazette officielle du Québec

## Part 2 Laws and Regulations

Volume 132  
15 November 2000  
No. 46

### Summary

Table of Contents  
Acts 2000  
Regulations and other acts  
Draft Regulations  
Index

Legal deposit — 1st Quarter 1968  
Bibliothèque nationale du Québec  
© Éditeur officiel du Québec, 2000

All rights reserved in all countries. No part of this publication may be translated, used or reproduced by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.



---

## Table of Contents

Page

---

### Acts 2000

157	An Act to order the resumption of certain road freight transport services . . . . .	5287
225	An Act respecting the annexation of a territory to the territory of Ville de Lachute . . . . .	5293
	List of Bills sanctioned (27 October 2000) . . . . .	5283
	List of Bills sanctioned (2 November 2000) . . . . .	5285

---

### Regulations and other acts

1273-2000	Powers of committees established to ensure the follow-up of the temporary application measures referred to in subparagraphs 1 and 2 of the first paragraph of section 85.33 or in Title IV.1.1 of the Act respecting the Government and Public Employees Retirement Plan . . . .	5299
1282-2000	Professional Code — Évaluateurs agréés — Code of ethics of the members of the Ordre . . . .	5300
1284-2000	Approval of the Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines and Regulation respecting the implementation of the Amendment . . . . .	5307

---

### Draft Regulations

Maternity benefits . . . . .		5313
------------------------------	--	------



**PROVINCE OF QUÉBEC**

1st SESSION

36th LEGISLATURE

QUÉBEC, 27 OCTOBER 2000

---

## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 27 October 2000*

This day, at fifty-five minutes past three o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

225 An Act respecting the annexation of a territory to the territory of Ville de Lachute

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



**PROVINCE OF QUÉBEC**

1st SESSION

36th LEGISLATURE

QUÉBEC, 2 NOVEMBER 2000

---

## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 2 November 2000*

This day, at fifty-five minutes past nine o'clock in the evening, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

157 An Act to order the resumption of certain road freight transport services

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







---

---

# NATIONAL ASSEMBLY

---

---

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 157  
(2000, chapter 38)

## **An Act to order the resumption of certain road freight transport services**

---

---

**Introduced 2 November 2000**  
**Passage in principle 2 November 2000**  
**Passage 2 November 2000**  
**Assented to 2 November 2000**

---

**Québec Official Publisher  
2000**

## **EXPLANATORY NOTES**

*This bill orders all drivers to which it applies to cease and abstain from taking part in any concerted action the effect of which is to prevent, hinder or reduce in any manner the provision, in the territory of Québec, of road transport services for container freight from or to the Port of Montréal or any intermodal terminal in Québec.*

*The bill also imposes obligations on the Syndicat national du transport routier-CSN, the Confederation of National Trade Unions, owners and operators of heavy vehicles and transport service intermediaries to ensure the resumption of such road transport services.*

*Moreover, the bill enacts various penal, administrative and civil measures to ensure enforcement.*

## **Bill 157**

### **AN ACT TO ORDER THE RESUMPTION OF CERTAIN ROAD FREIGHT TRANSPORT SERVICES**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### **DIVISION I**

##### **INTERPRETATION AND SCOPE**

1. In this Act, unless the context indicates otherwise,

“driver” means any driver who, on 2 November 2000, is, personally or through a legal person controlled by the driver, an owner or operator registered in the *Registre des propriétaires et des exploitants de véhicules lourds* established by section 4 of the Act respecting owners and operators of heavy vehicles (R.S.Q., chapter P-30.3), any driver of a heavy vehicle belonging to such an owner or operator or any person who subsequently becomes such a driver;

“union” means the *Syndicat national du transport routier-CSN*; and

“central labour body” means the *Confederation of National Trade Unions*.

2. This Act applies, in accordance with the provisions of Part II of the *Motor Vehicle Transport Act, 1987* (Revised Statutes of Canada, 1985, chapter 29, Third Supplement), even in respect of any person involved in an extra-provincial truck undertaking.

#### **DIVISION II**

##### **RESUMPTION OF SERVICES**

3. Every driver must, as of 8 a.m. on 3 November 2000, cease taking part in any concerted action in progress the effect of which is to prevent, hinder or reduce in any manner the provision, in the territory of Québec, of road transport services for container freight from or to the Port of Montréal or any intermodal terminal in Québec, or that is capable of producing any such effect.

Every driver must, as of the same time, refrain from taking part in any concerted action the effect of which is to prevent, hinder or reduce in any manner the provision of such services, or that is capable of producing any such effect.

4. Every driver must also, as of 8 a.m. on 3 November 2000, cease taking part in any concerted action in progress the effect of which is to prevent, hinder or reduce in any manner the flow of traffic on a public road or the entry of heavy vehicles to a place where freight is destined, or that is capable of producing any such effect.

Every driver must, as of the same time, refrain from taking part in any concerted action the effect of which is to prevent, hinder or reduce in any manner the flow of traffic on a public road or the entry of heavy vehicles to a place where freight is destined, or that is capable of producing any such effect.

5. The union is prohibited from continuing or undertaking any concerted action that involves a contravention of section 3 or 4 by drivers, whether or not they have joined the union.

6. The union must take appropriate measures to induce all drivers to comply with sections 3 and 4 and to resume the provision, in the territory of Québec, of normal road transport services for container freight from or to the Port of Montréal or any intermodal terminal in Québec.

7. Before 8 a.m. on 3 November 2000, the central labour body must recommend to the union to take appropriate measures to comply with sections 5 and 6 and must make that recommendation public.

8. Every owner or operator of a heavy vehicle registered in the *Registre des propriétaires et des exploitants de véhicules lourds* that is not a driver and every transport service intermediary referred to in section 15 of the Act respecting owners and operators of heavy vehicles must take appropriate measures to ensure the resumption, in the territory of Québec, of normal road transport services for container freight from or to the Port of Montréal or any intermodal terminal in Québec.

9. No person may, by omission or otherwise, in any manner impede or adversely affect the provision of road transport services in the territory of Québec, except in the case of a lawfully declared strike or lock-out.

10. No person may help, encourage, advise, allow, authorize or order a driver, the union, the central labour body, an owner, an operator or an intermediary referred to in section 8 or any other person to contravene any provision of this division.

### **DIVISION III**

#### **PENAL PROVISIONS**

11. Every driver who contravenes any provision of section 3 or 4 is guilty of an offence and liable, for each day or part of a day during which the offence continues,

(1) to a fine of \$250 to \$1,000 in the case of a driver other than a person referred to in paragraph 2; and

(2) to a fine of \$7,000 to \$35,000 in the case of a driver who is an officer, employee or representative of a union or central labour body.

12. If the union contravenes any provision of section 5 or 6, it is guilty of an offence and liable to a fine of \$25,000 to \$125,000 for each day or part of a day during which a contravention of section 3 or 4 continues.

13. If the central labour body contravenes section 7, it is guilty of an offence and liable to a fine of \$25,000 to \$125,000 for each day or part of a day during which the union contravenes section 5 or 6.

14. Every owner, operator or intermediary referred to in section 8 that contravenes any provision of that section is guilty of an offence and liable, for each day or part of a day during which the contravention continues, to a fine of \$7,000 to \$35,000 in the case of a natural person and \$25,000 to \$125,000 in the case of a legal person.

15. Every person who contravenes any provision of section 9 or 10 is guilty of an offence and liable to a fine of \$250 to \$1,000 for each day or part of a day during which the contravention continues.

In the case of a person who is an officer, employee or representative of the union or the central labour body, the amount of the fine is \$7,000 to \$35,000.

#### **DIVISION IV**

##### **ADMINISTRATIVE AND CIVIL MEASURES**

###### *§1. — Removal, seizure and confiscation*

16. A peace officer may remove or cause the removal of any thing used in contravention of any provision of section 3 or 4, at the expense of the offender. A peace officer may also seize such a thing, in which case the provisions of the Code of Penal Procedure (R.S.Q., chapter C-25.1) pertaining to things seized apply to the things seized, with the necessary modifications.

17. Upon pronouncing a conviction for an offence under section 3 or 4 and on the application of the prosecutor, the judge may order the confiscation of a thing seized under section 16. Prior notice of the application for confiscation must be given by the prosecutor to the person from whom the property was seized and to the offender, except if they are in the presence of the judge.

§2. — *Administrative sanctions*

18. The registration required under the Act respecting owners and operators of heavy vehicles of a driver or an owner, an operator or an intermediary referred to in section 8 that is convicted of one or more offences against any provision of this Act shall be suspended for two months per offence.

§3. — *Civil measures*

19. The union and the central labour body are solidarily liable for any damage caused during a contravention of any provision of section 3 or 4, unless it is established that the damage was not caused by the contravention or that the contravention is not part of any concerted action referred to in either section.

Any person who suffers damage by reason of an act in contravention of any provision of section 3 or 4 may apply to the competent court for compensation.

Notwithstanding article 1003 of the Code of Civil Procedure (R.S.Q., chapter C-25), if a person who has suffered damage during a contravention of any provision of section 3 or 4 brings a class action under Book IX of the Code of Civil Procedure by way of a motion in accordance with the second paragraph of article 1002 of the said Code, the court shall authorize the bringing of the class action if it is of the opinion that the person to whom the court intends to ascribe the status of representative is in a position to adequately represent the members of the group described in the motion.

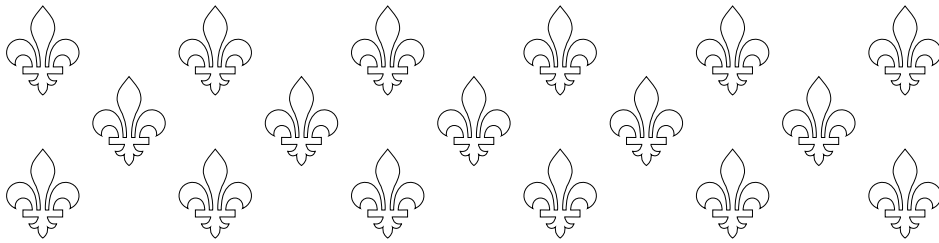
20. Any person may, without prior notice or compensation, unilaterally terminate a contract binding the person and a driver who contravenes section 3 or 4, whether or not the driver is prosecuted for the contravention, unless the driver took every reasonable means to comply with those sections and the driver's failure to so comply was not part of any concerted action.

## **DIVISION V**

### **FINAL PROVISIONS**

21. This Act ceases to have effect on the date determined by the Government.

22. This Act comes into force on 2 November 2000.



---

---

# NATIONAL ASSEMBLY

---

---

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 225

(Private)

**An Act respecting the annexation of  
a territory to the territory of Ville de  
Lachute**

---

---

**Introduced 9 June 2000**

**Passage in principle 25 October 2000**

**Passage 25 October 2000**

**Assented to 27 October 2000**

---

**Québec Official Publisher  
2000**





## **Bill 225**

(Private)

### **AN ACT RESPECTING THE ANNEXATION OF A TERRITORY TO THE TERRITORY OF VILLE DE LACHUTE**

WHEREAS it is in the interest of Ville de Lachute that a territory be annexed to it and that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The territory described in the schedule is annexed to the territory of Ville de Lachute.

Sections 168 to 176 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) apply to the annexation, with the necessary modifications.

2. The territory described in the schedule is attached to the southeast electoral ward.

3. The annual payments of the principal of and interest on all the loans made under by-laws adopted by Ville de Lachute and borne by all the taxable immovables in the territory of that city before 27 October 2000 shall continue to be borne by the same immovables. Any amendment to the taxation provisions of the loan by-laws must pertain only to the immovables in that territory.

4. The immovables situated in the territory described in the schedule that are owned by Ville de Mirabel become the property of Ville de Lachute, and the indemnity to be paid, if any, is fixed upon the apportionment of the assets and liabilities relating to the territory described in the schedule.

5. The Minister of Municipal Affairs and Greater Montréal shall send to the municipalities concerned a written notice indicating the name of the conciliator appointed by the Minister for the negotiation of an agreement on the apportionment of the assets and liabilities relating to the territory described in the schedule and the time granted by the Minister for an agreement to be reached.

The apportionment of the assets and liabilities excludes any financial compensation for a loss of territory or a loss of property assessment value, except as specifically provided for in sections 3 and 4.

6. Sections 157, 158 and 214.3 of the Act respecting municipal territorial organization apply to the apportionment, with the necessary modifications.

7. The Minister of Municipal Affairs and Greater Montréal shall publish in the *Gazette officielle du Québec* a notice stating that the Minister has approved an agreement with or without amendment or has imposed an apportionment.

The notice shall include the terms and conditions of the apportionment and indicate the population of each municipality concerned.

8. The apportionment comes into force on the date of publication of the notice provided for in section 7 or on any date indicated therein.

9. Notwithstanding the second paragraph of section 6 of the Act respecting the Comité d'enfouissement sanitaire d'Argenteuil—Deux-Montagnes (1987, chapter 134), enacted by section 1 of chapter 102 of the statutes of 1989, lot 10 of the official cadastre of the parish of Saint-Jérusalem may be used for any purpose consistent with the special zoning rules contained in an interim control by-law or in a zoning by-law applicable to the lot.

10. Within 90 days after the coming into force of the order made following the public hearings held by the Bureau d'audiences publiques sur l'environnement on the enlargement of the residual materials elimination site of the Régie intermunicipale Argenteuil—Deux-Montagnes, and after consultation with Ville de Lachute and the interested persons in the territory described in the schedule, the Régie shall transmit to each interested person a proposal concerning the compensation or reduction of the inconvenience caused to the person, if any, by the operation of the Régie's facilities. The measures may include purchase by agreement or expropriation of all or part of an immovable.

Where an interested person is not satisfied with a proposal concerning only the payment of an indemnity to compensate or reduce the inconvenience suffered by the interested person, the person may, within 30 days of receiving the proposal, apply to the Commission municipale du Québec for a review of the amount of the indemnity and a determination of the amount it considers fair. Division IV of the Act respecting the Commission municipale (R.S.Q., chapter C-35) applies, with the necessary modifications.

Notwithstanding the first two paragraphs, the Régie must expropriate any immovable situated in the territory described in the schedule where the owner of the immovable applies therefor in writing to the Régie within 30 days either of receiving a proposal or of expiry of the time limit provided for in the first paragraph.

The interested persons are the owners or lessees of an immovable situated in the territory described in the schedule on 7 September 2000.

11. The Common Municipal Court of Ville de Lachute has jurisdiction over the territory described in the schedule upon the coming into force of this Act.

Sections 117.2 to 117.5 of the Act respecting municipal courts (R.S.Q., chapter C-72.01) apply, with the necessary modifications.

12. This Act comes into force on 27 October 2000.

## SCHEDULE

## TECHNICAL DESCRIPTION OF THE LIMITS OF THE TERRITORY TO BE DETACHED FROM VILLE DE MIRABEL, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE MIRABEL AND TO BE ANNEXED TO VILLE DE LACHUTE, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ARGENTEUIL

A territory currently forming part of Ville de Mirabel, Municipalité régionale de comté de Mirabel, comprising, in reference to the cadastres of Mirabel and of the parish of Saint-Jérusalem, the lots or parts of lots and their present and future subdivisions and the roads, highways, streets, right of way of a railway, watercourses or parts thereof, the whole contained in the limits hereinafter described, to wit,

Starting from the intersection of the dividing line between lots 35-167 and 35-55 of the cadastre of Mirabel and the west limit of the cadastre of the parish of Saint-Hermas ; thence, successively, the following lines and demarcations : in reference to the cadastre of Mirabel, southerly, along the east limit of lots 35-167 and 35-24, then the line dividing the cadastre of the parish of Saint-Jérusalem and the cadastre of the parish of Saint-Hermas to the southeast corner of lot 1 of the cadastre of the parish of Saint-Jérusalem, that line running across the Albert-Leroux stream ; westerly, along the line dividing the cadastre of the parish of Saint-Jérusalem and the cadastre of the parish of Saint Andrews to its intersection with the east limit of lot 92, the cadastre of the parish of Saint-Jérusalem, that line running across Des Sources road and following in part the north right of way of Brown's Gore road ; northerly, in reference to the said cadastre of the parish of Saint-Jérusalem, along the dividing line between lot 92 and lots 91, 90, 89, 88, 87 and 86 to the northeast corner of the said lot 92 ; westerly, along the dividing line between lots 92 and 86 to the west limit of lot 86 ; northerly, successively, along the line dividing the cadastre of the parish of Saint-Jérusalem and the cadastre of Mirabel, that line running across the Noire river and following in part the east right of way of Saint-Jérusalem road, that is, lot 34-49 to its intersection with the south limit of lot 35-55, corresponding to the south right of way of highway 148 ; easterly, along the south right of way of highway 148 to the starting point, that line running across Des Sources road, the Albert-Leroux stream and the Rodger stream.

## Regulations and other acts

---

Gouvernement du Québec

### **O.C. 1273-2000, 1 November 2000**

An Act to amend various legislative provisions concerning retirement (1997, c. 71; 1999, c. 73)

**Powers of committees established to ensure the follow-up of the temporary application measures referred to in subparagraphs 1 and 2 of the first paragraph of section 85.33 or in Title IV.1.1 of the Act respecting the Government and Public Employees Retirement Plan**

Regulation respecting the powers of committees established to ensure the follow-up of the temporary application measures referred to in subparagraphs 1 and 2 of the first paragraph of section 85.33 or in Title IV.1.1 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS committees of representatives of employers and employees were formed to ensure the follow-up of the temporary application measures referred to in subparagraphs 1 and 2 of the first paragraph of section 85.33 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) and those referred to in Title IV.1.1 of that Act;

WHEREAS under section 37 of the Act to amend various legislative provisions concerning retirement (1997, c. 71), amended by section 17 of the Act to amend various legislative provisions concerning the pension plans in the public and parapublic sectors (1999, c. 73), the Government may, by regulation, determine the powers that may be exercised by the committees concerning the application of those temporary application measures insofar as such powers can be exercised to grant a person advantages that the law would not otherwise have granted to the person;

WHEREAS under that section, the said regulation may have effect from any date subsequent to 21 March 1997;

WHEREAS it is expedient to determine the powers that may be exercised by the committees concerning the application of the temporary measures referred to in subparagraphs 1 and 2 of the first paragraph of section 85.33 or in Title IV.1.1 of the Act respecting the Government and Public Employees Retirement Plan;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Regulation respecting the powers of committees established to ensure the follow-up of the temporary application measures referred to in subparagraphs 1 and 2 of the first paragraph of section 85.33 or in Title IV.1.1 of the Act respecting the Government and Public Employees Retirement Plan, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

---

### **Regulation respecting the powers of committees established to ensure the follow-up of the temporary application measures referred to in subparagraphs 1 and 2 of the first paragraph of section 85.33 or in Title IV.1.1 of the Act respecting the Government and Public Employees Retirement Plan**

An Act to amend various legislative provisions concerning retirement (1997, c. 71, s. 37; 1999, c. 73, s. 17)

1. The committees established to ensure the follow-up of the temporary application measures referred to in subparagraphs 1 and 2 of the first paragraph of section 85.33 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) or in Title IV.1.1 of that Act may, in respect of persons to whom those measures apply and with a view to granting them advantages that the law would not otherwise have granted them,

(1) establish terms and conditions for the reimbursement or compensation of benefits overpaid to a person by the Commission administrative des régimes de retraite et d'assurances following an incorrect analysis or an inaccurate calculation of the data used to establish the amount of the benefit;

(2) determine the information or documents necessary to substantiate an application made to the Commission for the redemption of past service;

(3) authorize a person who no longer contributes to the plan as an employee to submit an application to the Commission for the redemption of past service, where that person demonstrates that he has a reasonable reason therefor;

(4) extend the validity period of a redemption proposal forwarded by the Commission to a participating employee where the latter demonstrates that he has a reasonable reason therefor.

2. This Regulation comes into force on the day it is made but has effect from 22 March 1997.

3924

Gouvernement du Québec

## O.C. 1282-2000, 1 November 2000

Professional Code  
(R.S.Q., c. C-26)

### Évaluateurs agréés — Code of ethics

Code of ethics of the members of the Ordre des évaluateurs agréés du Québec

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, particularly the duty to discharge his professional obligations with integrity;

WHEREAS, under the same section of the Professional Code, the code of ethics must contain, *inter alia*:

(1) provisions determining which acts are derogatory to the dignity of the profession;

(2) provisions defining, if applicable, the professions, trades, industries, businesses, offices or duties incompatible with the dignity or practice of the profession;

(3) provisions to preserve the secrecy of confidential information that becomes known to the members of the order in the practice of their profession;

(4) provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6, and provisions concerning a professional's obligation to release documents to his clients;

(5) provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by the members of the order;

WHEREAS the Bureau of the Ordre des évaluateurs agréés du Québec made, at its meeting of 30 September 1999, the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec to replace the Code of ethics of chartered appraisers (R.R.Q., 1981, c. C-26, r. 91) currently in force;

WHEREAS under section 95.3 of the Professional Code, the secretary of the order sent a draft of the Regulation to every member of the order at least 30 days before its adoption by the Bureau;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 26 January 2000 with a notice that it could be submitted to the Government, which could approve it with or without amendment, upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Professional Code, the Regulation was sent to the Office des professions which examined it and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

---

## **Code of ethics of the members of the Ordre des évaluateurs agréés du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 87)

### **CHAPTER 1 GENERAL**

1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties incumbent upon all members of the Ordre des évaluateurs agréés du Québec who engage in professional activities.

In particular, it determines the acts that are derogatory to the dignity of the profession, sets out provisions to preserve the secrecy of confidential information that becomes known to an appraiser in the practice of his profession, and establishes the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code as well as conditions, obligations, and prohibitions in respect of advertising by an appraiser.

### **CHAPTER II DUTIES TOWARD CLIENTS, THE PROFESSION, AND THE PUBLIC**

#### **DIVISION I COMPETENCE AND INTEGRITY**

2. Every appraiser must discharge his professional obligations with competence and integrity.

The appraiser must provide high-quality professional services.

3. An appraiser must maintain and increase his knowledge and skills and constantly seek to improve his professional outlook.

4. An appraiser must practice his profession in keeping with good practice and generally accepted standards.

5. An appraiser must consider the limitations of his skills, knowledge, experience, and the means at his disposal. In particular, no appraiser shall undertake or continue an appraisal for which he is insufficiently qualified, without obtaining the necessary assistance.

6. In addition to the provision of section 54 of the Professional Code, no appraiser shall practise his profession or perform professional acts under conditions or in situations likely to impair the dignity of the profession or the quality of the services he provides.

7. An appraiser must consider the general effect that his research and work could have on society.

8. An appraiser must promote all measures likely to improve the availability and quality of professional services in his field of practice.

The appraiser must, among other things, promote all training or information designed to make such services known to the public and, at the request of the Order, participate in the implementation of such measures, unless he has serious cause not to do so.

#### **DIVISION II CONDUCT**

9. An appraiser's conduct must be irreproachable.

The appraiser shall, in particular, act with courtesy, dignity, moderation, and objectivity.

10. Every appraiser shall avoid attitudes and methods likely to diminish the good repute of the profession or his ability to serve the public interest. He shall avoid discriminatory, fraudulent, or illegal practices, and must refuse to participate in such practices.

11. Every appraiser shall show respect toward all commissions of inquiry, bodies, and courts, and the members thereof.

No appraiser shall, directly or indirectly, broadcast or publish comments or remarks that he knows to be false or that are manifestly false, concerning a commission of inquiry, a body, or a court, or any member thereof.

12. No appraiser shall, directly or indirectly, comment publicly in any manner whatsoever on any case that is pending before a commission of inquiry, a body, or a court, and in which he or one of his partners or employees has acted.

13. No appraiser shall

1° lead or attempt to lead a court into error, create doubt in favour of a client, or restrict or deform reality by his testimony;

2° prevent or try to prevent another party from being assisted by an appraiser or represented by an advocate.

#### **DIVISION III IMPARTIALITY AND INDEPENDENCE**

14. An appraiser must subordinate his personal interests to those of his client.

For the purposes of this Regulation, the word “client” means the person requiring the services of the appraiser.

15. No appraiser shall agree to render professional services where he knows that a contract for the same services has already been concluded with another appraiser, unless he advises his client of a possible duplication of costs and services.

16. No appraiser shall refuse to render professional services without reasonable cause.

However, no appraiser shall accept more contracts than are dictated by the interests of his clients and the respect of his professional obligations.

17. Every appraiser shall safeguard his professional independence at all times. He shall, in particular,

1° ignore any intervention by a third party that could influence the fulfilment of his professional obligations to the detriment of his clientele;

2° retain his professional independence when called upon to collaborate with another person, notably, another member of the Order or a member of another professional order;

3° avoid performing a task contrary to his professional conscience, to the rules of his profession, or to generally accepted standards of practice;

4° avoid appraising, examining, or holding a consultation on a thing or a right in which he or his partners have an interest, whether direct or indirect, present or future;

5° refrain from sitting as a member of an adjudicatory body in a decision or recommendation relating to the rights and obligations of his client or the client of a partner;

6° refrain from acting in a situation where he could derive personal advantage, whether direct or indirect, present or future.

18. An appraiser who, without compromising his professional independence, acts for a client both as an appraiser and in another capacity or solely in another capacity, must disclose this fact and the manner in which he is remunerated, to the client in writing, and explain how his independence is maintained.

An appraiser who acts solely in another capacity must also obtain his client’s agreement that no act will be deemed a considered opinion of value.

The appraiser’s disclosure and the client’s agreement do not exempt the appraiser from his obligation to maintain professional independence at all times and to cease to act where the situation becomes irreconcilable with his duty to remain independent.

19. Every appraiser shall avoid any situation in which he could be in a conflict of interest. Without restricting the generality of the foregoing, the appraiser is in a conflict of interest

1° where he serves opposing interests, notably, where he agrees with a third party to appraise an immovable situated in the territory of a municipality for which he prepares and maintains the municipal roll;

2° where the interests in question are such that he might favour some of them over those of his client or where his judgment and loyalty toward his client could be unfavourably affected.

As soon as he becomes aware that he is in a situation of conflict of interest, or apparent conflict of interest, the appraiser must disclose this fact in writing to the clients concerned and request authorization to continue to act for them. Mention of this must be made by the appraiser in his report.

20. Generally, an appraiser shall act for only one party in any given case.

Where an appraiser’s professional duties require him to act for more than one party, such as in the capacity of arbitrator or amiable compositeur, he must specify the nature of his duties or responsibilities to all parties concerned and inform them that he will cease to act if the situation becomes irreconcilable with his duty to remain independent.

21. Every appraiser shall refuse any benefit, commission, or return relative to the practice of his profession that is in addition to the remuneration to which he is entitled. Similarly, no appraiser shall pay, offer to pay, or undertake to pay such benefit, commission, or return.

#### **DIVISION IV DILIGENCE AND AVAILABILITY**

22. An appraiser shall display reasonable availability and diligence. He shall, among other things, inform his client upon request of the approximate time required for the execution of the professional service.



**DIVISION V  
FEES**

23. Every appraiser must charge fair and reasonable fees.

Fees are considered fair and reasonable if they are warranted under the circumstances and in proportion to the services provided.

24. In determining the amount of his fees, an appraiser shall consider the following factors in particular:

1° the knowledge or skill required to perform the professional services;

2° the degree of responsibility assumed;

3° the degree of difficulty and the importance of the professional services;

4° his experience;

5° the performance of professional services that are unusual or that require exceptional speed or competence;

6° the tariff suggested by the Order for the professional services rendered;

7° the time required to perform the professional services.

No appraiser shall determine his fees, in whole or in part, as a percentage of contested taxes saved or a percentage of an expropriation indemnity surplus.

25. No appraiser shall request payment of his fees in advance; however, he may accept an advance to cover the payment of disbursements and part of his fees.

26. An appraiser must receive fees from only one source in payment of a professional service, unless all parties concerned explicitly agree otherwise.

He shall inform his client before accepting payment of his fees from another person.

The agreement contemplated in the first paragraph must also state whether the fees, payment of costs, or other amounts he may receive from another person will be deducted from the fees agreed upon.

27. No appraiser shall share his fees with another person unless responsibilities and services are also shared.

28. No appraiser shall collect interest on an outstanding account without first notifying his client. The interest thus charged must be at a reasonable rate.

29. Before having recourse to legal proceedings, an appraiser must have exhausted all other available means for obtaining payment of his fees.

30. Every appraiser who entrusts the collection of his fees to another person must, as far as possible, ensure that that person acts with tact and moderation.

31. Every appraiser shall provide the explanations required by a client to understand his statement of account and the terms and conditions of payment.

**DIVISION VI  
LIABILITY**

32. Every appraiser shall fully assume civil liability. No appraiser shall include in a contract for professional services any clause directly or indirectly excluding his civil liability in whole or in part

No appraiser shall sign a contract containing such a clause.

33. Every appraiser shall ensure that the provisions of the law and the regulations applicable to members of the Order are respected by the persons or partners with whom he acts. In particular, every appraiser is responsible for any work he has caused to be executed by other persons. He must train and supervise such persons and review their work to ensure that it complies with the laws, regulations, and standards of practice applicable to members of the Order.

**DIVISION VII  
ADDITIONAL DUTIES IN THE PRACTICE OF THE PROFESSION**

34. Every appraiser shall identify himself to his client as a member of the Ordre des évaluateurs agréés du Québec.

35. Every appraiser shall seek to establish a relationship of mutual trust between himself and his client.

36. No appraiser shall intervene in the personal affairs of a client on issues that are not relevant to the profession or to the reasons for which the client requested professional services.

37. Every appraiser must recognize his client's right to consult another member of the Order, a member of another professional order, or any other competent person at any time.

38. If a client's welfare so requires, the appraiser shall, with the client's authorization, consult another member of the Order, a member of another professional order, or any other competent person, or refer him to one of these persons.

39. Every appraiser shall explain to his client, in a complete and objective manner, the nature and scope of the problem as he sees it on the basis of facts presented to him by the client.

He must inform the client as soon as possible of the extent, terms, and conditions of the requested professional services, and obtain the client's agreement thereto.

If a new fact arises that could alter the extent, terms, or conditions of the requested professional services, the appraiser must inform his client as soon as possible and obtain his consent to continue.

40. Every appraiser must attempt to acquire full knowledge of the facts before giving advice or counsel to a client.

No appraiser shall give a client advice or counsel that is contradictory or incomplete.

41. Every appraiser must agree in advance with his client on the nature and form of the report. He must present his report in accordance with generally accepted standards, and in particular, he must describe the methodology used and the extent of research carried out. In the case of an appraisal, he must submit a report to his client, unless the client relieves him of this obligation in writing.

42. Every appraiser shall provide the explanations required by his client to evaluate and understand the professional services received.

Further, he shall notify his client of the approximate and foreseeable costs of his professional services, in disbursements and fees.

43. No appraiser shall perform or create professional acts that are not justified by the nature of the professional services requested by the client.

44. Every appraiser shall submit to his client all offers of settlement concerning the professional services requested by the client.

45. An appraiser shall report on progress to a client upon request.

46. An appraiser shall cease to provide professional services to a client if the client resiliates the contract for services.

47. No appraiser shall, without just and reasonable cause, unilaterally terminate a contract for services.

The following, in particular, constitute just and reasonable cause:

1° the client is deceitful or fails to cooperate;

2° the appraiser is in a conflict of interest or in a situation in which his professional independence could be questioned;

3° the client refuses to pay the appraiser's fees;

4° it is impossible for the appraiser to communicate with his client or to obtain from the client the elements he deems necessary to perform the requested professional services;

5° the client attempts to induce the appraiser to commit a discriminatory, fraudulent, or illegal act;

6° the appraiser loses his client's confidence.

48. Every appraiser who, with just and reasonable cause, intends to unilaterally terminate a contract must give prior notice to that effect, indicating when the contract will be terminated.

He must give the notice within a reasonable time and ensure, as far as possible, that it is not prejudicial to his client.

49. Every appraiser must appear in person, or be represented, at the time fixed for any proceeding relating to the practice of his profession, unless he is prevented therefrom for good and sufficient cause and, where possible, has given prior notice of his absence to his client and to the other parties involved.

## **DIVISION VIII**

### **ACTS DEROGATORY TO THE DIGNITY OF THE PROFESSION**

50. In addition to the acts referred to in section 59, section 59.1, and subparagraph 1 of the second paragraph of section 152 of the Professional Code, the following acts are derogatory to the dignity of the profession:

1° communicating with a complainant without the prior written permission of the syndic, or the assistant or corresponding syndic, where he is informed that he is the subject of an inquiry into his conduct or professional competence or where he has been served notice of a complaint against him;

2° repeatedly or insistently inciting a person to have recourse to his professional services;

3° failing to notify the syndic of the Order that he has reasonable cause to believe that another member of the Order is incompetent or contravenes the Professional Code or a regulation made pursuant to the Code;

4° ordering or inciting another appraiser to perform an act that contravenes the regulations of the Order;

5° conspiring with any person, in any manner whatsoever, to procure clients or business;

6° drawing up an unqualified declaration or report that he knows to be incomplete, or a report that he knows to be false or the conclusion of which has been predetermined with respect to the value of a thing or a right;

7° refusing or neglecting to meet or communicate with the syndic, or the assistant or corresponding syndic, after being informed that he is the subject of an inquiry into his conduct or professional competence, or after being served notice of a complaint against him;

8° attempting to obtain a contract that, to his knowledge, has already been awarded to a colleague.

## **DIVISION IX** **PROTECTION OF CONFIDENTIAL INFORMATION**

51. To ensure the secrecy of confidential information that becomes known to him in the practice of his profession, an appraiser shall

1° refrain from using such information to the prejudice of a client or for purposes other than those for which it was given to him, such as, in particular, to obtain a direct or indirect benefit for himself or another person;

2° take all measures required to prevent persons under his authority or supervision from disclosing or making use of confidential information that becomes known to them in the performance of their duties;

3° avoid initiating or participating in indiscreet conversations concerning a client or services provided to the client;

4° refrain from revealing that a person has requested his services unless it is required by the nature of the case or the person has given written authorization to do so;

5° ensure, where he asks a client to disclose information of a confidential nature or allows such information to be confided to him, that the client is fully aware of the purpose of the interview and of the various uses that could be made of such information.

## **DIVISION X** **ACCESSIBILITY AND CORRECTION OF FILES**

### *§1. General*

52. In addition to respecting the special rules established by law, an appraiser shall respond to a client's request for access or correction in respect of any record concerning the client within 20 days after receipt of the request. If the appraiser fails to reply within this period, he shall be deemed to have refused to grant it.

### *§2. Terms and conditions for the exercise of the right of access provided for in section 60.5 of the Professional Code*

53. An appraiser may, in respect of a request for a copy of a document, charge reasonable fees not exceeding reproduction or transcription costs and the cost of transmitting the copy.

Before reproducing, transcribing, or transmitting the information, the appraiser who requests such fees must inform the client of the approximate amount that must be paid.

54. An appraiser who, pursuant to the second paragraph of section 60.5 of the Professional Code, denies a client access to information contained in a record established in the client's respect must indicate to the client in writing, informing him of available remedies, that its disclosure would be likely to cause serious harm to the client or to a third person.

### *§3. Terms and conditions for the exercise of the right of correction provided for in section 60.6 of the Professional Code*

55. An appraiser who grants a request for correction shall, free of charge, give his client a copy of the document or part of document that allows the client to see for himself that the information has been corrected or deleted, or, as the case may be, written confirmation that the comments prepared by the client in writing have been filed in the record.

56. Every appraiser must, upon his client's written request and free of charge, forward a copy of the corrected information, or, as the case may be, written confirmation that the information has been deleted or that written comments have been filed in the record, to the person from whom the information was obtained and to any person to whom the information has been given.

Every appraiser who refuses his client's request for correction must notify the client in writing of his refusal, giving reasons and informing him of available remedies.

*§4. The appraiser's obligation to give documents to his client*

57. Every appraiser shall promptly honour a client's written request to retrieve a document entrusted to him, even if the fees for his services have not been paid in full.

**DIVISION XI  
CONDITIONS, OBLIGATIONS, AND  
PROHIBITIONS IN RESPECT OF ADVERTISING**

58. Every appraiser shall ensure that his name and professional title appear in his advertising.

59. No appraiser shall, by whatever means, engage in or allow the use of advertising that is false, incomplete, misleading, or liable to be misleading.

60. No appraiser shall, in his advertising, claim to possess specific qualities or skills, particularly concerning the range or efficacy of his services or of those generally provided by other members of his profession or persons with his level of competence, unless he can substantiate such claims.

61. No appraiser shall use or allow to be used, in his advertising, any endorsement or statement of gratitude in his regard, save awards for excellence and other prizes received in recognition of a contribution or achievement, the honour of which is reflected on the profession as a whole.

62. No appraiser shall resort to advertising practices likely to discredit or denigrate another person with whom he has dealings in the practice of the profession, in particular another member of the Order or a member of another professional order.

63. Every appraiser who advertises professional fees or prices must do so in a manner easily comprehensible to the public, and in particular, must

1° set fixed fees or prices;

2° specify the services included in his fees or prices;

3° indicate whether expenses or other disbursements are included in his fees or prices;

4° indicate whether additional services incurring additional fees or costs may be required;

5° give as much significance to the professional services offered as to fees and prices.

64. In any advertising involving fees or prices, the appraiser must specify the period during which such fees or prices are valid. This period must not be less than 90 days following the last broadcast or publication.

However, the appraiser may agree with his client on an amount lower than the one broadcast or published.

65. No appraiser shall, by any means whatever, engage in or allow the use of advertising intended for persons who may be emotionally or physically vulnerable as the result of a specific event.

66. An appraiser shall conserve copies of all documents relating to every advertisement, for a period of the least five years following the date on which the advertisement was last published or broadcast and in their original form.

67. Where an appraiser uses the graphic symbol of the Order in his advertising, he must, except on a professional card, include the following warning: "This advertisement does not originate from the Ordre des évaluateurs agréés du Québec."

**DIVISION XII  
RELATIONS WITH THE ORDER AND OTHER  
PERSONS IN THE PRACTICE OF THE  
PROFESSION**

68. An appraiser who is asked by the Bureau or the administrative committee of the Order to be a member of the professional inspection committee, the committee on discipline, the review committee constituted under section 123.3 of the Professional Code, or the council for the arbitration of accounts established pursuant to the regulation adopted under section 88 of the Code, must accept that duty unless he has reasonable cause to refuse it.

69. Every appraiser shall reply as soon as possible to any correspondence from the Secretary of the Order, the syndic of the Order, the assistant or corresponding syndic, an expert appointed by the syndic, or a member, investigator, expert, or inspector of the professional inspection committee.

70. No appraiser shall breach the trust or betray the good faith of, or voluntarily mislead or use unfair practices toward any person with whom he has dealings in the practice of his profession, and in particular, any other member of the Order or any member of another professional order.

No appraiser shall take credit for work performed by another person, particularly another member of the Order.

#### **DIVISION XIII** CONTRIBUTION TO THE DEVELOPMENT OF THE PROFESSION

71. Every appraiser shall, as far as he is able, contribute to the development of the profession by sharing his knowledge and experience with other members of the Order and with students and trainees, and by taking part in activities and in refresher courses and training organized for members of the Order.

#### **DIVISION XIV** USE OF THE APPRAISER'S NAME IN A PARTNERSHIP NAME

72. No appraiser shall include his name in a partnership name unless the partnership name includes the names of other members of the Order who practise together.

No appraiser shall allow his name to appear in a partnership name that includes the expression "and associate" or any similar expression unless he has a partner and at least one partner's name does not appear in the partnership name.

An appraiser's name may appear in a partnership name even if that name includes the name of a deceased or retired partner.

73. Except as provided in the following paragraph, every appraiser who withdraws from a partnership must ensure that his name no longer appears in the partnership name or in any advertising of the partnership after one year following his withdrawal.

Where an appraiser ceases to practise or dies, his name must no longer appear in the partnership name without his written authorization or that of his successors and assigns.

#### **DIVISION XV** REPRODUCTION OF THE GRAPHIC SYMBOL OF THE ORDER

74. An appraiser who, for any purpose whatsoever, reproduces the graphic symbol of the Order must ensure that it is identical to the original held by the Secretary of

the Order and shall add the following phrase: "Member of the Ordre des évaluateurs agréés du Québec."

### **CHAPTER III** FINAL PROVISIONS

75. This Code replaces the Code of ethics of chartered appraisers (R.R.Q. 1981, c. C-26, r. 91) and the Regulation respecting advertising by chartered appraisers (R.R.Q. 1981, c. C-26, r. 96), which latter regulation ceases to have effect, pursuant to section 10 of the Act to amend the Professional Code and various acts constituting professional corporations with respect to professional advertising and certain registers (1990, c. 76), on the date on which this Code comes into force.

76. This Code comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

3926

Gouvernement du Québec

### **O.C. 1284-2000, 1 November 2000**

An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31 ; 1999, c. 65 ; 1999, c. 83)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9)

Approval of the Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines and Regulation respecting the implementation of the Amendment

WHEREAS Décret 1489-99 dated 22 December 1999 authorized the Minister of International Relations to sign alone the Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines;

WHEREAS the Amendment was concluded on 14 April 2000 in Québec;

WHEREAS the main purpose of the Amendment is to broaden the scope of the Understanding on Social Security between the two governments so as to include the Philippine government employees pension plan;

WHEREAS, under paragraph 3 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (R.S.Q., M-15.001), in the exercise of his functions, the Minister of Social Solidarity may, in particular, enter into agreements in accordance with the law, with a government other than the Gouvernement du Québec, a department of such a government, an international organization or a body under the authority of such a government or organization;

WHEREAS, under section 10 of the Act, notwithstanding any other legislative or regulatory provision, where an agreement in the area of income security and social benefits under paragraph 3 of section 5 extends the coverage of an Act or a regulation to a person defined in the agreement, the Government may, by regulation, enact the measures required to implement the agreement in order to give effect to the agreement;

WHEREAS the Government may, by regulation made under section 96 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), amended by section 46 of chapter 65 and by section 283 of chapter 83 of the Statutes of 1999, give effect to international fiscal agreements entered into under section 9 of the Act;

WHEREAS, under section 215 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), the Government may make regulations respecting the manner in which the Act shall apply to any case affected by an agreement with another country;

WHEREAS, under section 19 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1), the Minister of International Relations shall see to the negotiation and implementation of international agreements and administer the programs created under such agreements;

WHEREAS, under that section, the Amendment constitutes an international agreement;

WHEREAS, under section 20 of the Act, international agreements must be approved by the Government in order to be valid;

WHEREAS, under Order in Council 1118-93 dated 11 August 1993, proposed regulations and regulations concerning the implementation of reciprocal agreements in matters of social security entered into by the Gouvernement du Québec are excluded from the application of the Regulations Act (R.S.Q., c. R-18.1);

IT IS ORDERED, therefore, upon the recommendation of the Minister of International Relations, the Minister of Revenue and the Minister of Social Solidarity;

THAT the Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines signed on 14 April 2000, the text of which is attached to the Regulation respecting the implementation referred to below be approved;

THAT the Regulation respecting the implementation of the Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines, attached hereto, be made.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

### **Regulation respecting the implementation of the Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines**

An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (R.S.Q., M-15.001, s. 10)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31, ss. 9 and 96; 1999, c. 65, s. 46; 1999, c. 83, s. 283)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9, s. 215)

1. The Act respecting the Québec Pension Plan (R.S.Q., c. R-9) and the regulations thereunder apply to any person referred to in the Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines signed on 14 April 2000 and attached as Schedule I.

2. The Act and the regulations apply in the manner provided for in the Amendment.

3. This Regulation comes into force on 1 December 2000.

**SCHEDULE 1****AMENDMENT TO THE UNDERSTANDING ON  
SOCIAL SECURITY**

BETWEEN

QUÉBEC

AND

THE REPUBLIC OF THE PHILIPPINES

The gouvernement du Québec and the Government of the Republic of the Philippines,

Taking note of the Understanding on Social Security between Québec and the Republic of the Philippines, signed at Québec on 22 October 1996,

Wanting to further strengthen the coordination between them in the field of social security by including the Government Service Insurance System of the Republic of the Philippines in the material coverage of the Understanding, and

Being cognizant of pertinent developments from the signing of the Understanding,

HAVE CONCURRED TO CONCLUDE AN AMENDMENT TO THE UNDERSTANDING AND, TOWARDS THIS END, HAVE AGREED AS FOLLOWS:

**Article 1**

For the purpose of this Amendment:

(a) “the Understanding” means the Understanding on Social Security between the Republic of the Philippines and Québec, signed at Québec on 22 October 1996;

(b) any other term has the meaning given to it in the Understanding.

**Article 2**

Article 1 of the Understanding is hereby amended to read as follows:

“In the Understanding, unless a different meaning is indicated by the context, the following expressions shall mean:

(a) “competent authority”: the Minister of Québec or the President and Chief Executive Officer of the Social Security System and the President and General Manager of the Government Service Insurance System, each to the extent of his or her responsibility for the administration of the legislations specified in Article 2;

(b) “competent institution”: the department or agency of Québec or the Social Security System and the Government Service Insurance System of the Republic of the Philippines responsible for the administration of the legislations referred to in Article 2;

(c) “period of insurance”: for Québec, any year for which contributions have been paid or for which a disability pension has been paid under the Act respecting the Québec Pension Plan or any other year considered as equivalent; and, for the Republic of the Philippines, a period of contribution or creditable service used to acquire the right to a benefit under the legislation of the Republic of the Philippines, including a period during which a disability benefit is payable under that legislation, but excluding a period of contribution or creditable service for which contributions have been refunded;

(d) “benefit”: a pension, an allowance, a lump-sum grant or any other benefit in cash or in kind provided under the legislation of each Party, including any extension, supplement or increase thereto;

(e) “national”: for Québec, a person of Canadian citizenship who is or has been subject to the legislation referred to in Article 2 1 (a); and, for the Republic of the Philippines, a person of Philippine citizenship, who is or has been subject to the legislations referred to in Article 2 1 (b).

Any term not defined in the Understanding shall be understood as having the meaning given to it in the applicable legislation.”

**Article 3**

Paragraph 1 or Article 2 of the Understanding is amended to read as follows:

“1. The Understanding shall apply:

(a) with respect to Québec, to the legislation concerning the Québec Pension Plan;

(b) with respect to the Republic of the Philippines:

i. to the Social Security Act of 1997 as it relates to retirement, disability, death and funeral benefits;

ii. to the Government Service Insurance Act of 1997 as it relates to retirement, disability, survivorship and funeral benefits; and

iii. to the Portability Law as it relates to totalizing creditable service or contributions under the acts specified in sub-paragraphs *i* and *ii*.”

#### **Article 4**

Article 12 of the Understanding is hereby amended to read as follows:

“When persons have accumulated periods of insurance under the legislation of both Parties and are not eligible for benefits in the case of Québec, or for the monthly pensions in the case of the Republic of the Philippines, by virtue of the periods of insurance accumulated solely under the legislation of one Party, the competent institution of that Party shall totalize, to the extent necessary for the entitlement of the benefits or monthly pensions under the legislation which it applies, the periods of insurance accumulated under the legislation of each of the Parties, provided that they do not overlap.”

#### **Article 5**

Paragraph 3 (*b*) of Article 13 of the Understanding is hereby amended to read as follows:

“(b) the amount of the flat-rate portion of the benefit payable under the provisions of this Understanding shall be determined by multiplying:

i. the amount of the flat-rate portion of the benefit determined under the provisions of the Québec Pension Plan

by

ii. the fraction which represents the ratio of the periods of contributions to the Québec Pension Plan in relation to the contributory period as defined in the legislation regarding that plan.”

#### **Article 6**

Paragraphs 1, 2, 3 and 4 of Article 14 of the Understanding are amended by deleting reference to the words “benefit(s)” and replace in its stead the phrase “monthly pension(s)”.

#### **Article 7**

Article 17 of the French version of the Understanding is amended by the deletion of the words “conformément à” in the first line of paragraph 2.

#### **Article 8**

Article 18 of the Understanding is amended by inserting the following new paragraph 4 immediately after paragraph 3:

“4. In the event that a Party imposes currency controls or other similar measures that restrict payments, remittances or transfers of funds or financial instruments to persons who are outside its territory, that Party shall, without delay, take suitable measures to ensure the payment of any amount that must be paid in accordance with this Understanding to persons described in Article 3.”

#### **Article 9**

Paragraph 2 (*c*) of Article 27 of the Understanding is hereby amended to read as follows:

“(c) in the case of a benefit or of a monthly pension payable by virtue of the application of Article 12 and when the claim for such benefit or monthly pension is made within two years from the date of the coming into force of the Understanding, the rights created by virtue of the Understanding shall be acquired from that date or from the date of retirement, the death or the invalidity as confirmed by a medical practitioner creating the right to benefit, whichever is later, notwithstanding the provisions of the legislation of both Parties relative to the forfeiture of rights;”

#### **Article 10**

Articles 13, 14, 15, 17 and 27 of the Understanding are amended by deleting reference to the word “completed” and replace in its stead the word “accumulated”.

#### **Article 11**

1. Any period of insurance accumulated before the date of entry into force of this Amendment shall be taken into account for the purpose of determining the right to a benefit under the Understanding as amended.

2. This Amendment shall not confer any right to receive payment of a benefit prior to its date of entry into force.



3. Benefits under the Understanding, as amended, shall also be granted in respect of events which happened before the date of entry into force of this Amendment.

#### **Article 12**

1. The Contracting Parties shall notify each other when the internal procedures required for the coming into force of the Amendment have been completed.

2. The Amendment shall be entered into for an indefinite duration beginning with the date of its coming into force, which shall be set by an exchange of letters between the Contracting Parties. In the event of denunciation of the Understanding through the application of paragraph 2 of Article 28 thereof, this Amendment shall also be denounced, with effect on the same date as the termination of the Understanding.

Done at Québec City, Canada on 14 April 2000, in duplicate, in the English and French languages, each text being equality authentic.

For the Gouvernement  
du Québec,

For the Government of the  
Republic of the Philippines,

\_\_\_\_\_  
MARTINE TREMBLAY

\_\_\_\_\_  
FRANCISCO L. BENEDICTO



## Draft Regulations

---

### Draft By-law

An Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., c. S-3.2)

### Maternity benefits — Amendments

Notice is hereby given, in accordance with sections 10 and 12 of the Regulations Act (R.S.Q., c. R-18.1), that the By-law to amend the By-law respecting maternity benefits, the text of which appears below, may be made by the Government upon the expiry of 15 days following this publication.

The purpose of the draft By-law is to harmonize the maternity benefits plan for Cree hunters and trappers with the Employment Insurance Act plan by taking account of amendments to the Act which come into force on 1 January 2001. Thus, the draft By-law increases the maternity leave period from 120 to 240 days and increases the number of days for which daily maternity benefits will be paid from 72 to 192 days.

Under section 13 of the Regulations Act, the draft By-law may be made within a period shorter than the 45-day period provided for in section 11 of that Act because of the urgency due to the following circumstances:

— the amendments provided for in the draft By-law must come into force on 1 January 2001 to entitle beneficiary families to benefits equal to those provided under the plan applicable to the Canadian population in general which comes into force on that date;

— the amendments provided for in the By-law issue from the Cree Hunters and Trappers Income Security Board which adopted the amending by-law on 30 October 2000 by Resolution 2000-30.

Further information on the draft By-law may be obtained by contacting Marco de Nicolini, Director, Direction des analyses financières et des projets gouvernementaux, 425, rue Saint-Amable, 4<sup>e</sup> étage, Québec (Québec) G1R 4Z1, by telephone at (418) 646-2574 or by fax at (418) 643-0019.

Any interested person having comments to make on the draft By-law is asked to send them in writing, before the expiry of the 15-day period, to the Minister of Social Solidarity, 425, rue Saint-Amable, 4<sup>e</sup> étage, Québec (Québec) G1R 4Z1.

ANDRÉ BOISCLAIR,  
*Minister of Social Solidarity*

---

### By-law to amend the By-law respecting maternity benefits\*

An Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., c. S-3.2, a. 11.4)

1. Section 4 of the By-law respecting maternity benefits is amended by replacing on the first line of the first paragraph, the number “120” by the number “240”.
2. Section 5 of this By-law is amended by replacing on the last line, the number “72” by the number “192”.
3. This By-law comes into force on January 1, 2001.

3931

---

\* The By-law respecting maternity benefits have been approved by Order in Council 1450-90 of October 3, 1990 (1990, G.O. 2, 2558).



## Index Statutory Instruments

Abbreviations: **A:** Abrogated, **N:** New, **M:** Modified

<b>Regulations — Statutes</b>	<b>Page</b>	<b>Comments</b>
Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines — Approval and implementation of the Amendment . . . . . (An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail, R.S.Q., c. M-15.001)	5307	N
Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines — Approval and implementation of the Amendment . . . . . (An Act respecting the Ministère du Revenu, R.S.Q., c. M-31; 1999, c. 65; 1999, c. 83)	5307	N
Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines — Approval and implementation of the Amendment . . . . . (An Act respecting the Québec Pension plan, R.S.Q., c. R-9)	5307	N
Annexation of a territory to the territory of Ville de Lachute, An Act respecting the... . . . . . (2000, Bill 225)	5293	
Évaluateurs agréés — Code of ethics of the members of the Ordre . . . . . (Professional Code, R.S.Q., c. C-26)	5300	N
Government and Public Employees Retirement Plan, An Act respecting the... — Powers of committees established to ensure the follow-up of the temporary application measures referred to in subparagraphs 1 and 2 of the first paragraph of section 85.33 or in Title IV.1.1 of the Act . . . . . (R.S.Q., c. R-10)	5299	N
Income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec, An Act respecting... — Maternity benefits . . . . . (R.S.Q., c. S-3.2)	5313	Draft
List of Bills sanctioned (27 October 2000) . . . . .	5283	
List of Bills sanctioned (2 November 2000) . . . . .	5285	
Maternity benefits . . . . . (An Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec, R.S.Q., c. S-3.2)	5313	Draft
Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail, An Act respecting the... — Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines — Approval and implementation of the Amendment . . . . . (R.S.Q., c. M-15.001)	5307	N

Ministère du Revenu, An Act respecting the... — Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines — Approval and implementation of the Amendment . . . . .	5307	N
(R.S.Q., c. M-31; 1999, c. 65; 1999, c. 83)		
Powers of committees established to ensure the follow-up of the temporary application measures referred to in subparagraphs 1 and 2 of the first paragraph of section 85.33 or in Title IV.1.1 of the Act . . . . .	5299	N
(An Act respecting the Government and Public Employees Retirement Plan, R.S.Q., c. R-10)		
Professional Code — Évaluateurs agréés — Code of ethics of the members of the Ordre . . . . .	5300	N
(R.S.Q., c. C-26)		
Québec Pension Plan, An Act respecting the... — Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines — Approval and implementation of the Amendment . . . . .	5307	N
(R.S.Q., c. R-9)		
Resumption of certain road freight transport services, An Act to order the... . . . .	5287	
(2000, Bill 157)		