

Gazette officielle du Québec

Part 2 Laws and Regulations

Volume 132
13 December 2000
No. 50

Summary

Table of Contents
Coming into force of Acts
Regulations and other acts
Draft Regulations
Erratum
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

Coming into force of Acts

1380-2000	Cinema Act, An Act to amend the... — Coming into force	5577
1400-2000	An Act to ensure safety in guided land transport and An Act to amend the Act to ensure safety in guided land transport — Coming into force of certain provisions	5577

Regulations and other acts

1376-2000	Secretariat of the Conseil du trésor — Signing of certain acts, documents or writings	5579
1377-2000	Farm-loan insurance and forestry-loan insurance, An Act respecting... — Application of the Act (Amend.)	5579
1378-2000	Reduction of the value entered on the valuation roll for classified immoveable cultural property (Amend.)	5580
1379-2000	Payments made to municipalities by the Minister of Cultural Affairs (Amend.)	5582
1393-2000	Amount of the contribution of each member of a professional order for the 2001-2002 fiscal year of the Office des professions du Québec	5583
1396-2000	Remission regulation respecting amounts paid in excess to certain recipients of last resort financial assistance as Québec sales tax credit	5583
1401-2000	Rail safety	5585
1402-2000	Brokerage of bulk trucking services (Amend.)	5602
1404-2000	Casket industry (Amend.)	5604
1417-2000	Acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians (Amend.)	5606
1429-2000	Maternity benefits (Amend.)	5609

Draft Regulations

Hunting and fishing controlled zones		5611
Salmon fishing controlled zones		5611

Erratum

Standardbred horse racing (Amend.)		5613
--	--	------

Coming into force of Acts

Gouvernement du Québec

O.C. 1380-2000, 29 November 2000

An Act to amend the Cinema Act (2000, c. 21) — Coming into force

COMING INTO FORCE of the Act to amend the Cinema Act

WHEREAS the Act to amend the Cinema Act (2000, c. 21) was assented to on 16 June 2000;

WHEREAS section 9 of the Act provides that the Act comes into force on the date to be fixed by the Government;

WHEREAS it is expedient to fix 1 January 2001 as the date of coming into force of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Culture and Communications:

THAT 1 January 2001 be fixed as the date of coming into force of the Act to amend the Cinema Act (2000, c. 21).

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

3974

Gouvernement du Québec

O.C. 1400-2000, 29 November 2000

An Act to ensure safety in guided land transport (1988, c. 57) — Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to ensure safety in guided land transport and of the Act to amend the Act to ensure safety in guided land transport

WHEREAS the Act to ensure safety in guided land transport (1988, c. 57) was assented to on 23 December 1988;

WHEREAS under section 89 of that Act its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS, by Order in Council 715-89 dated 10 May 1989, the Government fixed 17 May 1989 as the date of coming into force of sections 1 to 3, 19 to 22, 24 to 26, 28, 30 to 35, 37 to 43, 48 and 69 to 88 of that Act;

WHEREAS, by Order in Council 457-2000 dated 5 April 2000, the Government fixed 1 May 2000 as the date of coming into force of sections 50 to 62, the first paragraph of section 63 and sections 64 to 68 of that Act;

WHEREAS it is expedient to fix 1 January 2001 as the date of coming into force of the provisions of sections 4 to 18, 23, 27, 29, 36, 44 to 47 and 49 of that Act;

WHEREAS the Act to amend the Act to ensure safety in guided land transport (1997, c. 78) was assented to on 18 December 1997;

WHEREAS under section 20 of the latter Act its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS, by Order in Council 457-2000 dated 5 April 2000, the Government fixed 1 May 2000 as the date of coming into force of sections 3, 5, 6, 8 to 12, paragraph 2 of section 13, paragraph 1 of section 14 and section 19 of the latter Act;

WHEREAS it is expedient to fix 1 January 2001 as the date of coming into force of sections 1, 2, 4, 7 and 15 to 18 of the latter Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT 1 January 2001 be fixed as the date of coming into force of sections 4 to 18, 23, 27, 29, 36, 44 to 47 and 49 of the Act to ensure safety in guided land transport (1988, c. 57);

THAT 1 January 2001 be fixed as the date of coming into force of sections 1, 2, 4, 7 and 15 to 18 of the Act to amend the Act to ensure safety in guided land transport (1997, c. 78).

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

3977

Regulations and other acts

Gouvernement du Québec

O.C. 1376-2000, 29 November 2000

Public Administration Act
(2000, c. 8)

Signing of certain acts, documents or writings emanating from the secretariat of the Conseil du trésor — Amendment

Signing of certain acts, documents or writings emanating from the secretariat of the Conseil du trésor

WHEREAS, under the second paragraph of section 88 of the Public Administration Act (2000, c. 8), an act, document or writing is binding on or may be attributed to the chair of the Conseil du trésor only if it is signed by the chair, the secretary, the clerk, a member of the personnel of the secretariat of the Conseil du trésor or the holder of a position, and in the latter two cases, only to the extent determined by the Government;

WHEREAS the Terms and conditions governing the signing of certain acts, documents or writings emanating from the secretariat of the Conseil du trésor were made by Order in Council 1210-2000 dated 18 October 2000;

WHEREAS, following a change in the administrative structure of the Conseil du trésor, it is expedient to amend the Terms and conditions governing the signing of certain acts, documents or writings emanating from the secretariat of the Conseil du trésor;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Administration and the Public Service, Minister for Administration and the Public Service and Chair of the Conseil du trésor:

THAT the Term to amend the Terms and conditions governing the signing of certain acts, documents or writings emanating from the secretariat of the Conseil du trésor, attached to this Order in Council, be made;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

SCHEDULE

TERM TO AMEND THE TERMS AND CONDITIONS GOVERNING THE SIGNING OF CERTAIN ACTS, DOCUMENTS OR WRITINGS EMANATING FROM THE SECRETARIAT OF THE CONSEIL DU TRÉSOR*

Public Administration Act
(2000, c. 8, s. 88)

1. Section 2 of the Terms and conditions governing the signing of certain acts, documents or writings emanating from the secretariat of the Conseil du trésor is amended by substituting the words “director general for the government information highways and information resources” for the words “person assigned to information highways and information resources” in the part preceding paragraph 1.

3970

Gouvernement du Québec

O.C. 1377-2000, 22 November 2000

An Act respecting farm-loan insurance and forestry-loan insurance
(R.S.Q., c. A-29.1)

Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance

WHEREAS under section 5 of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., c. A-29.1), each fiscal year, the Government shall pay a sum of money to the Fonds as insurance charge for farm loans and forestry loans;

* The Terms and conditions governing the signing of certain acts, documents or writings emanating from the secretariat of the Conseil du trésor were made by Order in Council 1210-2000 dated 18 October 2000 (G.O. 2, 5241) and have not been amended since.

WHEREAS under section 24 of the Act, the Government may make any regulation prescribing the manner in which it establishes and pays to the Fonds, for each of its fiscal years, the sum of money payable as insurance charge;

WHEREAS it is expedient to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance (R.R.Q., 1981, c. A-29.1, r.1);

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance was published in Part 2 of the *Gazette officielle du Québec* of 6 September 2000 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comment on the draft Regulation was received before the expiry of the 45-day period;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance*

An Act respecting farm-loan insurance and forestry-loan insurance
(R.S.Q., c. A-29.1, s. 24)

1. Section 2 of the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance (R.R.Q., 1981, c. A-29.1, r.1) is amended

* The Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance (R.R.Q., 1981, c. A-29.1, r.1) was last amended by the Regulation made by Order in Council 385-97 dated 26 March 1997 (1997, *G.O.* 2, 1425). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

(1) by substituting “2000-2001” for “1992-1993” in the part preceding paragraph 1;

(2) by substituting “1.43%” for “1,85%” in paragraph 1; and

(3) by substituting “1.25%” for “1%” in paragraph 2.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

3971

Gouvernement du Québec

O.C. 1378-2000, 29 November 2000

Cultural Property Act
(R.S.Q., c. B-4)

Classified immoveable cultural property — Reduction of the value entered on the valuation roll

Regulation to amend the Regulation respecting the reduction of the value entered on the valuation roll for classified immoveable cultural property

WHEREAS under the first paragraph of section 33 of the Cultural Property Act (R.S.Q., c. B-4), the Government may, by regulation, exempt any classified cultural immoveable property not used for commercial purposes from real estate tax to the extent and under the conditions provided by the Regulation;

WHEREAS under subparagraph *h* of the first paragraph of section 53 of the Act, the Government may, upon the recommendation of the Minister of Culture and Communications, who shall obtain the advice of the Commission des biens culturels du Québec, make regulations to determine the conditions on and the extent to which a classified cultural immoveable property may be exempt from real estate tax under the first paragraph of section 33;

WHEREAS on 8 June 1999, the Commission des biens culturels du Québec gave its favourable advice in respect of the draft Regulation to amend the Regulation respecting the reduction of the value entered on the valuation roll for classified immoveable cultural property;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of

9 August 2000 with a notice that it could be made by the Government upon the expiry of 45 days following its publication;

WHEREAS the Minister of Culture and Communications has not received any comments on the matter;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Culture and Communications:

THAT the Regulation to amend the Regulation respecting the reduction of the value entered on the valuation roll for classified immoveable cultural property, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the reduction of the value entered on the valuation roll for classified immoveable cultural property*

Cultural Property Act
(R.S.Q., c. B-4, ss. 33 and 53, 1st par., subpar. *h*)

1. Section 1 of the Regulation respecting the reduction of the value entered on the valuation roll for classified immoveable cultural property is amended

- (1) by deleting paragraph *b*;
- (2) by substituting “of Culture and Communications” for “of Cultural Affairs” in paragraph *d*; and
- (3) by deleting paragraph *e*.

2. Section 2 is amended

- (1) by inserting the words “on the form provided for that purpose by the Minister” after the words “who makes an application therefor” in the first paragraph;
- (2) by inserting the word “local” before the word “municipality” in the first paragraph; and

(3) by substituting the words “an additional reduction rate shall apply; the rate is equal to” for the words “the owner of such property may also obtain from the Minister an additional reduction rate equal to” in the second paragraph.

3. Section 3 is amended by inserting the word “local” before the word “municipality” in the first paragraph.

4. The following is inserted after section 3:

“**3.1.** Where an application for reduction is made in the year of the classification of immoveable cultural property, the reduction shall apply from the date on which the notice of intention provided for in section 25 of the Act is sent.

In any other case, the reduction shall only apply from 1 January of the year that follows the year in which an application for reduction is made.”.

5. Section 4 is amended

(1) by deleting paragraph *a*;

(2) by substituting “(R.S.Q., c. F-2.1)” for “and providing amendments to certain legislation (S.Q., 1979, c. 72; after consolidation: An Act respecting municipal taxation, (R.S.Q., c. F-2.1)” in paragraph *b*; and

(3) by adding the following at the end:

“(g) the owner shall give the Minister notice of any change in the use of that property within 60 days following such change.”.

6. Sections 5 to 7 are revoked.

7. Form 5 is revoked.

8. The owner who on 27 December 2000 benefits from an exemption from real estate tax granted by the Minister does not have to submit a new application for reduction.

9. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

3972

* The Regulation respecting the reduction of the value entered on the valuation roll for classified immoveable cultural property (R.R.Q., 1981, c. B-4, r. 3) was amended by the Regulation made by Order in Council 453-88 dated 30 March 1988 (1988, *G.O.* 2, 1610).

Gouvernement du Québec

O.C. 1379-2000, 29 November 2000

Cultural Property Act
(R.S.Q., c. B-4)

Minister of Cultural Affairs — Payments made to municipalities — Amendments

Regulation to amend the Regulation respecting payments made to municipalities by the Minister of Cultural Affairs

WHEREAS under the first paragraph of section 33 of the Cultural Property Act (R.S.Q., c. B-4), the Government may, by regulation, exempt any classified cultural immoveable property not used for commercial purposes from real estate tax to the extent and under the conditions provided by the Regulation;

WHEREAS under the second paragraph of section 33 of the Act, for any cultural property exempted from real estate tax under the first paragraph, the Minister shall pay the local municipality on whose assessment roll the cultural property is entered an amount equal to the amount of the reduction granted, at the times and on the conditions determined by regulation of the Government;

WHEREAS under subparagraph *j* of the first paragraph of section 53 of the Act, the Government may, upon the recommendation of the Minister of Culture and Communications, who shall obtain the advice of the Commission des biens culturels du Québec, make regulations to determine times and conditions of payment by the Minister of the amount contemplated in the second paragraph of section 33;

WHEREAS on 8 June 1999, the Commission des biens culturels du Québec gave its favourable advice in respect of the draft Regulation to amend the Regulation respecting payments made to municipalities by the Minister of Cultural Affairs;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 9 August 2000 with a notice that it could be made by the Government upon the expiry of 45 days following its publication;

WHEREAS the Minister of Culture and Communications has not received any comments on the matter;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Culture and Communications:

THAT the Regulation to amend the Regulation respecting payments made to municipalities by the Minister of Cultural Affairs, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting payments made to municipalities by the Minister of Cultural Affairs*

Cultural Property Act
(R.S.Q., c. B-4, ss. 33 and 53, subpar. *j*)

1. The following is substituted for the title of the Regulation:

“Regulation respecting payments made to local municipalities by the Minister of Culture and Communications”.

2. Section 1 is amended

(1) by inserting the word “local” before the word “municipality” in the first paragraph;

(2) by substituting the words “of Culture and Communications” for the words “of Cultural Affairs”.

3. Section 2 is amended

(1) by inserting the word “local” before the word “municipality” in the introductory paragraph;

(2) by substituting the words “and the owner’s name and address” for the words “, as the case may be” in paragraph 1.

4. Section 3 is amended

(1) by substituting “September” for “June” in the first paragraph;

* The Regulation respecting payment to municipalities by the Minister of Cultural Affairs was made by Order in Council 454-88 dated 30 March 1988 (1988, *G.O.* 2, 1611).

(2) by deleting the second paragraph.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

3973

Gouvernement du Québec

O.C. 1393-2000, 29 November 2000

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

Office des professions du Québec — Amount of the contribution of each member of a professional order for the 2001-2002 fiscal year

Amount of the contribution of each member of a professional order for the 2001-2002 fiscal year of the Office des professions du Québec

WHEREAS under section 196.2 of the Professional Code (R.S.Q., c. C-26), the expenditures incurred by the Office des professions du Québec in a fiscal year shall be payable by the members of the professional orders;

WHEREAS under section 196.3 of the Code, each member of a professional order is required to pay a contribution equal to the total of the expenditures incurred by the Office for a year of reference, divided by the total number of members entered on the rolls of all orders on the last day of the year of reference;

WHEREAS under section 196.5 of the Code, where, for a particular fiscal year, the total amount of the contributions paid under section 196.3 of the Code is less than or is more than the amount of the expenditures incurred by the Office, the contribution of each member, established in accordance with section 196.3 of the Code, shall be increased or reduced, as the case may be;

WHEREAS that increase or reduction shall be determined by establishing the difference between the expenditures incurred by the Office for that fiscal year and the total amount of contributions paid for the year of reference and dividing that difference by the total number of members entered on the roll of every order on the last day of that fiscal year; the charge payable pursuant to section 196.8 of the Code shall be deducted when the increase or reduction is determined;

WHEREAS for the purposes of section 196.5 of the Code, the year of reference used as the basis for computing the contribution extends from 1 April 1998 to 31 March 1999;

WHEREAS it is expedient to fix the amount of the contribution of each member of an order;

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

THAT \$16.30 be fixed as the amount of the contribution of each member of a professional order for the 2001-2002 fiscal year of the Office des professions du Québec.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

3975

Gouvernement du Québec

O.C. 1396-2000, 22 November 2000

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

Amounts paid in excess to certain recipients of last resort financial assistance as Québec sales tax credit

CONCERNING the Remission regulation respecting amounts paid in excess to certain recipients of last resort financial assistance as Québec sales tax credit

WHEREAS in the Budget Speech delivered on 25 March 1997, the Minister of Finance announced that as of 1998, the amount of the Québec sales tax credit a taxpayer is entitled to for a taxation year would be paid in two equal instalments, in August and December of the following year;

WHEREAS under the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001) or the Act respecting income security (R.S.Q., c. S-3.1.1), as the case may be, a recipient of last resort financial assistance is entitled to receive during the taxation year in respect of which that recipient is claiming the Québec sales tax credit, advance monthly payments of that credit;

WHEREAS under section 1029.8.105.1 of the Taxation Act, enacted by chapter 39 of the statutes of 2000, the amount of the Québec sales tax credit a taxpayer is entitled to shall be reduced, in respect of a recipient of last resort financial assistance, by the amount of the increase received by the taxpayer or received by the taxpayer's spouse to account for the advance payment of that credit;

WHEREAS sections 10.2, 10.3, 16.2 and 16.3 of the Regulation respecting income security, made by Order in Council 922-89 dated 14 June 1989, and its subsequent amendments, prescribed, before that regulation was replaced, an increase in the last resort assistance benefit to account for the advance Québec sales tax credit;

WHEREAS sections 24 and 25 of the Regulation respecting income support, made by Order in Council 1011-99 dated 1 September 1999, which replaces the Regulation respecting income security, prescribe an increase in the last resort financial assistance benefit to account for the advance Québec sales tax credit;

WHEREAS for the years 1998 and 1999, the amount of the Québec sales tax credit a recipient of last resort financial assistance was entitled to, was not reduced by the amount of the increase that recipient benefited from to account for the advance Québec sales tax credit;

WHEREAS the Ministère du Revenu therefore paid amounts in excess as Québec sales tax credit in the months of August and December 1999 in respect of the year 1998 and August 2000 in respect of the year 1999 to certain recipients of last resort financial assistance who, furthermore, benefited from the amount of the increase to account for the advance payment of that credit;

WHEREAS the Minister of Revenue again determined the Québec sales tax credit for the years 1998 and 1999 in respect of the recipients of last resort financial assistance who benefited from the amount of the increase to account for the advance Québec sales tax credit, with the result that amounts are payable to the Ministère du Revenu;

WHEREAS recovery of these amounts payable to the Ministère du Revenu would lead to hardship or injustice in respect of these recipients of last resort financial assistance;

WHEREAS under section 94 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31) the Government, whenever it considers it in the public interest, and to

save the public from serious inconvenience or individuals from hardship or injustice, may remit any amount payable or refund any amount paid to the State relating to any matter within the powers of the Parliament;

WHEREAS it is expedient to make a regulation for this purpose;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without prior publication as prescribed in section 8 of that Act, where the authority making it is of the opinion that the fiscal nature of the norms established, amended or repealed therein warrants it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the fiscal nature of the norms established, amended or repealed therein so warrants;

WHEREAS in the opinion of the Government, the fiscal nature of the norms established, amended or repealed by the Regulation justifies the absence of prior publication and such coming into force;

IT IS ORDERED, upon the recommendation of the Minister of Revenue:

THAT the Regulation entitled "Remission regulation respecting amounts paid in excess to certain recipients of last resort financial assistance as Québec sales tax credit", attached hereto, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Remission regulation respecting amounts paid in excess to certain recipients of last resort financial assistance as Québec sales tax credit

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31, s. 94)

1. For the purposes of this Regulation, unless the context indicates otherwise, the expression:

"Québec sales tax credit" means the tax credit provided for in Division II.16 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act (R.S.Q., c. I-3);

“recipient” means a person who has received a last resort assistance benefit under Chapter II of the Act respecting income security (R.S.Q., c. S-3.1.1) or a last resort financial assistance benefit under Chapter I of Title II of the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001), as the case may be;

“Regulation respecting income security” means the regulation enacted under section 91 of the Act respecting income security;

“Regulation respecting income support” means the regulation enacted by Order in Council 1011-99 of 1 September 1999;

“spouse” means an eligible spouse within the meaning of the definition of that expression provided for in section 1029.8.101 of the Taxation Act.

2. Remission is granted for the year 1998, to every recipient, of an amount payable to the Ministère du Revenu as the result of a re-determination of the Québec sales tax credit for that year. This remission is calculated according to the following formula:

A - B.

For the purposes of the formula prescribed in the first paragraph:

1. the letter A represents the aggregate of all amounts each of which is an amount received under the Taxation Act in the months of August and December 1999 by a recipient as Québec sales tax credit for the year 1998;

2. the letter B represents the amount by which the amount of the Québec sales tax credit, calculated in accordance with section 1029.8.105 of that Act without reference to section 1029.8.105.1, the recipient is entitled to for the year 1998 exceeds the aggregate of all amounts each of which is an amount received by the recipient or the recipient’s spouse under either section 10.2, 10.3, 16.2 or 16.3 of the Regulation respecting income security for the year 1998.

3. Remission is granted for the year 1999, to every recipient, of an amount payable to the Ministère du Revenu as the result of a re-determination of the Québec sales tax credit for that year. This remission is calculated according to the following formula:

A - B.

For the purposes of the formula prescribed in the first paragraph:

1. the letter A represents the amount received under the Taxation Act in the month of August 2000 by a recipient as Québec sales tax credit for the year 1999;

2. the letter B represents the amount by which the amount of the Québec sales tax credit, calculated in accordance with section 1029.8.105 of that Act without reference to section 1029.8.105.1, the recipient is entitled to for the year 1999 exceeds the aggregate of all amounts each of which is an amount received by the recipient or the recipient’s spouse under either section 10.2, 10.3, 16.2 or 16.3 of the Regulation respecting income security or under either section 24 or 25 of the Regulation respecting income support for the year 1999.

4. Remission is also granted, to every recipient, of the interest and penalties the recipient would have paid in respect of an amount, remission of which is granted to the recipient under either section 2 or 3.

5. This Regulation comes into force on the day of its publication in the *Gazette officielle du Québec*.

3976

Gouvernement du Québec

O.C. 1401-2000, 29 November 2000

An Act to ensure safety in guided land transport (R.S.Q., c. S-3.3)

Rail safety

Regulation respecting rail safety

WHEREAS under section 50 of the Act to ensure safety in guided land transport (R.S.Q., c. S-3.3), the Government may, by regulation, adopt a safety code applicable to guided land transport systems;

WHEREAS under section 54 of the Act, the Government is empowered to make regulations respecting the transportation of dangerous goods by railway, railway signals, the reporting of rail accidents and rail traffic and the manner in which proposed railway works are to be announced;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation respecting rail safety was published in Part 2 of the *Gazette officielle du Québec* of 7 June 2000 with a notice that it could be submitted to the Government for adoption upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT the Regulation respecting rail safety, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting rail safety

An Act to ensure safety in guided land transport (R.S.Q., c. S-3.3, ss. 50, 51 and 54)

CHAPTER I RAIL SAFETY CODE

DIVISION I SCOPE AND INTERPRETATION

1. The provisions of this Chapter apply to any rail transport system operated on an industrial site, as well as on branch lines linking that site to the nearest railway line.

2. Unless the context indicates otherwise, the provisions of this Chapter respecting locomotives also apply to any other motive power.

DIVISION II SAFETY STANDARDS

3. A locomotive engineer may not run a locomotive at a speed higher than the restricted speed and under no circumstances at a speed higher than 16 kilometres per hour (10 miles per hour).

The restricted speed is a speed that will permit a locomotive to stop within one-half of the sighting distance of equipment or of a switch not properly lined.

4. Any employee of the rail transport system operator must communicate by the quickest available means of communication to the operator any condition that may affect rail safety.

In case of an emergency, he must have the train movement stopped by any signal at his disposal.

5. A locomotive engineer is responsible for the movement of the equipment.

6. Nobody may

(1) stand in front of moving equipment;

(2) ride on the side or on the roof of moving equipment when passing side and/or overhead clearance restrictions;

(3) stand on the end ladder of a moving car, except for the purpose of operating a hand brake;

(4) get on or off equipment except by using a ladder with steps and handholds.

DIVISION III JOBS ESSENTIAL FOR RAIL SAFETY

7. The following jobs are essential for rail safety:

(1) the rail operating foreman;

(2) the track maintenance foreman;

(3) the locomotive engineer;

(4) the brakeman; and

(5) the signalman.

The locomotive crew consists of an engineer and at least one brakeman. Notwithstanding the foregoing, the engineer alone may use a portable locomotive control device without being part of a crew.

Only a locomotive engineer may use a portable locomotive control device.

A person may hold more than one job essential for rail safety.

8. To perform the duties of a job essential for rail safety, a person must hold a certificate of qualification issued by the operator.

9. A person who wishes to perform the duties of a job essential for rail safety must fulfil the following conditions of admission :

(1) he must take an academic training period provided by the operator that shall allow him to learn the rail safety rules related to the exercise of his duties and those provided for in this Regulation ;

(2) he must take an apprenticeship period provided by the operator that shall allow him to master the job's requirements ;

(3) he must learn where derails, switches and their locking devices are located ;

(4) he must pass an examination on the knowledge he has acquired during the training and the apprenticeship period.

The operator must give the person or record in the file, after he has passed the examination, the certificate of qualification referred to in section 8 bearing, besides the name of the employee, the jobs recognized by the certificate of qualification, the date of the examination and the expiry date of the certificate.

The operator may not appoint a person in a job essential for rail safety if the person is not qualified, except in the case of an apprentice under the immediate supervision of a holder of the required certificate. He is also forbidden to keep a person in a job essential for rail safety if the last examination the person has passed dates back to more than five years.

10. The operator must write a rail operating handbook that shall contain the following documents :

(1) this Regulation ;

(2) the particular rail operating rules of the enterprise, if applicable ;

(3) a description of the track indicating the location of derails, switches, compulsory stops, loading and unloading sites ;

(4) the safety rules approved by the Minister under section 55 of the Act to ensure safety in guided land transport (R.S.Q., c. S-3.3) that govern the movement within limits where interlocking signals are working, if applicable ;

(5) the safety instructions prescribed by the manufacturer of the portable locomotive control device, if applicable.

11. The operator must give each person who holds a job essential for rail safety an up-to-date copy of the rail operating handbook.

12. A locomotive engineer must carry the up-to-date rail operating handbook in the performance of his duties.

13. No person may perform the duties of a job essential for rail safety if he is under the influence of alcohol or narcotics.

The operator may not knowingly allow a person who is under the influence of alcohol or narcotics to perform duties that are essential for rail safety.

DIVISION IV COMMUNICATION SYSTEM

14. At the beginning of their shift, the members of the locomotive crew, when equipped with radios, must carry out an intra-crew test of such radios.

When not in use, radios must be set to the standby channel and at a volume that ensures continuous monitoring.

The requirements provided for in this section do not apply when only one portable locomotive control device is used.

15. When the radio is used to control a switching, the direction of movement and the distance to travel must be indicated in each message.

If no further message is received when the movement has travelled one-half the distance to travel, the locomotive engineer must stop the movement at once.

16. A brakeman and a signalman may not use hand signals and radio simultaneously.

17. Hand signals must be given in accordance with the standards described in Schedule I.

A lantern must be used from sunset to sunrise and when day signals cannot be plainly seen.

18. A hand signal must be given by a signalman from a point where it can be plainly seen by the recipient and in sufficient time before the required action to permit compliance.

19. A signal to move forward or backward must be directly given to a locomotive engineer in relation to the front of the leading locomotive.

20. A locomotive engineer must regard the following as stop signals :

(1) a hand signal or a radio signal when the meaning of the signal or its recipient are not clearly defined;

(2) the signalman or the signal disappears from his view.

21. A locomotive engineer must ring the locomotive bell at least 20 seconds before it comes to a level crossing and until the locomotive or the equipment is fully engaged on the level crossing.

Under no circumstances may an engineer cross a level crossing using a locomotive that does not have an operational bell.

22. The use of the locomotive whistle or horn by an engineer is authorized only for the purposes of rail communication.

Locomotive whistles or horn signals must be given by an engineer in accordance with the standards described in Schedule II.

Under no circumstances may an engineer use a locomotive that does not have an operational whistle or horn.

23. Unless he uses a portable locomotive control device, an engineer may not move the locomotive before he has received the signal or the instructions from a member of his crew. Before the locomotive moves forward or backward, he must ring the locomotive bell or, failing that, blow the whistle or horn.

24. When equipment is pushed, a locomotive crew member or a signalman must be on the leading car or near it. That person must observe the track and, if necessary, give the locomotive engineer signals and instructions to control the train movement.

If the engineer uses a portable locomotive control device, he may himself be on the leading car or near it.

Alongside a public highway not protected by a fence or a gate, the person on the leading car or near it must warn users who cross the track or are going to cross it that equipment is arriving.

The requirement provided for in the first paragraph does not apply when equipment is brought into a building intended for unloading scrap metal.

DIVISION V **LIGHTS AND SIGNAL SYSTEM**

25. A locomotive must be equipped with a white headlight at the front.

The headlight must be on at full power when the locomotive is in movement except when it moves near a public highway, in which case it must be dimmed.

Notwithstanding the second paragraph, the locomotive headlight must be on at full power when the locomotive approaches a level crossing until the equipment is fully engaged on the level crossing.

26. A locomotive that has no white headlight at the back must be equipped with a back-up light.

The locomotive engineer must turn on that headlight when the locomotive moves backward.

27. When the front white headlight of a locomotive has failed and the locomotive is equipped with ditch lights, the engineer must turn on those lights.

He must turn off the ditch lights while switching except when used in lieu of the white headlight.

28. To indicate their presence, a member of each class of employees working on or aboard equipment secured on a track must place, at the ends of that equipment, a blue flag by day, coupled with a blue light at night when the flag is not visible.

Equipment may not be placed on the same track and block a clear view of the signal installed in accordance with the first paragraph, unless the locomotive placing such equipment remains on that track until the signal is relocated to include that equipment with the one to which the signal already applies.

The requirement provided for in the first paragraph does not apply when equipment is placed on a track whose access is prohibited in accordance with subparagraph 1 of the first paragraph of section 56.

The signal provided for in the first paragraph must be set up on staffs at a height that ensures a clear view thereof from the equipment.

29. Only a member of the same class of employees that has displayed the signal is authorized to remove or move it.

30. Before urgent repair work is to be done on a locomotive or on the equipment coupled to a locomotive and if the signal provided for in the first paragraph of section 28 is not displayed, the locomotive engineer must be notified by a member of each crew.

The engineer must keep the locomotive at a stop until he has made sure that all the employees have left.

31. A locomotive engineer may not pass the signal referred to in section 28. He is also forbidden to pass a fixed signal or a sign without knowing its meaning.

32. Interlocking signal indications govern the use of the routes and authorize the movement of equipment within a limit, the interlocking limit, which is delimited by opposed interlocking signals located at the ends of the limit.

A locomotive engineer may not enter interlocking limits without having in his possession the safety rules governing the movement within those limits; he must abide by those rules.

DIVISION VI SWITCHES AND DERAILS

33. A switch must be secured with a lock or a hook after operating its switch points. The lock or the hook must be installed so that the switch may not be operated while the lock or the hook is still in place.

If the switch is equipped with a target, the target must be green when it is set for the normal route and yellow when set for the other route.

34. A person who operates a switch must keep clear of the switch handle while it is being lifted or released.

When a switch has been manually turned, the points must be examined to verify that the switch is properly set.

35. An employee who notices that a switch is damaged must inform the operator thereof so that the latter may prohibit its access until it is repaired.

36. No trailing movement may be reversed.

37. When there is ice or snow, the engineer of a locomotive that is going to pass through a trailing switch must stop so that a locomotive crew member or the user of the portable locomotive control device can examine the switch points and remove ice or snow thereof, where applicable.

38. A locomotive crew member or the user of the portable locomotive control device must keep the derails in the derailing position at places where equipment that has been left standing on the track could move and cause an accident.

Each derail must be visible and set to derail equipment on the safest side.

Derail fastening devices must keep derails operative at all times. Derails must be locked when they are located at a public place without surveillance.

DIVISION VII BRAKE MECHANISMS

39. A locomotive engineer may not leave equipment on a track if an insufficient number of hand brakes were applied by a brakeman to secure it or, failing that, if it was not secured with brake shoes.

Before coupling equipment to a locomotive, an engineer must make sure that the equipment is secured in accordance with the first paragraph.

40. A locomotive engineer must verify that everyone aboard or near the equipment has been notified before coupling it to the locomotive and moving it.

41. Before making a running switch, a locomotive engineer must foresee its course and verify that the switch and hand brakes are in working order.

A running switch must not be made with equipment that is occupied by people or with equipment placarded to indicate the presence of dangerous substances in accordance with section 98. Such a switch must not be made on a spring switch.

42. A locomotive engineer must test the locomotive brakes before using the locomotive when it has been laid over for more than eight hours or when it has been altered or repaired.

The test consists in verifying the application and release of the locomotive brakes.

43. A locomotive engineer must test the locomotive brakes and the equipment brakes before leaving the industrial site.

The test consists in verifying the application and release of the locomotive brakes and, where applicable, of the brakes of the train's last car and of a sufficient number of equipment brakes to stop the movement.

44. A locomotive engineer may not leave the industrial site if the train's last car has no operational brakes or if the equipment does not have a sufficient number of brakes to stop the movement, except if all of the following conditions are combined :

- (1) the equipment carries no dangerous substances ;
- (2) the branch line has no level crossing ; and
- (3) a sufficient number of derails are installed on the branch line to stop any equipment that would uncouple from the train and cause an accident.

45. Under no circumstances may an engineer use a locomotive that does not have operational brakes.

46. The locomotive brakes must be maintained by the operator in accordance with the manufacturer's instructions.

47. The test with the portable locomotive control device must verify

- (1) that the locomotive brakes apply and release ;
- (2) that the emergency function is in working order ; and
- (3) that, should the user of the portable locomotive control device lose control over it, the brakes will apply and cut off the transmission of power to the locomotive traction motors.

The user of the portable locomotive control device must comply with the manufacturer's instructions.

48. The brake test referred to in section 43 must be recorded in a register that must be kept on the site by the operator for at least one year from the date of each test.

The register must indicate the date on which the test was performed, the condition of the brakes of the locomotive and those of the train's last car, the percentage of operational brakes and the engineer's name.

DIVISION VIII

CAR AND EQUIPMENT MAINTENANCE

49. The operator must submit each car that moves only on his site or on the track leading to his site to a yearly safety check carried out by a person who has the knowledge, training and experience necessary to detect defects in car equipment referred to in sections 50 to 54.

That person must fill out a check record for each car that has been checked, indicating the nature of the anomalies detected, the corrective measures taken, the date of the check, and sign it. The operator must keep the check record on the site for at least two years from the date of the check.

50. Before authorizing a car to be loaded, the rail operating supervisor must have it visually checked for the purposes of detecting one of the following anomalies :

- (1) a component lies about under the car body or juts out on one side of the car body ;
- (2) a door or a coupler is not properly fixed ; or
- (3) a wheel is broken or very cracked.

Where one of those anomalies is detected, the car must be removed from service until repaired.

51. The supervisor must remove from service, until it is repaired, a car that shows one of the following defects :

- (1) a wheel rim, flange, plate or hub has a crack or is broken ;
- (2) an axle has a crack or is bent or broken ;
- (3) a roller bearing has damaged external parts that are cracked, broken or bent ;
- (4) a roller bearing adapter is missing, cracked or broken ; or
- (5) a truck bolster or side frame is broken.

52. The supervisor must remove from service, until it is repaired, a car that shows one of the following defects :

- (1) the centre sill is broken or, in the case of a tank car, the stub sill has a crack in the parent metal ;

- (2) a cross bearer or a body bolster is broken;
- (3) the centre plate is broken;
- (4) at least two door stops are missing or broken;
- (5) safety hangers on sliding or plug doors are missing or damaged; or
- (6) sliding or plug doors are off the rails.

Also, a flat car with lading restraining devices worn or damaged to the extent that these devices will not restrain the load must be removed from service. Likewise, a car that has an object on its floor that is not properly secured and could fall off must be removed from service.

53. The supervisor must remove from service, until it is repaired, a car that shows one of the following defects:

- (1) a coupler shank is bent out of alignment to the extent that the coupler will not couple automatically;
- (2) a coupler yoke is broken;
- (3) a draft key or a draft key retainer is inoperative or missing;
- (4) a vertical coupler pin retainer plate or a follower plate is missing or broken;
- (5) a coupler knuckle is broken or cracked on the inside pulling face of the knuckle; or
- (6) a coupler pin retainer is missing or broken.

54. Car ladders must be equipped with steps or rungs placed at a height of no more than 60 cm (24 in.) above the rails and set back at 10 cm (4 in.) or less from the side.

The ladders must be equipped with an additional step where the step or rung is placed at a height of more than 50 cm (20 in.) above the rails.

DIVISION IX TRACK MAINTENANCE STANDARDS

55. Before starting any maintenance work on a track, the foreman who is in charge of the work must inform the rail operating supervisor thereof.

56. Before starting any maintenance work on a track, the foreman who is in charge of the work must protect the track as follows:

- (1) each switch must be locked with a padlock, to which he is the only one to have the key, in the position that prevents access to the track in question; or
- (2) place a stop signal between the rails at the ends of the working limits; the signal consists of a red flag and a monitoring system.

The signal referred to in subparagraph 2 of the first paragraph must be set up on staffs at a height that ensures a clear view thereof from the equipment. It may not be removed without the foreman's authorization.

57. Placing equipment that would block a clear view of the signal referred to in section 56 is prohibited, unless the locomotive remains on the track until the signal is moved to include such equipment in the new limits being protected.

58. A locomotive engineer may not pass the stop signal referred to in subparagraph 2 of the first paragraph of section 56.

59. Each semester and before allowing the movement of trains after fire, flood, earthquake, storm or other occurrence that might have damaged the track structure, the rail transport system operator must have a visual inspection of the tracks in service undertaken by a person who has the knowledge, training and experience necessary to detect the defects in the track referred to in sections 60 to 82.

Inspections must be made on foot or on equipment. Notwithstanding the foregoing, turnouts and railway crossings must be inspected on foot.

The identification of the track inspected, the location and nature of any anomalies, the corrective measures taken, the date of inspection and the name of the person who carried out the inspection must all be recorded in an inspection register and kept on the site by the operator for at least two years from the date of inspection.

60. Each drainage must be maintained to accommodate expected water flow alongside the track.

61. Rail gauge must be more than 142.24 cm (4 ft., 8 in.) and no less than 147.32 cm (4 ft., 10 in.).

Rail gauge is measured between the heads of the rails at right-angles to the rails in a plane 1.59 cm (5/8 in.) below the top of the rail head.

62. Alignment, in relation to uniformity, measured from an 18.9 m (62 ft.) chord may not exceed 12.7 cm (5 in.).

When the track is tangent, the ends of the chord must be placed at points on the gauge side of the rail, 1.59 cm (5/8 in.) below the top of the rail head. Either rail may be used, however, the same rail must be used for the full length of that segment.

When the track is curved, the ends of the chord must be placed at points on the gauge side of the outer rail, 1.59 cm (5/8 in.) below the top of the rail head.

63. The outside rail of a curve may not be lower than the inside rail or have more than 15.24 cm (6 in.) of elevation.

64. Track surface must comply with the following requirements :

(1) the runoff in any 9.45 m (31 ft.) of rail at the end of a raise may not be more than 8.89 cm (3 1/2 in.);

(2) the deviation from uniform profile on any rail at the mid-ordinate of an 18.9 m (62 ft.) chord may not be more than 7.62 cm (3 in.);

(3) deviation from designated elevation on spirals may not be more than 4.44 cm (1 3/4 in.);

(4) variation in cross level on spirals in any 9.45 m (31 ft.) may not be more than 5.08 cm (2 in.);

(5) deviation from zero cross level at any point on tangent or from designated elevation on curves between spirals may not be more than 7.62 cm (3 in.); and

(6) the difference in cross level between any two points less than 18.9 m (62 ft.) apart on tangents and curves between spirals may not be more than 7.62 cm (3 in.).

65. The track must be supported by base material that will provide drainage for the track.

66. Any 11.88 m (39 ft.) segment shall have five evenly spread crossties ; they shall not be :

(1) broken through;

(2) split or otherwise impaired to the extent the crossties will allow the ballast to work through, or will not hold spikes or rail fasteners;

(3) so deteriorated that the tie plate or base of rail can move laterally more than 1.27 cm (1/2 in.) related to the crosstie;

(4) cut by the tie plate through more than 40% of a tie's thickness; and

(5) damaged by derailment, components lying about or fire so that the ties cannot ensure maintenance of the track surface, gauge or alignment.

67. For the purposes of sections 61 to 64 and paragraph 3 of section 66, the amount of rail movement that occurs while the track is loaded must be added to the measurements of the unloaded track.

68. Tracks shall have at least one crosstie, having no one of the defects referred to in section 67, whose centreline is within 60 cm (24 in.) of the rail joint location.

69. The rail operating supervisor must stop equipment movement as long as one of the following defects still remains on the rail :

(1) compound transverse fissure or engine burn fracture that affects rail head cross-sectional area at 100%;

(2) vertical split head;

(3) head web separation;

(4) bolt hole crack extending to the rail head;

(5) broken base more than 15.24 cm (6 in.); or

(6) ordinary break.

Notwithstanding the first paragraph, equipment movement is authorized provided that a person designated by the operator is in charge of it.

Applying joint bars may be a remedial action to the defects referred to in subparagraphs 1, 5 and 6 of the first paragraph.

70. Any mismatch of rails at joints may not be more than 0.63 cm (1/4 in.).

71. Each rail joint must be of the proper design and dimensions for the rail on which it applies.

72. Each joint bar must be held in position by at least one track bolt on each rail tightened to allow the joint bar to firmly support the rails and to allow longitudinal movement of the rail in the joint.

73. Any joint bar that is cracked or broken between the middle two bolt holes must be replaced.

The operator may not use a rail or joint bar having a hole made by a thermal process.

74. A sufficient number of rail anchoring devices shall be applied to provide adequate longitudinal restraint.

Anchoring devices must be evenly spaced on the length of the rail and on the same side of the crosstie on both rails.

75. Rails must be kept in place by a sufficient number of fastenings to ensure gauge.

76. In turnouts and crossings of two railway lines,

(1) the fastenings must be maintained so as to keep the components securely in place;

(2) track alignment, surface and gauge must be maintained;

(3) each switch, frog and guard rail must be kept free of obstructions that may interfere with the passage of equipment wheels; and

(4) each flangeway must be clean and at least 3.81 cm (1 1/2 in.) and no more than 5.08 cm (2 in.) and at least 3.81 cm (1 1/2 in.) deep.

77. Each stock rail must be securely seated in switch plates, but care must be used to avoid canting the rail by overtightening the rail braces.

78. Each switch point must fit its stock rail properly, with the switch stand in either of its closed positions.

79. The flangeway depth measured from the wheel-bearing area of a frog must be at least 3.49 cm (1 3/8 in.).

80. The outer edge of a wheel tread may not contact the gauge side of a spring wing rail.

The toe of each wing rail must be tightly bolted. Each spring must have a tension sufficient to hold the wing rail against the point rail.

The clearance between the hold-down housing and the horn may not be more than 0.63 cm (1/4 in.).

Each frog with a bolt hole defect or head-web separation must be replaced.

81. The raised guard on a self-guarded frog may not be worn more than 0.95 cm (3/8 in.).

If repairs are made to a self-guarded frog without removing it from service, the guarding face must be restored before rebuilding the point.

82. The distance between the point and the active face of the guard rail may not be less than 137.48 cm (4 ft., 6 1/8 in.).

CHAPTER II RAIL SAFETY AT LEVEL CROSSINGS

DIVISION I OBJECT

83. This Chapter governs rail traffic at level crossings within the meaning of paragraph 2 of section 1 of the Act to ensure safety in guided land transport and in the cases provided for in the second paragraph of section 18 of that Act.

DIVISION II SIGNS

84. Level crossing signs must comply with those described in Schedule III and indicate the number of tracks where the road crosses two tracks or more. The mileage point of the level crossing must be indicated on the back of one of the signs.

Those signs must be covered, over their surface, with a silver white colour that complies with Standard 62-GP-11M, Reflectivity Level 1 or better. Their reflectivity must never be less than 50% of its initial value. The border must be drawn with transparent red ink by serigraphy. The number and illustration of tracks must be in black or drawn with transparent red ink by serigraphy.

In addition, those signs must be erected in accordance with Schedule IV. Where the distance, measured along

the public road between the centre lines of two adjacent tracks, is more than 30 m (100 ft.), each level crossing is considered as distinct.

DIVISION III MOVEMENT RULES

85. The locomotive engineer shall appoint a member of his crew to provide protection of a level crossing before passing over it when

(1) the level crossing is not protected by a watchman, a signalman or gates and the locomotive engineer cannot plainly see it;

(2) the level crossing automatic warning device is defective; or

(3) the level crossing is equipped with an automatic warning device and the equipment must make a reverse movement after it has passed over the level crossing without activating the automatic warning device again.

The engineer may not enter the level crossing with the leading car before he has received the signal to pass over it from the appointed person.

86. The person appointed by the engineer must be at a place from where he may observe the level crossing and give signals and instructions to the engineer as necessary.

With hand signals, he must stop vehicular and pedestrian traffic to allow the equipment to pass over the level crossing. He must stay at that place until the level crossing is fully occupied with the equipment.

87. When switching near a level crossing, an engineer may not allow any equipment to stand on whole or part of the level crossing for a period longer than five minutes when vehicular or pedestrian traffic requires passage.

When emergency vehicles with flashing lights or revolving beacons in operation require passage, he must take all measures to clear the level crossing.

88. A locomotive engineer may not leave equipment standing within 30 m (100 ft.) of a level crossing.

The first paragraph does not apply when equipment is left standing for purposes of loading or unloading or when a gate prevents the equipment's access to the level crossing.

89. A locomotive engineer may not place equipment at a place where it causes the unnecessary operation of an automatic warning device.

90. The boxes containing the automatic warning device manual control must be closed and locked when they are not in use.

CHAPTER III TRANSPORTATION OF DANGEROUS SUBSTANCES

DIVISION I OBJECT AND INTERPRETATION

91. This Chapter governs the transportation of dangerous substances by railway and their handling.

92. Paragraph 1 of section 2.1, sections 2.1.2, 2.3 to 2.4.2, paragraphs 1 and 3 of section 2.5 and sections 2.6 to 2.8, 2.16 to 2.19.2 and 2.33 to 2.35 of the Transportation of Dangerous Goods Regulations shall apply, *mutatis mutandis*, to the handling and transportation of dangerous substances.

93. In this Regulation, the Transportation of Dangerous Goods Regulations means the Regulation respecting the handling, offering for transport and transporting of dangerous goods made under the Transportation of Dangerous Goods Act (1985) 119 Can. Gaz. II, 393, and amended by the Regulations made under that Act and in the Consolidated Index of Statutory Instruments, updated to 31 December 1999, Canada Gazette Part II.

94. The words and expressions appearing in the Transportation of Dangerous Goods Regulations have the meaning prescribed in those Regulations or in the Transportation of Dangerous Goods Act, 1992 (1992, 40-41 Elizabeth II, c. 34) except in the following cases where :

“inspector” means any person authorized by the Minister of Transport to act as an inspector for the purposes of this Regulation ;

“handling” means, regardless of the facilities where it takes place, loading, unloading, containerizing or packing of dangerous substances carried by railway or to be carried.

In subparagraph *b* of the first paragraph of section 5.41 and in sections 7.16, 7.19 and 9.14 of those Regulations, “Director General” means the Director of the Direction du transport maritime, aérien et ferroviaire of the Ministère des Transports du Québec.

For the purposes of section 4.10 of the Transportation of Dangerous Goods Regulations, the telephone number “CANUTEC (613) 996-6666” are preceded by the words “local police and”.

DIVISION II CLASSIFICATION

95. Each substance designated as a dangerous good, by an individual or a collective designation, in the Transportation of Dangerous Goods Regulations, is designated as a dangerous substance.

96. Dangerous substances must be classified according to Part III of the Transportation of Dangerous Goods Regulations.

A reference to a class of the Schedule to the Transportation of Dangerous Goods Act, 1992 is a reference to the following classification:

Class 1— Explosives, including explosives within the meaning of the Explosives Act (R.S.C., 1985, c. E-17);

Class 2— Gases: compressed, deeply refrigerated, liquefied or dissolved under pressure;

Class 3— Flammable and combustible liquids;

Class 4— Flammable solids; substances liable to spontaneous combustion; substances that on contact with water emit flammable gases;

Class 5— Oxidizing substances; organic peroxides;

Class 6— Poisonous (toxic) and infectious substances;

Class 7— Radioactive materials and radioactive prescribed substances within the meaning of the Atomic Energy Control Act (R.S.C., 1985, c. A-16);

Class 8— Corrosives;

Class 9— Miscellaneous products, substances or organisms included in this class by List II of Schedule II to the Transportation of Dangerous Goods Regulations.

DIVISION III DOCUMENTATION

97. The documentation prescribed in Part IV of the Transportation of Dangerous Goods Regulations must accompany dangerous substances in accordance with the provisions of those Regulations.

Notwithstanding the foregoing, the shipping document referred to in section 4.4 of those Regulations may be substituted for the manifest prescribed and, in such a case, paragraph *c* of section 4.15 and paragraph *b* of section 4.18 of those Regulations do not apply.

DIVISION IV SAFETY MARKS

98. The safety marks prescribed in Part V of the Transportation of Dangerous Goods Regulations must be affixed in accordance with the provisions of those Regulations.

DIVISION V SAFETY STANDARDS AND REQUIREMENTS

99. The provisions of sections 6.1 to 6.8, 7.1 to 7.8, 7.16 to 7.19, 7.21 to 7.32, 7.32.2, 7.32.3, 7.33, 7.33.2, 7.33.3 to 7.39.1, 7.41 to 7.50, 8.1, 8.3 and 8.4.1 to 8.26 of the Transportation of Dangerous Goods Regulations shall apply during transportation and handling of dangerous substances.

100. The person who looks after or puts somebody in charge of a railway vehicle or a container used for the purposes of the transportation of a dangerous substance must observe the standards provided for in section 9.2, subparagraph *a* of the first paragraph of section 9.3, sections 9.7 and 9.10, paragraph 2 of section 9.11, paragraphs *a*, *b*, *e* and *g* of section 9.13 and section 9.14 of the Transportation of Dangerous Goods Regulations.

101. The Certificate of Training referred to in subparagraph *a* of the first paragraph of section 9.3 of the Transportation of Dangerous Goods Regulations is valid for a 36-month period calculated according to paragraphs 2 and 3 of section 9.4 of the Transportation of Dangerous Goods Regulations.

The document referred to in subparagraph *b* of the first paragraph of section 9.3 of those Regulations may be substituted for the Certificate of Training provided for in subparagraph *a* of the first paragraph of that section concerning transportation and handling of dangerous substances to which it refers.

DIVISION VI RESPONSIBILITIES OF THE SHIPPER

102. Sections 2.33 and 2.35 of the Transportation of Dangerous Goods Regulations shall apply to a person who requires the transportation of a dangerous substance.

103. Sections 97 and 98 shall apply to a person who requires the transportation of a dangerous substance.

104. Sections 7.1 to 7.8, 7.16 to 7.19, 7.21 to 7.32.2, 7.32.3, 7.33.3 to 7.39.1, 7.47 and 7.49 of the Transportation of Dangerous Goods Regulations shall apply to a person who requires the transportation of a dangerous substance.

105. Paragraphs *a*, *b*, *e* and *g* of section 9.13 of the Transportation of Dangerous Goods Regulations shall apply to a person who requires the transportation of a dangerous substance.

CHAPTER IV ANNOUNCEMENT OF WORKS AND REPORTS

106. The works that must be announced in accordance with section 5 of the Act to ensure safety in guided land transport are the following :

(1) the construction of or alteration to a track requiring the acquisition of land added to the location of a track ;

(2) the construction of or alteration to a railway line that may have an influence on the drainage of land adjoining the location of a track.

The announcement must be made through a notice published in a daily newspaper and in a weekly newspaper delivered in the territory where the works will be carried out.

The period during which one may oppose the works shall be of no less than 60 days.

107. The traffic report referred to in section 49 of the Act must be written according to the tenor provided for in Schedule V.

The report must be transmitted every year, before 1 March, and it must contain the data, according to either of the units of measure provided for in that Schedule, for the preceding year's operations.

108. The accident report referred to in section 44 of that Act must be written according to the tenor provided for in Schedule VI.

The operator is exempted from notifying the Minister and from producing an accident report in any of the following cases :

- (1) no equipment was involved in the accident ; or
- (2) the accident happened in a workshop.

CHAPTER V PENAL

109. Any contravention of the provisions of the first paragraph of section 3, sections 6, 8, 10 to 13, the first and second paragraphs of section 14, the second paragraph of section 15, sections 16, 18, 21 to 23, the first and third paragraphs of section 24, the second paragraph of section 25, the second paragraph of section 26, section 27, the first paragraph of section 28, sections 29 to 31, the second paragraph of section 32, sections 34, 35, 37, the first paragraph of section 38, sections 39 to 46, the second paragraph of section 47, sections 49 to 53, 55 to 59, section 69, the second paragraph of section 73, sections 85 to 87, the first paragraph of section 88, section 89 and sections 97 to 100 constitutes a violation.

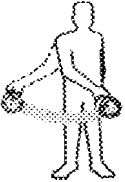





110. Any contravention of one of the safety rules provisions approved or imposed by the Minister under Division III of Chapter IV of the Act to ensure safety in guided land transport and concerning one of the subjects referred to in the Rail safety code constitutes a violation.

111. This Regulation comes into force on 1 January 2001.

SCHEDULE I

(s.17)

HAND SIGNALS

Signal	Presentation	Indication
(1) 	Hand, flag or lantern swung from side to side at right angle to the track.	Stop
(2) 	Hand, flag or lantern swung in a circle at right angle to the track at a speed in proportion to the speed required.	Move backward
(3) 	Hand, flag or lantern raised and lowered at a speed in proportion to the speed required.	Move forward
(4) 	Hand, flag or lantern held horizontally at arm's length.	Reduce speed
(5) 	Hand, flag or lantern raised and swung horizontally above the head, at right angle to the track when standing.	Apply air brakes
(6) 	Hand, flag or lantern raised and held at arm's length above the head when standing.	Release air brakes

Any object waved violently by anyone on or near the track is a signal to stop.

SCHEDULE II

(s. 22)

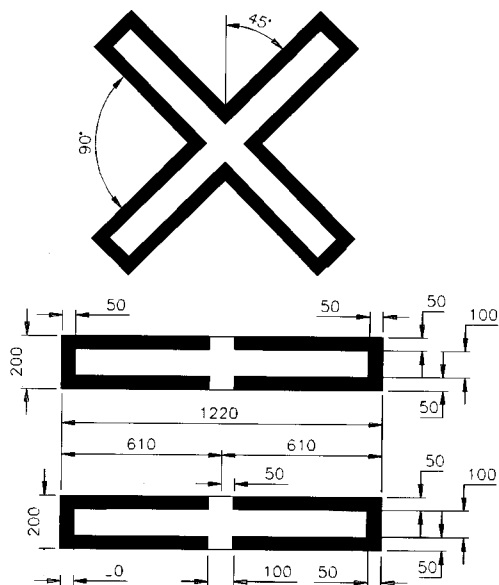
WHISTLE OR HORN SIGNALS**Sound****Indication**

- | | | |
|-----|----------------------------|---|
| (1) | o | Stop signal. Braking system is equalized; angle cock may be closed and the cars may be uncoupled. |
| (2) | oo | (a) Answer to a "stop" signal (except a fixed signal).
(b) Answer to any signal not otherwise provided for.
NOTE: <i>b</i> is not applicable when switching. |
| (3) | oooo | Call for signals; |
| (4) | Succession of short sounds | Alarm for persons or animals on or near the track. |
| (5) | _ _ o _ | (a) At every whistle sign.
(b) At least 20 seconds of every level crossing, to be prolonged or repeated until the level crossing is fully occupied by the engine or cars pushed.
(c) At frequent intervals when view is restricted by weather, curvature or other conditions. |

Signals are illustrated by "o" for short sounds; "_ " for longer sounds.

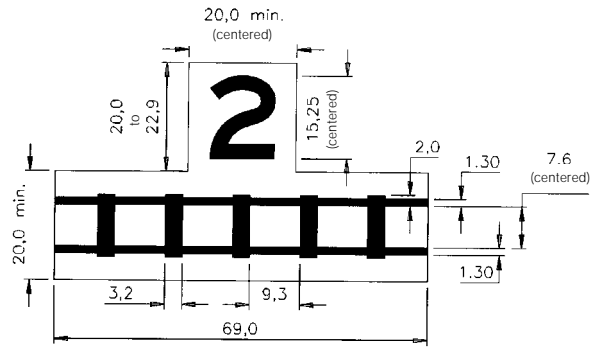
SCHEDULE III

(s. 84)

CONFORMITY OF LEVEL CROSSING SIGNS

A - LEVEL CROSSING SIGN

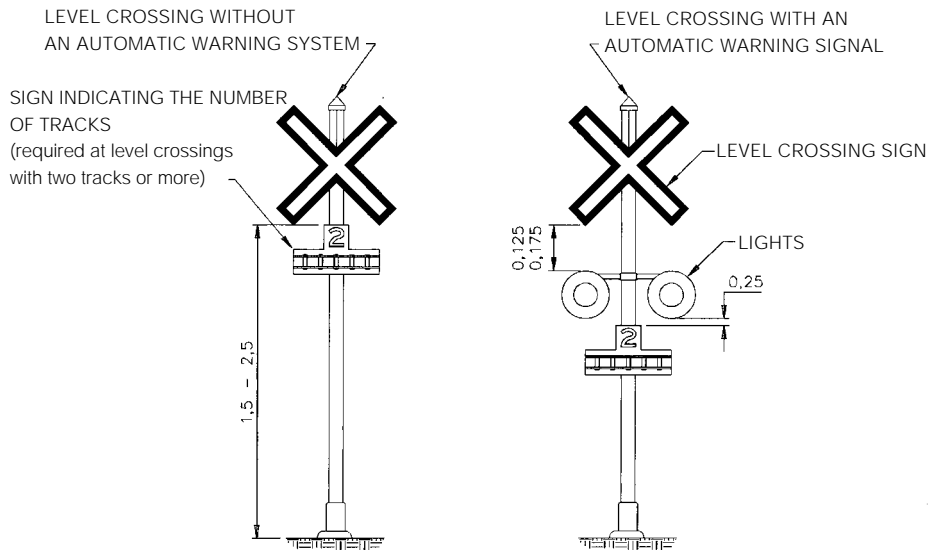
NOTE: The dimensions are in millimetres.

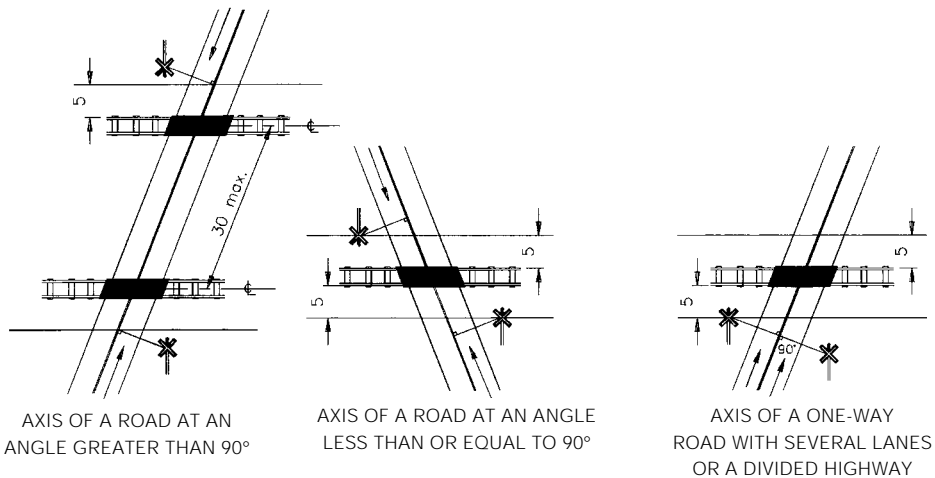


B-SIGN INDICATING THE NUMBER OF TRACKS
 (required at level crossings with two tracks or more)
 NOTE: The dimensions are in centimetres.

SCHEDULE IV
 (s. 84)

ERECTION OF LEVEL CROSSING SIGNS





NOTE: The dimensions are in metres.

SCHEDULE V

(s. 107)

TRAFFIC REPORT

OPERATOR'S NAME: _____

YEAR: _____

DESCRIPTION		METRIC UNITS	IMP. UNITS
TRACKS			
1	Length of operated network	km	miles
2	Length of main tracks	km	miles
EQUIPMENT IN SERVICE			
3	Locomotives in service	units	units
4	Cars	units	units

DESCRIPTION	METRIC UNITS	IMP. UNITS
SHIPPING		
5 Shipped tons	tonnes	tons
Main goods shipped by category		
a)	tonnes	tons
b)	tonnes	tons
c)	tonnes	tons
d)	tonnes	tons
RECEIPT		
6 Tons received	tonnes	tons
Main goods received by category		
a)	tonnes	tons
b)	tonnes	tons
c)	tonnes	tons
d)	tonnes	tons
OPERATION PARAMETERS		
7 Tons carried	tonnes	tons
8 Total gross ton-km or gross ton-miles	tonne-km	ton-miles
9 Total train-km or train-miles	train-km	train-miles
10 Gross tonnage per train	tonnes	tons
11 Loaded cars	units	units
12 Unloaded cars	units	units
13 Passengers carried	number	number
14 Passenger-km or passenger-miles	passenger-km	passenger-miles
15 Railway employees	persons-years	persons-years
16 Fuel consumed by motive power units	litres	gallons

SCHEDULE VI

(s. 108)

ACCIDENT REPORT

Operator: _____
 No. of train or other equipment: _____ Direction: _____
 Place of the accident: _____ Mileage point _____ Station: _____
 Date: _____ Time: _____ Locomotive No.: _____
 Train gross tonnage: _____ Number of cars: _____ Loaded cars: _____
 Conductor: _____ Engineer: _____

Description of the accident: _____

Number of victims: Killed: _____ Injured: _____
 Status of the victims (passenger, employee, other): _____

Apparent causes of the accident: _____

Investigation to come: Yes: _____ No: _____
 Other observations: _____

Signature (name, address and position or title of the writer of the report): _____

3978

Gouvernement du Québec

O.C. 1402-2000, 29 November 2000

Transport Act
 (R.S.Q., c. T-12)

Brokerage of bulk trucking services
— Amendments

Regulation to amend the Regulation respecting the
 brokerage of bulk trucking services

WHEREAS, under paragraphs *d, f, n.2, o, o.1, o.2* and *q* of section 5 of the Transport Act (R.S.Q., c. T-12), as amended by section 322 of chapter 40 and section 2 of chapter 82 of the Statutes of 1999, the Government may make regulations respecting the matters referred to therein and, in particular, the standards of representativeness applicable to holders of brokerage permits;

WHEREAS it is expedient to change the period when the Commission des transports du Québec ascertains a broker's representative character and to amend other rules governing the issue or renewal of brokerage permits and brokerage services;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation may be made without having been published in accordance with section 8 of that Act, where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of prior publication must be published with the regulation;

WHEREAS the Government is of the opinion that the emergency due to the following circumstances justifies the absence of prior publication of the Regulation attached to this Order in Council:

— In order for the Commission des transports du Québec to issue and renew brokerage permits in time for brokers to represent subscribers who will be carrying out bulk trucking operations for projects to be undertaken by the Ministère des Transports in the spring of 2001, the Commission must ascertain their representative character several months earlier and, in addition, the rules governing applications for those permits must be amended;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT the Regulation to amend the Regulation respecting the brokerage of bulk trucking services, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the brokerage of bulk trucking services*

Transport Act
(R.S.Q., c. T-12, s. 5, pars. *d, f, n.2, o, o.1, o.2* and *q*;
1999, c. 40, s. 322; 1999, c. 82, s. 2)

1. Section 1 of the Regulation respecting the brokerage of bulk trucking services is amended by inserting the words “, concrete other than in a concrete mixer truck” after the word “stone”.

2. Section 4 is amended

(1) by substituting the following for the second paragraph:

“For the purposes of the first paragraph, a broker represents an operator of heavy vehicles when they enter into a contract for brokerage services between 1 January and 10 February of the year in which the broker applies to the Commission des transports du Québec for a brokerage permit or its renewal. When the name of an operator of heavy vehicles is on more than one subscribers list, the Commission shall, in the presence of the brokers concerned, ask the operator to specify the brokerage service to which he will be subscribing. Operators of heavy vehicles indicate their interest by signing, between 1 March and 31 March 2000, a brokerage con-

tract that complies with the provisions of this Regulation with a broker that has applied to the Commission for a brokerage permit or its renewal, even if that application has been withdrawn.”; and

(2) by substituting “10 February” for “31 March” and “10 March” for “30 April” in the fourth paragraph.

3. Section 5 is amended

(1) by substituting “shall, within ten days of the expiry of the subscription period,” for “that has demonstrated that it meets the representativeness requirement shall” in the first paragraph;

(2) by inserting “, together with the application, the originals of all brokerage contracts that will establish its representative character,” after the word “Québec” in subparagraph 1 of the first paragraph; and

(3) by inserting “, before 31 March,” after the words “shall also” in the second paragraph.

4. Section 6 is amended by striking out “that has demonstrated its representativeness in each zone for which it is applying for a brokerage permit”.

5. Section 8 is amended by striking out the second paragraph.

6. Section 12 is amended by substituting “10 February” for “31 March” and “1 March” for “15 April”.

7. Section 14 is amended

(1) by substituting “1 January and 10 February” for “1 and 31 March” in subparagraph 1 of the first paragraph;

(2) by substituting “11 February and 11 March” for “1 and 30 April” in subparagraph 2 of the first paragraph;

(3) by substituting the following for the second paragraph:

“An operator that has entered into a brokerage contract with a broker whose application for a brokerage permit or its renewal has been denied by the Commission or whose application has been withdrawn has the right to subscribe to the services of another brokerage permit holder within 60 days of the Commission’s decision or, as the case may be, within 30 days after the Commission has received the broker’s withdrawal.”.

* The Regulation respecting the brokerage of bulk trucking services was made by Order in Council 1483-99 dated 17 December 1999 (1999, G.O. 2, 5079) and has not been amended since.

8. The following is substituted for section 17:

“17. For the purposes of this Regulation, an operator shall remain subscribed throughout the term of the brokerage permit unless he is removed by the permit holder as a disciplinary measure, subscribes to another brokerage service in the same region following the transfer of his principal establishment, is removed from the bulk trucking register or transfers his registration and subscription to a third party.”.

9. Section 21 is amended

(1) by substituting “10 February” for “31 March” in paragraphs 1 to 4; and

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

“(5) the operator’s application for brokerage services during one of the subscription periods set out in section 14 has been denied.”.

10. Schedule 1 is amended

(1) by striking out subparagraph e of paragraph 1 of Part 1;

(2) by substituting the following for subparagraph l of paragraph 1 of Part 1:

“(l) the Operator undertakes to first solicit the services of the broker for any bulk transport in excess of its capacity in all contracts that it performs as a contractor. The Operator shall also abide by this undertaking with respect to its related corporations within the meaning of the Taxation Act, specifically those referred to in subparagraph d;”;

(3) by substituting the following for the first paragraph of Part 2:

“This Part must be completed when a subscriber transfers his registration in the bulk trucking register of the Commission des transports du Québec. The transferee must also complete this Part to have the registration transferred to him. The transferee must also undertake to become a subscriber to a brokerage agency in a zone of the region specified in the transferor’s registration or to replace the transferor in the brokerage agency and, in that event, also accept, for the purposes of the distribution of working time, the allocation of all the working time accumulated in the transferor’s name on the signing date of this document.”;

(4) by substituting the following for the first paragraph of the transferee’s declaration:

“The transferee declares the following: I will apply to the Commission des transports du Québec for the transfer of the transferor’s registration to my name within 30 days of the signing of this Part. I will also, within 30 days after the transfer has been made by the Commission, become a member of the following brokerage agency: _____. I am the owner of ____ vehicles of the type that may be registered with the brokerage agency. If applicable, I agree to replace the transferor in the brokerage agency according to the transferor’s order of priority on the date of the transfer and accept the allocation of the working time accumulated by the transferor on that date as soon as I am entered on the distribution list.”; and

(5) by striking out “on the date of the transfer,” in the second paragraph of the transferee’s declaration.

11. Where, on the date of coming into force of this Regulation, there is only one brokerage permit holder in a brokerage zone and no other application for a brokerage permit is filed with the Commission des transports du Québec before 21 February 2001, that holder’s permit shall be renewed automatically.

12. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

3979

Gouvernement du Québec

O.C. 1404-2000, 29 November 2000

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

**Casket industry
— Amendments**

CONCERNING the Decree to amend the Decree respecting the casket industry

WHEREAS the Government has made the Decree respecting the casket industry (R.R.Q., 1981, c. D-2, r. 8);

WHEREAS the contracting parties to the Decree have petitioned the Minister of State for Labour and Employment and Minister of Labour to make amendments to the Decree;

WHEREAS sections 2, 6.1 and 6.2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) authorise the Government to extend a collective agree-

ment and to amend a decree upon the request of the contracting parties and to make the amendments that he deems to be opportune;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, the draft regulation attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 20 September 2000 and, on the same date, in two French-language newspapers and in one English-language newspaper with a notice that it would be made by the Government at the expiry of the 45-day period following that publication;

WHEREAS it is opportune to make this decree with amendments;

IT IS ORDERED therefore on the recommendation of the Minister of State for Labour and Employment and Minister of Labour :

THAT the Decree to amend the Decree respecting the casket industry be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the casket industry*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 2 and 6.1)

1. Section 1.01 of the Decree respecting the casket industry is amended:

1. by striking out paragraph *d*;
2. by substituting the following for paragraph *e* :

“(e) “spouse”: means either of two persons :

- i. who are married and cohabiting ;
- ii. who are living together in a de facto union and are the father and mother of the same child ;

* The last amendment to the Decree respecting the casket industry (R.R.Q., 1981, c. D-2, r. 8) was made by the regulation made under Order in Council No. 1379-99 dated 8 December 1999 (1999, *G.O.* 2, 4592). For previous amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

iii. who are of opposite sex or the same sex and have been living together in a de facto union for at least one year ;”.

2. The following is substituted for sections 3.00 to 3.03 :

“3.00. Wages, fringe benefits and the indemnity respecting fringe benefits

3.01. As of 1 January 2001, an employee receives at least the following hourly wage rate, corresponding to the duration of the continuous service that he has worked :

Duration of the continuous service	Hourly wage rate
on hiring :	\$7.60
after 3 months :	\$7.80
after 6 months :	\$7.90
after 12 months :	\$8.10
after 24 months :	\$8.60
after 36 months :	\$9.10

On 1 January 2002, minimum hourly wage rates are increased based on the change in the Consumer Price Index for Canada between November 2000 and November 2001, as determined by Statistics Canada.

However, minimum hourly wage rates are increased by a minimum of 1% and a maximum of 4%.

Increased wage rates are rounded off by increasing or decreasing them to the nearest hundredth of a dollar.

3.02. Group insurance, pension plan and compensating indemnity :

The employer offers a group insurance plan or pension plan to his employees. If no such plans are offered, he pays his employees a compensatory indemnity.

The employer contribution to the group insurance plan or pension plan is 1% of the employee’s wage as of 1 January 2001; that contribution shall be 2% of the employee’s wage as of 1 January 2002.

The compensatory indemnity corresponds to the contribution to the group insurance plan or pension plan. In the event that the employer does not make a sufficient contribution to a group insurance or pension plan, he pays an indemnity equivalent to the difference between the contribution paid and the contribution that he should have made.”.

3. Section 4.04 is abrogated.

4. Section 5.02 is amended by adding the following paragraphs at the end:

“In the case of a standard workday of 10 hours and 30 minutes, the work schedule may begin at 6:30 a.m. at the earliest.

In all other cases, the employer and employees, after agreement with a majority of the employees concerned, may decide that the work schedule begins at 6:00 a.m. at the earliest.”.

5. The following is substituted for sections 5.03 and 5.04:

“**5.03.** The standard workweek for the watchman, truck driver, boiler fireman, stationary engineman, maintenance man and repairman is scheduled from Sunday to Saturday with no restriction as to the hour at which work begins or ends.”.

6. Section 5.05 is amended by adding the following paragraphs at the end:

“In the case of an employee paid on a piece rate or incentive basis, for the purposes of computing the amount to be paid for overtime hours, the increase in the employee’s wage is determined on the basis of the total wage earned during the last two weeks of work preceding the week during which the overtime hours were worked.

For the purposes of computing overtime hours, annual vacations and paid general holidays are considered as workdays.”.

7. Section 5.09 is abrogated.

8. The following is substituted for the first paragraph of section 6.02:

“**6.02.** An employee who has 60 days of continuous service with his employer is entitled to the following paid holidays: New Year’s Day, 2 January, Easter Monday, the Monday that precedes 25 May, 1 July, Labour Day, Thanksgiving Day, Christmas and 26 December.”.

9. Section 6.03 is amended by substituting the following for the second paragraph:

“However, the indemnity of the employee paid on a piece rate or incentive basis must be equal to his average daily wage established on the basis of complete pay periods within the two weeks preceding that holiday.”.

10. Section 7.01 is amended by adding the following paragraphs at the end of paragraph *b*:

“He is also entitled, if he so requests, to an additional annual vacation without pay equal to the number of days required to bring his annual vacation to three weeks.

That additional vacation does not have to be continuous with the annual two-week paid vacation. However, it may not be divided, nor be replaced by a compensatory indemnity;”.

11. The following is substituted for section 7.05:

“**7.05. Fringe benefits:** During his annual vacation, the employee is entitled to the following benefits, if applicable: a contribution to a group insurance plan or pension plan and any other benefit agreed upon by the employer.”.

12. The following is substituted for section 10.01:

“**10.01.** The Decree remains in force until 31 December 2002.”.

13. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

3980

Gouvernement du Québec

O.C. 1417-2000, 6 December 2000

Medical Act
(R.S.Q., c. M-9)

Medical Act which may be done by classes of persons other than physicians
— Amendments

Regulation amending the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians

WHEREAS, under subparagraph *b* of the first paragraph of section 19 of the Medical Act, the Bureau of the Collège des médecins du Québec, hereafter designated as “the College”, in addition to the duties provided in sections 87 to 93 of the Professional Code (R.S.Q., c. C-26), shall by regulation, determine among the acts contemplated in section 31 of the Medical Act those which, under certain prescribed conditions, may be done by classes of persons other than physicians;

WHEREAS, under the second paragraph of section 19, the Bureau of the College shall, before passing a regulation under subparagraph *b* of the first paragraph, consult the Office des professions du Québec and the professional orders to which the persons contemplated by such regulation belong or, if there are no such orders, the representative bodies of such classes of persons;

WHEREAS, pursuant to that subparagraph, the Bureau of the College adopted on 21 April 1999 the Regulation amending the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians in its French and English versions;

WHEREAS the consultation required under the second paragraph of section 19 of the Act was carried out;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 25 August 1999 with a notice that it could be submitted to the Government for approval, upon the expiry of 45 days following its publication;

WHEREAS the Chairman of the Office received comments following that publication;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, a regulation adopted by the Bureau of a professional order under the Act constituting the professional order shall be transmitted to the Office for examination and it shall be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS the Regulation was transmitted to the Office which examined it and recommended the approval thereof by the Government, with amendments;

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 Regulation amending the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, attached to this Order in Council, be approved with amendments.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation amending the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians*

Medical Act

(R.S.Q., c. M-9, s. 19, 1st par., subpar. *b*)

1. The Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians is amended at section 1.01 by adding, after paragraph *r*, the following:

“ *s*) “nurse first surgical assistant”: a nurse having a minimum of three years experience in an operative room, one year of which being in the concerned surgical discipline. Furthermore,

i. he or she is the holder of a baccalaureate in nursing sciences issued by a Quebec university or he or she has completed at least 60 credits in nursing sciences in the course of a program of university studies other than the program leading to the certificate mentioned in subparagraph *ii*;

ii. he or she is the holder of a certificate in perioperative nursing care issued by the Université du Québec à Trois-Rivières;

iii. he or she is the holder, since less than one year, of an attestation confirming the successful results of training in cardio pulmonary resuscitation issued, either by an establishment or an instructor recognised by the Heart and Stroke Foundation of Quebec, either by an establishment affiliated to a Quebec faculty of medicine.”

2. Section 5.02 of this Regulation is amended by adding, at the end, the following paragraph:

“However, they may not assist or participate in the act mentioned in section A-1.43 of this schedule.”

3. Section 5.06 of this Regulation is amended by adding, at the end, the following paragraph:

* The recent amendments to the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, adopted on September 18, 1981 (1982, *G.O.* 2, 21) were introduced by the Regulation approved by Order in Council 1149-2000 dated September 27, 2000 (2000, *G.O.* 2, 6543). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to February 1st, 2000.

“However, he or she may not assist or participate in the act mentioned in section A-1.43 of this schedule.”.

4. The following section is inserted after section 5.10:

“5.11. Despite section A-1.43 requiring that the act described be done by a nurse first surgical assistant, any nurse may do the act described at section A-1.43, subject to division II if, on 28 December 2000:

(a) he or she is, either the holder of a certificate in perioperative nurse care issued by the Université du Québec à Trois-Rivières, either enrolled in a program of studies leading to the issuing of this certificate and becomes the holder of the certificate;

(b) he or she meets the requirement of sub-paragraph *iii* of paragraph *s* of section 1.01.”

5. Schedule A of this Regulation is amended by adding, after section A-1.42, the following section:

Act consisting in:	Medical prescription	Remote supervision	Supervision on the premises	Direct supervision	In a hospital centre only	According to protocol	Other conditions
“A-1.43 Performing complementary clinical and surgical technical activities during the surgical procedure	X			X	X	X	<p>The act is performed by the nurse first surgical assistant and this, in the course of a clinical and technical assistance to the surgeon.</p> <p>The nurse first surgical assistant must maintain his or her knowledge in cardio pulmonary resuscitation by obtaining an annual attestation either of an establishment or instructor recognized by the Heart and Stroke Foundation of Quebec, either of an establishment affiliated with a Quebec faculty of medicine.</p> <p>The surgeon responsible for the surgical procedure is physically present at the beneficiary’s side during the performance of the act. The nurse first surgical assistant practices at no time simultaneously as a nurse in internal service.”.</p>

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

1429-2000, 6 December 2000

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
— Amendment**

By-law to amend the By-law respecting maternity benefits

WHEREAS in accordance with section 11.4 of the 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), the Government approved the By-law respecting maternity benefits by Order in Council 1450-90 dated 3 October 1990;

WHEREAS in accordance with sections 10 and 12 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the By-law to amend the By-law respecting maternity benefits was published in Part 2 of the *Gazette officielle du Québec* of 15 November 2000 with a notice that it could be approved by the Government upon the expiry of 15 days following that publication;

WHEREAS no comment was made with respect to the draft By-law;

WHEREAS it is expedient to approve the By-law without amendment;

IT IS ORDERED, , therefore, upon the recommendation of the Minister of Social Solidarity:

THAT the By-law to amend the By-law respecting maternity benefits, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

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.

3983

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

Draft Regulations

Draft Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Hunting and fishing controlled zones — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting hunting and fishing controlled zones, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to provide for a new exemption from the travel fees payable when using a vehicle in controlled zones.

Accordingly, an exemption from the payment of travel fees for members of snowmobile or ATV clubs who use the trails laid out for that purpose in controlled zones has been added to the Regulation respecting hunting and fishing controlled zones.

To date, study of the matter indicates the amendment will have a positive effect on users.

Further information may be obtained by contacting: Mr. Michel Jean, Société de la faune et des parcs du Québec, Direction des territoires fauniques et de la réglementation, 675, boulevard René-Lévesque Est, 11^e étage, boîte 96, Québec (Québec) G1R 5V7.

Telephone: (418) 521-3880, extension 4095
Fax: (418) 646-5179
E-mail: michel.jean@fapaq.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister responsible for Wildlife and Parks, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,
Minister responsible for Wildlife and Parks

Regulation to amend the Regulation respecting hunting and fishing controlled zones*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 110, par. 6, subpar. b)

1. Section 19 of the Regulation respecting hunting and fishing controlled zones is amended by adding the following at the end of the second paragraph:

“(7) a member of a snowmobile club or an all-terrain vehicle club who uses an off-highway vehicle referred to in subparagraph 1 or subparagraph 2 of section 1 of the Act respecting off-highway vehicles (R.S.Q., c. V-1.2) in a ZEC on a trail laid out for that purpose by the club.”.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

3933

Draft Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Salmon fishing controlled zones — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting salmon fishing controlled zones, the text of which appears below, may be made by the Government upon the expiry of a 45-day period following this publication.

The draft Regulation proposes to add another exemption to the payment of fees that apply to the use of a vehicle in a controlled zone.

* The Regulation respecting hunting and fishing controlled zones was made by Order in Council 1255-99 dated 17 November 1999 (1999, G.O. 2, 4381) and has not been amended since.

To that end, the Regulation respecting salmon fishing controlled zones is amended by exempting from the payment of travel fees the members of a snowmobile club or an all-terrain vehicle club who use the trails laid out for that purpose in a controlled zone.

To date, study of the matter shows that the amendment would have a positive impact on users.

Further information may be obtained from: Mr. Michel Jean, Société de la faune et des parcs du Québec, Direction des territoires fauniques et de la réglementation, 675, boulevard René-Lévesque Est, 11^e étage, boîte 96, Québec (Québec) G1R 5V7.

Tel.: (418) 521-3880, ext. 4095
Fax: (418) 646-5179
E-mail: michel.jean@fapaq.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister responsible for Wildlife and Parks, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,
Minister responsible for Wildlife and Parks

Regulation to amend the Regulation respecting salmon fishing controlled zones*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 110, 1st par., subpar. 6 b)

1. Section 16 of the Regulation respecting salmon fishing controlled zones is amended by adding the following subparagraph at the end of the second paragraph:

“(7) a member of a snowmobile or all-terrain vehicle club who uses a vehicle referred to in subparagraph 1 or subparagraph 2 of section 1 of the Act respecting off-highway vehicles (R.S.Q., c. V-1.2) in a ZEC on a trail laid out for that purpose by the club.”

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

3934

* The Regulation respecting salmon fishing controlled zones was made by Order in Council 1255-99 dated 17 November 1999 (1999, *G.O.* 2, 4381) and has not been amended since then.

Erratum

Rules amending the Rules respecting Standardbred horse racing

An Act respecting racing
(R.S.Q., c. C-72.1)

Gazette officielle du Québec, 29 November 2000,
Vol. 132, No. 48, Part 2, p. 5392.

Section 26 of the Rules amending the Rules respecting
Standardbred horse racing is replaced by the following:

“**26.** Section 130 of these rules is amended by the
replacement, in the first and second paragraphs, of the
number “45” by the number “60”.”.

3981

Index Statutory Instruments

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

Regulations — Statutes	Page	Comments
Acts contemplated in section 31 which may be done by classes of persons other than physicians (Medical Act, R.S.Q., c. M-9)	5606	M
Amounts paid in excess to certain recipients of last resort financial assistance as Québec sales tax credit (An Act respecting the Ministère du Revenu, R.S.Q., c. M-31)	5583	N
Brokerage of bulk trucking services (Transport Act, R.S.Q., c. T-12)	5602	M
Casket industry (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	5604	M
Cinema Act, An Act to amend the... — Coming into force (2000, c. 21)	5577	
Classified immoveable cultural property — Reduction of the value entered on the valuation roll (Cultural Property Act, R.S.Q., c. B-4)	5580	M
Collective agreement decrees, An Act respecting... — Casket industry (R.S.Q., c. D-2)	5604	M
Conservation and development of wildlife, An Act respecting the... — Hunting and fishing controlled zones (R.S.Q., c. C-61.1)	5611	Draft
Conservation and development of wildlife, An Act respecting the... — Salmon fishing controlled zones (R.S.Q., c. C-61.1)	5611	Draft
Cultural Property Act — Classified immoveable cultural property — Reduction of the value entered on the valuation roll (R.S.Q., c. B-4)	5580	M
Cultural Property Act — Payments made to municipalities by the Minister of Cultural Affairs (R.S.Q., c. B-4)	5580	M
Farm-loan insurance and forestry-loan insurance, An Act respecting... — Application of the Act (R.S.Q., c. A-29.1)	5579	M
Hunting and fishing controlled zones (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	5611	Draft
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)	5609	M
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)	5609	M

Medical Act — Acts contemplated in section 31 which may be done by classes of persons other than physicians (R.S.Q., c. M-9)	5606	M
Ministère du Revenu, An Act respecting the... — Amounts paid in excess to certain recipients of last resort financial assistance as Québec sales tax credit (R.S.Q., c. M-31)	5583	N
Office des professions du Québec — Amount of the contribution of each member of a professional order for the 2001-2002 fiscal year (Professional Code, R.S.Q., c. C-26)	5583	N
Payments made to municipalities by the Minister of Cultural Affairs (Cultural Property Act, R.S.Q., c. B-4)	5582	M
Professional Code — Office des professions du Québec — Amount of the contribution of each member of a professional order for the 2001-2002 fiscal year (R.S.Q., c. C-26)	5583	N
Public Administration Act — Secretariat of the Conseil du trésor — Signing of certain acts, documents or writings (2000, c. 8)	5579	N
Racing, An Act respecting... — Standardbred horse racing (R.S.Q., c. C-72.1)	5613	Erratum
Rail safety (An Act to ensure safety in guided land transport, R.S.Q., c. S-3.3)	5585	N
Safety in guided land transport, An Act to amend the Act to ensure... — Coming into force of certain provisions (1997, c. 78)	5577	
Safety in guided land transport, An Act to ensure... — Coming into force of certain provisions (1988, c. 57)	5577	
Safety in guided land transport, An Act to ensure... — Rail safety (R.S.Q., c. S-3.3)	5577	N
Salmon fishing controlled zones (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	5611	Draft
Secretariat of the Conseil du trésor — Signing of certain acts, documents or writings (Public Administration Act, 2000, c. 8)	5579	N
Standardbred horse racing (An Act respecting racing, R.S.Q., c. C-72.1)	5613	Erratum
Transport Act — Brokerage of bulk trucking services (R.S.Q., c. T-12)	5602	M