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Summary

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Coming into force of Acts

Gouvernement du Québec

O.C. 484-2001, 2 May 2001

An Act to amend the Maritime Fisheries Credit Act (2000, c. 61)

— Coming into force

COMING INTO FORCE of the Act to amend the Maritime Fisheries Credit Act

WHEREAS the Act to amend the Maritime Fisheries Credit Act (2000, c. 61) was assented to on 20 December 2000;

WHEREAS section 8 of the Act provides that it comes into force on the date fixed by the Government;

WHEREAS it is expedient to fix 2 May 2001 as the date of coming into force of the Act to amend the Maritime Fisheries Credit Act (2000, c. 61);

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

THAT the Act to amend the Maritime Fisheries Credit Act (2000, c. 61) comes into force on 2 May 2001.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4251

Gouvernement du Québec

O.C. 498-2001, 2 May 2001

An Act to amend the Election Act and other legislative provisions (2001, c. 2)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Election Act and other legislative provisions

WHEREAS the Act to amend the Election Act and other legislative provisions (2001, c. 2) was assented to on 28 March 2001;

WHEREAS under section 61 of that Act, its provisions come into force on the date or dates to be fixed by the Government, except sections 13, 22, 26 to 31, paragraph 2 of section 38, sections 39, 45 to 47, 49 and 58 to 60, which came into force on 28 March 2001;

WHEREAS it is expedient to fix the date of coming into force of sections 1 to 12, 14 to 21, 23 to 25, 32 to 37, paragraph 1 of section 38, sections 40 to 44, 48 and 50 to 57 of that Act;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Electoral Reform:

THAT the date of coming into force of sections 1 to 12, 14 to 21, 23 to 25, 32 to 37, paragraph 1 of section 38, sections 40 to 44, 48 and 50 to 57 of the Act to amend the Election Act and other legislative provisions (2001, c. 2) be fixed at 2 May 2001.

JEAN-ST-GELAIS,
Clerk of the Conseil exécutif

4254

Gouvernement du Québec

O.C. 551-2001, 9 May 2001

An Act to amend the Health Insurance Act and other legislative provisions (1999, c. 89)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Health Insurance Act and other legislative provisions

WHEREAS the Act to amend the Health Insurance Act and other legislative provisions (1999, c. 89) was assented to on 20 December 1999;

WHEREAS, under section 57 of the Act, its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS, by Order in Council 149-2000 dated 16 February 2000, the Government fixed 1 March 2000 as the date of coming into force of the provisions of the

Act, except paragraph 2 of section 1, paragraph 3 of section 1 with respect to the replacement of “deemed” by “temporary”, sections 4 to 7, 9, 10, 18, 21, 30 and paragraphs 1 and 2 of section 38;

WHEREAS it is expedient to fix the date of coming into force of the following provisions of the Act: paragraph 2 of section 1, paragraph 3 of section 1 with respect to the replacement of “deemed” by “temporary”, sections 4 to 7 and 9, section 10 except the new section 9.6 of the Health Insurance Act (R.S.Q., c. A-29) that it introduces, sections 18, 21, 30 and paragraphs 1 and 2 of section 38;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Health and Social Services and Minister of Health and Social Services:

THAT 31 May 2001 be fixed as the date of coming into force of paragraph 2 of section 1, paragraph 3 of section 1 with respect to the replacement of “deemed” by “temporary”, sections 4 to 7 and 9, section 10 except the new section 9.6 of the Health Insurance Act (R.S.Q., c. A-29) that it introduces, sections 18, 21, 30 and paragraphs 1 and 2 of section 38 of the Act to amend the Health Insurance Act and other legislative provisions (1999, c. 89).

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulations and other acts

Gouvernement du Québec

O.C. 489-2001, 2 May 2001

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

Part of the fees that an agency must pay to a legal person certified under section 106.3 of the Act — Amendments

Regulation to amend the Regulation respecting the part of the fees that an agency must pay to a legal person certified under section 106.3 of the Act respecting the conservation and development of wildlife

WHEREAS, under the first and second paragraphs of section 106.6 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government shall determine by regulation the part of the fees to be paid by an agency from the fees that devolve to it, as a contribution toward the financing of a legal person, where that agency is a party to a memorandum of agreement and on whose behalf a legal person certified by the Minister acts as a representative, including the terms and conditions of payment for a period of three years from the date determined by the Government;

WHEREAS, under the third paragraph of section 106.6 of the Act, the Government may extend the period during which the financing requirement provided for in the first paragraph of that section is applicable;

WHEREAS it is expedient to extend that period to 30 November 2003;

WHEREAS, under section 9 of the Act to again amend the Act respecting the conservation and development of wildlife (1997, c. 95), a regulation made under section 106.6 of the Act respecting the conservation and development of wildlife is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the part of the fees that an agency must pay to a legal person certified under section 106.3 of the Act respecting the conservation and development of wildlife, attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Wildlife and Parks:

THAT the financing period, provided for in the third paragraph of section 106.6 of the Act respecting the conservation and development of wildlife, be extended to 30 November 2003;

THAT the Regulation to amend the Regulation respecting the part of the fees that an agency must pay to a legal person certified under section 106.3 of the Act respecting the conservation and development of wildlife, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the part of the fees that an agency must pay to a legal person certified under section 106.3 of the Act respecting the conservation and development of wildlife*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 106.6)

1. The Regulation respecting the part of the fees that an agency must pay to a legal person certified under section 106.3 of the Act respecting the conservation and development of wildlife is amended in section 2

(1) by substituting “1999, 2000, 2001, 2002 and 2003” for “1999 and 2000” and the words “to hunt or fish or from 2001 to carry on another recreational activity” for the words “to hunt or fish” in the part of that section that precedes paragraph 1;

(2) by adding the following paragraphs after paragraph 3:

“(4) for 2001: \$1 100, to which shall be added an amount equal to 0.9% of the total annual fees referred to in this section and collected during the 1999 fiscal year; the sum of both amounts shall not exceed the lesser of the following:

* The Regulation respecting the part of the fees that an agency must pay to a legal person certified under section 106.3 of the Act respecting the conservation and development of wildlife was made by Order in Council 1184-98 dated 16 September 1998 (1998, G.O. 2, 3891) and has not been amended since.

(a) \$3 750; or

(b) 2.75% of the total fees referred to in this section and collected during the 1999 fiscal year;

(5) for 2002: \$1 100, to which shall be added an amount equal to 0.9% of the total annual fees referred to in this section and collected during the 2000 fiscal year; the sum of both amounts shall not exceed the lesser of the following:

(a) \$3 750; or

(b) 2.75% of the total fees referred to in this section and collected during the 2000 fiscal year;

(6) for 2003: \$1 100, to which shall be added an amount equal to 0.9% of the total annual fees referred to in this section and collected during the 2001 fiscal year; the sum of both amounts shall not exceed the lesser of the following:

(a) \$3 750; or

(b) 2.75% of the total fees referred to in this section and collected during the 2001 fiscal year.”

2. Section 3 is amended by substituting “1999, 2000, 2001, 2002 and 2003” for “1999 and 2000”.

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

4252

Gouvernement du Québec

O.C. 497-2001, 2 May 2001

An Act respecting the civil aspects of international and interprovincial child abduction
(R.S.Q., c. A-23.01)

Effective date of the Act

— **Belarus, Costa Rica, Fidji, Republic of Moldova, Paraguay and Turkmenistan**

Effective date of the Act respecting the civil aspects of international and interprovincial child abduction as regards Belarus, Costa Rica, Fidji, Republic of Moldova, Paraguay and Turkmenistan

WHEREAS section 41 of the Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., c. A-23.01) provides that the Government, upon the recommendation of the Minister of Justice and,

as the case may be, of the Minister responsible for Canadian Intergovernmental Affairs or the Minister of International Relations, shall designate by order published in the *Gazette officielle du Québec* any State, province or territory in which it considers that Québec residents may benefit from measures similar to those set out in the Act;

WHEREAS that section also provides that the order shall indicate the date of the taking of effect of the Act for each State, province or territory designated in it;

WHEREAS by Order in Council 595-2000 dated 17 May 2000, the Government designated Belarus, Costa Rica, Fidji, Republic of Moldova, Paraguay and Turkmenistan as States to which the Act respecting the civil aspects of international and interprovincial child abduction applies;

WHEREAS that Order in Council provides that, as regards those States, the Act will take effect on a later date to be fixed by the Government;

WHEREAS it is expedient to fix the effective date of the Act with respect to those States;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Justice and of the Minister of International Relations:

THAT, as regards Belarus, Costa Rica, Fidji, Republic of Moldova, Paraguay and Turkmenistan, the Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., c. A-23.01) take effect on 1 January 2001.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4253

Gouvernement du Québec

O.C. 499-2001, 2 May 2001

Election Act
(R.S.Q., c. E-3.3)

Election officers

— **Tariff of remuneration and expenses**

Regulation respecting the tariff of remuneration and expenses of election officers

WHEREAS, under paragraph 1 of section 549 of the Election Act (R.S.Q., c. E-3.3), the Government may, by regulation, establish a tariff of remuneration and expenses of election officers;

WHEREAS the Government made the Regulation respecting the tariff of remuneration and expenses of election officers by Order in Council 741-92 dated 20 May 1992;

WHEREAS it is expedient to replace that Regulation to take into account the amendments made to the composition of the group of election officers by the Act respecting the obligation to establish one's identity before voting and amending other legislative provisions pertaining to elections (1999, c. 15) and by the Act to amend the Election Act and other legislative provisions (2001, c. 2);

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Electoral Reform:

THAT the Regulation respecting the tariff of remuneration and expenses of election officers be made.

JEAN-ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the tariff of remuneration and expenses of election officers

Election Act
(R.S.Q., c. E-3.3, ss. 137 and 549, par. 1; 2001, c. 2, ss. 13 and 54)

DIVISION I SCOPE

1. This Regulation applies to all the services provided by an election officer within the meaning of section 136 of the Election Act (R.S.Q., c. E-3.3) who performs a function listed in section 2.

DIVISION II REMUNERATION

2. The remuneration to which election officers are entitled is indicated after their respective functions:

(1) Returning officer:

Hourly remuneration equivalent to the maximum hourly remuneration of an administration specialist, based on public service classification and norms;

(2) Substitute returning officer:

Hourly remuneration equivalent to the hourly remuneration of a returning officer;

(3) Assistant returning officer:

Hourly remuneration equivalent to 75% of the hourly remuneration of a returning officer;

(4) Assistant to the assistant returning officer in the regions and Assistant to the assistant returning officer—List of electors:

Hourly remuneration equivalent to 75% of the hourly remuneration of an assistant returning officer;

(5) Assistant to the assistant returning officer—Distribution and Assistant to the assistant returning officer—Voting results:

Hourly remuneration equivalent to 50% of the hourly remuneration of an assistant returning officer;

(6) Assistant to the assistant returning officer—Vote:

Hourly remuneration equivalent to 35% of the hourly remuneration of an assistant returning officer;

(7) Permanent aide:

Hourly remuneration equivalent to 50% of the hourly remuneration of an assistant returning officer;

(8) Casual aide:

Hourly remuneration equivalent to 35% of the hourly remuneration of an assistant returning officer;

(9) Aide for computerization of the list of electors and Aide for computerization of the permanent list of electors:

Hourly remuneration equivalent to 50% of the hourly remuneration of an assistant returning officer;

(10) Enumerator:

Hourly remuneration equivalent to 90% of the hourly remuneration of a revisor of a board of revisors;

(11) Revisor of a board of revisors:

Hourly remuneration equivalent to 45% of the hourly remuneration of an assistant returning officer. If the number of polling subdivisions attached to the board is 40 or more, \$4 for each additional polling subdivision shall be granted for ordinary revision only;

(12) Secretary of a board of revisors:

Hourly remuneration equivalent to 90% of the hourly remuneration of a revisor of a board of revisors. If the number of polling subdivisions attached to the board is 40 or more, \$4 for each additional polling subdivision shall be granted for ordinary revision only;

(13) Revising officer:

Hourly remuneration equivalent to 90% of the hourly remuneration of a revisor of a board of revisors;

(14) Deputy returning officer (polling day):

Hourly remuneration equivalent to 40% of the hourly remuneration of an assistant returning officer up to 13 hours, including the counting of votes. Meals and travel expenses shall be included;

(15) Deputy returning officer (advance polling and voting by inmates):

Hourly remuneration equivalent to 40% of the hourly remuneration of an assistant returning officer up to 13 hours per day. Meals and travel expenses shall be included;

(16) Deputy returning officer (mobile polling):

Hourly remuneration equivalent to 40% of the hourly remuneration of an assistant returning officer up to 13 hours per day. Meals shall be included;

(17) Polling clerk (polling day):

Hourly remuneration equivalent to 75% of the hourly remuneration of a deputy returning officer up to 13 hours, including the counting of votes. Meals and travel expenses shall be included;

(18) Poll clerk (advance polling and voting of inmates):

Hourly remuneration equivalent to 75% of the hourly remuneration of a deputy returning officer up to 13 hours per day. Meals and travel expenses shall be included;

(19) Poll clerk (mobile polling):

Hourly remuneration equivalent to 75% of the hourly remuneration of a deputy returning officer up to 13 hours per day. Meals shall be included;

(20) Officer assigned to the list of electors (polling day):

Hourly remuneration equivalent to 75% of the hourly remuneration of a deputy returning officer up to 12.5 hours per day. Meals and travel expenses shall be included;

(21) Officer in charge of information and order (polling day, advance polling and voting by inmates):

Hourly remuneration equivalent to 40% of the hourly remuneration of an assistant returning officer up to 13 hours per day. Meals and travel expenses shall be included;

(22) Aide to the officer in charge of information and order (polling day and advance polling):

Hourly remuneration equivalent to 35% of the hourly remuneration of an assistant returning officer up to 13 hours per day. Meals and travel expenses shall be included;

(23) Chairman of the identity verification panel (polling day, advance polling and voting by inmates):

Hourly remuneration equivalent to 40% of the hourly remuneration of an assistant returning officer up to 12.5 hours per day. Meals and travel expenses shall be included;

(24) Chairman of the identity verification panel (mobile polling):

Hourly remuneration equivalent to 40% of the hourly remuneration of an assistant returning officer up to 12.5 hours per day. Meals shall be included;

(25) Member of the identity verification panel (polling day, advance polling and voting by inmates):

Hourly remuneration equivalent to 75% of the hourly remuneration of a deputy returning officer up to 12.5 hours per day. Meals and travel expenses shall be included;

(26) Member of the identity verification panel (mobile polling):

Hourly remuneration equivalent to 75% of the hourly remuneration of a deputy returning officer up to 12.5 hours per day. Meals shall be included;

3. Election officers who perform more than one of the functions listed in section 2 are entitled to only the highest remuneration of the two functions.

DIVISION III EXPENSES

4. Hourly remuneration corresponding to the position they hold shall be paid to election officers when they attend a training meeting convened by the returning officer or under his authority.

5. Hourly remuneration corresponding to the position held shall be paid to election officers authorized to return the ballot boxes of the advance polling, voting by inmates and polling day.

6. Hourly remuneration corresponding to the position held shall be paid to election officers authorized to count the votes of the advance polling, polling outside Québec and voting by inmates.

7. Returning officers and assistant returning officers who must travel in the performance of their duties are entitled to payment of their travel expenses in accordance with the *Règles sur les frais de déplacement des fonctionnaires* then in force, upon presentation of the vouchers required under those rules.

Other election officers who must travel in the performance of their duties are entitled to payment of their expenses for the distance in kilometres at the rate then in force in the *Règles sur les frais de déplacement des fonctionnaires* and upon presentation of the vouchers required under those rules.

DIVISION IV INCREASE IN THE TARIFF

8. The chief electoral officer may, during an election period, increase the amounts set by this Regulation. The additional expenses brought about by such an increase may not exceed \$250 000.

DIVISION V FINAL

9. This Regulation replaces the Regulation respecting the tariff of remuneration and expenses of election officers made by Order in Council 741-92 dated 20 May 1992.

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

Gouvernement du Québec

O.C. 500-2001, 2 May 2001

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2)

Selection of foreign nationals — Amendments

Regulation to amend the Regulation respecting the selection of foreign nationals

WHEREAS under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Minister shall issue a selection certificate to a foreign national who meets the conditions and criteria of selection determined by regulation;

WHEREAS under section 3.3 of that Act, the Government may make regulations determining classes of foreign nationals and the conditions and procedure applicable to their selection;

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 foreign nationals was published in Part 2 of the *Gazette officielle du Québec* of 13 September 2000 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS comments were received within and after the 45-day period;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Relations with the Citizens and Immigration:

THAT the Regulation to amend the Regulation respecting the selection of foreign nationals, attached to this Order in Council, be made.

JEAN-ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the selection of foreign nationals*

An Act respecting immigration to Québec (R.S.Q., c. I-0.2, ss. 3.2, 3.2.1, 3.3, 1st par., subpars. *b*, *b.3*, *b.4*, *f*, *g* and s. 3.4, 1st par., subpar. *a*)

1. Section 1 of the Regulation respecting the selection of foreign nationals is amended by deleting the words “, where applicable,” in paragraph *e.1* of subsection 1.

2. Section 5 is amended

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

“The application shall be examined on foreign soil or at a Québec immigration office, in Québec, when it is filed by a foreign national who is in Québec

(*a*) for a temporary stay primarily intended for work or study purposes;

(*b*) for prospecting purposes and who is an entrepreneur, a self-employed person or an investor.”;

(1) by inserting “subsection 6(5),” after the word “under” in subparagraph *a* of the second paragraph; and

(2) by adding the following subparagraph after subparagraph *b* of the second paragraph:

“(c) where the application is for a selection certificate belonging to the family class.”.

3. Section 7 is amended

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

“7. An application for a selection certificate by a foreign national belonging to the class of independent immigrants as a worker, an assisted relative, a self-employed person or an entrepreneur is subject to preliminary processing in accordance with the factors of the Selection Grid for Independent Immigrants provided for in Schedule A, except for criteria 4.1, 4.2 and 4.3 of factor 4 and, in the case of an entrepreneur, factor 11.”;

(2) by adding the words “, where applicable, and as a passing score for that preliminary processing” after the words “cutoff score” in the second paragraph.

4. Section 7.1 is deleted.

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

“8. Any foreign national belonging to the investors class shall be called for an interview, as well as any national in the class of persons in distress, excluding nationals referred to in paragraph *a* of section 18 recognized as refugees while already in Canada and, if a meeting is not possible while their records contain the information necessary for making a decision, nationals referred to in that paragraph who are abroad and nationals referred to in paragraph *b* of that section.

Nationals referred to in section 7 shall be called for an interview if they meet the requirements of the preliminary processing but fail to achieve the passing or cutoff scores, or whose application contains declarations the truthfulness of which is not demonstrated.”.

6. The following is substituted for paragraph *c* of section 21:

“(c) is designated as a “self-employed person” if he comes to Québec to create employment for himself by practising a profession defined in the National Occupational Classification;”.

7. The following is substituted for paragraphs *c*, *d* and *e* of section 22:

“(c) the application of a foreign national who is a worker or an assisted relative who has assured employment in accordance with the Assured Employment factor provided for in section 2.A of the Selection Grid for Independent Immigrants in Schedule A, who meets the requirements of factor 2.C or whose profession is listed in the List of occupations in demand in Québec;

(d) the application of a foreign national who is a self-employed person, an investor or an entrepreneur;

(e) the application of a foreign national who is an entrepreneur;

(f) the application of a foreign national who is an investor;

(g) the application of a foreign national belonging to the family class not described in paragraph *a*.”.

* The Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r. 2) was last amended by the Regulation made by Order in Council 858-2000 dated 28 June 2000 (2000, G.O. 2, 3582). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

8. Section 39 is deleted.

9. Schedule A is amended

(1) by adding the following paragraph at the end of criterion 1.3:

“To assess an application in view of criterion 1.3, the diploma must have been obtained during the ten years preceding the application for a selection certificate or, failing that, the applicant must have practised, for at least one year in the five years preceding the application, a profession related to the diploma obtained and for which factor the applicant is assessed.”;

(2) by adding the words “on the conditions stipulated therein” at the end of criterion 2.B;

(3) by adding the following paragraph at the end of criterion 2.C.1.3:

“To assess an application in view of criterion 2.C.1.3, the diploma must have been obtained during the ten years preceding the application for a selection certificate or, failing that, the applicant must have practised, for at least one year in the five years preceding the application, a profession related to the diploma obtained and for which factor the applicant is assessed.”;

(4) by substituting the following for criterion 2.C.3:

“2.C.3	Age
2.C.3.1	20 years old
2.C.3.2	21 years old
2.C.3.3	22 years old
2.C.3.4	from 23 to 30 years old
2.C.3.5	31 years old
2.C.3.6	32 years old
2.C.3.7	33 years old
2.C.3.8	34 years old
2.C.3.9	35 years old
2.C.3.10	36 years old
2.C.3.11	37 years old
2.C.3.12	38 years old
2.C.3.13	39 years old
2.C.3.14	40 years old
2.C.3.15	41 years old
2.C.3.16	42 years old
2.C.3.17	43 years old
2.C.3.18	44 years old
2.C.3.19	45 years old ”;

(5) by substituting the following for paragraphs *a* and *b* of criterion 2.C.4.2:

“(a) secondary school diploma obtained upon completion of studies pursued mostly in French

(b) postsecondary diploma obtained upon completion of studies pursued mostly in French”;

(6) by substituting the following for paragraph *a* of criterion 2.C.5.2:

“(a) the person’s spouse, son, daughter, father, mother, brother or sister”;

(7) by adding the following at the end of criterion 2.C.5:

“2.C.6. Spouse’s characteristics

2.C.6.1 Training

(a) secondary school diploma

(b) postsecondary school diploma attesting to at least 1 year of full-time studies

(c) undergraduate university degree attesting to 3 years of full-time studies

(d) studies in a second specialty or training mentioned in the List of preferred educational background

To assess training referred to in the List of preferred educational background, the diploma must have been obtained during the ten years preceding the application for a selection certificate or, failing that, the spouse must have practised, for at least one year in the five years preceding the application, a profession related to the diploma obtained and for which factor the spouse is assessed.

2.C.6.2 Occupational experience

(a) from 6 months to 1 year

(b) more than 1 year

Experience includes training periods served during apprenticeship, training or specialization attested to by a diploma, in an occupation at a level of qualification higher than D within the meaning of the National Occupational Classification, excluding experience acquired in an occupation mentioned in the List of inadmissible occupations.

The experience must have been acquired in the ten years preceding the application for a selection certificate and the employment must have been for remuneration.

- 2.C.6.3 Age
- 2.C.6.3.1 20 years old
 2.C.6.3.2 21 years old
 2.C.6.3.3 22 years old
 2.C.6.3.4 from 23 to 30 years old
 2.C.6.3.5 31 years old
 2.C.6.3.6 32 years old
 2.C.6.3.7 33 years old
 2.C.6.3.8 34 years old
 2.C.6.3.9 35 years old
 2.C.6.3.10 36 years old
 2.C.6.3.11 37 years old
 2.C.6.3.12 38 years old
 2.C.6.3.13 39 years old
 2.C.6.3.14 40 years old
 2.C.6.3.15 41 years old
 2.C.6.3.16 42 years old
 2.C.6.3.17 43 years old
 2.C.6.3.18 44 years old
 2.C.6.3.19 45 years old ”;

2.C.6.4 Knowledge of French

(a) Oral comprehension and expression

(b) Studies in French

i. secondary school diploma obtained upon completion of studies pursued mostly in French;

ii. postsecondary school diploma obtained upon completion of studies pursued mostly in French”;

(8) by adding the following at the end of criterion 3.2:

“3.3 Experience of a self-employed person

- (a) 6 months
 (b) 1 year
 (c) 1 year and a half
 (d) 2 years
 (e) 2 years and a half
 (f) 3 years
 (g) 3 years and a half
 (h) 4 years
 (i) 4 years and a half
 (j) 5 years or more

The experience of a self-employed person is based on the time spent practising on his own account the profession he intends to practise in Québec.”;

(9) by substituting the following for paragraph *a* of criterion 4.5:

“(a) the person’s spouse, son, daughter, father, mother, brother or sister”;

(10) by substituting the following for criteria 5.1 to 5.10:

- “5.1 20 years old
 5.2 21 years old
 5.3 22 years old
 5.4 from 23 to 30 years old
 5.5 31 years old
 5.6 32 years old
 5.7 33 years old
 5.8 34 years old
 5.9 35 years old
 5.10 36 years old
 5.11 37 years old
 5.12 38 years old
 5.13 39 years old
 5.14 40 years old
 5.15 41 years old
 5.16 42 years old
 5.17 43 years old
 5.18 44 years old
 5.19 45 years old ”;

(11) by substituting the following for paragraph *d* of criterion 6.1:

“(d) Studies in French

i. secondary school diploma obtained upon completion of studies pursued mostly in French

ii. postsecondary school diploma obtained upon completion of studies pursued mostly in French”;

(12) by adding the following paragraph to criterion 7.1 after paragraph d:

“To assess training referred to in the List of preferred educational background, the diploma must have been obtained during the ten years preceding the application for a selection certificate or, failing that, the spouse must have practised, for at least one year in the five years preceding the application, a profession related to the diploma obtained and for which factor the spouse is assessed.”;

(13) by substituting the following for criterion 7.3:

“7.3	Age:
7.3.1	20 years old
7.3.2	21 years old
7.3.3	22 years old
7.3.4	from 23 to 30 years old
7.3.5	31 years old
7.3.6	32 years old
7.3.7	33 years old
7.3.8	34 years old
7.3.9	35 years old
7.3.10	36 years old
7.3.11	37 years old
7.3.12	38 years old
7.3.13	39 years old
7.3.14	40 years old
7.3.15	41 years old
7.3.16	42 years old
7.3.17	43 years old
7.3.18	44 years old
7.3.19	45 years old”;

(14) by substituting the following for criterion 10:

“Has net assets of:

- (a) \$50 000
- (b) \$75 000
- (c) \$100 000
- (d) \$125 000
- (e) \$150 000
- (f) \$175 000
- (g) \$200 000
- (h) \$250 000
- (i) \$300 000
- (j) \$350 000
- (k) \$400 000
- (l) \$450 000
- (m) \$500 000”.

10. Sections 2, 5, 7 and 8 of this Regulation come into force on the thirtieth day following the date of its publication in the *Gazette officielle du Québec*. Sections 1, 3, 4, 6 and 9 come into force on 17 September 2001.

4256

Gouvernement du Québec

O.C. 501-2001, 2 May 2001

Forest Act
(R.S.Q., c. F-4.1)

Rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit — Amendment

Regulation to amend the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit

WHEREAS under section 124.29 of the Forest Act (R.S.Q., c. F-4.1), every holder of a wood processing plant operating permit who acquires a volume of timber originating from the territory of an agency shall pay a contribution to the agency;

WHEREAS under the same section, the contribution shall be established each year by the agency on the basis of a rate per cubic metre of timber, fixed by regulation of the Government, that is applicable to the volume of timber from private forests purchased by a permit holder in a year;

WHEREAS under paragraph 18.4 of section 172 of the Forest Act, the Government may, by regulation, fix the rate per cubic metre of timber applicable to the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit and determine the schedules according to which permit holders are required to file their statements with the agencies;

WHEREAS the annual contribution now exceeds the commitments made by the representatives of the forest industry at the Sommet sur la forêt privée in 1995 and it is expedient to reduce the rate per cubic metre of timber acquired from private forests;

WHEREAS by Order in Council 1113-96 dated 4 September 1996, the Government made the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit;

WHEREAS in accordance with sections 10 and 12 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 14 March 2001, with a notice that it could be made by the Government upon the expiry of 21 days following that publication;

WHEREAS the 21 days have expired;

WHEREAS under section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* when the authority that has made it is of the opinion the urgency of the situation requires it;

WHEREAS under section 18 of the Act, the reason justifying such a coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies such a coming into force:

— the need to follow up on the commitments made by the partners during the Sommet de la forêt privée in 1995 which provided that the contribution of the industry paid to agencies would be \$8 M per year;

— the importance to reduce rapidly the rate fixed by regulation so that it applies as of the beginning of the next fiscal year of the agencies, considering that the surplus paid by the industry to the agencies are \$2.4 M and that they continue to accumulate;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources:

THAT the Regulation to amend the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit*

Forest Act
(R.S.Q., c. F-4.1, ss. 124.29, 124.30 and 172, par. 18.4)

1. Section 1 of the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit is amended by substituting the amount “\$1.20” for the amount “1.45 \$” at the end of the section.

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

4257

Gouvernement du Québec

O.C. 503-2001, 2 May 2001

Pharmaciens propriétaires — Determination of the conditions of remuneration provided for in the agreement

Determination of the conditions of remuneration provided for in the agreement entered into on 20 March 1997 by the Minister of Health and Social Services and the Association québécoise de pharmaciens propriétaires

WHEREAS under section 9 of the Act to provide for the maintenance of pharmaceutical services in Québec (2001, c. 1), the Government may determine by order what will stand in lieu of an agreement within the meaning of section 19 of the Health Insurance Act (R.S.Q., c. A-29) between the Minister of Health and Social Services and the Association québécoise de pharmaciens propriétaires;

* The Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit was made by Order in Council 1113-96 dated 4 September 1996 (1996, *G.O.* 2, 3979). The Regulation has not been amended since.

WHEREAS the provisions of the Order may have effect from 1 April 1998 to 31 March 2002;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Health and Social Services and Minister of Health and Social Services:

THAT the Determination of the conditions of remuneration provided for in the agreement entered into on 20 March 1997 by the Minister of Health and Social Services and the Association québécoise de pharmaciens propriétaires, attached to this Order, be approved;

THAT this Order take effect on 1 June 2001.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Determination of the conditions of remuneration provided for in the agreement entered into on 20 March 1997 by the Minister of Health and Social Services and the Québec Pharmacists Owners Association

1. Rule 23 of Appendix II of the agreement is amended as follows:

“Rule 23

There is a reduction in the tariff after a set annual number of prescriptions has been paid to a pharmacy under the Agreement. The annual number is set at 24,300 prescriptions per period of 12 months, starting on January 1 each year, and is calculated on the basis of the date the services are provided; it includes each filling and refilling of a prescription, for a drug, a dietary supplement and a magistral preparation. From 1 January 2002, the annual number of prescriptions is set at 32,000 prescriptions per period of 12 months.

Pharmacy means any premises where the activities of a pharmacy are carried out within the meaning of the Pharmacy Act (R.S.Q., c. P-10) regardless of its owner or owners.”.

2. Appendix III of the agreement is amended as follows:

“APPENDIX III

A.1 Tariffs at June first 2001

Type and volume of service	Tariff at 2001 06 01
1) Filling or refilling a prescription	
- 24,300 prescriptions or less	7.46
- over 24,300 prescriptions	6.97
2) Filling or refilling a prescription for a dietary supplement	
- 24,300 prescriptions or less	5.76
- over 24,300 prescriptions	4.97
3) Refusal to fill or refill a prescription	7.46
- Falsified (valid) prescription	
- Allergy predating drug prescribed	
- Previous treatment failure with drug prescribed	
- Clinically significant interaction	
- Previous intolerance of product prescribed	
- Irrational choice of product	
- Dangerously high dose	
- Subtherapeutic dose	
- Irrational length of treatment	
- Ineffective product in view of the indications	
- Irrational quantity prescribed	
- Overconsumption	
- Duplication of treatment	
4) Pharmaceutical opinion	16.48
- Medication to be interrupted because of allergy	
- Medication to be interrupted because of side effects	
- Medication to be interrupted because of interaction	
- Medication to be interrupted because of pregnancy or breast feeding	
- Drug dosage to be changed because of side effects	
- Drug dosage to be changed to ensure effectiveness	
- Product to be replaced by a substitute because of side effects or intolerance	
- Product to be replaced by a substitute because of interaction	
- Product to be replaced by a substitute to ensure effectiveness	
- Product to be replaced by a substitute because of pregnancy or breast feeding	
- Addition of required supplementary drug	

Type and volume of service	Tariff at 2001 06 01	Type and volume of service	Tariff at 2001 06 01
5) Pharmaceutical opinion concerning inobservance of hypertension treatment	16.48	However, this supplement is not payable to a pharmacist whose pharmacy is open to the public during the hours or on the days referred to above.	
- Inobservance of treatment - overconsumption			
- Inobservance of treatment - underconsumption			
6) Pharmaceutical opinion concerning pharmacotherapeutic profile of patient taking eight or more drugs	16.48	11) Filling or refilling a prescription for drugs required for a chronic or prolonged illness, involving the use of a drug dispenser for a treatment period of less than 28 days (25% of the amount is paid every 7 days)	14.63 (3.66)
- Pharmacotherapeutic profile (eight or more drugs)			
- Interaction with an uninsured product (proprietary medicine or other)			
7) Pharmaceutical opinion concerning benzodiazepine drugs	16.48	12) Special consideration (S.C.) The amount payable for insured services may be subject to special consideration :	
- Opinion and weaning schedule		a) when the services are rendered under unusual circumstances ;	
		b) when the services are not listed in the Tariff.	
8) The amount payable for filling or refilling a prescription for a magistral preparation is the cost of the drugs , plus the cost of services		In all such cases, the pharmacist has to provide the Régie with the necessary information.	
- 24,300 prescriptions or less	11.87	13) Supply of disposable syringes and needles	2.30
- over 24,300 prescriptions	11.05	14) Filling a prescription for the initial pharmacotherapy using a product listed in Appendix VI:	
9) For filling or refilling a prescription for a magistral preparation involving a mixture of ready-made liquid preparations, excluding injectable preparations and ophthalmic solutions designed for parenteral or ophthalmic administration, the amount payable is the total cost of the drugs, plus the fee set for filling or refilling the prescription		a) for the first 7 days :	
- 24,300 prescriptions or less	7.46	- 24,300 prescriptions or less	7.46
- over 24,300 prescriptions	6.97	- over 24,300 prescriptions	6.97
		b) to complete the prescription, where necessary :	
		- 24,300 prescriptions or less	7.46
		- over 24,300 prescriptions	6.97
10) Service on call	23.97	15) Filling or refilling a prescription	Tariff per unit
A supplement for the first beneficiary, in addition to the cost of drugs and services, is payable every time a pharmacist has to leave his home between 10 p.m. and 8 a.m. the following day in response to a call received during those hours.		a) Parenteral therapy :	
The same supplement is payable to a pharmacist who has to leave his home on any of the following days : Sunday, New Year's Day, January 2nd, Good Friday, Easter Monday, Dollard-des-Ormeaux Day, Saint-Jean-Baptiste Day, Canada Day (or, in the case of the last two mentioned holidays, the days chosen to replace them), Labour Day, Thanksgiving Day, Christmas Day and Boxing Day.		With prior preparation	
		- Infusion bag (gravity)	
		First bag	11.66
		Each following bag	5.44
		- Infusion bag (pump)	
		First bag	15.55
		Each following bag	7.77
		- 50 ml medication cassette	
		First cassette	11.66
		Each following cassette	5.44

Type and volume of service	Tariff at 2001 06 01	Type and volume of service	Tariff at 2002 01 01
- 100 ml medication cassette		2) Filling or refilling a prescription for a dietary supplement	
First cassette	15.55	- 32,000 prescriptions or less	5.90
Each following cassette	9.33	- over 32,000 prescriptions	5.09
- Elastomeric infusion device		3) Refusal to fill or refill a prescription	7.65
First device	15.55	- Falsified (valid) prescription	
Each following device	12.43	- Allergy predating drug prescribed	
- Syringe		- Previous treatment failure with drug prescribed	
First syringe	5.44	- Clinically significant interaction	
Each following syringe	2.34	- Previous intolerance of product prescribed	
Without prior preparation		- Irrational choice of product	
- Infusion bag (gravity)		- Dangerously high dose	
First bag	10.11	- Subtherapeutic dose	
Each following bag	5.44	- Irrational length of treatment	
- Infusion bag (pump)		- Ineffective product in view of the indications	
First bag	11.66	- Irrational quantity prescribed	
Each following bag	6.22	- Overconsumption	
- 50 ml medication cassette		- Duplication of treatment	
First cassette	10.11	4) Pharmaceutical opinion	16.89
Each following cassette	5.44	- Medication to be interrupted because of allergy	
- 100 ml medication cassette		- Medication to be interrupted because of side effects	
First cassette	13.21	- Medication to be interrupted because of interaction	
Each following cassette	8.55	- Medication to be interrupted because of pregnancy or breast feeding	
- Elastomeric infusion device		- Drug dosage to be changed because of side effects	
First device	11.14	- Drug dosage to be changed to ensure effectiveness	
Each following device	9.06	- Product to be replaced by a substitute because of side effects or intolerance	
- Syringe		- Product to be replaced by a substitute because of interaction	
First syringe	4.66	- Product to be replaced by a substitute to ensure effectiveness	
Each following syringe	2.34	- Product to be replaced by a substitute because of pregnancy or breast feeding	
b) Ophthalmic preparations	13.21	- Addition of required supplementary drug	
A.2 Tariffs at January first 2002		5) Pharmaceutical opinion concerning inobservance of hypertension treatment	16.89
Type and volume of service	Tariff at 2002 01 01	- Inobservance of treatment - overconsumption	
1) Filling or refilling a prescription		- Inobservance of treatment - underconsumption	
- 32, 000 prescriptions or less	7.65	6) Pharmaceutical opinion concerning pharmacotherapeutic profile of patient taking eight or more drugs	16.89
- over 32,000 prescriptions	7.15		

Type and volume of service	Tariff at 2002 01 01	Type and volume of service	Tariff at 2002 01 01
- Pharmacotherapeutic profile (eight or more drugs) - Interaction with an uninsured product (proprietary medicine or other)		11) Filling or refilling a prescription for drugs required for a chronic or prolonged illness, involving the use of a drug dispenser for a treatment period of less than 28 days (25% of the amount is paid every 7 days)	15.00 (3.75)
7) Pharmaceutical opinion concerning benzodiazepine drugs	16.89	12) Special consideration (S.C.)	
- Opinion and weaning schedule		The amount payable for insured services may be subject to special consideration:	
8) The amount payable for filling or refilling a prescription for a magistral preparation is the cost of the drugs, plus the cost of services		a) when the services are rendered under unusual circumstances;	
- 32,000 prescriptions or less	12.17	b) when the services are not listed in the Tariff.	
- over 32,000 prescriptions	11.32	In all such cases, the pharmacist has to provide the Régie with the necessary information.	
9) For filling or refilling a prescription for a magistral preparation involving a mixture of ready-made liquid preparations, excluding injectable preparations and ophthalmic solutions designed for parenteral or ophthalmic administration, the amount payable is the total cost of the drugs, plus the fee set for filling or refilling the prescription:		13) Supply of disposable syringes and needles	2.36
- 32,000 prescriptions or less	7.65	14) Filling a prescription for the initial pharmacotherapy using a product listed in Appendix VI:	
- over 32,000 prescriptions	7.15	a) for the first 7 days:	
		- 32,000 prescriptions or less	7.65
		- over 32,000 prescriptions	7.15
		b) to complete the prescription, where necessary:	
		- 32,000 prescriptions or less	7.65
		- over 32,000 prescriptions	7.15
10) Service on call	24.57	15) Filling or refilling a prescription	Tariff per unit
A supplement for the first beneficiary, in addition to the cost of drugs and services, is payable every time a pharmacist has to leave his home between 10 p.m. and 8 a.m. the following day in response to a call received during those hours.		a) Parenteral therapy	
The same supplement is payable to a pharmacist who has to leave his or her home on any of the following days: Sunday, New Year's Day, January 2nd, Good Friday, Easter Monday, Dollard-des-Ormeaux Day, Saint-Jean-Baptiste Day, Canada Day (or, in the case of the last two mentioned holidays, the days chosen to replace them), Labour Day, Thanksgiving Day, Christmas Day and Boxing Day.		With prior preparation	
However, this supplement is not payable to a pharmacist whose pharmacy is open to the public during the hours or on the days referred to above.		- Infusion bag (gravity)	11.95
		First bag	5.57
		Each following bag	
		- Infusion bag (pump)	15.94
		First bag	7.97
		Each following bag	
		- 50 ml medication cassette	11.95
		First cassette	5.57
		Each following cassette	
		- 100 ml medication cassette	15.94
		First cassette	9.56
		Each following cassette	

Type and volume of service	Tariff at 2002 01 01	Type and volume of service	Tariff at 2002 01 01
- Elastomeric infusion device	15.94	2) Filling or refilling a prescription for a dietary supplement :	
First device	12.74	- 24,300 prescriptions or less	
Each following device		- over 24,300 prescriptions	
- Syringe	5.57	3) Refusal to fill or refill a prescription	
First syringe	2.39	4) Pharmaceutical opinion	
Each following syringe		5) Pharmaceutical opinion concerning inobservance of hypertension treatment	
Without prior preparation		6) Pharmaceutical opinion concerning pharmacotherapeutic profile of patient taking eight or more drugs	
- Infusion bag (gravity)	10.36	7) Pharmaceutical opinion concerning benzodiazepine drugs	
First bag	5.57	8) The amount payable for filling or refilling a prescription for a magistral preparation is the cost of the drugs , plus a service charge of	
Each following bag		- 24,300 prescriptions or less	
- Infusion bag (pump)	11.95	- over 24,300 prescriptions	
First bag	6.37	9) For filling or refilling a prescription for a magistral preparation involving a mixture of ready-made liquid preparations, excluding injectable preparations and ophthalmic solutions designed for parenteral or ophthalmic administration, the amount payable is the total cost of the drugs, plus the fee set for filling or refilling the prescription	
Each following bag		- 24,300 prescriptions or less	
- 50 ml medication cassette	10.36	- over 24,300 prescriptions	
First cassette	5.57	10) Service on call	
Each following cassette		11) Filling or refilling a prescription for drugs required for a chronic or prolonged illness, involving the use of a drug dispenser for a treatment period of less than 28 days (25% of the amount is paid every 7 days)	
- 100 ml medication cassette	13.54	12) Special consideration (S.C.)	
First cassette	8.77	13) Supply of disposable syringes and needles	
Each following cassette			
- Elastomeric infusion device	11.42		
First device	9.29		
Each following device			
- Syringe	4.78		
First syringe	2.39		
Each following syringe			
b) Ophthalmic preparations	13.54		
B) Retroactivity			
To ensure the retroactive application of the new tariffs, the Régie de l'assurance maladie du Québec will pay pharmacists a retroactive amount in 3 instalments for each of the services listed below.			
Type and volume of service			
1) Filling or refilling a prescription			
- 24,300 prescriptions or less			
- over 24,300 prescriptions			

Type and volume of service	Tariff at 2002 01 01	Type and volume of service	Tariff at 2002 01 01
14) Filling a prescription for the initial pharmacotherapy using a product listed in Appendix VI:		- 50 ml medication cassette First cassette Each following cassette	
a) for the first 7 days:		- 100 ml medication cassette First cassette Each following cassette	
- 24,300 prescriptions or less			
- over 24,300 prescriptions			
b) to complete the prescription, where necessary:		- Elastomeric infusion device First device Each following device	
- 24,300 prescriptions or less			
- over 24,300 prescriptions			
15) Filling or refilling a prescription		- Syringe First syringe Each following syringe	
a) Parenteral therapy			
With prior preparation		b) Ophthalmic preparations	
- Infusion bag (gravity) First bag Each following bag		The first retroactive instalment covers the period from 1 January 1999 to 31 December 2000 and will be paid within 30 days after the Order becomes effective. It is calculated by multiplying the cost of the services rendered in 1999 by 1.5% and multiplying the cost of the services rendered in 2000 by 4.04%.	
- Infusion bag (pump) First bag Each following bag		The second retroactive instalment covers the period from 1 January 2001 to 31 March 2001 and will be paid within 90 days after the Order becomes effective. The third retroactive instalment covers the period from 1 April 2001 to 31 May 2001 and will be paid within 150 days after the Order becomes effective. They are calculated by multiplying the cost of the services rendered from 1 January 2001 to 31 May 2001 by 6.64%.	
- 50 ml medication cassette First cassette Each following cassette		C) Owner-pharmacists are guaranteed an average tariff of \$7.47 for the period from 1 January 2002 to 31 December 2002. The tariff is calculated as the average of all the prescriptions filled at tariffs subject to the rate ceiling.	
- 100 ml medication cassette First cassette Each following cassette		To verify whether an average tariff of \$7.47 has been attained, each service the tariff for which is subject to the rate ceiling, and the actual volume of prescriptions filled by service and by tariff level, will be taken into account. The data used will be the data observed from 1 January 2002 to 31 December 2002.”	
- Elastomeric infusion device First device Each following device		3. The tariff and retroactivity for the following services are as follows :	
- Syringe First syringe Each following syringe		A) Tariff	
Without prior preparation		Type and volume of service	Tariff at
- Infusion bag (gravity) First bag Each following bag			2001 06 01 2002 01 01
- Infusion bag (pump) First bag Each following bag		1) Preparation of placebo capsules (Standard approved by the Q.P.O.A.)	
		1 to 30 capsules	8.68 8.90
		31 to 60 capsules	12.46 12.77
		61 to 100 capsules	16.60 17.02

TARIFF ESTABLISHED BY THE RÉGIE BY
ADMINISTRATIVE PROCEDURE

2) Preparation of pouches

1 to 30 pouches	8.68	8.90
31 to 60 pouches	12.46	12.77
61 to 100 pouches	16.60	17.02
Over 100 pouches: number of pouches multiplied by \$0.16 per pouch		

3) Insulin syringe filling

Less than 17 syringes: at 2001-06-01:
\$8.68 + \$2.30 for an insulin mixture;
at 2002-01-01: \$8.90 + \$2.36 for an
insulin mixture

17 syringes and over: at 2001-06-01:
number of syringes multiplied by \$0.53
per syringe + \$2.30 for an insulin mixture;
at 2002-01-01: number of syringes
multiplied by \$0.54 per syringe + \$2.36
for an insulin mixture

4) Preparation of capsules

1 to 30 capsules	8.68	8.90
31 to 60 capsules	12.46	12.77
61 to 100 capsules	16.60	17.02
Over 100 capsules: number of capsules multiplied by \$0.16 per capsule		

5) Supply of a spacer

2.30	2.36
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B) Retroactivity

The Régie de l'assurance maladie du Québec will pay pharmacists a retroactive amount in 3 instalments for each of the services listed below:

- preparation of placebo capsules
- preparation of pouches
- insulin syringe filling
- preparation of capsules
- supply of a spacer.

The first retroactive instalment covers the period from 1 January 1999 to 31 December 2000 and will be paid within 30 days after the Order becomes effective. It is calculated by multiplying the cost of the services rendered in 1999 by 1.5% and multiplying the cost of the services rendered in 2000 by 4.04%.

The second retroactive instalment covers the period from 1 January 2001 to 31 March 2001 and will be paid within 90 days after the Order becomes effective. The third retroactive instalment covers the period from 1 April 2001 to 31 May 2001 and will be paid within 150 days after the Order becomes effective. They are calculated by multiplying the cost of the services rendered from 1 January 2001 to 31 May 2001 by 6.64%.

4. Section 14 of the Agreement is amended as follows:

“Coming into force and duration

14.01 This Agreement comes into force on 1 June 2001 and terminates on 31 March 2002. Appendices I, II, III, IV, V and VI form an integral part of the Agreement.”.

The Order takes effect on 1 June 2001.

4258

Gouvernement du Québec

O.C. 552-2001, 9 May 2001

Health Insurance Act
(R.S.Q., c. A-29)

**Eligibility and registration of persons
— Amendments**

Regulation to amend the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec

WHEREAS, under subparagraph *a* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29), the Government may, after consultation with the Régie de l'assurance maladie du Québec or upon its recommendation, prescribe anything that may be prescribed under the Act;

WHEREAS, under subparagraph *j* of the first paragraph of section 69 of the Act, the Government may, in the same way, determine, for the purposes of section 5, the conditions to be met by a person referred to therein and the time at which and the conditions subject to which a person becomes a resident of Québec and the time at which and the conditions subject to which a person ceases to be a resident of Québec, and determine the classes of persons referred to in subparagraph 5 of the first paragraph of that section;

WHEREAS, under subparagraph *j.1* of the first paragraph of section 69 of the Act, the Government may, in the same way, determine the cases and conditions in and subject to which and the time at which a person referred to in section 5.0.1 becomes a temporary resident of Québec;

WHEREAS, under subparagraph *j.2* of the first paragraph of section 69 of the Act, the Government may, in the same way, determine the cases and conditions in and subject to which a person who is a resident of Québec retains the status of resident despite being absent from Québec and determine the period during which the status of resident may be retained;

WHEREAS, under subparagraph *j.2.1* of the first paragraph of section 69 of the Act, the Government may, in the same way, determine the time at which a person loses the status of temporary resident of Québec and the conditions applicable to a loss of status;

WHEREAS, under subparagraph *j.3* of the first paragraph of section 69 of the Act, the Government may, in the same way, determine the period of extension of eligibility for persons who are resident of Québec who settle in another Canadian province;

WHEREAS, under subparagraph *l* of the first paragraph of section 69 of the Act, the Government may, in the same way, determine the conditions to be met by a person who registers with the Board, the information and documents he must provide, the time of registration, and in what cases, conditions and circumstances and by what methods a person must register with the Board and the cases in which an application for registration may be made by one person on behalf of another;

WHEREAS, under subparagraph *l.2* of the first paragraph of section 69 of the Act, the Government may, in the same way, determine the terms and conditions according to which an application for registration, for renewal of registration or for the replacement of a health insurance card or eligibility card must be authenticated, the categories of persons, the government departments, the public bodies and the institutions which, in addition to the Board, are authorized to authenticate such applications according to the categories of insured persons it indicates, the documents that must be presented by the applicant, and the conditions the applicant must fulfil at the time his application is authenticated;

WHEREAS, under subparagraph *m* of the first paragraph of section 69 of the Act, the Government may, in the same way, determine the conditions upon which health insurance cards may be renewed or replaced, and the cases in which they must be returned to the Board, and fix the expiration date thereof;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec was published in Part 2 of the *Gazette officielle du Québec* of 12 July 2000 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the Régie de l'assurance maladie has been consulted;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation, with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Health and Social Services and Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec*

Health Insurance Act
(R.S.Q., c. A-29, s. 69, 1st par., subpars. *a* and *j* to *l*, *l.2* and *m*)

1. The following is substituted for section 1 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec:

* The Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec, made by Order in Council 1470-92 dated 30 September 1992 (1992, *G.O.* 2, 4621), was last amended by the Regulation made by Order in Council 833-98 dated 17 June 1998 (1998, *G.O.* 2, 2507). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

1. In this Regulation,

“Act” means the Health Insurance Act (R.S.Q., c. A-29); (*Loi*)

“advance registration” means contacting the Régie de l’assurance maladie du Québec and providing the information required to register with the Board in order to obtain an application for registration form; (*préinscription*)

“educational institution” means a corporation or body providing instruction at the elementary, secondary, college or university level; (*établissement d’enseignement*)

“institution” means an institution as defined by the Act respecting health services and social services (R.S.Q., c. S-4.2) and the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5); (*établissement*)

“insured person” means a person referred to in subparagraph g.1 of the first paragraph of section 1 of the Act; (*personne assurée*)

“province” means a province of Canada, the Yukon Territory, the Northwest Territories or Nunavut; (*province*)

“repatriated Canadian” means an indigent Canadian citizen who is brought back to Canada from a foreign country at the expense of the State; (*Canadien rapatrié*)

“resident of Québec” or “temporary resident of Québec” means any person defined as such under sections 5 to 8 of the Act and under Division II of the Regulation; (*personne qui réside au Québec ou personne qui séjourne au Québec*)

“spouse” means

(1) the man or woman with whom a person is married and cohabits;

(2) the man or woman of the opposite or the same sex with whom a person cohabits in a conjugal relationship, if they have been so cohabiting for at least one year or if

(a) a child has been born of their union;

(b) they have adopted a child together; or

(c) one of them has adopted the other’s child; (*conjoint d’une personne*).”.

2. Section 1.1 is amended

(1) by substituting “resident or temporary resident of Québec” for “person residing or deemed to reside in Québec” in the first paragraph, in subparagraphs 1 and 2 of the second paragraph and in the third paragraph; and

(2) by substituting “last resort financial assistance program under the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001)” for “last resort assistance program provided for in the Act respecting income security (R.S.Q., c. S-3.1.1)” in subparagraph 2 of the second paragraph.

3. The following is substituted for sections 2, 3 and 4:

1.2. For the purposes of this Division, “reference date” means

(1) with respect to an application for registration that is admissible within the meaning of section 12 received by the Board within 45 days of the date of advance registration, the earlier of the following two dates:

(a) the fifteenth day preceding the date of advance registration, for a person referred to in section 5.0.1 of the Act who arrived in Québec on or before that date or for a person referred to in section 5 of the Act who settled in Québec on or before that date; or

(b) for a person referred to in section 5.0.1 of the Act, the date of arrival in Québec or, for a person referred to in section 5 of the Act, the date of settlement in Québec, as the case may be, if advance registration with the Board occurs on or within fifteen days of that date; and

(2) with respect to an application for registration that is admissible within the meaning of section 12 received by the Board after the forty-fifth day following the date of advance registration, the date the application for registration is received by the Board.

2. The following are the classes of persons referred to in subparagraph 5 of the first paragraph of section 5 of the Act:

(1) persons who hold a permit issued by the Minister of Immigration of Canada under the Immigration Act (R.S.C., 1985, c. I-2) with a view to granting landing and identified by code number 86, 87, 88, 89, 90, 91 or 92, as well as a Québec selection certificate, or persons who hold a permit issued by the Minister of Immigration of Canada under the Immigration Act (R.S.C., 1985, c. I-2) with a view to granting landing and identified by code number 93, 94 or 95;

(2) persons who have been authorized under the Immigration Act (R.S.C., 1985, c. I-2) to apply for landing while in Canada and who have been granted entry by Canadian immigration authorities and hold a Québec selection certificate;

(3) minor children who are in Québec while being considered for adoption by a resident of Québec who meets the requirements of the Civil Code of Québec for adopting them; and

(4) children born outside Québec if the parent with whom the child resides on a permanent basis is a resident of Québec.

3. The following are temporary residents of Québec within the meaning of section 5.0.1 of the Act:

(1) foreign nationals whose main purpose for being in Québec is to work, who hold an office or employment for a period of more than six months and who hold an employment authorization valid for a period of more than six months issued by Canadian immigration authorities and indicating the employer's name and the place of employment, except Canadian International Development Agency scholars, unless they are receiving only a scholarship supplement from the Agency. This paragraph does not apply to persons who may engage or continue in employment without an employment authorization under sections 18 and 19 of the Immigration Regulations, 1978 (SOR/78-172, Immigration Act, R.S.C., 1985, c. I-2);

(2) foreign nationals who hold a certificate attesting to their status as a student or trainee in Québec under an official scholarship program of the Ministère de l'Éducation;

(3) foreign nationals who have been issued an employment authorization by Canadian immigration authorities for seasonal employment under the federal Commonwealth Caribbean Seasonal Agricultural Workers Program or Mexican Seasonal Agricultural Workers Program;

(4) foreign nationals referred to in paragraph 19(1)(c) of the Immigration Regulations, 1978 (SOR/78-172, Immigration Act, R.S.C., 1985, c. I-2) who have been granted entry by Canadian immigration authorities and whose main purpose for being in Québec is to hold a liturgical office and who hold that office for a period of more than six months;

(5) Canadian citizens who have settled in another country and whose main purpose for being in Québec is to work and who hold an office or employment for a period of more than six months; and

(6) the spouse or any dependant accompanying a person referred to in any of paragraphs 1 to 5 during the temporary residence and who, if a foreign national, has been granted entry by Canadian immigration authorities for a stay of more than six months or who, if a Canadian citizen, establishes the intention to stay in Québec for a period of more than six months.

4. Unless otherwise provided in this Regulation, a person shall become a resident or temporary resident of Québec from the first day of the third month following the reference date.

4.1. A person who settles in Québec after leaving a province that has a similar plan shall become a resident of Québec when no longer entitled to benefits under that plan.

4.2. The following shall become residents or temporary residents of Québec, as the case may be, on the reference date:

(1) a person who has been granted refugee status in Canada within the meaning of the Geneva Convention by the competent authority;

(2) a repatriated Canadian;

(3) a foreign national who holds a valid certificate attesting to the foreign national's status as a student or trainee in Québec under an official scholarship program of the Ministère de l'Éducation du Québec;

(4) a foreign national who holds a valid employment authorization issued by Canadian immigration authorities for seasonal employment under the federal Commonwealth Caribbean Seasonal Agricultural Workers Program or Mexican Seasonal Agricultural Workers Program;

(5) a foreign national who holds a Québec selection certificate that establishes that the person is a foreign national referred to in paragraph *a* or *b* or subparagraph *iii* of paragraph *c* of section 18 of the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r. 2) or, if the foreign national is a minor, that the person is a foreign national referred to in subparagraph *i* of paragraph *c* of that section; and

(6) a foreign national minor who holds a Québec selection certificate establishing that section 19 of the Regulation respecting the selection of foreign nationals applies to that minor.

4.3 The following shall become residents of Québec on the date of their release:

(1) a member of the Royal Canadian Mounted Police or the Canadian Armed Forces who has settled in Québec and who had not acquired the status of resident of Québec before that date; and

(2) a person referred to in section 5 of the Act imprisoned in a federal penitentiary who settles in Québec and who had not acquired the status of resident of Québec before that date.

4.4. A person referred to in section 5 of the Act who is imprisoned in a provincial house of detention shall become a resident of Québec on the date of imprisonment if the status of resident of Québec had not been acquired before that date.

4.5. The following shall become residents of Québec from their date of birth:

(1) a child born in Québec if, when the child is born, the parent with whom the child lives on a permanent basis is a resident of Québec or had ceased to be a resident of Québec under the first paragraph of section 6;

(2) a child born outside Québec, if the parent with whom the child lives on a permanent basis is a resident of Québec when the child is born;

(3) a child referred to in the second paragraph of section 5 of the Act who is born in Québec; and

(4) a child born in Québec during the period between the reference date determined for the child's parent with whom the child lives on a permanent basis and the date on which the parent becomes a resident of Québec.

4.6. A child born in Québec or outside Québec shall become a temporary resident of Québec

(1) from the date of birth if the parent with whom the child lives on a permanent basis is a temporary resident of Québec, for the period during which the parent is a temporary resident of Québec; or

(2) from the date the parent with whom the child lives on a permanent basis becomes a temporary resident of Québec, for the period during which the parent is a temporary resident of Québec.

4.7. A child born outside Québec whose parent with whom the child lives on a permanent basis had ceased to be a resident of Québec under the first paragraph of section 6 when the child was born shall become a resident of Québec on the date of arrival in Québec or on the date the parent regains the status of resident of Québec, whichever occurs first.

4.8. A minor child who is in Québec while being considered for adoption by a resident of Québec meeting the requirements of the Civil Code of Québec for adopting the child shall become a resident of Québec on the date of arrival in Québec.

A minor child domiciled in another province who is adopted by a resident of Québec shall become a resident of Québec on the date of the adoption.

4.9. A person referred to in section 4 who, on the reference date, is receiving benefits under a last resort financial assistance program under the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001) shall become a resident of Québec from that date.

A person referred to in section 4 who starts receiving last resort financial assistance after the reference date shall become a resident of Québec from the date the assistance started or from the first day of the third month following the reference date, whichever occurs first.

4.10. For the purposes of sections 4, 4.2 and 4.9, when it becomes physically impossible for a person to act or to mandate actions because of ill health after the date of settlement or arrival in Québec, as the case may be, but before the date of advance registration with the Board, the date of the event giving rise to the incapacity shall be presumed the date of advance registration.

Notwithstanding the first paragraph, the person in question shall register with the Board as soon as possible and submit a medical certificate attesting to the incapacity referred to in the first paragraph.”

4. The following is substituted for section 6:

“**6.** A resident of Québec who is outside Québec for 183 days or more in any calendar year, excluding periods of 21 consecutive days or less, ceases to be a resident of Québec for the whole calendar year during which the absence occurred.

Notwithstanding the first paragraph, a person who is outside Québec for 183 days or more during the first 12 months of becoming a resident of Québec, excluding periods of 21 consecutive days or less, shall be deemed not to have settled in Québec.

The calculation of any period resulting in the loss of the status of resident of Québec shall be suspended

(1) for the entire period during which a resident of Québec is unable to return to Québec because of ill health, if the person is hospitalized throughout that period and sends the Board a medical certificate confirm-

ing the inability to return to Québec and indicating the date of the onset of the incapacity and its expected duration. This also applies to any resident of Québec who is assisting that person and so notifies the Board. However, this paragraph applies only if the status of resident of Québec would otherwise be lost during the hospitalization; or

(2) for the length of any stay in an institution in another province that has concluded an agreement with the Gouvernement du Québec to make beds available to residents of Québec requiring long-term hospital care.”.

5. Section 7 is amended

(1) by substituting “sections 7.0.1 and 7.1, a resident of Québec who is” for “section 7.1, a person staying” in the part preceding subparagraph 1 of the first paragraph after the words “subject to”;

(2) by inserting “or at an enterprise or agency affiliated with such an institute or body” after “international body” in subparagraph 2 of the first paragraph;

(3) by substituting the following for subparagraph 4 of the first paragraph:

“(4) the person is residing temporarily in another province to hold temporary employment or carry out a contract in that province”;

(4) by inserting “to whom they are directly accountable” after “place of business in Québec” in subparagraph 5 of the first paragraph;

(5) by inserting the following after subparagraph 7 of the first paragraph:

“(8) the person is carrying out a contract outside Québec as a self-employed worker and the person’s place of business is located in Québec;

(9) the person is residing temporarily abroad under a reciprocity agreement entered into by the Minister of Health and Social Services under section 10 of the Act respecting the Ministère de la Santé et des Services Sociaux.”; and

(6) by substituting “Except for the stays referred to in subparagraph 7, the” for “The” in the second paragraph.

6. The following is inserted after section 7:

“**7.0.1.** A person who ceases to be a resident of Québec under the first paragraph of section 6 shall not be enti-

itled to the measures in section 7 until the person has been in Québec for at least 183 days in a calendar year.”.

7. The following is substituted for section 7.1:

“**7.1.** A person referred to in section 5 of the Act who settles in Québec for the first time or who returns to settle in Québec shall not be entitled to the measures in section 7 until the person has been in Québec for a period of 183 days or more during the twelve-month period following the date on which the person becomes a resident of Québec.

However, the first paragraph shall not apply

(1) to a person referred to in subparagraph 9 of the first paragraph of section 7 who leaves Québec to reside abroad temporarily;

(2) to a person referred to in section 4.1;

(3) to a child born or adopted in Québec or born outside Québec and whose parent with whom the child lives on a permanent basis is a resident of Québec when the child is born or adopted; and

(4) to a child born outside Québec of a parent who ceased to be a resident of Québec under the first paragraph of section 6.

7.2. To maintain the status of temporary resident of Québec within the meaning of section 5.0.1 of the Act, a person must remain in Québec during the entire period of the temporary residence, excluding periods of 21 consecutive days or less outside Québec, failing which the person shall cease to be a temporary resident of Québec for the entire period spent outside Québec.”.

8. Sections 8, 9 and 10 are amended by substituting “temporary resident of Québec” for “person deemed to be a resident of Québec”.

9. Section 14 is amended

(1) by substituting the following for paragraphs 1 to 3:

“(1) the person’s surname at birth, usual given name, date of birth, sex and civil status;

(1.1) an indication as to whether or not the person is a Canadian citizen;

(2) the spouse’s surname, if the person is a woman married in Québec before 2 April 1981 or married outside Québec who legally exercises her civil rights under her spouse’s surname and wishes that name to appear on her health insurance card;

(3) the person's domiciliary address or, if the person is a temporary resident of Québec, the residential address; if the person is homeless, the address of the local employment centre of the Ministère de l'Emploi et de la Solidarité sociale or the address of an institution;";

(2) by striking out "or residence" in paragraph 9;

(3) by substituting the following for the words after "the usual given name," in paragraph 10:

"and the domiciliary address or, if the dependant is a temporary resident of Québec, the residential address, and telephone number, date of birth, sex and civil status of either parent or both parents as well as their social insurance numbers and health insurance numbers if available;"; and

(4) by adding the following after paragraph 10:

"(11) a signed and dated statement from the person or the person's representative attesting that all the information provided is accurate.".

10. Section 15 is amended

(1) by substituting the following for clauses *c* and *d* of subparagraph 2 of the first paragraph:

"(c) subject to the last paragraph of this section, the original of the person's certificate of Canadian citizenship;

(d) subject to the last paragraph of this section, the person's Canadian passport;";

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

"(2.1) in the case of a person referred to in paragraph 5 of section 3, in addition to one of the documents listed in subparagraph 2 of the first paragraph, a copy of the employment contract or an attestation from the applicant's employer confirming the starting and ending dates of the employment contract;";

(3) by substituting the following for clause *a* of subparagraph 3 of the first paragraph:

"(a) subject to the last paragraph of this section, the original of the document issued by Canadian immigration authorities attesting to the person's status as permanent resident of Canada, as well as the original of the Québec selection certificate;";

(4) by substituting the following for clauses *c*, *d*, *e* and *f* of subparagraph 3 of the first paragraph:

"(c) the original of the document issued by the Immigration and Refugee Board attesting to the person's refugee status, together with the original of the Québec selection certificate;

(d) the original of the employment authorization issued by Canadian immigration authorities indicating the employer's name and address, together with, in the case of a Canadian International Development Agency scholar, the original of an attestation from an educational institution that the person is receiving only a scholarship supplement from the Agency;

(e) the original of the authorization to enter and remain in Canada issued by Canadian immigration authorities and the original of the Québec selection certificate, together with a copy of the document issued by Canadian immigration authorities indicating that the person is authorized to apply in Canada for landing;

(f) the original of the authorization issued by Canadian immigration authorities allowing the person to be in Canada, together with a document evidencing that the person holds a liturgical office;

(g) the original of the Minister's permit issued under the Immigration Act with a view to granting landing and identified by code number 86, 87, 88, 89, 90, 91 or 92, together with the original of the Québec selection certificate;

(h) the original of the Minister's permit issued under the Immigration Act with a view to granting landing and identified by code number 93, 94 or 95;";

(5) by substituting the following for subparagraphs 4 and 4.1 of the first paragraph:

"(4) in the case of the spouse or a dependant of a temporary resident of Québec, the following documents:

(a) for a foreign national, the original of the authorization issued by Canadian immigration authorities for a stay of more than six months or, for a Canadian citizen, one of the documents listed in subparagraph 2 together with a sworn statement or solemn affirmation of the intention to stay in Québec more than six months;

(b) in the case of the spouse, the marriage certificate or a sworn statement or solemn affirmation that the spouses have been in a de facto union for at least one year or

- i. that a child has been born of their union;
- ii. that they have adopted a child together; or
- iii. that one of them has adopted the other's child; or

(c) in the case of a dependant 18 years of age or older, evidence of school attendance or a medical certificate, or both, as the case may be;

(4.1) in the case of a status Indian born outside Canada, the original Certificate of Indian Status issued by the Department of Indian Affairs and Northern Development of Canada, together with an original birth certificate;”;

(6) by substituting the following for subparagraph 5 of the first paragraph:

“(5) in the case of an adopted child, the original of one of the following documents:

(a) the order of placement;

(b) the adoption order;

(c) the birth certificate or a copy of the act of birth under the new name;

(d) the notice from the clerk of the court that granted the adoption that an adoption order was issued;

(e) in the case of a child adopted in the People's Republic of China, the certificate of registration of the adoption; or

(f) the Québec selection certificate.

(5.1) in the case of an international adoption, in addition to one of the documents listed in subparagraph 5 of this paragraph, the original of the document issued by Canadian immigration authorities authorizing the child to be in Canada or attesting to the child's permanent resident status;”;

(7) by substituting the following for subparagraph 7 of the first paragraph:

“(7) in the case of a person referred to in section 5 of the Act who settles in Québec for the first time or who returns to settle in Québec, a person who has ceased to be a resident of Québec under the first paragraph of section 6, or a person who has left another province to settle in Québec, one of the following documents:

(a) a residential lease;

(b) a copy of the deed of purchase of the property;

(c) an attestation from the employer that the applicant will be engaged in employment in Québec for a period of more than six months;

(d) an attestation of enrolment in a program of study offered by an educational institution in Québec;

(e) a sworn statement or solemn affirmation from the owner or lessor of the dwelling the address of which has been provided under paragraph 3 of section 14 that the applicant resides there; or

(f) a copy of an invoice or statement of account from a telephone, electric or cable company or a municipal or school tax invoice addressed to the applicant and indicating the domiciliary address, together with the applicant's solemn affirmation of living at that address;”;

(8) by substituting

(a) “domiciliary” for “residential” and

(b) “local employment centre” for “centre Travail-Québec” in subparagraph 8 of the first paragraph;

(9) by substituting “183 days or more” for “more than 1 year after the date on which he took up residence” in subparagraph 9 of the first paragraph;

(10) by inserting the following after subparagraph 9 of the first paragraph:

“(9.1) in the case of a person referred to in the second paragraph of section 7 of the Act, a sworn statement or solemn affirmation indicating the residential address and the date of settlement in Québec and stating that the applicant habitually resides in Québec, that the Québec residence is the domicile, that is, the place of the applicant's principal establishment, and that the applicant intends to remain domiciled in Québec;

(9.2) where the information provided under paragraphs 7, 8 and 9 of section 14 is incomplete or the Board has information that contradicts or conflicts with the information provided, any document substantiating the information required under paragraphs 7, 8 and 9;”;

(11) by striking out subparagraph 11 of the first paragraph; and

(12) by substituting the following for the last paragraph:

“A copy of one of the documents required under clauses *c* and *d* of subparagraph 2 of the first paragraph and of the document issued by Canadian immigration authorities under clause *a* of subparagraph 3 of the first paragraph shall be accepted if the person produced the original document as proof of identity at the time of authentication of the application in accordance with the terms and conditions of section 32.”

11. The following sections are substituted for sections 16 and 17:

“**16.** A person may register a spouse and any of the spouse’s dependants where, under sections 8 to 8.0.3 of the Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 2) as it reads at the time of its application, the spouse’s or dependant’s health insurance card does not contain or may omit the photograph and signature.

17. Every resident or temporary resident of Québec shall register any new dependant with the Board within three months of the event. However, dependants who are 18 years of age or older may register with the Board themselves.”

12. Section 18 is amended

(1) by inserting “or, if the resident is a person referred to in paragraph 1 or 2 of section 2,” after “health insurance card”; and

(2) by deleting the third paragraph.

13. The following is substituted for section 19:

“**19.** A temporary resident of Québec shall renew registration with the Board by applying in accordance with sections 14 and 15.

Notwithstanding sections 4 and 4.2, the temporary resident referred to in the first paragraph whose new authorization to remain in Canada issued by Canadian immigration authorities comes into force within 45 days or less of the expiry of the previous one and who sends to the Board an application for registration that is admissible within the meaning of section 12 within 45 days of applying to the Board for the registration form shall become a temporary resident of Québec from the date the new authorization takes effect.

19.1 The Board shall issue a renewal notice to residents of Québec, except the persons referred to in paragraph 1 or 2 of section 2.”

14. Section 21 is amended

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

“(2) if the applicant has, since the last renewal or since the birth or adoption, as the case may be, been outside Québec for a total of 183 days or more in a calendar year, excluding periods of 21 consecutive days or less, the dates of departure from and return to Québec, the places where the applicant stayed and the reasons for those stays;

(2.1) for the renewal of a card referred to in subparagraph 1 of the first paragraph of section 23, if, during the twelve-month period preceding the expiry of the card, the applicant was outside Québec for a total of 183 days or more, excluding periods of 21 consecutive days or less, the dates of departure from and return to Québec, the places where the applicant stayed and the reasons for those stays;

(2.2) where the information provided under subparagraphs 2 and 2.1 is incomplete or the Board holds information that contradicts or conflicts with the information provided, any document substantiating the information required under subparagraphs 2 and 2.1;”; and

(2) by inserting the following after subparagraph 4 of the first paragraph:

“(4.1) if the applicant is a person referred to in the second paragraph of section 7 of the Act, a sworn statement or solemn affirmation as prescribed in subparagraph 9.1 of the first paragraph of section 15;

(4.2) if the applicant is a permanent resident within the meaning of the Immigration Act who has left Canada for 183 days or more, the original of the document issued by Canadian immigration authorities attesting that the applicant has retained permanent resident status;”.

15. Section 22 is amended

(1) by substituting the following for the part preceding paragraph 1:

“A resident of Québec who has not received a renewal notice or who has not notified the Board within six months of the expiry of the health insurance card, or who is a person referred to in paragraph 1 or 2 of section 2, shall apply in writing to renew registration on the form provided by the Board for that purpose. The applicant shall also pay any prescribed fees and provide the following information and documents:”;

(2) by inserting the following after paragraph 2:

“(2.1) if the applicant is a person referred to in paragraph 1 or 2 of section 2, the applicable document listed in subparagraph 3 of the first paragraph of section 15;”;

(3) by substituting the following for paragraph 3:

“(3) if the applicant has, since the last renewal or since the birth or adoption, as the case may be, been outside Québec for a total of 183 days or more in any calendar year, excluding periods of 21 consecutive days or less, the dates of departure from and return to Québec, the places where the applicant stayed and the reasons for the stays;

(3.1) for the renewal of a card referred to in subparagraph 1 of the first paragraph of section 23, if the applicant has, during the twelve-month period preceding the expiry of the card, been outside Québec for a total of 183 days or more, excluding periods of 21 consecutive days or less, the dates of departure from and return to Québec, the places where the applicant stayed and the reasons for the stays; where applicable, the applicant shall provide similar information for the time elapsed since the expiry of the card for each calendar year during which the applicant was outside Québec for a total of 183 days or more;

(3.2) where the information provided under paragraphs 3 and 3.1 is incomplete or the Board has information that contradicts or conflicts with the information provided, any document substantiating the information required under subparagraphs 3 and 3.1;”;

(4) by inserting the following after paragraph 5:

“(5.1) if the applicant is a person referred to in the second paragraph of section 7 of the Act, a sworn statement or solemn affirmation as prescribed in subparagraph 9.1 of the first paragraph of section 15;

(5.2) if the applicant is a permanent resident within the meaning of the Immigration Act who has left Canada for 183 days or more, the original of the document issued by Canadian immigration authorities attesting that the applicant has retained permanent resident status;”;

(5) by striking out “true and” in paragraph 7; and

(6) by adding the following at the end:

“The fees payable by an insured person to renew registration with the Board more than six months after a card’s expiry date are prescribed in the Regulation re-

specting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 2) as it reads at the time of its application.”.

16. The following is substituted for section 23:

“**23.** The Board shall issue a health insurance card to every insured person that is valid

(1) for one year

(a) following the registration of a resident of Québec, except persons referred to in paragraph 1 or 2 of section 2, who settles in Québec for the first time or who returns to settle, from the applicable date in sections 4 to 4.9;

(b) following the renewal of the registration of a person who has ceased to be a resident of Québec under the first paragraph of section 6, from the expiry of the health insurance card or from the date of the application for renewal of registration, as the case may be;

(c) following the renewal of the registration of a person who is homeless and unable to provide a residential address, from the expiry of the health insurance card; or

(d) following the registration or renewal of the registration of a person exempt from providing a photograph or signing the authenticating document or exempt from both requirements under paragraph a of section 8.0.2 or section 8.0.3 of the Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 2) as it reads at the time of its application, if the period of incapacity is one year or less;

(2) for the period of the stay specified in the certificate issued by the Ministère de l’Éducation du Québec attesting to the insured person’s status as student or trainee in Québec, following the registration of a person referred to in paragraph 2 of section 3;

(3) for the period of validity specified in the document issued by Canadian immigration authorities

(a) following the registration or renewal of the registration of a person referred to in paragraph 1 or 2 of section 2;

(b) following the registration of a person referred to in paragraph 1 or 3 of section 3; or

(c) following the registration of a person referred to in paragraph 6 of section 3. However, the period of validity of the card may not exceed that of the accompanied person’s card;

(4) for the term of the employment contract following the registration of a person referred to in paragraph 4 of section 3. Notwithstanding, the period of validity of the card may not exceed that of the document issued by Canadian immigration authorities;

(5) for the term of the employment contract following the registration of a person referred to in paragraph 5 of section 3;

(6) for the period determined in accordance with the rule set out in section 23.1

(a) following the registration of a new-born child, a child placed for adoption or an adopted child who has the status of resident of Québec;

(b) following the registration of a person who was issued a health insurance card under clause *d* of subparagraph 1 of this paragraph and to whom subparagraphs 2 to 5 of this paragraph do not apply; or

(c) following any other registration renewal to which clause *a* of subparagraph 3 of this paragraph does not apply.

Notwithstanding the preceding, except as provided in section 19, the cards referred to in subparagraphs 2 to 5 of the first paragraph may not be issued for a period earlier than the date determined in sections 4 to 4.9 and may not be valid for more than four years.”

17. The following is inserted after section 23:

“**23.1.** Health insurance cards issued to insured persons referred to in subparagraph 6 of the first paragraph of section 23 shall be valid for not less than 27 months and not more than 75 months. The period of validity shall be computed, as the case may be, from the expiry month and year indicated on the insured person’s current health insurance card or from the date of registration of a new-born child, a child placed for adoption or an adopted child who has the status of resident of Québec to the month and year in which the insured person’s age becomes a multiple of four.

23.2 All health insurance cards expire on the last day of the month indicated on the card.”

18. Section 24 is amended

(1) by substituting

(a) “domiciliary” for “residential” and

(b) “local employment centre” for “centre Travail-Québec” in subparagraph 6 of the first paragraph; and

(2) by striking out “true and” in subparagraph 7 of the first paragraph.

19. Section 26 is amended

(1) by inserting the following after subparagraph 2 of the first paragraph:

“(2.1) of any stay outside Québec for 22 consecutive days or more, if the insured person is a temporary resident of Québec;” and

(2) by substituting the following for the second and third paragraphs:

“An insured person who requests an identity correction or change shall indicate the information to be corrected on the required form and submit the original of one of the following documents in support of the request:

(1) a copy of the act of birth;

(2) a birth certificate;

(3) the certificate of Canadian citizenship;

(4) the certificate of change of name;

(5) the certificate of change of designation of sex; or

(6) the document issued by Canadian immigration authorities authorizing the insured person to be or to remain in Canada.”

20. Section 27 is amended

(1) by striking out “in writing, using the form supplied by the Board for that purpose” in the part preceding subparagraph 1 of the first paragraph;

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

“(1) the deceased’s name, including the usual given name, civil status, date of birth, sex and address as well as the deceased’s health insurance number and social insurance number if available;” and

(3) by striking out “home” in subparagraph 3 of the first paragraph.

21. Section 28 is amended by substituting “a temporary resident of Québec” for “deemed to reside in Québec”.

22. Section 32 is amended

(1) by substituting “7.2” for “7” in the part preceding subparagraph 1 of the first paragraph;

(2) by inserting the following after subparagraph 7 of the first paragraph:

“(7.1) the original of the certificate of change of name;

(7.2) the original of the certificate of change of designation of sex;” and

(3) by substituting, in the French text, “transmettre” for “transmet” in the second paragraph.

FINAL AND TRANSITIONAL

23. Persons who were residents of Québec prior to 31 May 2001, as the spouse or dependant of a person referred to in section 2 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec as it read on 30 May 2001, as an applicant for permanent residence or the applicant's spouse or dependant, or as the spouse or dependant of a person who was granted refugee status in Canada within the meaning of the Geneva Convention are subject, as the case may be, to the provisions of section 2 or of clause *e* or *f* of subparagraph 3 of the first paragraph of section 15 or of subparagraph 4 of the first paragraph of section 15 of that Regulation, as they read on 30 May 2001, with respect to eligibility requirements at any renewal of registration from 31 May 2001 if, on the renewal date, they do not meet the requirements of section 2 as introduced by section 3 of this Regulation. However, such renewals may not be granted more than 15 months after the date of the first renewal after 30 May 2001. Any later renewal of registration shall be subject to the requirements of this Regulation.

24. A person who would be subject to paragraphs 1, 4, 5 or 6 of section 3, as introduced by section 3 of this Regulation, at the first renewal of registration after the coming into force of this Regulation, if the person's employment authorization, permit or employment contract exceeded six months, shall be considered to hold an employment authorization, a permit or a contract exceeding six months on condition that

(1) the new employment authorization or the new permit or contract, as the case may be, be valid or effective from the first day following the expiry of the previous employment authorization, permit or contract;

(2) the total period of validity of both employment authorizations, permits or contracts exceed six months; and

(3) the Board receive the new employment authorization or the new permit or contract prior to the forty-fifth day following the date on which the person applies to the Board for a registration form.

25. A person whose advance registration with the Board predates 31 May 2001 shall remain subject to the provisions of the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec, as they read on 30 May 2001, for the purposes of determining the date on which the person becomes a resident or is deemed to be a resident of Québec and for the purposes of the registration procedure, provided that registration with the Board is finalized before 1 August 2001.

26. A person to whom the Board issued a health insurance card valid for one year prior to 31 May 2001 under clauses *a*, *b* or *c* of subparagraph 1 of the first paragraph of section 23 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec, as they read on 30 May 2001, shall remain subject to the provisions of section 6 of that Regulation, as they read on 30 May 2001, for the purposes of the first renewal of registration at the expiry of the card.

27. Notwithstanding sections 4, 4.2 and 4.9, as introduced by section 3 of this Regulation, a foreign national who has been selected by Québec abroad before 31 May 2001 and who arrives in Québec after 30 May 2001 but before 31 March 2002 and is pregnant at her arrival shall be deemed to be a resident of Québec upon arrival, provided that she submits a medical certificate to the Board attesting to the pregnancy and the expected date of delivery.

28. A person who left Québec before 31 May 2001 to reside temporarily in another province for the purpose of finding temporary employment shall, until the person returns to Québec or until 31 December 2002, whichever occurs first, remain subject to the provisions of subparagraph 4 of the first paragraph of section 7 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec, as they read on 30 May 2001.

29. A person who left Québec before 31 May 2001 shall, until 31 December 2002, remain subject, where applicable, to the provisions of subparagraph 5 of the first paragraph of section 7 of the Regulation respecting

eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec, as they read on 30 May 2001.

30. The provisions of section 7.0.1 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec, made by section 6 of this Regulation, do not apply to persons who have ceased to be residents of Québec under the first paragraph of section 6 for one calendar year ending before 1 January 2001.

31. The provisions relating to fees referred to in the second paragraph of section 22, made by section 15 of this Regulation, do not apply to applications for renewal of registration received by the Board before 31 May 2001.

32. This Regulation comes into force on 31 May 2001.

4263

Gouvernement du Québec

O.C. 553-2001, 9 May 2001

Health Insurance Act
(R.S.Q., c. A-29)

Forms and statements of fees — Amendments

Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act

WHEREAS under subparagraph *c* of the first paragraph of section 72 of the Health Insurance Act (R.S.Q., c. A-29), the Board may make regulations fixing the amount of the costs exigible for the replacement of a health insurance card before its expiry, and the categories of persons who may be exempt from the payment of such costs;

WHEREAS under subparagraph *c.2* of the first paragraph of section 72 of the Act, the Board may make regulations fixing the amount of the costs payable for an application to re-register in the case of an insured person who fails to send the Board a registration renewal notice within the time fixed by regulation and determining the cases in which a person may be exempted therefrom;

WHEREAS under subparagraph *h* of the first paragraph of section 72 of the Act, the Board may make regulations determining the content of a health insurance card and an eligibility card and the terms and conditions of their issue and determining the cases, circumstances and conditions in or according to which the Board may, or must, issue a health insurance card or eligibility card that does not include the photograph or signature of the insured person;

WHEREAS under the second paragraph of section 72 of the Act, before coming into force, such a regulation must be approved by the Government;

WHEREAS the Régie de l'assurance maladie du Québec made the Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 2) and it was approved by the Government;

WHEREAS on 18 May 2000, the Board adopted the Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 12 July 2000 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following the date of that publication;

WHEREAS no comments on the Regulation were received before the expiry of that period;

WHEREAS under section 17 of the Regulations Act, a regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation or in the Act under which it is made or approved;

WHEREAS it is expedient that the Government approve the Regulation, with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Health and Social Services and Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act*

Health Insurance Act
(R.S.Q., c. A-29, s. 72, 1st par., subpars. *c*, *c.2* and *h*)

1. Section 2 of the Regulation respecting forms and statements of fees under the Health Insurance Act is amended

(1) by substituting “Regulation respecting eligibility and registration of persons in respect of the Régie de l’assurance maladie du Québec, as it reads when applied” for “Regulation respecting the application of the Health Insurance Act (c. A-29, r. 1)” in the part preceding paragraph *a*;

(2) by substituting “temporary resident of Québec” for “person deemed to be a resident of Québec” in paragraph *a*.

2. Section 7 is amended by substituting “temporary resident of Québec” for “person deemed to be a resident of Québec”.

3. Section 8 is amended by substituting the following subparagraph for subparagraph *c* of the first paragraph:

“(c) the spouse’s surname, if the insured person is a woman married in Québec before 2 April 1981, or married outside Québec, who legally exercises her civil rights under that name and wishes that name to appear on the health insurance card and if she makes the request in writing to the Board;”.

4. Section 8.1 is amended by substituting “\$15” for “10 \$”.

5. Section 8.2 is amended by substituting “last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001).” for the words following the words “under a” in paragraph *b*.

6. The following is inserted after section 8.2:

“8.3. The costs exigible for an application to renew the registration of an insured person who has not renewed his registration with the Board within six months after the card expires are \$15.”.

7. The amendment made to section 8.1 of the Regulation respecting forms and statements of fees under the Health Insurance Act by section 4 of this Regulation which increases the costs exigible for the replacement of a health insurance card that has been lost, damaged or stolen does not apply to applications for replacement of cards received by the Board before the coming into force of this Regulation.

8. This Regulation comes into force on 31 May 2001.

4264

Gouvernement du Québec

O.C. 554-2001, 9 May 2001

Health Insurance Act
(R.S.Q., c. A-29)

Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Health Insurance Act

WHEREAS, under subparagraph *a* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29), the Government may, after consultation with the Régie de l’assurance maladie du Québec or upon its recommendation, make regulations to prescribe anything that may be prescribed under the Act;

WHEREAS the Government made the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 1) and it is expedient to amend it;

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 Health Insurance Act was published in Part 2 of the *Gazette officielle du Québec* of 12 July 2000 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the Régie de l’assurance maladie du Québec was consulted;

* The Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 2) was last amended by the Regulation approved by Order in Council 1335-98 dated 14 October 1998 (1998, *G.O.* 2, 4310). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Health and Social Services and Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the application of the Health Insurance Act, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Health Insurance Act*

Health Insurance Act
(R.S.Q., c. A-29, s. 69, 1st par., subpar. a)

1. Section 1 of the Regulation respecting the application of the Health Insurance Act is amended

- (1) by revoking paragraphs *c*, *e*, *h*, *k* and *l*;
- (2) by substituting the following for paragraph *e.1*:

“(e.1) “spouse”:

(1) the man or woman with whom a person is married and cohabits;

(2) the man or woman of the opposite or the same sex with whom a person cohabits in a conjugal relationship, if they have been so cohabiting for at least one year or if

- i. a child has been born of their union;
- ii. they have adopted a child together; or
- iii. one of them has adopted the other’s child;”.

2. This Regulation comes into force on 31 May 2001.

4265

M.O., 2001

Order of the Minister of Justice dated 23 April 2001

Courts of Justice Act
(R.S.Q., c. T-16)

Place of sittings of the Court of Québec in the judicial district of Québec

CONSIDERING the first paragraph of section 138 of the Courts of Justice Act (R.S.Q., c. T-16), which provides that the Court of Québec shall sit at the chief-place of the judicial district, at the place fixed by order of the Minister of Justice;

CONSIDERING the second paragraph of the same provision, which provides that the Minister of Justice may, by order, direct that, in addition to the chief-place of the judicial district, the Court shall sit at such place as he may determine and notice of such order shall be published in the *Gazette officielle du Québec*;

CONSIDERING that, in the judicial district of Québec, the place of the chief-place was fixed at the Court House, 300, boulevard Jean-Lesage, Québec;

CONSIDERING that, under Minister’s Order No. 1982 dated 19 April 2001, the sittings of the Court of Québec, Criminal and Penal Division and Youth Division, also took place at the Établissement de détention de Québec, Secteur féminin et Secteur masculin, in the judicial district of Québec, during the Summit of the Americas held from 20 to 22 April 2001;

Considering that, for the best administration of justice in the judicial district of Québec, it is expedient to extend the application of that measure until 25 April;

THE MINISTER OF JUSTICE ORDERS:

THAT, under the second paragraph of section 138 of the Courts of Justice Act (R.S.Q., c. T-16), the Court of Québec, Criminal and Penal Division and Youth Division, be also authorized to sit, in addition to the Court House at 300, boulevard Jean-Lesage, Québec, at the Établissement de détention de Québec, Secteur féminin et Secteur masculin, 500, rue de la Faune, Québec, from 23 to 25 April 2001;

THAT this Order be published in the *Gazette officielle du Québec*.

Sainte-Foy, 23 April 2001

PAUL BÉGIN,
Minister of Justice

4259

* The Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 1) was last amended by the Regulation made by Order in Council 1100-99 dated 22 September 1999 (1999, *G.O.* 2, 3585). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

Draft Regulations

Draft Regulation

Public Service Act
(R.S.Q., c. F-3.1.1)

Appeals procedure for public servants not governed by a collective agreement

Notice is hereby given, in accordance with section 128 of the Public Service Act (R.S.Q., c. F-3.1.1), that the Regulation respecting an appeals procedure for public servants not governed by a collective agreement, the text of which appears below, may be made by the Government with or without amendment upon the expiry of 30 days following this publication.

The purpose of the draft Regulation is to merge the Regulation respecting an Appeal Procedure for Senior Executives, made by Order in Council 2291-85 dated 7 November 1985 with the Regulation respecting an appeal procedure for public servants not governed by a collective agreement, made by Order in Council 2292-85 dated 7 November 1985.

The draft Regulation proposes certain amendments to both current regulations so as to simplify the rules of procedure for the filing and hearing of an appeal before the Commission de la fonction publique.

It also provides for a procedure to appeal a decision rendered under the Règlement sur les indemnités et les allocations versées aux fonctionnaires en poste à l'extérieur du Québec.

Further information on the draft Regulation may be obtained by contacting Mr. Pierre Boudreault, Secrétariat du Conseil du trésor, édifice H, 875, Grande Allée Est, Québec (Québec) G1R 5R8; tel.: (418) 528-6225, fax: (418) 643-0865, E-mail: pierre.boudreault@sct.gouv.qc.ca.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 30-day period, to the Minister of State for Administration and the Public Service, Minister responsible for Administration and the Public Service and Chairman of the Conseil du trésor, 875, Grande Allée Est, 4^e étage, Québec (Québec) G1R 5R8.

SYLVAIN SIMARD,
Minister of State for Administration and the Public Service, Minister responsible for Administration and the Public Service and Chairman of the Conseil du trésor

Regulation respecting an appeals procedure for public servants not governed by a collective agreement

Public Service Act
(R.S.Q., c. F-3.1.1, s. 127, 1st and 2nd pars.)

DIVISION I SCOPE

1. This Regulation applies to any public servant who is not governed by a collective agreement.

DIVISION II APPEALABLE MATTERS

2. An appeal is available to any public servant who considers himself aggrieved by a decision rendered in his respect under the following directives of the Conseil du trésor, except for the provisions in those directives respecting classification, staffing and performance evaluation excluding, in the latter case, the procedure for performance evaluation:

(1) the Directive concernant l'ensemble des conditions de travail des cadres supérieurs;

(2) the Directive concernant l'ensemble des conditions de travail des cadres juridiques;

(3) the Directive concernant l'ensemble des conditions de travail des cadres intermédiaires;

(4) the Directive concernant l'ensemble des conditions de travail des cadres intermédiaires oeuvrant en établissement de détention à titre d'agents de la paix à l'exclusion des directeurs des établissements de détention;

(5) the Directive concernant l'ensemble des conditions de travail des cadres intermédiaires oeuvrant en établissement de détention à titre de directeurs des établissements de détention;

(6) the Directive concernant la rémunération et les conditions de travail des commissaires du travail;

(7) the Directive concernant la rémunération et les conditions de travail des médiateurs et conciliateurs;

(8) the Directive concernant l'ensemble des conditions de travail des conseillères et conseillers en gestion des ressources humaines;

(9) the Directive concernant les conditions de travail des fonctionnaires;

(10) the Directive concernant l'attribution des taux de traitement ou taux de salaire et des bonis à certains fonctionnaires or the Directive concernant les normes de détermination du taux de traitement de certains fonctionnaires;

(11) the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents or the Règles sur les frais de déplacement des fonctionnaires and the Règles sur le remboursement de certains frais de repas occasionnés par l'accomplissement de tâches aux fins du gouvernement;

(12) the Directive concernant les frais de déplacement du personnel d'encadrement;

(13) the Directive concernant les frais de déplacement à l'extérieur du Québec;

(14) the Directive sur les déménagements des fonctionnaires or the Règles sur les déménagements des fonctionnaires;

(15) the Règlement sur les indemnités et les allocations versées aux fonctionnaires en poste à l'extérieur du Québec.

DIVISION III FILING OF APPEAL

3. A public servant shall lodge an appeal within 30 days of the event by sending a written notice to the Deputy Minister or the chief executive officer of the agency. The 30-day period is mandatory.

The public servant shall also send a copy of the notice to his immediate superior and to the Commission de la fonction publique.

The notice shall be signed by the appellant and contain his name, address, classification, the directive on which the appeal relies and a brief summary of the facts, grounds invoked and conclusions sought. A copy of the decision appealed, where applicable, shall also be included in the notice.

4. The Deputy Minister or the chief executive officer shall reply to the appellant within 30 days of the date on which the notice of appeal is sent.

At the request of the appellant, the Deputy Minister or the chief executive officer of the agency, the parties shall meet to discuss the appeal and to attempt reaching a settlement.

5. If the Minister or the chief executive officer fails to reply or if no notice of settlement is sent to the Commission, upon the expiry of the period prescribed by section 4, the Commission shall enter the appeal on the roll for hearing unless the appellant withdraws his appeal.

6. No notice of appeal may be deemed invalid by the sole reason that it contains a formal defect or a procedural irregularity.

DIVISION IV HEARING OF APPEAL

7. The appellant and the department or agency concerned or, if the secretary of the Conseil du trésor considers it a matter of governmental concern, the Secretariat of the Conseil du trésor are parties before the Commission. The parties may be represented by the attorney of their choice before the appeals committee.

8. The Commission shall give prior notice of the date, time and place of the hearing.

The Commission shall send that notice at least 21 days before the scheduled date of the hearing.

9. The Commission may decide that several appeals of the same nature and relying on similar facts, regardless of who has lodged them, will be heard at the same time or that one of them will be heard and decided upon first, while the others are left pending until then.

10. Upon request by one of the parties, the Commission shall summon a witness to declare what he knows, produce a document, or both, unless the Commission is of the opinion that the application for a summons is irrelevant on the face of it.

The subpoena shall be served at least five clear days before the hearing, or at least ten clear days before the hearing if it is served on a Minister, a Deputy Minister or the executive officer of an agency.

In an emergency, the Commission may reduce the time for service on the subpoena.

11. Minutes of the hearing shall be taken and shall contain the names of the appellant, attorneys and witnesses who have been heard.

The minutes shall also contain a list of the documents produced at the hearing, as well as the orders and incidental decisions of the Commission.

12. The sittings of the Commission are public. The committee may however order that a sitting be held in camera when necessary for preserving morals or public order.

DIVISION V DECISION

13. The Commission shall render its decision within 30 days of the date on which the appeal was taken under advisement.

14. The Commission's decision is final and binding on the parties.

15. In rendering its decision, the Commission may, at the request of a party, fix the amount owing under the decision, including any interest at the legal rate when the payment of interest is prescribed by a specific provision in a directive on which the appeal is based.

16. The Commission shall send the parties a true copy of the decision.

DIVISION VI MISCELLANEOUS

17. In computing a time period, the day which marks the start of the period shall not be counted but, except in the case of clear days, the terminal day shall be counted. When the last day of a time limit is a paid holiday, a Saturday or a Sunday, the time period shall be extended to the first working day that follows.

18. If the appeal is the subject of a withdrawal, an acquiescence in the demand or a partial or total settlement, the appellant or the other party, as the case may be, shall so inform the Commission de la fonction publique in writing before the decision is rendered.

DIVISION VII TRANSITIONAL AND FINAL

19. Any appeal pending upon the coming into force of this Regulation shall proceed in accordance with the provisions of this Regulation.

20. This Regulation replaces the Regulation respecting an Appeal Procedure for Senior Executives, made by Order in Council 2291-85 dated 7 November 1985, and

the Regulation respecting an appeal procedure for public servants not governed by a collective agreement, made by Order in Council 2292-85 dated 7 November 1985.

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

4246

Draft Regulation

Master Electricians Act
(R.S.Q., c. M-3)

Corporation of Master Electricians — Amendment

Notice is hereby given in compliance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and with section 13 of the Master Electricians Act (R.S.Q., c. M-3) that the "Corporation of Master Electricians of Québec (Amendment) Regulation", adopted by the Corporation of Master Electricians after it was voted by its board of directors at the January 29, 2001 meeting and whose text appears below, shall be brought for government approval upon expiration of a 45-day deadline from the date of this publication.

This draft regulation concerns the establishment of an appeals committee to the Corporation of Master Electricians of Québec, whose function will be to sit on appeal of the decisions rendered by the professional ethics and discipline committee.

Additional information may be obtained by contacting M^e Ginette Phaneuf, Director of Legal Affairs, Corporation of Master Electricians of Québec, at the following numbers: (514) 738-2184; toll free: (area 514): 1-800-361-9822 – (areas 418 and 819): 1-800-361-9061.

All those interested in voicing their opinion on this subject may submit their comments in writing, before expiration of this deadline, to the Executive Vice-President of the Corporation of Master Electricians of Québec, 5925, boulevard Décarie, Montréal (Québec) H3W 3C9.

YVON GUILBAULT,
*Executive Vice-president
of the Corporation of Master Electricians of Québec*

Corporation of Master Electricians of Québec* (Amendment Regulation)

Master Electricians Act
(R.S.Q., c. M-3, s. 12, par. 1, subpar. a, c, f, h and i)

1. Section 42 of the Regulation of the Corporation of Master Electricians of Québec is amended:

(1) by replacing, in the second paragraph, the word “everywhere” by the words “on the committees of which he is a member”;

(2) by inserting, in the second paragraph and after the word “elections,” the words “the committee on professional ethics and discipline and the appeals committee.”

2. Section 55 of this regulation is replaced by the following:

“55. Each member of a committee other than a member of the committee on professional ethics and discipline and of the appeals committee remains in office until replaced or re-appointed.

At its first meeting following the annual general meeting the council must revise the list of members forming these committees to make appropriate appointments or changes that may be necessary.

The council or the executive committee sees to fill in all vacancies arising in any one of these committees.”

3. Section 57 of this regulation is replaced by the following:

“57. All acts and proceedings of committees are subject to revision by the council or the executive committee except those of the committee on professional ethics and discipline and of the appeals committee.

57.1. Each member of the committee on professional ethics and discipline and of the appeals committee is appointed by the council for a three-year term.

However, even if his term is expired, a member of one of these committees may continue to deal with the case of which he was seized.

The council or the executive committee fills in all vacancies arising in any of the committees.”

4. The first paragraph of section 59 of this regulation is amended by inserting, after subsection f, the following:

“f.1) the appeals committee;”.

5. The title of subsection 7 of section III of this regulation is replaced by the following:

“§7. *Committee on professional ethics and discipline and appeals committee*”.

6. Section 77 of this regulation is amended:

(1) by inserting, in the first paragraph, after the word “rule”, the words “including a chairman”;

(2) by inserting, in the second paragraph, after the words “executive committee”, the words “of the council and appeals committee”;

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

“The committee on professional ethics and discipline sits with 3 or 5 members.

7. This regulation is amended by inserting, after section 77, the following:

“77.1. The appeals committee consists of 5 members in good standing, including a chairman, appointed by the council.

Its functions are to sit on appeal from the decisions rendered by the committee on professional ethics and discipline as well as from the decision of the chairman of this committee rejecting a complaint according to section 82. It is authorized to make any decision that comes under its functions.

The appeals committee sits with 3 or 5 members.

Members of the executive committee, of the council and of the committee on professional ethics and discipline may not act as members of the appeals committee.”

8. Section 78 of this regulation is amended by inserting, after the word “committee”, the words “on professional ethics and discipline and of the appeals committee”.

* The Regulation of the Corporation of Master Electricians of Québec, adopted under the 10 March 1983 decision (1983, G.O. 2, 1416), was last amended by the Regulation made by Order in Council 2320-85 dated 7 November 1985 (1985, G.O. 2, 4118). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

9. Section 79 of this regulation is amended, in the first paragraph, by inserting, after the word “committee”, the words “on professional ethics and discipline”.

10. Section 82 of this regulation is amended by inserting, after the word “committee”, the words “on professional ethics and discipline”.

11. Section 83 of this regulation is amended in the part preceding subsection *a*, by inserting, after the word “committee”, the words “on professional ethics and discipline”.

12. Section 85 of this regulation is amended by inserting, after the words “of the committee”, the words “on professional ethics and discipline and of the appeals committee”.

13. Section 86 of this regulation is amended by inserting, after the word “hearing”, the words “before the committee on professional ethics and discipline”.

14. Section 87 of this regulation is repealed.

15. Section 88 of this regulation is amended:

(1) by inserting, after the words “In cases where the committee”, the words “on professional ethics and discipline”;

(2) by inserting, after the words “delegate the chairman”, the words “of the committee”.

16. Section 89 of this regulation is amended by inserting, after the word “committee”, the words “on professional ethics and discipline”.

17. Section 90 of this regulation is amended by inserting, after the words “before the committee”, the words “on professional ethics and discipline”.

18. Section 91 of this regulation is amended by inserting, after the words “before the committee”, the words “on professional ethics and discipline”.

19. Section 92 of this regulation is replaced by the following:

“92. The committee on professional ethics and discipline, after deliberating, renders a written decision stating the reasons therefore.

All decisions require the absolute majority of the members who sit on this committee.”.

20. Sections 93 to 97 of this regulation are replaced by the following:

“93. An appeal may be made on the initiative of any interested party within 30 days from the date of the sending of the decision of the committee on professional ethics and discipline by means of a summary inscription addressed to the executive secretary of the Corporation.

A \$50 deposit must accompany the summary inscription. This deposit will be returned to the plaintiff if, after the appeal hearing, the decision is amended in his favour.

94. Upon receipt of a summary inscription the executive secretary shall forward to the appeals committee the record of first instance and the summary inscription.

95. Each party may send to the executive secretary a statement of his contentions no later than 5 days before the hearing of the appeal. The executive secretary then forwards it to the appeals committee.

96. A notice of hearing shall be sent to the parties at least 10 days before the hearing.

97. In appeal, the record of first instance, the summary inscription and the statement of contentions of the parties are the only documents produced. However, the appeals committee may authorize the deposit of additional documents if it sees fit.

97.1. The parties have the right to testify and to make oral representations before the appeals committee. No other witness may be heard, except by authorization of the appeals committee.

97.2. After deliberating, the appeals committee renders a written decision stating the reasons therefore.

The appeals committee may reject or maintain the appeal or render the decision that it believes the professional ethics and discipline committee should have rendered.

All decisions require the absolute majority of the members sitting on this committee.”.

21. Section 98 of this regulation is amended:

(1) by replacing, in the part preceding subsection *a*, the words “discipline committee or executive committee, as the case may be, may” by the words “professional ethics and discipline committee or the appeals committee may”;

(2) by replacing, in subsection *b*, the words “of the discipline committee” by the words “of this committee”.

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

“The committee seized of the matter may, in addition to the disciplinary measures referred to in the first paragraph, recommend that the Régie du bâtiment du Québec suspend or revoke the electrician contractor’s license of the member when it considers that his conduct warrants it. The committee shall also specify the recommended length of disciplinary action and forward the file to the executive secretary of the Corporation.

The Corporation’s executive secretary shall forward the file and the recommendation referred to in the first paragraph to the Régie du bâtiment du Québec so that it may decide on the suspension or revocation of the license.”.

22. Section 99 of this regulation is amended by replacing the words “or the council” by the words “on professional ethics and discipline or the appeals committee”.

23. Sections 99.1 et 99.2 of this regulation are repealed.

24. Section 115 of this regulation is amended in the second paragraph by inserting, after the words “other committee”, the words “except for the committee on professional ethics and discipline and the appeals committee”.

25. Section 126 of this regulation is replaced by the following :

“**126.** A member or the representative of a member of the Corporation who is present at a meeting of the council or of the executive committee, or at a meeting or hearing of a standing or temporary committee, is entitled to an allowance of \$84 per day or half-day of sitting, in the form of an attendance allowance.

This allowance is increased, on August 1st of each year, according to the rate of change of the consumer price index for Canada for the 12-month period ending on May 31st of the same year as determined by Statistics Canada.

These increased allowances are rounded off by increasing or decreasing them to the hundredth of a dollar.

The council decrees by resolution concerning allowances for travelling, hotel and meals expenses and the conditions for their payment. If these expenses exceed those provided by the resolutions adopted, they may be paid upon presentation of vouchers.”.

26. The present regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4247

Draft Regulation

Hospital Insurance Act
(R.S.Q., c. A-28)

Regulation — Amendments

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 the application of the Hospital Insurance Act, 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 amend the definitions of “spouse”, “resident” and “dependant” to harmonize those definitions with legislative amendments made by the Act to amend the Health Insurance Act and other legislative provisions (1999, c. 89) and those that will be made under the Regulation to amend the Regulation respecting eligibility and registration of persons in respect of the Régie de l’assurance maladie du Québec which was published as a draft regulation in the *Gazette officielle du Québec* of 12 July 2000, page 3586.

Further information may be obtained by contacting Mre Danielle Champagne, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 7^e étage, Québec (Québec) G1S 2M1 ; telephone : (418) 266-8959 ; fax : (418) 266-8965, or Mre Marie-Andrée Pelletier, Régie de l’assurance maladie du Québec, 1125, chemin Saint-Louis, dépôt 84, Sillery (Québec) G1S 1E7 ; telephone : (418) 682-5172 ; fax : (418) 643-7312.

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 of State for Health and Social Services and Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

RÉMY TRUDEL,
*Minister of State for Health and Social Services
and Minister of Health and Social Services*

Regulation to amend the Regulation respecting the application of the Hospital Insurance Act*

Hospital Insurance Act
(R.S.Q., c. A-28, s. 8)

1. Section 1 of the Regulation respecting the Hospital Insurance Act is amended

(1) by substituting the following for subparagraph *f* 1 of the first paragraph:

“spouse”:

(1) the man or woman with whom a person is married and cohabits;

(2) the man or woman of the opposite or the same sex with whom a person cohabits in a conjugal relationship, where they have been so cohabiting for at least one year or where

- (a) a child has been born of their union;
- (b) they have adopted a child together; or
- (c) one of them has adopted the other's child;”

(2) by substituting the words “resident or temporary resident of Québec” for the words “resident of Québec or a person deemed to be a resident of Québec” in subparagraph *m* of the first paragraph; and

(3) by substituting the following for subparagraph *o* of the first paragraph:

“dependant”: any dependant within the meaning of section 1.1 of the Regulation respecting the eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec.”

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

4262

Draft Regulation

An Act respecting income support, employment assistance and social solidarity
(R.S.Q., c. S-32.001)

Income support — Amendments

Notice is hereby given, in accordance with sections 10 and 12 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting income support, the text of which appears below, may be made by the Government upon the expiry of 20 days following this publication.

The purpose of the draft Regulation is to increase the dependent children adjustments related to the national child benefit supplement granted by the federal government in order to harmonize them with the amendments made to the supplement as of 1 July 2001.

Under section 13 of the Act, the draft may be made within a period shorter than the period of 45 days prescribed in section 11 of the same Act, by reason of the urgency due to the following circumstances:

— the amendments prescribed in the draft Regulation must come into force on 1 July 2001 in order to allow families who receive benefits under the Employment-Assistance Program and who are not receiving the maximum amount of the national child benefit supplement to benefit, as of that month, from the increase in the dependent children adjustment related to the rise in the supplement.

To date, study of the matter has shown a positive impact on families who receive benefits under the Employment-Assistance Program.

Further information concerning the draft Regulation may be obtained by contacting Gérard Lescot, Direction des politiques de sécurité du revenu, 425, rue Saint-Amable, 4^e étage, Québec (Québec) G1R 4Z1; telephone: (418) 646-7221, fax: (418) 643-0019.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 20-day period, to the Minister of State for Labour, Employment and Social Solidarity and Minister of Employment and Social Solidarity, 425, rue Saint-Amable, 4^e étage, Québec (Québec) G1R 4Z1.

JEAN ROCHON,
*Minister of State for Labour, Employment
and Social Solidarity and Minister of
Employment and Social Solidarity*

* The Regulation respecting the application of the Hospital Insurance Act (R.R.Q., 1981, A-28, r. 1) was last amended by the Regulation made by Order in Council 544-2000 dated 3 May 2000 (2000, G.O. 2, 2205). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

Regulation to amend the Regulation respecting income support*

An Act respecting income support, employment assistance and social solidarity
(R.S.Q., c. S-32.001, s. 156, par.12 and s. 160)

1. Section 36 of the Regulation respecting income support is amended by substituting the amounts “\$104.58”, “\$87.91” and “\$81.66” for the amounts “\$81.41”, “\$64.25” and “\$57.83”.

2. This Regulation will come into force on 1 July 2001.

4261

Notice

An Act respecting piping installations
(R.S.Q., c. I-12.1)

Plumbing Code — 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 Plumbing Code, the text of which appears below, may be made by the Government, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to render the Act respecting piping installations (R.S.Q., c. I-12.1) and its regulations applicable to plumbing works carried out on the territory of the towns of Montréal and Dollard-des-Ormeaux.

The decision to cover such works results from the decision made by both towns to no longer apply their own plumbing by-laws on their respective territory.

This amendment should not constitute a major change for the industry since the by-laws of both towns are already compatible with the regulations which would be applied by the Régie du bâtiment du Québec as of the date of coming into force of the Regulation to amend the Plumbing Code.

* The Regulation respecting income support, made by Order in Council 1011-99 dated 1 September 1999 (1999, G.O. 2, 2881), was last amended by the Regulations made by Orders in Council 1427-2000 dated 6 December 2000 (2000, G.O. 2, 5724), 1428-2000 dated 6 December 2000 (2000, G.O. 2, 5726), 15-2001 dated 11 January 2001 (2001, G.O. 2, 445) and 205-2001 dated 7 March 2001 (2001, G.O. 2, 1379). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

Further information may be obtained by contacting Mr. Benoît Lagueux, Régie du bâtiment du Québec, 800, place D’Youville, 15^e étage, Québec (Québec) G1R 5S3; tel. : (418) 643-9896, fax: (418) 646-9280.

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 Mr. Alcide Fournier, Chairman and Chief Executive Officer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3^e étage, Montréal (Québec) H2M 2V2.

JEAN ROCHON,
*Minister of State for Labour, Employment
and Social Solidarity and
Minister of Labour*

Regulation to amend the Plumbing Code*

An Act respecting piping installations
(R.S.Q., c. I-12.1, s. 24, par. f)

1. Section 1.2.2 of the Plumbing Code is amended by deleting the words “ville de Montréal,” and “, ville de Dollard-des-Ormeaux” in paragraph 1.

2. This Regulation comes into force on 31 May 2001.

4248

* The Plumbing Code (R.R.Q., 1981, c. I-12.1, r. 1) was last amended by the Regulation made by Order in Council 567-98 dated 22 April 1998 (1998, G.O. 2, 1756). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

Municipal Affairs

Gouvernement du Québec

O.C. 481-2001, 2 May 2001

An Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56)

Boundaries of the boroughs of Saint-Bruno-de-Montarville and Saint-Hubert of the future Ville de Longueuil

WHEREAS the boundaries of the boroughs of Saint-Bruno-de-Montarville and Saint-Hubert of the future Ville de Longueuil provided for in Division I of Schedule III-B to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56), which correspond to the current limits of the territories of the towns of Saint-Bruno-de-Montarville and Saint-Hubert, have created an ongoing misunderstanding concerning the limits of those two towns and the limit of the cadastral parishes;

WHEREAS it is expedient to amend the boundaries of the boroughs of Saint-Bruno-de-Montarville and Saint-Hubert in order to correct the misunderstanding;

WHEREAS under section 9 of Schedule III to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais, the Government may, by order, prescribe any rule derogating from any provision of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

To prescribe the following rule for the purposes of the delimitation of the boundaries of the boroughs of Saint-Bruno-de-Montarville and Saint-Hubert of the future Ville de Longueuil:

1. The following is substituted for the boundaries of the boroughs of Saint-Bruno-de-Montarville and Saint-Hubert provided for in Division I of Schedule III-B to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais:

“Saint-Bruno-de-Montarville Borough

Corresponds to the territory of the former Ville de Saint-Bruno-de-Montarville less the two parts described below in subparagraphs 1 and 2 plus the two parts of the territory of the former Ville de Saint-Hubert described below in subparagraphs 3 and 4:

(1) A part of the territory of the former Ville de Saint-Bruno-de-Montarville bounded to the east, southwest and west by the limit between the former towns of Saint-Hubert and Saint-Bruno-de-Montarville and to the north-east by the ditch called Décharge des Frênes, corresponding to a part of the current line that separates the cadastres of the parishes of Saint-Hubert and Saint-Bruno fronting on lots 103 to 111 of the cadastre of Paroisse de Saint-Bruno;

(2) A part of the territory of the former Ville de Saint-Bruno-de-Montarville in a triangular shape bounded to the east and southwest by the limit between the former towns of Saint-Hubert and Saint-Bruno-de-Montarville and to the north by a ditch in lot 113-10 and an undivided part of lot 113 of the cadastre of Paroisse de Saint-Bruno, which ditch connects Décharge des Frênes to Ruisseau Massé;

(3) A part of the territory of the former Ville de Saint-Hubert bounded to the west and northwest by the limit between the former towns of Saint-Hubert and Saint-Bruno-de-Montarville, to the southwest by the ditch called Décharge des Frênes in lots 54 and 57 of the cadastre of Paroisse de Saint-Hubert and to the south by another ditch in lot 57 of the said cadastre, which ditch connects Décharge des Frênes to Ruisseau Massé;

(4) A part of the territory of the former Ville de Saint-Hubert bounded to the west and north by the limit between the former towns of Saint-Hubert and Saint-Bruno-de-Montarville, to the northeast and east by the centre line of Autoroute 30 and to the south by a ditch in lot 58 of the cadastre of Paroisse de Saint-Hubert, which ditch connects Décharge des Frênes to Ruisseau Massé, the alignment of the said ditch is extended westerly in the right-of-way of Montée des Promenades and easterly, in the right-of-way of Autoroute 30.

Saint-Hubert Borough

Corresponds to the territory of the former Ville de Saint-Hubert less the two parts described below in subparagraphs 1 and 2 plus the two parts of the territory of the former Ville de Saint-Bruno-de-Montarville described below in subparagraphs 3 and 4:

(1) A part of the territory of the former Ville de Saint-Hubert bounded to the west and northeast by the limit between the former towns of Saint-Hubert and Saint-Bruno-de-Montarville, to the southwest by the ditch called Décharge des Frênes in lots 54 and 57 of the cadastre of Paroisse de Saint-Hubert and to the south by another ditch in lot 57 of the said cadastre, which ditch connects Décharge des Frênes to Ruisseau Massé;

(2) A part of the territory of the former Ville de Saint-Hubert bounded to the west and north by the limit between the former towns of Saint-Hubert and Saint-Bruno-de-Montarville, to the northeast and east by the centre line of Autoroute 30 and to the south by a ditch in lot 58 of the cadastre of Paroisse de Saint-Hubert, which ditch connects Décharge des Frênes to Ruisseau Massé, the alignment of the said ditch is extended westerly in the right-of-way of Montée des Promenades and easterly, in the right-of-way of Autoroute 30;

(3) A part of the territory of the former Ville de Saint-Bruno-de-Montarville bounded to the east, southwest and west by the limit between the former towns of Saint-Hubert and Saint-Bruno-de-Montarville and to the northeast by the ditch called Décharge des Frênes, corresponding to a part of the current line that separates the cadastres from the parishes of Saint-Hubert and Saint-Bruno, fronting on lots 44 to 53 of the cadastre of Paroisse de Saint-Hubert;

(4) A part of the territory of the former Ville de Saint-Bruno-de-Montarville in a triangular shape bounded to the east and southwest by the limit between the former towns of Saint-Hubert and Saint-Bruno-de-Montarville and to the north by a ditch in lot 113-10 and an undivided part of lot 113 of the cadastre of Paroisse de Saint-Bruno, which ditch connects Décharge des Frênes to Ruisseau Massé.”

2. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4249

Gouvernement du Québec

O.C. 482-2001, 2 May 2001

An Act respecting municipal territorial organization
(R.S.Q., c. O-9)

Amalgamation of Village de Lavaltrie and Paroisse de Saint-Antoine-de-Lavaltrie

WHEREAS each of the municipal councils of Village de Lavaltrie and Paroisse de Saint-Antoine-de-Lavaltrie adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS no objection was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application with the amendments proposed by the Minister of Municipal Affairs and Greater Montréal that was approved by the council of the applicant municipalities;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality be constituted through the amalgamation of Village de Lavaltrie and Paroisse de Saint-Antoine-de-Lavaltrie, on the following conditions:

1. The name of the new town shall be “Ville de Lavaltrie”.

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 13 February 2001; that description is attached as a Schedule to this Order in Council.

3. The new town shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. The territory of the new town shall be part of Municipalité régionale de comté de D’Autray.

5. Until the term of the majority of candidates elected in the first general election begins, the new town shall be governed by a provisional council composed of all the council members of the former municipalities in office

at the time of the coming into force of this Order in Council. An additional vote shall be allotted, within the provisional council, to the mayor of the former municipality of the council on which there is a vacancy at the time of the coming into force of this Order in Council, as well as for any seat that was previously occupied by a member of the council of that former municipality and that becomes vacant on the provisional council after that coming into force. In the case of such vacancy of one of the mayor's seats, the mayor's votes shall devolve upon the councillor that was acting as deputy mayor of the former municipality in question before the coming into force of this Order in Council, except if the councillor's seat is also vacant in which case the votes shall devolve upon a councillor chosen by and among the members of the provisional council that were members of the council of the former municipality in question.

6. The mayor of the former Paroisse de Saint-Antoine-de-Lavaltrie and the mayor of the former Village de Lavaltrie shall act respectively as mayor and deputy mayor of the new town from the coming into force of this Order in Council to the last day of the month of that coming into force, from which time the roles are reversed for the following month, and so on, according to that alternation principle, until the mayor elected in the first general election begins his term. Until then, they shall continue to sit on the council of Municipalité régionale de comté de D'Auray and they shall have the same number of votes as they had before the coming into force of this Order in Council.

The majority of the members in office at any time shall constitute the quorum of the provisional council.

By-law 318-96 of the former Paroisse de Saint-Antoine-de-Lavaltrie on the remuneration of elected officers shall apply to the members of the provisional council.

7. The first sitting of the provisional council shall be held at the community town hall of the former Paroisse de Saint-Antoine-de-Lavaltrie, located at 49, chemin Lavaltrie.

The town hall of the new town is located at 1370, rue Notre-Dame.

8. Voting for the first general election shall be held on the first Sunday of the fourth month following the coming into force of this Order in Council, if the fourth month is January, the first general election shall be postponed to the first Sunday of February. If the fourth month is June, July, August or September, the first general election shall be postponed to the third Sunday of September. The second general election shall be held in 2005.

For the purposes of the first general election, the council of the new town shall be composed of nine members, that is, a mayor and eight councillors.

9. For the first general election and for any by-election held before the second general election, the only persons eligible for seats 1, 3, 5 and 7 shall be the persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if such election were an election of the members of the council of the former Village de Lavaltrie and the only persons eligible for seats 2, 4, 6 and 8 shall be the persons who would be eligible if such election were an election of the members of the council of the former Paroisse de Saint-Antoine-de-Lavaltrie.

Only the electors entitled to be entered on the list of electors in respect of the sector made up of the territory of the former Village de Lavaltrie shall elect the members of the council for seats 1, 3, 5 and 7 and only the electors entitled to be entered on the list of electors in respect of the sector made up of the territory of the former Paroisse de Saint-Antoine-de-Lavaltrie shall elect the members of council for seats 2, 4, 6 and 8.

For the purposes of the second general election, the territory of the new town will be divided into eight electoral districts in accordance with the Act respecting elections and referendums in municipalities.

10. Yvon Mousseau, director general and secretary-treasurer of the former Paroisse de Saint-Antoine-de-Lavaltrie, shall act as director general and clerk of the new town and Réjean Nantais, director general and secretary-treasurer of the former Village de Lavaltrie, as deputy director general, treasurer and deputy clerk until the provisional council appoints a clerk.

11. If a budget was adopted by a former municipality for the fiscal year during which this Order in Council comes into force,

(1) the budget shall continue to be applied;

(2) the expenditures and revenues of the new town, for the remainder of the fiscal year during which this Order in Council comes into force, shall continue to be accounted for separately on behalf of each of the municipalities as if the amalgamation had not taken place;

(3) an expenditure of which 2/3 of the members of the council of the new town present recognized as resulting from the amalgamation shall be funded out of the first portion of the subsidy granted under the Programme d'aide financière au regroupement municipal (PAFREM).

12. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in effect before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

13. An amount of \$50 000 shall be subtracted from each surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted and shall be accrued to the general fund of the new town. Where the surplus accumulated on behalf of a former municipality is insufficient for the payment, the new town shall make up the difference by means of a special tax levied on the taxable immovables located in the sector made up of the territory of that former municipality, on the basis of their value at the time payment is made.

Any balance of the surplus accumulated on behalf of a former municipality shall be used for the benefit of the ratepayers in the sector made up of the territory of that former municipality.

14. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall continue to be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

15. For the first two fiscal years for which a budget was adopted by the new town with respect to all of its territory, a general property tax credit shall be granted to all the taxable immovables located in the sector made up of the territory of the former Paroisse de Saint-Antoine-de-Lavaltrie. The credit shall be \$0.0910 per \$100 of assessment for the first fiscal year and \$0.0455 for the second.

16. The credit commitments of the former Village de Lavaltrie respecting certain acquisitions shall be charged to the new town. The acquisitions are the following:

- fire truck, GMC Savana 2001 model;
- municipal garage located at 941, rue Notre-Dame;
- land of the Sûreté du Québec detachment.

17. From the first fiscal year for which a budget was adopted by the new town with respect to all of its territory, the amounts accumulated in a special fund by a former municipality for parks under Division II.1 of

Chapter IV of Title I of the Act respecting land use planning and development (R.S.Q., c. A-19.1) shall be used for the same purposes for the benefit of the sector made up of the territory of that former municipality.

18. For the first complete fiscal year following the coming into force of this Order in Council, section 119 of the Act respecting municipal territorial organization does not apply. For the second complete fiscal year, a new three-year roll shall be prepared and applied to the new town.

19. From the first fiscal year for which a budget was adopted by the new town with respect to all of its territory, all the taxable immovables of the territory of the new town are subject to a special tax on the basis of their values entered on the assessment roll in effect, for the repayment of the loans made under by-laws 274-92, 310-96, 313-96, 320-96, 327-97, 331-97 and 354-2001 of the former Paroisse de Saint-Antoine-de-Lavaltrie, and by-laws 241-1988, 390-1998, 312-1993, 290-1992 and 364-1996 of the former Village de Lavaltrie.

20. Any debt or gain that may result from legal proceedings for an act performed by a former municipality, shall be charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

21. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development do not apply to a by-law adopted by the new town in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new town, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new town.

22. Notwithstanding section 20, the expenditures and revenues related to the immovables of the Cie Place Trans Canadienne ltée and of 3218929 Canada inc. for which the former Paroisse de Saint-Antoine-de-Lavaltrie registered a legal hypothec and obtained judgment for unpaid taxes shall be charged or credited to all the taxable immovables of the new town.

23. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF VILLE DE LAVALTRIE, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE D'AUTRAY

The current territory of Paroisse de Saint-Antoine-de-Lavaltrie and of Village de Lavaltrie, in Municipalité régionale de comté de D'Autray, comprising, in reference to the cadastres of the parishes of Saint-Antoine-de-Lavaltrie and Saint-Paul, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, autoroutes, railway rights-of-way, islands, islets, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of lot 439 of the cadastre of Paroisse de Saint-Antoine-de-Lavaltrie; thence, successively, the following lines and demarcations: southeasterly, the dividing line between the cadastre and the cadastre of Paroisse de Saint-Joseph-de-Lanoraie, that line crossing a railway right-of-way (lot 552 of the cadastre of Paroisse de Saint-Antoine-de-Lavaltrie), Ruisseau du Point du Jour, Rang Saint-Henri and Rang Saint-François roads, Autoroute Félix-Leclerc, Saint-Antoine and Saint-Jean rivers, Chemin du Rang Saint-Jean Sud-Est and Route 138 that it meets; in a general southwesterly direction, the left shore of the St. Lawrence River to the northeastern line of lot 26 of the cadastre of Paroisse de Saint-Antoine-de-Lavaltrie; in reference to that cadastre, southeasterly, in the St. Lawrence River, the extension of the northeastern line of the said lot to the line running mid-way between the left shore of the said river and Île de Lavaltrie (lot 2); in a general southwesterly direction, the said line running mid-way to its meeting point with the southeasterly extension of the northeastern line of lot 44; southeasterly, the extension of the latter line to the centre line of the St. Lawrence River; in a general southwesterly direction, the centre line of the said river upstream to its meeting point with the southeasterly extension of the southwestern line of lot 59; northwesterly, the said extension; in a general southwesterly direction, the left shore of the St. Lawrence River to the dividing line between the cadastre of Paroisse de Saint-Antoine-de-Lavaltrie and the cadastres of the parishes of Saint-Sulpice and L'Assomption; northwesterly, the dividing line between the cadastres of the said parishes to the broken dividing line between the cadastres of the parishes of Saint-Antoine-de-Lavaltrie and Saint-Paul, that first line crossing Route 138, Autoroute Félix-Leclerc, Chemin du Rang du Point-du-Jour Sud, Ruisseau

du Point du Jour and Chemin du Rang du Point-du-Jour Nord that it meets; in a general northeasterly direction, part of the broken dividing line between the cadastres of the said parishes to the southwestern line of lot 82 of the cadastre of Paroisse de Saint-Paul, that broken line crossing the roads that it meets; in reference to that cadastre, northwesterly, part of the southwestern line of the said lot to the southeastern line of lot 38A (railway right-of-way); northeasterly, part of the southeastern line of the said lot to the northeastern line of lot 85; southeasterly, part of the northeastern line of the said lot to the western boundary of the right-of-way of Autoroute 31; southerly, the western boundary of the right-of-way of the said autoroute to the dividing line between the cadastres of the parishes of Saint-Antoine-de-Lavaltrie and Saint-Paul; finally, in a general northerly direction, part of the broken dividing line between the cadastres of the said parishes to the starting point, that line crossing the railway right-of-way (lot 552 of the cadastre of Paroisse de Saint-Antoine-de-Lavaltrie) that it meets.

The said limits define the territory of Ville de Lavaltrie, in Municipalité régionale de comté de D'Autray.

Ministère des Ressources naturelles
Direction de l'information foncière sur le territoire public
Division de l'arpentage foncier

Charlesbourg, 13 February 2001

Prepared by: JEAN-FRANÇOIS BOUCHER,
Land surveyor

L-371/1

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Parliamentary Committees

Committee on Transportation and the Environment

General consultation

Reference paper entitled : Québec's public automobile insurance plan

The Committee on Transportation and the Environment has been instructed to hold public hearings beginning on 11 September 2001 in pursuance of a general consultation on a reference paper entitled: Québec's public automobile insurance plan. Individuals and organizations who wish to express their views on this matter must submit a brief to the above Committee not later than 17 August 2001. The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief.

Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies on letter-size paper. Those who wish to have their brief forwarded to the press gallery must provide an additional 25 copies.

Briefs, correspondence, and requests for information should be addressed to: Mrs. Lise St-Hilaire, Clerk of the Committee on Transportation and the Environment, édifice Honoré-Mercier, 835, boulevard René-Lévesque Est, bureau 2.01, Québec (Québec) G1A 1A3.

Telephone: (418) 643-2722; facsimile: (418) 643-0248
E-mail: lsthilaire@assnat.qc.ca

Erratum

Notice

Automobile Insurance Act
(R.S.Q., c. A-25)

Groupement des assureurs automobiles — Direct Compensation Agreement for the settlement of automobile claims

Gazette officielle du Québec, Part 2, 2 May 2001,
Volume 133, number 18, page 2137.

On page 2142, number **6 a)** we should read “**Passing in different lanes of traffic**” instead of “**Passing prohibited**”.

On page 2142, number **6 b)** we should read “**Passing in different lanes of traffic at an intersection**” instead of “**Passing at an intersection**”.

On page 2144, number **9 h)** we should read after where applicable “, in accordance with sections 17 and 36 of the Regulation respecting road signs”.

On page 2144 number **9 i)** we should read after is prohibited “, in accordance with section 365 of the Highway Safety Code (R.S.Q., c. C-24.2)”.

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

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