

Gazette officielle du Québec

Part 2 Laws and Regulations

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Summary

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Coming into force of Acts

Gouvernement du Québec

O.C. 945-2001, 23 August 2001

An Act respecting La Financière agricole du Québec (2000, c. 53)

— Coming into force of the second paragraph of section 70

COMING INTO FORCE of the second paragraph of section 70 of the Act respecting La Financière agricole du Québec

WHEREAS the Act respecting La Financière agricole du Québec (2000, c. 53) was assented to on 20 December 2000;

WHEREAS under section 84, the provisions of the Act will come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 5 September 2001 as the date of coming into force of the second paragraph of section 70 of the Act respecting La Financière agricole du Québec;

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

THAT 5 September 2001 be fixed as the date of coming into force of the second paragraph of section 70 of the Act respecting La Financière agricole du Québec (2000, c. 53).

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4505

Gouvernement du Québec

O.C. 969-2001, 23 August 2001

An Act to amend the Act respecting the Régie de l'énergie and other legislative provisions (2000, c. 22)

— Coming into force of sections 58, 59 and 65

COMING INTO FORCE of sections 58, 59 and 65 of the Act to amend the Act respecting the Régie de l'énergie and other legislative provisions

WHEREAS, under section 70 of the Act to amend the Act respecting the Régie de l'énergie and other legislative provisions (2000, c. 22), the Act came into force on 16 June 2000, except sections 45, paragraphs 1 and 2 of section 50 and sections 58, 59, 65, 68 and 69 which will come into force on the date or dates fixed by the Government;

WHEREAS, under Order in Council 1337-2000 dated 15 November 2000, sections 68 and 69 of the Act came into force on 15 November 2000;

WHEREAS it is expedient to fix the date of coming into force of sections 58, 59 and 65 of the Act;

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

THAT the coming into force of sections 58, 59 and 65 of the Act to amend the Act respecting the Régie de l'énergie and other legislative provisions (2000, c. 22) be fixed at 20 September 2001.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4520

Regulations and other acts

Gouvernement du Québec

O.C. 950-2001, 23 August 2001

An Act respecting threatened or vulnerable species
(R.S.Q., c. E-12.01)

Threatened or vulnerable species and their habitats

Regulation respecting threatened or vulnerable species and their habitats

WHEREAS under section 10 of the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01), the Government may make regulations on the various matters mentioned therein;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting threatened or vulnerable species and their habitats attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 27 December 2000 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments were made concerning that draft Regulation and no amendment was made to it since its publication;

WHEREAS it is expedient to make the Regulation respecting threatened or vulnerable species and their habitats without amendment;

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

THAT the Regulation respecting threatened or vulnerable species and their habitats, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting threatened or vulnerable species and their habitats

An Act respecting threatened or vulnerable species
(R.S.Q., c. E-12.01, s. 10)

DIVISION I

THREATENED WILDLIFE SPECIES

1. The following are designated as threatened species:

- (1) the beluga, St. Lawrence population (*Delphinapterus leucas*);
- (2) the wolverine (*Gulo gulo*);
- (3) the copper redhorse (*Moxostoma hubbsi*);
- (4) the horned grebe (*Podiceps auritus*);
- (5) the loggerhead shrike (*Lanius ludovicianus*);
- (6) the piping plover (*Charadrius melodus*);
- (7) the Eastern spiny softshell (*Apalone spinifera*).

DIVISION II

VULNERABLE WILDLIFE SPECIES

2. The following are designated as vulnerable species:

- (1) the caribou, Gaspésie population (*Rangifer tarandus*);

the habitat of the caribou, Gaspésie population, corresponds to a "territory, consisting of alpine and subalpine environments where caribous calve, breed, feed and migrate, identified by a plan drawn up by the Minister";

- (2) the Western chorus frog (*Pseudacris triseriata*).

DIVISION III

FINAL

3. This Regulation replaces the Regulation respecting threatened or vulnerable species made by Order in Council 377-2000 dated 29 March 2000.

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

Gouvernement du Québec

O.C. 951-2001, 23 August 2001

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

Wildlife habitats — Amendments

Regulation to amend the Regulation respecting wildlife habitats

WHEREAS under section 128.18 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations on the various matters mentioned therein;

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 wildlife habitats attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 27 December 2000 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS comments were made on the draft and amendments have been made since that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting wildlife habitats with amendments;

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

THAT the Regulation to amend the Regulation respecting wildlife habitats, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting wildlife habitats*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 128.1, 128.6 and 128.18, pars. 1 and 2)

1. Section 1 of the Regulation respecting wildlife habitats is amended

(1) by inserting “, 6 as regards the Gaspésie caribou population” in the introductory paragraph after “5”; and

(2) by substituting “the Regulation respecting threatened or vulnerable species and their habitats, made by Order in Council 950-2001 dated 23 August 2001” for “regulation under paragraph 2 of section 10 of the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01)” in paragraph 6.

2. The following is added to section 2:

“In Division II,

(1) “laying out as an uneven-aged structure” means forest management intended to ensure that all age and diameter classes are present in a stand so that it remains of uneven-aged; (*aménagement en structure inéquienne*)

(2) “selection cutting” means the felling or harvesting of chosen trees in order to keep in the stand stems from each age or diameter class; it requires the marking in each of the age or diameter classes of the trees to be harvested in the stand; (*coupe de jardinage*)

(3) “cut with regeneration and soil protection including high regeneration” means cutting all at once all the trees in an area, while preserving advance regeneration and stems smaller than 10 centimetres at breast height, minimising any disturbance of the soil during harvest operations and ensuring the protection of lichen-bearing snags; (*coupe avec protection de la régénération et des sols incluant la haute régénération*)

(4) “release of softwood regeneration” means an operation that consists in favouring seedlings of softwood species at the expense of competing plant species such as ligneous or herbaceous species; (*dégagement de régénération résineuse*)

* The Regulation respecting wildlife habitats, made by Order in Council 905-93 dated 22 June 1993 (1993, *G.O.* 2, 3536), was last amended by the Regulation made by Order in Council 256-99 dated 24 March 1999 (1999, *G.O.* 2, 426). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

(5) “precommercial thinning” means an operation that consists in reducing the density of seedlings to increase the growth and strength of remaining stems; that intervention does not allow for the harvest of merchantable volume; (*éclaircie précommerciale*)

(6) “commercial thinning” means a partial cut in a stand so as to reduce the number of stems and to give more strength to the remaining stems; that intervention allows for the harvest of a merchantable volume; (*éclaircie commerciale*)

(7) “even-aged stand” means a stand where trees have the same or almost the same age; (*peuplement équien*)

(8) “uneven-aged stand” means a stand comprising trees from different age or diameter classes; (*peuplement inéquien*)

(9) “planting” means an operation that consists in putting seedlings into the soil so as to quickly occupy the station (*plantation*).

In this Regulation, “habitat of the Gaspésie caribou population” means the habitat described in section 2 of the Regulation respecting threatened or vulnerable species and their habitats.”.

3. The following paragraph is added at the end of section 8:

“Notwithstanding the first paragraph, a person may carry on the forest management activities referred to in sections 8.1 to 8.5 in the habitat of the Gaspésie caribou population shown on the chart in Schedule 1, provided that the person does so during the period from 15 June to 1 November while complying with the standards applicable to the activities prescribed in those sections.”.

4. The following is inserted after section 8:

“8.1 In the territory of the conservation zone shown on the chart in Schedule 1, a person may carry on silvicultural activities for the following purposes only:

- (1) to improve the production of lichens;
- (2) to facilitate the movement of the Gaspésie caribou population, designated as a vulnerable species by section 2 of the Regulation respecting threatened or vulnerable species and their habitats; or
- (3) to increase a stand’s resistance to the spruce budworm.

8.2 In the management zone 2A shown on the chart in Schedule 1, a person may carry on the following silvicultural activities only, and only for the purposes indicated, where applicable:

- (1) selection cutting;
- (2) laying out an uneven-aged structure; or

(3) precommercial thinning to improve the production of lichens or to facilitate the movement of caribou referred to in paragraph 2 of section 8.1.

8.3 In the management zone 2B shown on the chart in Schedule 1, a person may carry on the following silvicultural activities only, and only on the conditions and for the purposes indicated, where applicable:

(1) in an even-aged stand in the balsam fir-white birch forest zone on a fine-textured mesic site:

(a) cutting with regeneration and soil protection including high regeneration over a maximum of 10 hectares in a single block, leaving intact an adjacent block of forest of the same size, in 15-year intervals; at all times, at least 33% of all stands must be 90 years old or more; the area of the felling and hauling trails shall not exceed 25% of the total area of the cutting sector;

(b) commercial thinning;

(c) precommercial thinning;

(d) planting; or

(e) the release of softwood regeneration;

(2) in an even-aged stand in the balsam fir-white birch forest zone on a mountainous fine-textured mesic site:

(a) cutting with regeneration and soil protection including high regeneration over a maximum of 5 hectares in a single block, leaving intact an adjacent block of forest of the same size, in 20-year intervals; at all times at least 33% of all stands must be 90 years old or more;

(b) precommercial thinning to accelerate regeneration and to meet the needs of the caribou referred to in paragraph 2 of section 8.1;

(c) the release of softwood regeneration; or

(d) planting;

(3) in an uneven-aged stand in the balsam fir-white birch forest zone on a mountainous fine-textured mesic site or on a fine-textured mesic site, selection cutting must be performed over a basal area of 30 sq. m/ha all species before treatment and 21 sq. m/ha all species after treatment, according to a felling percentage of no more than 30% and according to a turnaround time of 30 years except for the balsam fir-white birch forest zone on a fine-textured mesic site in which case the turnaround time shall be 25 years. The width of hauling trails shall not exceed 4 metres and they must be spaced out at intervals of at least 28 metres.

8.4 In the management zone 2C shown on the chart in Schedule 1, a person may carry on the following silvicultural activities only and only on the conditions indicated:

(1) in an even-aged stand in the balsam fir-white birch forest zone on a fine-textured mesic site:

(a) cutting with regeneration protection including high regeneration over a maximum of 10 hectares in a single block, leaving intact an adjacent block of forest of the same size, in 15-year intervals; at all times at least 33% of all stands must be 70 years old or more; the area of the felling and hauling trails shall not exceed 25% of the total area of the cutting sector;

(b) commercial thinning;

(c) precommercial thinning;

(d) planting; or

(e) the release of softwood regeneration;

(2) in an uneven-aged stand of balsam fir-white birch, selection cutting shall be performed in accordance with paragraph 3 of section 8.3.

8.5 When activities referred to in sections 8.1 to 8.4 are carried on in the balsam fir-white birch forest zone on a mountainous fine-textured mesic site, neither cable and grapple skidders nor fixed-head tree fellers may be used; furthermore, the width of the access roads may not exceed 20 metres, including the right-of-way.”.

5. The words “other than the habitat of the Gaspésie caribou population, with respect to the territory of the Chic-Chocs Wildlife Sanctuary shown on the chart in Schedule 1” are added at the end of section 9.

6. The following is inserted after section 12:

“**12.1.** In the habitat of the Gaspésie caribou population located in the Chic-Chocs Wildlife Sanctuary and shown on the chart in Schedule 1, activities such as outcrop stripping, trenching, excavating, boring, seismic refraction surveying, well sinking for the purposes of exploring for natural gas or petroleum, or access road construction for the purposes of those activities may be carried out only in compliance with the following requirements:

(1) written notice shall be sent by registered mail to the Minister at least 15 days prior to the date set to begin the work; the notice must specify the type of work planned, the size of the area involved, the location and the work schedule;

(2) the activity may be carried out only during the period from 15 June to 1 November;

(3) the area where outcrop stripping, trenching, excavating, boring or well sinking for the purposes of exploring for natural gas or petroleum take place may not exceed 5 hectares in a single block and such areas shall be spaced out at intervals of at least 100 metres;

(4) the sum of the areas where such activities take place may not be more than 2% of the total area of the territory shown in Schedule 1; and

(5) trenches and other excavations shall be filled in and organic matter shall be spread over them when the activity has been completed.

The percentage requirement in subparagraph 4 of the first paragraph is cumulative and shall apply to areas deforested year after year in simultaneous or successive deforestation activities by one or more persons for a maximum of 10 years from the completion of the work or, where the work lasts less than one year, from the beginning of the work.”.

7. The following is inserted after section 19:

“**19.1** The prohibition set forth in section 128.6 does not apply to a person whose activities are carried out in the habitat of the Gaspésie caribou population and are related to the maintenance of the right-of-way of an aboveground or underground telecommunications line or a power distribution line.”.

8. The words “and maintenance” are inserted after the word “development” in the heading of Division V.

9. The following paragraphs are added to section 25:

“The prohibition set forth in the first paragraph does not apply either to a person who carries on, in the habitat of the Gaspésie caribou population, activities involving the maintenance of a vacation site, in particular of a wilderness campsite or a developed campsite with or without services or of a rest area, including a strip of 20 metres around it; the prohibition does not apply either to a person who carries on landscaping or maintenance activities in a services zone in the part of Parc de conservation de la Gaspésie located in that habitat.

For the purposes of the second paragraph, “services zone” means a services zone appearing as such in Schedule 2 to the Parks Regulation, made by Order in Council 838-2000 dated 28 June 2000.”

10. The following paragraph is added to section 26:

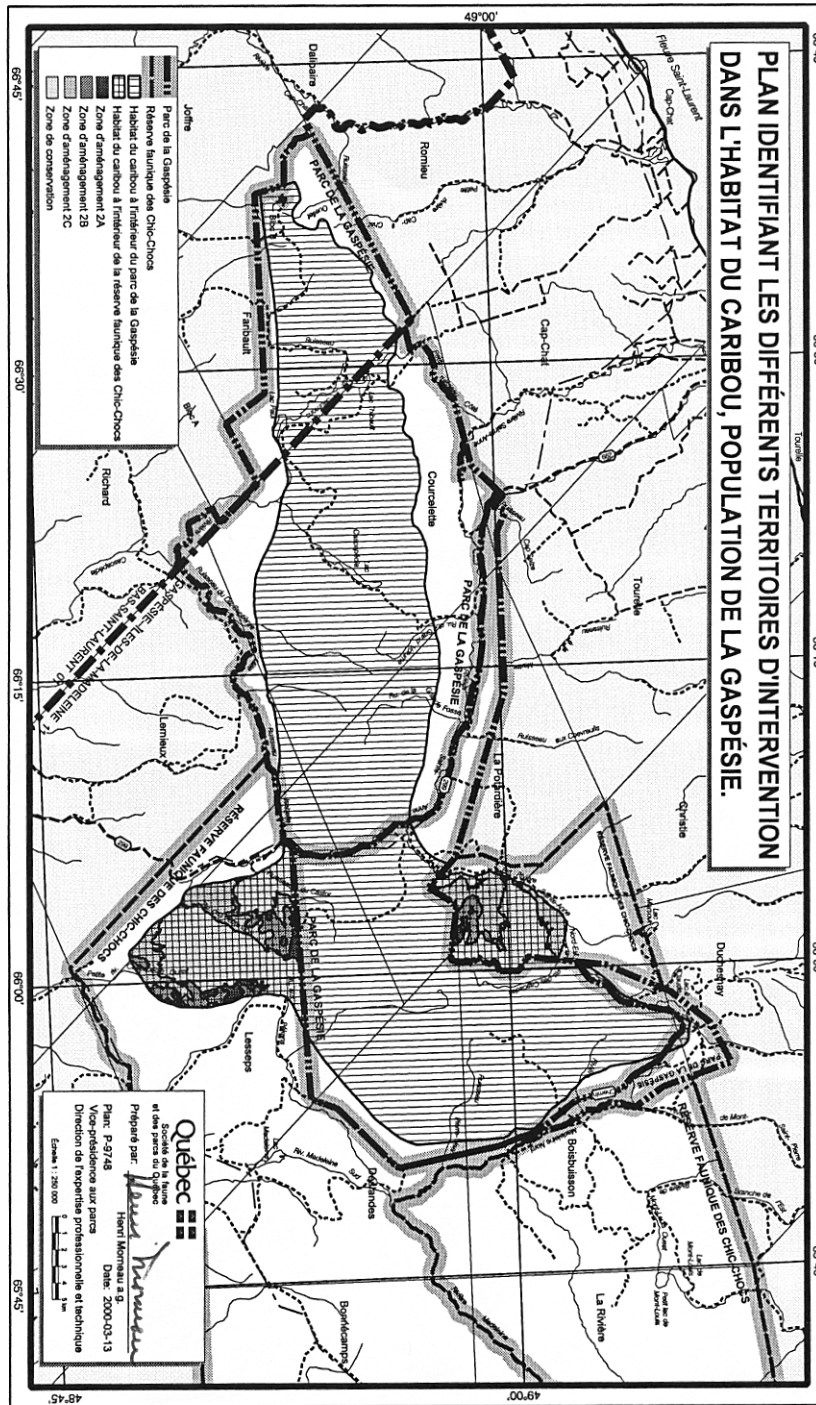
“The prohibition set forth in the first paragraph does not apply to a person whose activities are related to the maintenance of trails referred to in that paragraph and located in the habitat of the Gaspésie caribou population.”

11. The words “other than the habitat of the Gaspésie caribou population” are added at the end of section 36.

12. Schedule 1 attached hereto is added at the end of the Regulation.

13. This Regulation comes into force on the same date as the Regulation respecting threatened or vulnerable species and their habitats, made by Order in Council 950-2001 dated 23 August 2001.

SCHEDULE 1



Gouvernement du Québec

O.C. 952-2001, 23 August 2001

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

Fishing activities

Fishing Activities Regulation

WHEREAS under paragraph 9 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations determining the conditions that must be fulfilled by the applicant or holder of a licence or certificate, and the obligations with which the holder of a licence or certificate must comply; the conditions and obligations may vary, namely according to the age of the applicant or holder;

WHEREAS under paragraph 14 of that section, the Government may make regulations determining the provisions of a regulation the infringement of which constitutes an offence;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting fishing activities was published in Part 2 of the *Gazette officielle du Québec* of 4 April 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Fishing Activities Regulation without amendment;

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

THAT the Fishing Activities Regulation, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Fishing Activities Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, pars. 9 and 14)

1. To obtain a resident fishing licence provided for in the Regulation respecting classes of fishing licences and their term adopted by resolution 01-41 of the board of directors of the Société de la faune et des parcs du

Québec, dated 30 May 2001, every person shall be a resident at the time of the application.

Furthermore, to obtain a fishing licence for a resident 65 years of age or over, the latter shall be at least 65 years of age and, for a fishing licence for a resident under 65 years of age, the resident shall be under 65 years of age.

2. To obtain a non-resident fishing licence provided for in the Regulation respecting classes of fishing licences and their term, every person shall be a non-resident at the time of the application.

3. The holder of a non-resident fishing licence shall fish through the services of an outfitter in the territory north of the 52nd parallel or in the southern part of Area 19, described in Schedule XIX to the Fishing, Hunting and Trapping Areas Regulation, made by Order in Council 27-90 dated 10 January 1990, to the east of Rivière Saint-Augustin.

4. The holder of a sport fishing licence for species other than anadromous Atlantic salmon with catch and release obligation shall use the services of an outfitter to fish.

5. Any person who contravenes any of sections 1 to 4 commits an offence.

6. This Regulation replaces the Fishing Licences Regulation, made by Order in Council 845-84 dated 4 April 1984.

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

4508

Gouvernement du Québec

O.C. 953-2001, 23 August 2001

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

Hunting activities — Amendments

Regulation to amend the Regulation respecting hunting activities

WHEREAS under paragraphs 9 and 16 of section 162 of the Act respecting the conservation and development

of wildlife (R.S.Q., c. C-61.1) the Government may make regulations on the various matters mentioned therein;

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 hunting activities attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 9 May 2001 with a notice that upon the expiry of 45 days following that publication, it could be made by the Government;

WHEREAS no comments were made concerning that draft;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting hunting activities, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting hunting activities*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, pars. 9 and 16)

1. Section 4 of the Regulation respecting hunting activities is amended by deleting subparagraph *a* of subparagraph 1 of the second paragraph.

2. Section 12 is amended

(1) by substituting “Schedule XII” for “Schedule VII” in subparagraph 1 of the first paragraph;

(2) by substituting “Caribou, valid for the part of Area 22” for “Caribou, valid for Area 22” in subparagraph 2 of the first paragraph; and

(3) by deleting subparagraph 4 of the first paragraph.

* The Regulation respecting hunting activities made by Order in Council 858-99 dated 28 July 1999 (1999, *G.O.* 2, 2427) was last amended by Order in Council 1175-2000 dated 4 October 2000 (2000, *G.O.* 2, 5151).

3. Section 13 is amended by inserting “, except for the southern part shown on the plan in Schedule XVIII” after “Caribou, valid for Area 23 (winter)” in subparagraph 1 of the first paragraph.

4. Section 19 of the French text is amended by substituting “cette personne doit avoir participé” for “ce chasseur doit avoir participé” in the second paragraph.

5. Section 21 is amended

(1) by substituting “a person, a partnership or an association authorized by the Société de la faune et des parcs du Québec under section 56.1 of the Act respecting the conservation and development of wildlife” for “a conservation officer, a person appointed for that purpose or a person authorized by the Minister under section 56.1 of that Act enacted by section 9 of Chapter 29 of the Statutes of 1998” in the first paragraph; and

(2) by substituting “have the officer register it immediately” for “have it registered immediately” in the second paragraph.

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

4509

Gouvernement du Québec

O.C. 954-2001, 23 August 2001

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

Development of wildlife — Scale of fees and duties — Amendments

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife

WHEREAS under paragraph 10 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations determining the cost of issuing, replacing and renewing a licence or certificate according to the kind or class of licence or certificate, according to the category and age of persons concerned or according to the species of wildlife sought or the age or sex of animals;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), two draft Regulations to amend the Regulation respecting the scale of fees and duties related to the development of wildlife were published in Part 2 of the *Gazette officielle du Québec* of 4 April 2001 and of 9 May 2001 with notices that they could be made by the Government upon the expiry of 45 days following their publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife without amendment;

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

THAT the Regulation to amend the Regulation respecting the scale of fees and duties related to the 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 scale of fees and duties related to the development of wildlife*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, par. 10)

1. The Regulation respecting the scale of fees and duties related to the development of wildlife is amended by substituting the following for section 4.1:

“4.1 The fees payable on the issue of a fishing licence are fixed as follows:

(1) sport fishing licences for species other than anadromous Atlantic salmon:

- | | |
|-----------------------------------|----------|
| (a) resident 65 and over (yearly) | \$9.05; |
| (b) resident under 65 (yearly) | \$11.88; |

- | | |
|---|------------|
| (c) resident (3 consecutive days) | \$5.79; |
| (d) resident, with catch and release obligation (yearly) | \$6.66; |
| (e) non-resident (yearly) | \$42.96; |
| (f) non-resident (7 consecutive days) for areas 8, 9, 10, 12, 13, 16 and 25 | \$28.18; |
| (g) non-resident (3 consecutive days) | \$17.53; |
| (h) non-resident (one day) | \$6.66; |
| (i) non-resident, with catch and release obligation (yearly) | \$6.66; |
| (2) sport fishing licences for anadromous Atlantic salmon: | |
| (a) resident (yearly) | \$29.48; |
| (b) resident (one day) | \$11.44; |
| (c) resident, with catch and release obligation (yearly) | \$6.66; |
| (d) non-resident (yearly) | \$95.12; |
| (e) non-resident (one day) | \$24.70; |
| (f) non-resident, with catch and release obligation (yearly) | \$6.66; |
| (3) fishing licences for burbot: | |
| (a) resident (yearly) | \$11.88; |
| (b) non-resident (yearly) | \$42.96.”. |

2. Schedule I is amended by deleting paragraph *a* of section 1.

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

4510

* The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908), was last amended by the Regulation made by Order in Council 621-2000 dated 24 May 2000 (2000, *G.O.* 2, 2320). For previous amendments refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

Gouvernement du Québec

O.C. 955-2001, 23 August 2001

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

Hunting
Wearing of a fluorescent orange-coloured garment
— Amendments

Regulation to amend the Regulation respecting the wearing of a fluorescent orange-coloured garment when hunting

WHEREAS under paragraph 18 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) the Government may make regulations determining the safety conditions required for the practice of hunting;

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 the wearing of a fluorescent orange-coloured garment when hunting, attached hereto, was published in Part 2 of the *Gazette officielle du Québec* of 9 May 2001 with a notice that upon the expiry of 45 days following that publication, it could be made by the Government;

WHEREAS no comments were made concerning that draft;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the wearing of a fluorescent orange-coloured garment when hunting, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the wearing of a fluorescent orange-coloured garment when hunting*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, par. 18)

1. Section 3 of the Regulation respecting the wearing of a fluorescent orange-coloured garment when hunting is amended

(1) by adding “or type 11” after “type 6” and by substituting “Minister’s Order 99021 dated 27 July 1999” for “Order in Council 1383-89 dated 23 August 1989” in paragraph *a*;

(2) by substituting “with a bow or crossbow ” for “with a bow” and “a bow or a crossbow in a wildlife sanctuary or controlled zone” for “a bow in a wildlife sanctuary” in paragraph *c*;

(3) by inserting “or crossbow” after “bow” in paragraph *d*; and

(4) by adding the following paragraph after paragraph *d*:

“(e) for hunting with a bow or crossbow in a location where only hunting with a hunting implement other than a firearm is permitted.”.

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

4511

* The Regulation respecting the wearing of a fluorescent orange-coloured garment when hunting (R.R.Q., 1981, c. C-61, r. 26) was last amended by the Regulation made by Order in Council 958-97 dated 30 July 1997 (1997, *G.O.* 2, 4297). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

Gouvernement du Québec

O.C. 956-2001, 23 August 2001

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

Wildlife sanctuaries — Amendments

Regulation to amend the Regulation respecting wildlife sanctuaries

WHEREAS under paragraph 2 of section 121 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may, by regulation, in respect of a wildlife sanctuary, determine the conditions governing the possession of hunting implements, or prohibit them;

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

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

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication:

— wildlife sanctuaries will offer restricted access hunting sectors reserved exclusively for bows and crossbows for the 2001 hunting season;

— to that end a draft Regulation to amend the Regulation respecting the wearing of a fluorescent orange-coloured garment when hunting was published in the *Gazette officielle du Québec* of 9 May 2001, in order to waive in certain cases the requirement to wear such a garment when hunting with a crossbow in a restricted hunt in a wildlife sanctuary;

— for harmonization purposes, it is essential to allow the possession of crossbows together with bows in restricted access hunting sectors reserved exclusively for bows and crossbows in a wildlife sanctuary;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation to amend the Regulation respecting wildlife sanctuaries, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting wildlife sanctuaries*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 121, par. 2)

1. The Regulation respecting wildlife sanctuaries is amended in section 16

(1) by striking out the words “or a crossbow”; and

(2) by adding the words “and crossbows” after the word “bows”.

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

4522

Gouvernement du Québec

O.C. 962-2001, 23 August 2001

Code of Civil Procedure
(R.S.Q., c. C-25)

Witnesses

— Depositions in civil matters

Regulation respecting the taking of witnesses' depositions in civil matters

WHEREAS under the first paragraph of article 324 of the Code of Civil Procedure (R.S.Q., c. C-25), in any case susceptible of appeal *pleno jure*, the depositions of witnesses are taken by stenography or recorded in such other manner as may be authorized by the Government;

WHEREAS it is expedient to replace the Regulation respecting the use of sound recording apparatus for re-

* The Regulation respecting wildlife sanctuaries was made by Order in Council 859-99 dated 28 July 1999 (1999, *G.O.* 2, 2432) was amended once by the Regulation made by Order in Council 319-2001 dated 28 March 2001 (2001, *G.O.* 2, 1897).

ording the depositions of witnesses (R.R.Q., 1981, c. C-25, r. 10) in order to prescribe, in particular, new standards allowing the use of new technologies to take the depositions of witnesses;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the taking of witnesses' depositions in civil matters, attached to this Order in Council, was published in Part 2 of the *Gazette officielle du Québec* of 25 April 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments were received from the public following that consultation;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation respecting the taking of witnesses' depositions in civil matters, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the taking of witnesses' depositions in civil matters

Code of Civil Procedure
(R.S.Q., c. C-25, art. 324)

1. The depositions of witnesses before the courts in civil matters may be taken by stenotypy, by stenography, by means of an apparatus commonly called "stenomask", or by means of sound only or sound and picture recording apparatus.

The taking of depositions before the court by means of sound only or sound and picture recording apparatus shall be done by the personnel of the court or by any person designated by the clerk or assistant clerk. The taking of depositions outside the court using such apparatus shall be done by a stenographer.

The recording shall make it possible to listen to and, where applicable, to watch the depositions, as well as to transcribe, preserve and issue true copies of the depositions.

2. This Regulation replaces the Regulation respecting the use of sound recording apparatus for recording the depositions of witnesses (R.R.Q., 1981, c. C-25, r. 10).

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

4521

Gouvernement du Québec

O.C. 964-2001, 23 August 2001

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

Physicians

— Acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians (pharmacists)

— Amendments

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

WHEREAS under section 31 of the Medical Act (R.S.Q., c. M-9), every act having as its object to diagnose or treat any deficiency in the health of a human being constitutes the practice of medicine and shall comprise, in particular, medical consultation, prescribing of medication or treatment, radiotherapy, attendance at confinements, establishing and controlling diagnosis and treatment of illnesses or diseases;

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

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

WHEREAS pursuant to subparagraph *b* of the first paragraph of section 19, the Bureau du Collège adopted the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians on 18 September 1981 and it was published in Part 2 of the *Gazette officielle du Québec* of 6 January 1982;

WHEREAS pursuant to that subparagraph, the Bureau du Collège, at its meeting held on 23 February 2001, has adopted the French and English texts of the Regulation amending the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians;

WHEREAS the consultation prior to the passage of the Regulation and required under the second paragraph of section 19 was made;

WHEREAS the Regulation, subject to the provisions of the Regulations Act (R.S.Q., c. R-18.1), was published as a draft in Part 2 of the *Gazette officielle du Québec* of 18 April 2001;

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

WHEREAS the Regulation was transmitted to the Office which examined it and recommended that it should be approved by the Government, with amendments;

WHEREAS it is expedient to approve the Regulation with amendments;

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

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

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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

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

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

“*t*) “pharmacist”: any person entered on the roll of the Ordre professionnel des pharmaciens du Québec.”.

2. This regulation is amended by adding, after section 5.11, the following section:

“5.12. Pharmacists may do the acts listed in schedule E, subject to Division II.”.

3. This regulation is amended by adding after schedule D the following schedule:

“SCHEDULE E

Act consisting in:	Conditions
«E. 1.01 Prescribing medication required for the purpose of emergency oral contraception.	The act is done by a pharmacist who holds a certificate delivered by the Ordre des pharmaciens du Québec attesting to his successful completion of the training requirements.
	The pharmacist shall personally fill the prescription.”.

4. This regulation shall come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4492

* The recent amendments to the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, adopted on September 18, 1981 (Suppl., 871) were introduced by the regulation approved by Order in council 1417-2000 of December 6, 2000 (2000, G.O. 2, 5606). For previous amendments, see the *Tableau des modifications et Index Sommaire*, Quebec Official Publisher, 2000, updated to November 1st, 2000.

Gouvernement du Québec

O.C. 970-2001, 23 August 2001

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01)

Régie de l'énergie

— Conditions and cases where authorization is required

Regulation respecting the conditions and cases where authorization is required from the Régie de l'énergie

WHEREAS under subparagraph 6 of the first paragraph of section 114 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), as amended by section 51 of the Act to amend the Act respecting the Régie de l'énergie and other legislative provisions (2000, c. 22), the Régie de l'énergie may make regulations determining the cases in which an operation referred to in section 73 requires an authorization and the applicable conditions;

WHEREAS under section 115 of the Act respecting the Régie de l'énergie, the regulations made by the Régie must be submitted to the Government for approval;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 14 March 2001 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS the Régie de l'énergie has submitted an amended Regulation to the Government for approval;

WHEREAS it is expedient to approve the Regulation respecting the conditions and cases where authorization is required from the Régie de l'énergie with amendments;

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

THAT the Regulation respecting the conditions and cases where authorization is required from the Régie de l'énergie, attached to this Order in Council, be approved with amendments.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the conditions and cases where authorization is required from the Régie de l'énergie

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01, s. 114, 1st par., subpar. 6 and 2nd par.; 2000, c. 22, s. 51)

1. Authorization from the Régie de l'énergie is required:

(1) to acquire, construct or dispose of immovables or assets for energy transmission or distribution purposes as well as to extend, modify or change the use of the transmission or distribution system as part of a project involving:

(a) the transmission of electric power worth \$25 million or more;

(b) the distribution of electric power worth \$10 million or more;

(c) the distribution of natural gas worth \$1.5 million or more, where the distributor's total annual delivery is 1 billion cubic metres or more; or

(d) the distribution of natural gas worth \$450 000 or more where the distributor's total annual delivery is less than 1 billion cubic metres;

(2) to cease or suspend the operations of the carrier or distributor for reasons other than public safety or normal system operation; and

(3) to restructure the carrier's or distributor's operations so that a part thereof would be excluded from the application of the Act.

Authorization is also required for projects the cost of which is under the limits set in subparagraph 1 of the first paragraph and which have not yet been recognized as prudently acquired and useful for the operation of an electric power transmission system or an electric power or natural gas distribution system under subparagraph 1 of the first paragraph of section 49 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01).

The second paragraph does not apply to projects for restoring service, or to connections required of the carrier or distributor after the date an application for authorization was filed.

2. An application for authorization under the first paragraph of section 1 shall contain the following:

- (1) the project objectives ;
- (2) the project description ;
- (3) the justification of the project with regard to the objectives ;
- (4) the project costs ;
- (5) the project feasibility study ;
- (6) the list of authorizations required under other laws ;
- (7) the impact on the rates including a sensitivity analysis ;
- (8) the impact on the reliability of the electric power transmission system and on the quality of the electric power transmission service or electric power or natural gas distribution service ; and
- (9) any other solutions contemplated, which must include the information referred to in the preceding paragraphs.

3. An application for authorization to acquire, construct or dispose of immovables or assets for energy transmission or distribution shall contain the following :

- (1) according to the nature of the project, the list of the principal technical standards applicable to the project ;
- (2) the sales forecasts for the electric power or natural gas distributors' project where applicable ; and
- (3) the contractual commitments of the consumers of the service and their financial contributions, where applicable.

4. An application for authorization to extend, modify or change the use of a transmission or distribution system as well as a request under subparagraph 2 or 3 of the first paragraph of section 1 shall also contain an impact study on the application of the Act, its attendant regulations and any orders or decisions from the Régie.

5. An application for authorization referred to in the second paragraph of section 1 shall be made according to investment category and shall contain the following :

- (1) the descriptive summary of the investments and their objectives ;
- (2) the costs based on the investment category ;

(3) the justification of the investments with regard to the objectives ;

(4) the impact on rates ; and

(5) the impact on the reliability of the electric power transmission system and the quality of the electric power transmission service or electric power or natural gas distribution service.

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except for the second and third paragraphs of section 1 which will come into force on 1 January 2002.

4519

Gouvernement du Québec

O.C. 971-2001, 23 August 2001

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01)

Régie de l'énergie

— Rates and terms and conditions of payment of the annual duty — Amendments

Regulation to amend the Regulation respecting the rates and terms and conditions of payment of the annual duty to the Régie de l'énergie

WHEREAS, under subparagraph 1 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Government may determine by regulation the rates and terms and conditions of payment of the annual duty payable to the Régie de l'énergie by a distributor ;

WHEREAS, under the second paragraph of that section, amended by section 50 of chapter 22 of the Statutes of 2000 and amended again by section 3 of chapter 16 of the Statutes of 2001, the rates and terms and conditions of payment may vary according to the distributors or classes of distributors ; the Regulation may also exclude, in particular, a distributor or a class of distributors and in the case of a petroleum products distributor, exclude him on the basis of the volume of gasoline or diesel fuel intended for Québec markets that a refiner refines in Québec, trades with another refiner in Québec or brings into Québec ;

WHEREAS, under section 4 of the Act to amend the Act respecting the Régie de l'énergie (2001, c. 16), the first regulation to amend the Regulation respecting the rates and terms and conditions of payment of the annual duty to the Régie de l'énergie, made by Order in Council 383-98 dated 25 March 1998, following the passage of that Act, is not liable to the publication requirement provided for in section 8 of the Regulations Act (R.S.Q., c. R-18.1) and, in addition, the regulation may, once published and if it so provides, have effect from 1 April 2001;

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 rates and terms and conditions of payment of the annual duty to the Régie de l'énergie, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the rates and terms and conditions of payment of the annual duty to the Régie de l'énergie *

An Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01, s. 112, 2nd par.; 2000, c. 22, s. 50, par. 5; 2001, c. 16, s. 3)

1. Section 2 of the Regulation respecting the rates and terms and conditions of payment of the annual duty to the Régie de l'énergie is amended

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

“(3) the sum of the volumes of gasoline and diesel fuel intended for Québec markets that are refined in Québec, traded with a Québec refiner or that are brought thereto by each petroleum products distributor subject to the payment of the annual duty, in the preceding fiscal period;”;

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

“The volumes of gasoline and diesel fuel that a refiner refines in Québec and trades with another distributor subject to the payment of the annual duty are not attributable to that refiner.”.

2. The following is substituted for section 4:

“4. This Regulation does not govern distributors of petroleum products other than those who, in Québec, refine, trade with a refiner or bring thereto annually over 100 million litres of gasoline or diesel fuel intended for Québec markets.”.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* but has effect from 1 April 2001.

4518

Gouvernement du Québec

O.C. 972-2001, 23 August 2001

An Act respecting the Corporation d'hébergement du Québec (R.S.Q., c. C-68.1; 2000, c. 8, s. 236)

Corporation d'hébergement du Québec — Contracts

Regulation respecting contracts of the Corporation d'hébergement du Québec

WHEREAS under section 29 of the Act respecting the Corporation d'hébergement du Québec (R.S.Q., c. C-68.1; 2000, c. 8, s. 236), the Corporation d'hébergement du Québec may, by regulation, establish the conditions concerning contracts entered into by the Corporation and determine the cases in which a call for tenders is required as well as the conditions and procedure for the purchase and acquisition of goods and services;

WHEREAS under the second paragraph of section 29, the Regulation shall be submitted to the Government for approval;

WHEREAS the Corporation made the Regulation respecting contracts of the Corporation d'hébergement du Québec;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) a draft Regulation respecting contracts of the Corporation d'hébergement du Québec was published in Part 2 of the *Gazette*

* The Regulation respecting the rates and terms and conditions of payment of the annual duty to the Régie de l'énergie was made by Order in Council 383-98 dated 25 March 1998 (1998, G.O. 2, 1452) and has not been amended since it was made.

officielle du Québec of 14 March 2001 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient that the Regulation be approved by the Government with amendments, as attached to this Order in Council;

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 respecting contracts of the Corporation d'hébergement du Québec, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting contracts of the Corporation d'hébergement du Québec

An Act respecting the Corporation d'hébergement du Québec
(R.S.Q., c. C-68.1, a. 29; 2000, c. 8, a. 236)

CHAPTER 1 GENERAL

DIVISION 1 SCOPE

1. This Regulation applies to the following contracts entered into by the Corporation d'hébergement du Québec:

1) supply contracts, meaning contracts for the purchase or lease of movable property that may include the cost of installing, operating or maintaining that property;

2) construction contracts, meaning contracts entered into for construction work referred to in the Building Act (R.S.Q., c. B-1.1) for which the supplier must hold the licence required under chapter IV of the said Act;

3) service contracts including a contract of undertaking or a contract for services within the meaning of the Civil Code, a damage insurance contract or a cartage contract, excepting a construction contract, a contract for the hiring of a mediator designated by the Service de médiation de la Cour supérieure, or a contract referred to in the Politique d'intégration des arts à l'architecture et à l'environnement des bâtiments et des sites gouvernementaux et publics, made under Order in Council 955-96 dated 7 August 1996;

4) mixed contracts, meaning contracts comprising at least two of the following elements: supply, construction or services.

2. This Regulation does not apply to the following contracts:

1) contracts entered into within the purview of a cooperation agreement financed in whole or in part by an international cooperation organization if the agreement contains contract rules;

2) contracts entered into by the Corporation as a mandatory of a third party not subject to this Regulation.

Only section 82 apply to contracts entered into in emergency situations in cases where the safety of persons or of property is at risk.

Any contract entered into by the Corporation acting outside Quebec covering the purchase of goods or services is governed by the provisions of this Regulation subject to adapting them to the practices and conditions prevailing in the country or territory concerned.

DIVISION 2 DEFINITIONS

3. In this Regulation,

“**intergovernmental agreement**” means an agreement entered into by the Government of Québec and another government in order to promote access to public contracts; (accord intergouvernemental)

“**auxiliary services contract**” means a contract for services other than professional services; (contrat de services auxiliaires)

“**professional services contract**” means a contract for services that must be carried out by professionals or under their responsibility, considering that a professional is a person holding an undergraduate degree recognized by the ministre de l'Éducation, or the equivalent of such degree, and, in the case of exclusive practice, is a member of a professional order governed by the Professional Code (R.S.Q., c. C-26); (contrat de services professionnels)

“**open contract**” means a contract designed to meet the future needs of a group of users or the future needs of the Corporation, in which the latter undertakes to purchase or to have purchased certain goods or services, or to carry out construction work at predetermined prices or according to a predetermined method of setting prices, on specific terms and conditions, for a specific period and from time to time, as it may require; (contrat ouvert)

“**Corporation**” means the Corporation d’hébergement du Québec; (Corporation)

“**establishment**” means a public or private establishment governed by the Act for health and social services (R.S.Q., c. S-4.2); (établissement)

“**supplier**” means a legal or natural person or partnership, excepting a subsidiary of the Corporation, or a public body within the meaning of section 3 of the Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q., c. A-2.1), a department or body of another government, a band council, a fund for the benefit of confined persons set up in accordance with section 22.0.1 of the Act respecting correctional services (R.S.Q., c. S-4.01) or a non-profit legal person other than an adapted work centre; (fournisseur)

“**amount of the contract**” means the total financial involvement resulting from a contract, taking into account its renewals, or, in the case of an open contract, the estimated amount of the expenditure that may result therefrom; (montant du contrat)

“**estimated amount of the contract**” means the total estimated expenditure of the contract, except for a contract having a term of at least one year, renewable for a determined period, in which case it means the estimated expenditure of the initial contract, excluding the estimated expenditure for the renewal period; however, in the case of a service contract for an advertising campaign, the estimated amount of the contract shall not include media placement costs; (montant estimé du contrat)

“**tender for services**” means a proposal or an application submitted by a supplier with a view to obtaining a contract; (offre de services)

“**standing offer**” means a bid or a tender for services submitted by a supplier with a view to eventually obtaining specific supply, construction or service contracts either at predetermined prices or according to a predetermined method of setting prices, on specific terms and conditions, for specific periods and as required from time to time, comprising either an obligation to deliver the goods or services required whenever a user so requests, or a mere obligation to deliver them subject to their availability; (offre permanente)

“**place of business**” means a place where a supplier conducts his activities on a permanent basis, where his name clearly appears and which is open during the normal business hours; (place d’affaires)

“**price**” means a fixed price, a unit price, a rate, a percentage or a combination thereof; (prix)

“**unsolicited offer**” means an offer of professional services submitted by a supplier, on his own initiative, in order to meet or to try to meet the needs of the Corporation; (proposition non sollicitée)

“**region**” means an administrative region of Québec established under Order in Council 2000-87 dated 22 December 1987; (region)

“**bid**” means a tender submitted by a supplier, which consists in submitting solely a price for carrying out a contract; (soumission)

“**rate**” means the amount established on an hourly, daily, weekly or monthly basis for goods, services or persons assigned to the carrying out of a contract. (taux)

CHAPTER 2 AUTHORIZATION

4. The issuance of a call for tenders must be authorized by the board of directors of the Corporation when standing orders are invited and their terms and conditions do not provide that eventual specific contracts must be awarded, among the suppliers selected, to the supplier who, given the cost of transportation related to the delivery of the goods and services sought and, where applicable, their availability, submitted the lowest price or the best quality/price, except if the awarding procedure has already been authorized by the board of directors.

5. A contract must be authorized by the president and director general of the Corporation in the following cases:

1) the amount of the contract for professional services awarded in the cases provided in paragraph 5) or 7) of section 10 is \$100 000 or more, or of \$25 000 or more if the contract is with a natural person;

2) the term of the contract awarded or of the standard offers invited exceeds three years;

3) a single eligible offer is considered acceptable by the selection committee following the evaluation of the offers for services received;

4) the amount of the contract is for \$25 000 or more and a single eligible offer has been received;

5) the amount of a contract awarded to a non-profit legal person, other than an adapted work center, is:

a) equal to or exceeds \$500 000;

b) equal to or exceeds \$100 000 but is lower than \$500 000 except when the Corporation has proceeded by way of call for tenders by invitation;

6) the contract awarded to a contractor other than a supplier does not include a clause whereby a maximum of 10% of the amount of the contract may be used to remunerate activities subcontracted out;

7) the call for tenders for services provides a remuneration established on the basis of a rate and this remuneration is estimated at an amount of \$100 000 or more, except if the contract is subject to a rate set in accordance with an Act or approved by the Government or by the Conseil du trésor and if the estimated amount of this contract is lower than \$500 000.

CHAPTER 3 PRIOR CONDITIONS TO CONCLUDING CONTRACTS

DIVISION 1 QUALITY CONTROL

6. A contract, except where referred to in paragraphs 4) to 8), 11), 12), 15) to 17), 23) and 24) of section 10, may not be entered into with a supplier or group of businesses acting as a supplier unless that supplier or the business in that group carrying out the contract holds a registration certificate issued by the Standards Council of Canada or by an accrediting agency recognized by it, according to which it has a quality control system that covers the goods and services or construction work in question and complies with the ISO standard listed in Schedule I, in the following cases:

1) the main object of the contract is the supply of goods or services pertaining to a specialty and for an estimated amount listed in that Schedule with regard to estimated amount indicated therefor;

2) it is a construction contract of an amount estimated at \$500 000 or more.

7. Notwithstanding section 6, when the territory involved in calling for tenders has fewer than three suppliers holding an ISO registration certificate specified in Schedule I, the call for tender may be addressed to all the suppliers working in that field. In such case, when a tender is submitted by a supplier holding an ISO registration certificate specified in the Schedule, the lowest eligible tender is determined after subtracting from that supplier's tender 10% of his submission price.

DIVISION 2 CALL FOR TENDERS

8. In this Regulation, "call for tenders" means a procedure for competitive tendering by several suppliers, inviting them to submit a bid or an offer of services.

9. Subject to section 10, a contract may not be entered into unless a call for tenders was previously issued, except where the amount of the contract is less than:

1) \$5 000 for a supply contract;

2) \$10 000 for an auxiliary services contract;

3) \$25 000 for a professional services contract or a construction contract.

10. A call for tenders is not required in any of the following cases:

1) a contract is awarded to one of the suppliers on the list of suppliers whose standing offers have been accepted;

2) a contract is awarded to a contracting party other than a supplier with the meaning of section 3;

3) there exists an unforeseen emergency situation and the products, services, or the construction work cannot be obtained in time by proceeding with a call for tenders;

4) it is a contract for maintenance or repair of specialized equipment which must be done by the manufacturer or his exclusive representative;

5) there is only one supplier with a place of business in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement, who was found, after an extensive and documented search to meet the specific requirements and to have the qualifications necessary to carry out the contract, or, there's no qualified supplier in the territory in question;

6) entering into a contract with a supplier other than the supplier who provided movable property, a service or construction work, could void existing guarantees applying to the movable property, service or work;

7) a supplier holds a copyright or right of ownership giving him a significant advantage over other potential suppliers and there can be no competition since only one supplier is able to submit a tender at an economically attractive price;

8) a contract is awarded to the only possible supplier considering that a person's exclusive right such as a copyright or a right based on a license or a patent, or else the artistic or museological value of the goods or services must be complied with;

9) the contract is for the purchase of books or of a document deposited in accordance with Division VI of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., c. B-2.1);

10) the contract is a construction contract for less than \$500 000 involving both the making and the laying of bituminous compound;

11) it is a contract awarded within the scope of a partnership agreement relating to the socio-sanitary sector as provided in section 6 of the Act respecting the Corporation d'hébergement du Québec (R.S.Q., c. C-68.1) and this agreement, previously approved by the Board of Directors of the Corporation contains particular provisions for entering into contracts as well as a financial participation by the partner who is not subject to the present Regulation;

12) a construction contract or auxiliary services contract is given to a public utility firm referred to in section 98 of the Charte de la langue française (R.S.Q., c. C-11) within the scope of its activities;

13) the contract is for legal, financial or banking services;

14) the contract is a service contract for the hiring of an investigator, a conciliator, a negotiator or an arbitrator, or of an assessor or an expert by reason of a conflict, saving and excepting when an intergovernmental agreement applies;

15) a professional services contract is given to the original designer of plans and specifications involving the adaptation, alterations or supervision thereof and the original construction plans and specifications are used again;

16) a professional services contract is given, for the supervision of the work, to the designer of the plans and specifications;

17) a professional services contract is given to the designer of the plans and specifications or to the person who supervised the work, as part of defending the interests of the Corporation with regard to a claim made in courts of ordinary jurisdiction or in connection with a mediation or arbitration procedure;

18) a services contract related to training activities or consulting services is awarded to a private educational institution dispensing the educational services referred to in paragraphs 4 and 8 of section I of the Act respecting private education (R.S.Q., c. E-9.1);

19) a professional services contract related to study or research is related to an educational institution at the university level referred to in section I of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1);

20) it is an auxiliary services contract subject to a rate set under an Act or a rate approved by the Government or by the Conseil du trésor, except where an intergovernmental agreement applies;

21) it is a travel services contract for an amount under \$100 000;

22) the Corporation makes the media placement directly;

23) it is a contract for construction work on an immovable property or part of same leased by the Corporation and the contract is performed by the lessor of the immovable property;

24) it is a supply or professional services contract concerning matters of a confidential nature and it is reasonable to believe that should they be divulged within the framework of calling for tenders, this would compromise the confidential character of the said information, cause a disruption of the economy or in some other fashion harm the public interest.

CHAPTER 4 SPECIFIC REGULATIONS FOR CERTAIN CONTRACTS

DIVISION 1 CONSTRUCTION CONTRACTS

11. Where it is decided, after opening the bids, not to go ahead with a public call for tenders, the lowest bidder is entitled to receive, as compensation and final settlement for expenses incurred, the amount of:

1) \$2 000 where the estimated amount of the contract is equal to or greater than \$500 000 but is less than \$1 000 000;

2) \$5 000, where the estimated amount of the contract is equal to or greater than \$1 000 000.

12. Acceptance of the work by the Corporation shall be made by means of a notice of acceptance with or without reservations.

13. Once the supplier's contract has been partially completed, the Corporation may accept, in accordance with sections 14 and 15, any completed portion of the work, provided that the supplier consents thereto and guarantees free and safe access to the portions put into use.

14. The notice of acceptance with reservation is a document signed by the representative, duly authorized thereto by the Corporation, certifying that most of the work has been completed, that the remaining work could not be completed owing to contingencies beyond the supplier's control and that the value of work to be corrected other than work to be completed, is equal to or less than 0.5% of the amount of the contract.

The notice shall be given with a list of the work to be completed or corrected, as the case may be.

15. The notice of acceptance without reservation is a document signed by the representative authorized thereto by the Corporation, certifying that the work is ready for its intended use and that, where applicable, all the work on the list attached to the notice of acceptance with reservation has been completed or corrected as the case may be.

DIVISION 2 MIXED CONTRACTS

16. Subject to sections 17 to 26, a mixed contract must be entered into in accordance with the rules applicable to the object comprising the major part of the estimated amount of the contract.

If the contract includes the cost of installing, operating or maintaining property, those costs shall be considered as elements included in the part related to supply.

17. The provisions of sections 20 to 26, 54 and 55 do not apply to a mixed construction and services contract.

18. A contract that includes both the purchase of services and the carrying out of construction work must be entered into for a fixed price. It may, however, include, in an ancillary fashion, a unit price, a rate, a percentage or a combination thereof.

19. Where a call for tenders is required with a view to awarding a mixed construction and services contract, tenders shall be invited through a call for tenders for services.

DIVISION 3 MIXED CONTRACTS RELATED TO ENERGY EFFICIENCY

20. This Division may apply to any contract designed to produce savings arising from improvements in energy efficiency which includes the hiring of professional services as well as the carrying out of construction work wherein the cost is covered by the resulting savings. The contract may also provide for the purchase of auxiliary goods and services.

21. Paragraph 7) of section 5 and sections 16 to 19, 54, 55, 62, 64, 65, 67 and 74 do not cover a mixed contract related to energy efficiencies when the present Division applies.

22. Tenders shall be invited by a call for tenders for services. Tenders for services shall include a list of the energy-saving measures proposed by the supplier as well as an evaluation of the savings resulting therefrom and of the costs incurred by the project.

23. The evaluation chart must include a minimum of 4 criteria for the evaluation of tenders for services of which at least one must concern the evaluation of the proposed prices. Each criterion must be weighed according to its importance for the carrying-out of the contract without, however, exceeding 30% of the weighting of all the criteria.

24. The selection committee shall determine the financial value of each tender for services it has deemed acceptable. An acceptable offer of services is one that earns the minimum number of points required in the documents calling for tenders when it is evaluated in respect of the "quality" criterion.

The financial value of a tender for services shall be the net discounted savings resulting from the project, that is, the current savings less the current cost incurred by the project.

25. The selection committee shall weigh the financial value it has set on each tender for services by multiplying that value by the percentage obtained for each offer respectively in connection with the quality criterion.

26. The contract shall be awarded to the supplier whose eligible and acceptable offer has achieved the highest weighted financial value. In case of identical results, the contract shall be awarded to the supplier whose offer has the highest financial value. In case of a double tie between the weighted financial value and the financial value, the contract shall be awarded by drawing lots between those suppliers.

DIVISION 4 **UNSOLICITED PROPOSALS**

27. When the Corporation receives an unsolicited offer, it must:

1) ensure that it does not duplicate a project it has already started up, that it falls within its overall mission and that it directly contributes to achieving one of its objectives;

2) evaluate its level of quality by considering, in particular, its feasibility, profitability and timeliness.

28. Following the evaluation of an unsolicited offer, the president and director general shall notify the supplier with respect to the admissibility of the offer.

29. The Corporation must, to ensure the carrying out of an unsolicited offer that earned a favorable notice in accordance with section 28, proceed as follows:

1) when the unsolicited offer is not precise enough to enable potential suppliers to propose carrying it out at a fixed price, the Corporation shall award to the supplier who submitted the offer a contract designed to allow him to clarify the offer, provided that the contract is for less than \$100 000 and that the supplier shall guarantee that his offer will become precise enough to be carried out at a fixed price;

2) when the offer is or becomes precise enough to enable potential suppliers to propose carrying it out at a fixed price, the Corporation shall hold a call for tenders for services.

30. The call for tenders referred to in paragraph 2) of section 29 must require that suppliers submit a fixed price in order to obtain the contract. Furthermore, the lowest eligible offer shall be determined after subtracting 7 % from the price submitted by the supplier having submitted the unsolicited offer which earned a favorable notice, provided that the supplier did not have to clarify his proposition pursuant to paragraph 1) of section 29.

CHAPTER 5 **CALLS FOR TENDERS**

DIVISION 1 **PRINCIPLES**

31. Where a call for tenders is required, it must be held either by a public call for tenders, by a regionalized public call for tenders or by an invitation to tender.

32. A public call for tenders may be used in all cases. Moreover, a public call for tenders shall be used in the following cases:

1) where the estimated amount of the supply contract equals or exceeds \$25 000;

2) where the estimated amount of the service or construction contract equals or exceeds \$100 000;

3) in order to draw up a list of suppliers from whom some standing offers will be retained;

4) in order to draw up a permanent list of suppliers, within the scope of a prior selection.

33. The regionalized public call for tenders is used when the estimated amount of the service or construction contract equals or exceeds \$25 000 but is less than \$100 000.

34. An invitation to tender shall be held in the following cases:

1) when the estimated amount of the supply or auxiliary services contract amounts to less than \$25 000;

2) when the Corporation holds a call for tenders from suppliers registered in the permanent list of suppliers or in a particular list of suppliers, drawn up as a result of a prior selection.

DIVISION 2 **TYPES OF CALLS FOR TENDERS**

35. Public calls for tenders are addressed to all suppliers having a place of business in Québec or, when an intergovernmental agreement is involved, in Québec or in a province or territory included in that agreement.

36. The regionalized public call for tenders is addressed to all suppliers having a place of business in the region where the contract will be carried out.

37. When a call for tenders by invitation is used, the Corporation invites at least three suppliers, which it has chosen, having a place of business in Québec, or, failing that, the only two suppliers having a place of business in Québec.

The preceding provision does not apply in those cases where the Corporation has held a prior selection of suppliers, in which event the invitation is addressed to all the suppliers registered on the permanent list of suppliers or on the particular list of suppliers.

DIVISION 3

PUBLIC CALLS FOR TENDERS

38. The public call for tenders or the regionalized public call for tenders is held by means of a notice circulated in an electronic bulletin board system. The Corporation, however, reserves the right to also publish the notice by way of any other medium of distribution.

39. When the type of solicitation for a contract estimated at under \$25 000 is a call for bids, the invitation and the bids may be made verbally. A written record of the initiatives taken and the things done must, however, be kept.

DIVISION 4

PRIOR SELECTION

40. This Division applies when the Corporation makes a prior selection of suppliers with a view to setting up a permanent list of suppliers able to respond to later calls for tenders or a particular list of suppliers able to respond to one or to any number of later specific calls for tenders.

41. When it has drawn up a permanent list of suppliers, the Corporation shall hold, at least once a year, a public call for tenders in order to allow suppliers who have not already done so to register on the list.

Moreover, a supplier may register at any time on the list drawn up so long as he meets the conditions of admissibility laid down in the most recent call for prior selection of suppliers.

42. Sections 54, 55 and 64 to 79 do not apply to a call for tenders for drawing up a permanent list or a particular list of suppliers within the scope of a prior selection in accordance with this Division.

43. The tenders for services are invited by calls for tenders excluding price.

44. The selection committee shall retain those offers having obtained at least the minimum number of marks required in the documents calling for tenders, which minimum shall not be less than 60%.

A minimum number of points may be required with regard to any of the criteria or to groups of criteria laid down in the documents calling for tenders.

45. Where the Corporation arranges to make a prior selection of suppliers, within the scope of a call for tenders, it shall hold itself to the following obligations:

1) specify, in the documents calling for tenders used in the prior selection of suppliers, in what cases the list of suppliers will be used, the terms and conditions of its use, as well as all the qualification criteria which suppliers must meet in order to be registered on this list and to continue to be registered thereon;

2) confirm in writing to suppliers who request to be registered on the list of suppliers that their name has been so registered or, failing that, tell them what qualification criteria they failed to meet.

46. Where the Corporation uses the list of suppliers within the scope of a call for tenders, it shall provide, to any supplier registered on the list, the notice of call for tenders, and, as the case may be, the documents calling for tenders.

DIVISION 5

ADMISSIBILITY AND ELIGIBILITY OF TENDERS

47. The Corporation shall mention, in the documents calling for tenders, the conditions of admissibility governing offers, those regulating the awarding of contracts, the rules on receiving and opening tenders, on eligibility and those applying to evaluating tenders, including the evaluation criteria retained, as well as the applicable weighting and the use of the preferential margin set in sections 7 and 30, where it is applicable.

Where the call for tenders is held in order to draw up a list of suppliers whose permanent tenders will be retained, the documents calling for tenders shall also make clear the terms and conditions to be met by a supplier so that he may be registered on the list and the terms and conditions under which contracts will be awarded.

48. The rules governing eligibility of tenders must indicate these cases where the tender shall be automatically rejected:

- 1) some required document is missing;
- 2) the signature of an authorized person is missing on a document requiring such signature;
- 3) any crossing or correction made to the prices submitted and not initialed by the authorized person;
- 4) any conditional or restrictive offer;
- 5) failure to respect the location, date and deadline, set for receiving offers;
- 6) failure to meet any other condition stipulated as essential in the the documents calling for tenders.

49. Only tenders submitted by suppliers having the qualifications, authorizations, permits, licenses and registration required, and having a place of business in Québec, or in the case of an intergovernmental agreement, in Québec or in a province or a territory covered by that agreement, shall be considered.

50. The Corporation may refuse to consider a tender from a supplier who, within two years preceding the date when tenders are received :

1) failed to, or refused to follow up on a tender submitted to the Corporation or on a contract entered into with it, saving and excepting a case where the Corporation, due to such omission or refusal, did recover the security guarantee which it had required ;

2) was cited in an unsatisfactory performance report in accordance with chapter 8, if the nature of the contract is the same.

DIVISION 6 NOTICE OF CALL FOR TENDERS

51. A notice calling for tenders shall, among other things :

1) briefly describe the goods, the services or the construction work required ;

2) indicate where to obtain the documents calling for tenders ; if the call for tenders is to be published otherwise than by the electronic bulletin board system, or if these documents are not to be transmitted by the system server, advise how to obtain the documents ; and state ;

3) where to obtain information ;

4) where to forward the tenders ;

5) the deadline (date and hour) for submitting tenders ;

6) the date, hour and location set for a public opening of tenders, as the case may be ;

7) whether the contract in question is subject to an intergovernmental agreement, or, moreover, if it is so subject, whether it is an exception thereto, and, as the case may be, the title of the agreement involved.

The notice must stipulate that the Corporation undertakes to accept neither the lowest nor any bid received.”

DIVISION 7 DEADLINES FOR TENDERING

52. The deadline for receiving tenders shall be calculated from the date the call for tenders is first published and it may not be less than 15 days when the call for tenders involves a contract subject to an intergovernmental agreement.

53. Any addenda shall be forwarded to the suppliers to whom tender documents have been given. If the addenda is such that it may affect the price of the prices to be submitted by the suppliers, it must be sent out at least 7 days before the deadline for receiving tenders. To ensure that this 7 day delay is respected, the initial deadline shall, as required, be extended as a result thereof.

However, if the initial delay for receiving tenders is less than 7 days, any addenda that may influence the price must be sent out at least within a delay equivalent to the initial delay for receiving tenders. The initial deadline shall be extended accordingly, as the case may be.

CHAPTER 6 SOLICITING OF TENDERS, EVALUATION OF TENDERS AND AWARDING OF CONTRACTS

DIVISION I SOLICITING OF TENDERS

54. Tenders shall be solicited by calls for tenders for services or by calls for bids in the following cases :

1) when a call for tenders is required to award a contract ;

2) in order to draw up a list of suppliers whose standing offers will be accepted with a view to awarding contracts.

55. A price must be solicited where a call for tenders for services is held.

Notwithstanding the first paragraph, a price does not have to be solicited in the following cases :

1) in the case of a contract for services intended to carry out a publicity or advertising campaign ;

2) where there is a rate set under a law or approved by the Government or by the Conseil du trésor and when the contract in question is not subject to an intergovernmental agreement.

Notwithstanding the first and second paragraphs, a price may not be solicited in the case of a professional services contract related to architecture, engineering, soil and materials engineering or forest engineering.

DIVISION 2

EVALUATION OF TENDERS FOR SERVICES

§1. Selection committee

56. The evaluation of tenders for services shall be made by a selection committee made up of a secretary and of at least three members appointed by the Corporation, at least one of which shall be from outside the Corporation.

57. The evaluation of tenders for professional services related to architecture, civil engineering or to soils and materials engineering required in connection with a project to erect a building to be occupied by an establishment is done, where the estimated amount of the contract is less than \$100 000, by a selection committee comprised of a secretary and a minimum of 3 members appointed as follows :

1) 2 members appointed by the Corporation of whom at least one is from a department or from a public body within the meaning of section 3 of the Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q., c. A-2.1) other than the Corporation or the establishment involved ;

2) 1 member appointed by the establishment concerned.

In those cases where the committee consists of more than three members, the additional members are appointed in equal number by the establishment concerned and by the Corporation.

58. The evaluation of tenders for professional services related to architecture, civil engineering or to soils and materials engineering required in connection with a project to erect a building to be occupied by an establishment is done, where the estimated amount of the contract is equal to or exceeds \$100 000, by a selection committee comprised of a secretary and a minimum of 5 members appointed as follows :

1) 3 members appointed by the Corporation ;

2) 2 members appointed by the establishment concerned.

For each of paragraphs 1) and 2), at least one of the members appointed shall be one member from a depart-

ment or from a public body within the meaning of section 3 of the Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q., c. A-2.1.) other than the Corporation or the establishment concerned.

In those cases where the committee consists of more than five members, the additional members are appointed in equal number by the establishment concerned and by the Corporation.

59. The president and director general or his designated representative arranges for the rotation of the persons he designates to sit on these committees.

60. The Corporation reserves the right to designate one or more observers who shall then act merely in an advisory capacity.

The Corporation may, until such time as the committee's meetings have begun, replace any member unable to participate in the committee's activities. In the event that the committee's meetings have begun and any one member becomes unable to so participate, the Corporation reserves the right to dissolve the committee.

§2. Selection procedure

61. Members of the selection committee shall evaluate the "quality" aspect of eligible tenders by means of the chart developed by the Corporation.

62. The chart shall comprise a minimum of four criteria to evaluate tenders for services in light of the "quality" aspect.

Each criterion must be weighted on the basis of its importance for carrying out a contract. The total weighting of the criteria must be equal to 20 and no criterion may have a weighting greater than 6.

63. The final score given to a tender for services is the sum total of the marks obtained with regard to each of the criteria, which marks are arrived at by multiplying the mark obtained from the selection committee by the weighting applying thereto.

A minimum number of points may be required with regard to any criterion or to any group of criteria laid down in the documents calling for tenders. As the case may be, a tender for services which does not reach that minimum shall be ignored.

64. The evaluation of tenders according to the established criteria shall be made without the tendered price, or bid, where required, being known to the members of

the selection committee. The tendered price or bid shall be submitted under separate cover.

65. Where the call for tenders for services does not solicit a price, the selection committee shall determine the supplier obtaining the highest score.

66. Where the call for tenders for services solicits a price, the selection committee shall retain those tenders obtaining the highest scores among the tenders deemed acceptable up and including a maximum of 5 tenders. A tender for services is acceptable if it earns the minimum number of points required by the documents calling for tenders, when evaluated in light of the “quality” aspect, which score shall not be less than 60%.

In those cases where the number of tenders for services retained in accordance with the first paragraph is less than 3 and the minimum number of points required in the documents calling for tenders is higher than 60%, the committee shall deem acceptable the tenders for services, if any, obtaining at least 60%, the committee restricting itself to those tenders obtaining the highest scores, in order to retain 5 in all.

67. Prices submitted by those suppliers who tendered acceptable tenders for services in light of the “quality” criterion, in accordance with section 66, shall be considered in accordance with one of the following methods:

— Where the call for tenders indicates that evaluation of tenders shall be made in accordance with a price/quality ratio, the supplier whose tender is acceptable and who submitted the lowest price or deemed so pursuant to sections 7 and 30, taking into account, as the case may be, the approximate comprehensive price, shall be awarded a mark of 100 points under the “price” aspect. The remaining suppliers, whose offers are acceptable, shall lose, counting down from the 100 mark, a number of points corresponding to the percentage of difference between their price and the price of the lowest tender, to a limit of 10 points; the supplier whose offer exceeds the lowest offer by more than 10 points shall be eliminated.

For each of the acceptable tenders for services, the marks earned in light of the “quality” criterion shall be added to those earned under the “price” criterion. The selection committee shall determine which supplier obtained the highest score.

— Where the call for tenders indicates that evaluation of tenders shall be made by considering first their quality and subsequently the price submitted, the selection committee shall determine, from among the suppliers who submitted an acceptable tender for services, which

supplier submitted the lowest price offer or the one deemed the lowest, pursuant to sections 7 and 30, taking into account, as the case may be, the approximate comprehensive price.

Whichever evaluation method is used, the price offer connected to an unacceptable tender for services shall not be considered and the envelope containing such price shall be returned unopened.

68. Where the call for tenders provides that the evaluation shall be made in two stages, the first stage shall consist of a call for tenders for services without price by which the selection committee retains a certain number of suppliers who will be invited to proceed to the second stage. The number of suppliers to be retained shall have been set down in the documents calling for tenders and the suppliers invited to submit new tenders for services shall be those who earned the highest scores.

69. It is not objectionable for two or more suppliers to obtain the same score. However, in the case of section 66 when identical scores are obtained by two or more suppliers vying to fill the fifth position, the selection committee shall proceed by a drawing of lots among those suppliers.

70. The resulting evaluation of the file of a supplier tendering for services shall be sent to him within 15 days following the signing of the contract. The information forwarded shall include:

- 1) the rank and score obtained by the supplier as well as, where applicable, an explanation of that score, and, with regard to a contract referred to in section 20, the weighted financial value of his offer for services;
- 2) the number of eligible and ineligible suppliers;
- 3) the name of the successful tenderer, the score he obtained and, where applicable, the price submitted, or, in the case of a contract referred to in section 20, the weighted financial value of the tender for services.

The names of the members of the selection committee shall be forwarded to any supplier so requesting.

DIVISION 3 **AWARDING OF CONTRACTS**

71. If two or more identical tenders are submitted, the selection committee shall award the contract by a drawing of lots among those suppliers.

However, in the cases covered under sections 74 and 75, in the event of identical results, the contract shall be

awarded to the supplier who submitted the lowest fixed price or approximate total price, or so deemed in accordance with section 30, as the case may be. If the tenders for services as well as the prices submitted are identical, the contract shall be awarded by a drawing of lots among the suppliers in question.

72. In the case of a call for bids, the contract shall be awarded to the supplier who submitted the eligible bid with the lowest fixed price or approximate total price, as the case may be, as calculated in accordance with the method set out in the tender documents or to the supplier deemed to have submitted the lowest price pursuant to section 7. The price specified in the contract shall not exceed the price submitted.

73. In the case of a call for tenders for services not soliciting a price, the contract shall be awarded to the supplier whose eligible tender obtained the highest score.

74. Within the context of a call for tenders for services where a price was solicited, and where the evaluation was made in accordance with a price/quality ratio, the contract shall be awarded to the supplier whose eligible tender obtained the highest score corresponding to the total points to be earned pursuant to the "quality" aspect, and, regarding the "price" aspect, in accordance with the first dash of section 67. The price specified in the contract shall not exceed the price submitted.

75. Within the context of a call for tenders for services where a price was solicited, and where the evaluation was made by considering first quality and subsequently the price submitted, the contract shall be awarded to the supplier who tendered the eligible offer with the lowest price, in accordance with the second dash of section 67. The price specified in the contract shall not exceed the price submitted.

76. The Corporation may, following a call for tenders, negotiate the price with the sole supplier who submitted an eligible bid or an eligible and acceptable tender for services, when the price varies considerably from the initial estimate.

77. The Corporation may, following a call for tenders by invitation, negotiate the price with the supplier who submitted the lowest eligible bid or who obtained the highest score for his eligible and acceptable tender for services, when the price varies considerably from the original estimate.

Should the negotiation fail to result in a signed contract, the Corporation may hold a new public call for tenders.

78. Where the Corporation has drawn up a list of suppliers from whom standing offers have been accepted, it shall, pursuant to the terms and conditions governing the documents calling for tenders, award any contract referred to in the said list of suppliers, to one or another of the suppliers appearing on the said list.

79. Notwithstanding sections 71 to 78, the Corporation may, for good and serious reasons, specified in a resolution adopted by the board of directors of the Corporation, set aside the lowest eligible tender, or the one most financially advantageous, and award the contract to another supplier whose tender is eligible.

CHAPTER 7

CONDITIONS FOR THE ADMINISTRATION OF CONTRACTS

DIVISION 1

SUPPLEMENTS

80. The Corporation may grant a supplement over and above the amount payable for carrying out a contract in the following cases:

- 1) a modification of the contract is required to ensure the carrying out of the project;
- 2) there is a variation in the amount to which an already established percentage must apply or a variation in a quantity for which a unit price or a rate was agreed upon;
- 3) salaries to be paid are modified in accordance with a law or an Order in Council.

81. A supplement to a contract contemplated under paragraph 1) of section 80 or a supplement attributable to a variation in the time period set down in a contract wherein the remuneration is established on the basis of a rate, shall need to be authorized by the president and director general in the following cases:

- 1) the initial amount of the contract is below \$100 000 and the supplement or the aggregate of the supplements adds up to 25% of the amount of the contract;
- 2) the initial amount of the contract is \$100 000 or greater and the supplement or the aggregate of the supplements exceeds the higher of these two following values, either \$25 000, or 10% of the amount of the contract.

DIVISION 2 PAYMENT

82. No payment for the performance of a contract entered into in accordance with the second paragraph of section 2 and paragraph 3 of section 10 shall be made without the authorization of the president and director general of the Corporation.

83. No payment shall be made with respect to a contract entered into in contravention of the provisions of this Regulation, without submitting the matter to the board of directors.

CHAPTER 8 EVALUATION OF THE PERFORMANCE OF SUPPLIERS

84. The Corporation shall issue a performance report whenever a contract's value is equal to or exceeds \$100 000.

85. The evaluation shall be recorded in a performance report within 60 days following the end of a contract, except in the case of a construction contract for which the period must be calculated from the expiry date of the performance security or, failing such security, the date of the completion of the work. Notwithstanding the foregoing, for a contract of a repetitive nature or involving several successive deliveries, the performance report may be made before the end of the contract.

86. The Corporation shall forward to the supplier a copy of any unsatisfactory report concerning him.

87. The supplier may, within 30 days following receipt of an unsatisfactory performance report, convey to the Corporation any comment he may have in that regard.

88. Within 30 days following the term set out in section 87, or within 30 days following receipt of the supplier's written comments, as the case may be, the president and director general shall uphold or revoke the evaluation made and shall inform the supplier accordingly. Should these delays not be respected, the report shall be deemed to be satisfactory.

CHAPTER 9 REPORT

89. Every year, the Corporation shall file with the minister responsible for applying the Act a report covering in a general way all the contracts entered into, stating their number and the aggregate amount involved

therefor, their regional distribution as well as any other information it may deem appropriate. It shall attach a list of those contracts for which the authorization of the president and director general or that of the board of directors was needed hereunder.

CHAPTER 10 TRANSITORY AND FINAL PROVISIONS

90. The exercise of the powers accorded to the board of directors of the Corporation pursuant to this Regulation may be delegated according to law.

91. The procedures for awarding contracts undertaken before the present Regulation comes into force shall go ahead in accordance with the provisions in force at the commencement of the award process.

92. Any contract currently in force at the time the present Regulation comes into force is extended and proceeded with in accordance with this Regulation unless otherwise provided for in the said current contract, in which case the contractual clause shall prevail.

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

SCHEDULE I (s. 6 and 7)

QUALITY CONTROL

1) The specialties and conditions of application related to contracts for supply or services for which a supplier must hold an ISO registration certificate are the following:

SPECIALTY	ESTIMATED AMOUNT	STANDARD REQUIRED
SUPPLYING:		
Furniture:		
Integrated furniture, composed of electrifiable removable partitions and of furniture components hung on the partitions or self-supporting	≥ \$25 000	ISO 9002
Metal cabinets, bookcases and display units	≥ \$25 000	ISO 9003
Chairs and armchairs complying with specification DGA-S-7110-5000	≥ \$25 000	ISO 9003

SPECIALTY	ESTIMATED AMOUNT	STANDARD REQUIRED
Side filing units	≥ \$25 000	ISO 9003
Standardized office and office automation furniture, made from wood particle boards, with a stratified or melamine finish, complying with DGA-S-7110 specifications series: 0100, 2000 and 300	≥ \$25 000	ISO 9003
PROFESSIONAL SERVICES:		
Services related to building construction:		
Acoustics	≥ \$50 000	ISO 9002
Building engineering	≥ \$50 000	ISO 9001
Mechanical and electrical building engineering	≥ \$50 000	ISO 9001
Project management	≥ \$50 000	ISO 9002
Preventive maintenance system * (Note 1) ≥ \$50 000	≥ \$50 000	ISO 9002
Soil and material engineering:		
Characterization testing of granulates	≥ \$25 000	ISO 9002
Performance testing of granulates	≥ \$25 000	ISO 9002
Structural inventory of roads	≥ \$25 000	ISO 9002
Road mechanics	≥ \$25 000	ISO 9002
Soil mechanics	≥ \$25 000	ISO 9002
Soil mechanics and cement concrete quality control	≥ \$25 000	ISO 9002
Soil recognition (pedological studies)	≥ \$25 000	ISO 9002
Metal quality control	≥ \$25 000	ISO 9002
Soil quality control	≥ \$25 000	ISO 9002
Bituminous concrete quality control	≥ \$25 000	ISO 9002
Cement concrete quality control	≥ \$25 000	ISO 9002
Environment:		
Characterization of potentially contaminated sites	≥ \$25 000	ISO 9002

SPECIALTY	ESTIMATED AMOUNT	STANDARD REQUIRED
Environmental impact study	≥ \$25 000	ISO 9001
Restoration of contaminated sites	≥ \$25 000	ISO 9001
Information technologies:		
Computer systems development	≥ \$100 000	ISO 9001
Hardware and software counseling	≥ \$200 000	ISO 9001
Computer systems maintenance	≥ \$200 000	ISO 9001
Management of processing centers	≥ \$200 000	ISO 9002
Management and planning information technologies	≥ \$200 000	ISO 9001
Computer systems development	≥ \$200 000	ISO 9001
Computer security	≥ \$200 000	ISO 9001
AUXILIARY SERVICES		
Printing:		
Cheque form printing	≥ \$25 000	ISO 9002
Document printing and reproduction:		
• Quality level "Information" or "Office"	≥ \$50 000	ISO 9003
Quality level "Fine" or "Prestige"	≥ \$25 000	ISO 9002

2) The specialties and conditions of application related to construction contracts for which a supplier must hold an ISO registration certificate are the following:

SPECIALTY	ESTIMATED AMOUNT	STANDARD REQUIRED
BUILDING CONSTRUCTION:		
For the commercial, industrial and institutional sectors	≥ \$500 000	ISO 9002

• (Note 1) **Preventive maintenance systems:** development of planned maintenance programs for mechanical and electrical systems of a building.

Gouvernement du Québec

O.C. 973-2001, 23 August 2001

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

Regulation
— **Amendments**

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

WHEREAS, under section 8 of the Hospital Insurance Act (R.S.Q., c. A-28), the Government may make regulations on the matters mentioned therein;

WHEREAS the Government made the Regulation respecting the application of the Hospital Insurance Act (R.R.Q., 1981, c. A-28, r. 1);

WHEREAS it is expedient to amend the definitions of “spouse”, “resident” and “dependent person” found in the Regulation for harmonization purposes with those provided for in the Health Insurance Act and its statutory provisions;

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 Hospital Insurance Act was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2001, page 2228, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS that period of time has expired and it is expedient to make the Regulation without amendment;

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 Hospital 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 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:

“(f.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, 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:

“(o) “dependent person”: any dependent person within the meaning of section 1.1 of the Regulation respecting 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*.

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* 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.

Gouvernement du Québec

O.C. 978-2001, 23 August 2001

An Act respecting roads
(R.S.Q., c. V-9)

Roads under the management of the Minister of Transport

WHEREAS under section 2 of the Act respecting roads (R.S.Q., c. V-9), the Government shall determine, by an order published in the *Gazette officielle du Québec*, the roads which shall be under the management of the Minister of Transport;

WHEREAS under section 3 of the Act, the Government may, by an order published in the *Gazette officielle du Québec*, determine that a road which is under the management of the Minister shall, from the date indicated in the order, be managed by a municipality in accordance with subdivision 22.2 of Division XI of the Cities and Towns Act (R.S.Q., c. C-19) or, as the case may be, Chapter 0.1 of Title XIX of the Municipal Code of Québec (R.S.Q., c. C-27.1);

WHEREAS Orders in Council 292-93 dated 3 March 1993, 492-93 dated 31 March 1993, 1127-93 dated 11 August 1993, 1607-93 dated 17 November 1993, 1292-94 dated 17 August 1994, 73-95 dated 18 January 1995, 485-95 dated 5 April 1995, 325-96 dated 13 March 1996, 686-96 dated 5 June 1996, 1410-96 dated 13 November 1996, 723-97 dated 28 May 1997, 1538-97 dated 26 November 1997, 724-98 dated 27 May 1998, 1565-98 dated 16 December 1998, 938-99 and 939-99 dated 18 August 1999, 154-2000 dated 16 February 2000, 871-2000 dated 28 June 2000, 945-2000 dated 26 July 2000 and 114-2001 dated 14 February 2001 determined, by municipality, the roads under the management of the Minister of Transport;

WHEREAS it is expedient to amend the Schedule to those Orders in Council in order to correct the descriptions of certain roads, to add roads to those under the management of the Minister and to delete certain roads so as to transfer their management, under this Order in Council, to a municipality on whose territory they are located;

WHEREAS it is expedient to list the roads whose right-of-way undergoes a change in width and those that are geometrically redefined;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport and of the Minister for Transport and Maritime Policy:

THAT the Schedules to Orders in Council 292-93 dated 3 March 1993, 492-93 dated 31 March 1993, 1127-93 dated 11 August 1993, 1607-93 dated 17 November 1993, 1292-94 dated 17 August 1994, 73-95 dated 18 January 1995, 485-95 dated 5 April 1995, 325-96 dated 13 March 1996, 686-96 dated 5 June 1996, 1410-96 dated 13 November 1996, 723-97 dated 28 May 1997, 1538-97 dated 26 November 1997, 724-98 dated 27 May 1998, 1565-98 dated 16 December 1998, 938-99 and 939-99 dated 18 August 1999, 154-2000 dated 16 February 2000, 871-2000 dated 28 June 2000, 945-2000 dated 26 July 2000 and 114-2001 dated 14 February 2001 concerning roads under the management of the Minister of Transport be amended, with respect to the municipalities indicated, by adding and deleting certain roads listed in the Schedule to this Order in Council, by correcting the descriptions and widths of rights-of-way of the roads listed in that Schedule or by geometrically redefining them;

THAT this Order in Council take effect on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE

ROADS UNDER THE MANAGEMENT OF THE MINISTER OF TRANSPORT

EXPLANATORY NOTE

A. CORRECTIONS TO DESCRIPTIONS, ADDITIONS, DELETIONS

The roads identified in the "Corrections to descriptions", "Additions" and "Deletions" divisions appearing in the Schedule to this Order in Council are described under the following five headings:

- (1) Route class;
- (2) Section identification;
- (3) Name;
- (4) Beginning of maintenance;
- (5) Length in km.

(1) Route class

The designation of the route classes is taken from the functional classification established by the Ministère des Transports.

(2) Section identification

Roads are identified by a sequence of figures composed of seven different groups :

- Road: Group 1: road number;
 Group 2: road segment number;
 Group 3: road section number;
- Sub-road: Group 4: the only figure other than zero that may appear in this group is 3, and it is used to identify one or more ramps;
 Group 5: this group of figures indicates the sequential number of an intersection within a road segment;
 Group 6: a letter identifying a ramp, if any;
 Group 7: a letter identifying the type of roadway.
 (C: contiguous S: separate).

(3) Name

For roads whose number is lower than 1 000, the road number is indicated instead of the road name. For roads whose number is 10 000 or more, the road name is indicated instead of the road number.

Where there are one or more ramps along a road section, the total number of ramps for that section is also indicated; the combined length of all the ramps is indicated under "Length in kilometres".

(4) Beginning of maintenance

The description of a physical landmark used to situate the beginning of a road section is indicated.

(5) Length in kilometres

The length in kilometres is indicated for each road or part of a road. That length, which is determined by the Minister of Transport, corresponds to the actual distance that a vehicle would travel between two points without taking into account the configuration of the road (number of lanes, extra width, etc.). Thus, the length is the same whether the road is an autoroute or a feeder road.

B. CHANGES IN WIDTH OF RIGHT-OF-WAY

The roads identified in the "Changes in width of right-of-way" division appearing in the Schedule to this Order in Council are described for each municipality in which they are located under the following six headings :

(1) Section identification

From now on, the roads are identified by a sequence of figures composed of three different groups :

- Route: Group 1: road number;
 Group 2: road segment number;
 Group 3: road section number;

(2) Name**(3) Name of land surveyor****(4) Minute number****(5) Plan number****(6) Length in km****C. GEOMETRIC REDEFINITIONS**

The roads identified in the "Geometric redefinitions" division appearing in the Schedule to this Order in Council are described by using the five headings of the above "A" division and the plan number, the name of the land surveyor and his minute number.

Note: Due to technical constraints, the place names appearing in the Schedules do not necessarily comply with the standards of the Commission de toponymie.

CORRECTIONS TO DESCRIPTIONS

CHAMBLY, V (5700500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	63964-01-000-0-00-9	Boulevard Fréchette	Intersection Rue Kennedy	3.92
is replaced by				
Feeder	63964-01-020-000S	Boulevard Fréchette	Intersection Rue Kennedy	0.29
Feeder	63964-01-031-000C	Boulevard Fréchette	Beginning adjacent roadway	1.79
Feeder	63964-01-035-000C	Boulevard Fréchette	Municipal limit Chambly/ Carignan	1.27
Feeder	63964-01-040-000S	Boulevard Fréchette	Beginning separate roadways	0.18

CHIBOUGAMAU, V (9902500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00113-04-060-0-00-0	Route 113 1 ramp	Limit Scott, no	3.12 0.07
Feeder	00167-02-071-0-00-7	Route 167	Intersection east access hospital	3.71
Feeder	00167-02-081-0-00-5	Route 167	Intersection with Chemin Campbell	4.43
is replaced by				
National	00113-04-060-000C	Route 113 1 ramp	Limit Scott, no	3.11 0.31
Feeder	00167-02-072-000C	Route 167	Intersection east access hospital	3.77
	00167-02-082-000C	Route 167	Intersection Chemin Campbell	4.33

DIXVILLE, M (4402300)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	74731-01-010-0-00-7	Chemin Major	Intersection Chemin Parker-Hill	0.14
	74735-01-010-0-00-8	Chemin de la Station	Intersection Route 147	0.15
	74862-01-010-0-00-0	Chemin Parker	Intersection Chemin Major Nord	0.22
is replaced by				
Feeder	74740-01-010-000C	Chemin de la Station	Intersection Route 147	0.50

NOTRE-DAME-DES-BOIS, M (3001000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	83920-01-000-0-00-7	Route du Parc	Intersection Route Chesham	5.93

is replaced by

Feeder	83920-01-010-000C	Route du Parc	Intersection Route Chesham	3.90
Access to resources	83920-01-020-000C	Route du Parc	Limit Parc Mont-Mégantic	2.03

ORFORD, CT (4511500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00141-01-261-0-00-4	Route 141 1 ramp	Limit Magog, ct	7.95 0.08

is replaced by

Regional	00141-01-261-000C	Route 141	Limit Magog, ct	7.95
Feeder	68625-01-010-000C	Access street Ski Orford	Intersection Route 141	0.08

SAINT-ISIDORE-DE-CLIFTON, M (4101200)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00253-01-050-0-00-2	Route 253	Intersection Route 206	11.44

is replaced by**SAINT-MALO, M (4400300)**

Regional	00253-01-053-000C	Route 253	Intersection Route 206	3.56
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and**SAINT-ISIDORE-DE-CLIFTON, M (4101200)**

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00253-01-057-000C	Route 253	Intersection Chemin Saint-Germain	7.88

SAINT-JOSEPH-DE-HAM-SUD, P (4000500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	80662-05-020-0-00-9	Chemin Gosford	Intersection Chemin de Saint-Camille	0.55

is replaced by

Feeder	80662-05-025-000C	Chemin Gosford	Intersection Chemin de Saint-Camille	0.44
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SAINTE-CATHERINE-DE-HATLEY, M (4506000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00141-01-170-0-00-4	Route 141	Limit Ayer's Cliff, vl	1.56

is replaced by

AYER'S CLIFF, VL (4503500)

National	00141-01-173-000C	Route 141	Former limit Sainte-Catherine-de-Hatley, m	0.94
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and

SAINTE-CATHERINE-DE-HATLEY, M (4506000)

National	00141-01-177-000C	Route 141	Limit Ayer's Cliff, vl	0.62
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SAINTE-CATHERINE-DE-HATLEY, M (4506000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00108-01-050-0-00-8	Route 108	Bridge on Autoroute 55	6.45
	00108-01-060-0-00-6	Route 108	Intersection Route 216 Est	2.37

is replaced by

Feeder	00108-01-055-000C	Route 108	Bridge on Autoroute 55	6.66
	00108-01-065-000C	Route 108	Intersection Route 216	2.13

ADDITIONS AND CORRECTIONS TO DESCRIPTIONS

CHICOUTIMI, V (9405000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00172-01-172-0-00-7	Route 172 5 ramps	Intersection Rue Roussel	0.75 1.28
Regional	00172-01-175-0-00-4	Route 175	18 metres to the north bridge limit Rivière Saguenay	0.84
is replaced by				
National	00172-01-172-000C	Route 172 4 ramps	Intersection Rue Roussel	0.74 1.43
Regional	00172-01-175-000S	Route 175 3 ramps	18 metres north of bridge over Rivière Saguenay	0.84 1.23

ADDITIONS

BAIE-COMEAU, V (9602000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Access to resources	49460-01-010-000C	Bypass road	Intersection of Route C0901	3.36

CONTRECOEUR, V (5903500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	71400-02-000-000C	Montée Lapierre	Intersection Route 132	1.48
Feeder	71400-03-010-000C	Montée Lapierre	Overpass Autoroute 30	0.24
Feeder	71402-01-020-000C	Route des Acières	Intersection Montée Lapierre	0.23

EUDES (RIVIÈRE-AUX-OUTARDES), NO (9690204)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Access to resources	49460-01-020-000C	Bypass road	Limit of Baie-Comeau	17.30

SAINTE-EULALIE, M (5005000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	79372-01-010-000C	Rang des Cèdres	Intersection Route 161	0.35

SAINTE-GERMAINE-BOULÉ, M (8703000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Local	21290-03-000-000C	Chemin des 1 ^{er} et 10 ^e Rangs	Intersection Premier and Dixième Rang	1.35

DELETIONS

CHAMBLY, V (5700500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	63964-01-020-000S	Boulevard Fréchette	Intersection Rue Kennedy	0.29
Feeder	63964-01-031-000C	Boulevard Fréchette	Beginning adjacent roadway	1.79

CONTRECOEUR, V (5903500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	71439-01-000-0-00-2	Rue Saint-Antoine	Intersection Route 132	1.24
Feeder	71439-02-000-0-00-0	Rue Saint-Antoine	Bridge over Autoroute 30	0.25

NOTRE-DAME-DES-BOIS, M (3001000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Access to resources	83920-01-020-000C	Route du Parc	Limit Parc Mont-Mégantic	2.03

GEOMETRIC REDEFINITIONS

BAIE-SAINTE-CATHERINE, M (1506500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00138-08-221-0-00-4	Route 138	Limit Saint-Siméon, p	19.52
is replaced by				
National	00138-08-222-000C	Route 138	Limit Saint-Siméon, m	19.45

According to plan 622-96-CO-056 prepared by Mario Morin, l.s., minute no. 838

BONAVENTURE, V (0504500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	98310-01-000-000C	Route de la Rivière	Intersection Route 132	9.22

According to plan 622-94-AO-004 prepared by G. Magella Proulx, l.s., minute no. 1758

COMPTON, M (4407100)

Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00147-01-120-0-00-2	Route 147	Intersection Route 208 Est	0.35
	00147-01-130-0-00-0	Route 147	Intersection Route 208 Ouest	2.47
	00147-01-140-0-00-8	Route 147	Limit Compton, vl	2.37

is replaced by

National	00147-01-120-000C	Route 147	Intersection Route 208 Est	0.35
	00147-01-135-000C	Route 147	Intersection Route 208 Ouest	4.83

According to plan 622-98-FO-027 prepared by Luc Bouthillier, l.s., minute no. 697

DUDSWELL, M (4111700)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	80662-03-000-0-00-4	Rue Principale	Intersection Route 255	2.50
is replaced by				
Feeder	80662-03-004-000C	Rue Principale	Intersection Route 255	2.54
According to plan 623-096-00229-0 prepared by Luc Bouthillier, l.s., minute no. 551				

SAINT-DAMASE, P (5402000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00231-01-040-0-00-1	Route 231	Limit Saint-Michel-de-Rougemont p	5.39
is replaced by				
Feeder	00231-01-040-000C	Route 231	Limit Rougemont, m	5.39
According to plan 622-88-GO-121 prepared by Luc Bouthillier, l.s., minute no. 151				

SAINT-DAVID, P (5300500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00122-01-020-0-00-6	Route 122	Limit Saint-Gérard-Magella, p	8.46
is replaced by				
National	00122-01-020-000C	Route 122	Limit Saint-Gérard-Magella, p	8.46
According to plan 622-92-GO-052 prepared by Luc Bouthillier, l.s., and Claude Grondines, l.s., minutes nos. 420 and 583				

SAINTE-CATHERINE-DE-HATLEY, M (4506000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00216-01-010-0-06-8	Route 216	Intersection Route 108	4.75
is replaced by				
Feeder	00216-01-015-000C	Route 216	Intersection Route 108	4.10
According to plan 622-78-50-017 prepared by Luc Bouthillier, l.s., minutes nos. 636 and 643				

THORNE, CT (8404500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00366-01-020-0-00-9	Route 366	Intersection Route 303	6.06
is replaced by				
Feeder	00366-01-021-000C	Route 366	Intersection Route 303	5.52
According to plan AA20-5673-0002 prepared by Gilles Morneau, I.S., minute no. 1207				

CHANGES IN WIDTH OF RIGHT-OF-WAY

DÉGELIS, V (1300500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00295-01-010-0-00-2	Route 295	Intersection Route 185	9.77
is replaced by				
Feeder	00295-01-010-000C	Route 295	Intersection Route 185	9.77
According to plan 622-99-AO-045 prepared by André Pelletier, I.S., minute no. 3763				

SAINT-AIMÉ-DU-LAC-DES-ÎLES, M (7902000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00309-02-030-0-00-5	Route 309	Limit of Notre-Dame-de-Pontmain, m	12.71
is replaced by				
Regional	00309-02-030-000C	Route 309	Limit of Notre-Dame-de-Pontmain, m	12.71
According to plan 622-99-65070 prepared by Philippe McKale, I.S., minute no. 11994				

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Notice

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

Regulation to amend the Regulation respecting the constitution of the Comité conjoint sur les services automobiles de la région de Québec

The Minister of State for Labour, Employment and Social Solidarity and Minister of Labour, Mr. Jean Rochon, hereby gives notice in accordance with section 19 of the Act respecting collective agreement de-

crees (R.S.Q., c. D-2), that the Regulation to amend the Regulation respecting the constitution of the Comité conjoint sur les services automobiles de la région de Québec, adopted by that committee at its meeting held on 26 March 2001, was approved with amendments, on his recommendation, by Order in Council No. 981-2001 dated 23 August 2001.

Consequently, that Regulation comes into force on the date of its approval by the Government.

ROGER LECOURT,
Deputy Minister of Labour

Gouvernement du Québec

O.C. 981-2001, 23 August 2001

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

Services automobiles

— **Région de Québec**

— **Constitution of the Comité conjoint**

— **Amendments**

CONCERNING the Regulation to amend the Regulation respecting the Constitution of the Comité conjoint sur les services automobiles de la région de Québec

WHEREAS in accordance with section 16 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Comité conjoint sur les services automobiles de la région de Québec was formed for the purpose of overseeing and ascertaining compliance with the Decree respecting the automotive services in the Québec region (R.R.Q., 1981, c. D-2, r. 48);

WHEREAS in accordance with section 18 of that Act, the committee adopted, for the purpose of its internal management, the Regulation respecting the constitution of the Comité conjoint sur les services automobiles de la région de Québec, approved by the Government under Order in Council No. 1310-89 dated 9 August 1989;

WHEREAS the Comité conjoint sur les services automobiles de la région de Québec adopted the Regulation to amend the Regulation respecting the constitution of the Comité conjoint sur les services automobiles de la région de Québec at its meeting held on 26 March 2001;

WHEREAS in accordance with section 19 of that Act, this Regulation must be approved, with or without amendment by the Government;

WHEREAS it is expedient to approve this Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour:

THAT the Regulation to amend the Regulation respecting the constitution of the Comité conjoint sur les services automobiles de la région de Québec, attached hereto, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the constitution of the Comité conjoint sur les services automobiles de la région de Québec*

Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 18 and 19)

1. Section 6.06 of the Regulation respecting the constitution of the Comité conjoint sur les services automobiles de la région de Québec is replaced by the following:

“6.06. Quorum

At every meeting of the committee, the quorum is eight members, each party being represented by four members.”

2. Section 7.01 of the Regulation is amended:

1. by substituting in the part that precedes subsection 1, the number “16” for the number “14”;

2. by substituting the following for paragraph 6:

“6. one member by the MCQ Mouvement Carrossier Québec;

7. seven members by the Syndicat national des employés de garage du Québec inc.;

8. one member by the Syndicat national de l’automobile, de l’aérospatiale, du transport et des autres travailleurs et travailleuses du Canada (TCA-Canada) local 1044.”

3. This Regulation comes into force on the date of its approval by the Government.

4515

* The Regulation respecting the constitution of the Comité conjoint sur les services automobiles de la région de Québec, approved by Order in Council No. 1310-89 dated 9 August 1989, was amended by the Regulation approved by Order in Council No. 178-90 dated 14 February 1990 and No. 605-2000 dated 17 May 2000 (2000, G.O. 2, 2315).

Notice

Regulation to amend the Statutes of the Comité paritaire de l'industrie de l'automobile des Cantons de l'Est (1971)

Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 18 and 19)

The Minister of State for Labour, Employment and Social Solidarity and Minister of Labour, Mr. Jean Rochon, hereby gives notice in accordance with section 19 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Regulation to amend the Statutes of the Comité paritaire de l'industrie de l'automobile des Cantons de l'Est (1971), adopted by that committee at its meeting held on 20 March 2001, was approved with amendments, on his recommendation by Order in Council No. 982-2001 dated 23 August 2001.

Consequently, that Regulation comes into force on the date of its approval by the Government.

ROGER LECOURT,
Deputy Minister of Labour

Gouvernement du Québec

O.C. 982-2001, 23 August 2001

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

Industrie de l'automobile des Cantons de l'Est (1971)

— Statutes of the Comité paritaire

CONCERNING the Regulation to amend the Statutes of the Comité paritaire de l'industrie de l'automobile des Cantons de l'Est (1971)

WHEREAS in accordance with section 16 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Comité paritaire sur l'industrie des services automobiles des Cantons de l'Est was formed for the purpose of overseeing and ascertaining compliance with the Decree respecting the automotive services in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions (R.R.Q., 1981, c. D-2, r. 42);

WHEREAS in accordance with section 18 of that Act, the committee adopted, for the purpose of its internal management, the Statutes of the Comité paritaire de l'industrie de l'automobile des Cantons de l'Est (1971),

approved by the Government under Order in Council No. 3289 dated 22 September 1971;

WHEREAS the Comité paritaire sur l'industrie des services automobiles des Cantons de l'Est adopted the Regulation to amend the Statutes of the Comité paritaire de l'industrie de l'automobile des Cantons de l'Est (1971) at its meeting held on 20 March 2001;

WHEREAS in accordance with section 19 of that Act, this Regulation must be approved, with or without amendment, by the Government;

WHEREAS it is expedient to approve this Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour:

THAT the Regulation to amend the Statutes of the Comité paritaire de l'industrie de l'automobile des Cantons de l'Est (1971) attached hereto, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Statutes of the Comité paritaire de l'industrie de l'automobile des Cantons de l'Est (1971)*

Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 18 and 19)

1. The following is substituted for the title of the Statutes of the Comité paritaire de l'industrie de l'automobile des Cantons de l'Est (1971):

“Statutes of the Comité paritaire sur l'industrie des services automobiles des Cantons de l'Est”.

2. Section 7.01 of the Regulation is amended:

1. by substituting in the part that precedes subsection 1, the word “fourteen” for the word “twelve”;

* The Statutes of the Comité paritaire de l'industrie de l'automobile des Cantons de l'Est (1971), approved by Order in Council No. 3289 dated 22 September 1971, were amended by the regulations approved by Orders in Council No. 3790 dated 3 November 1971, No. 1211-77 dated 13 April 1977, No. 3052-79 dated 7 November 1979 and by Orders in Council No. 1956-83 dated 21 September 1983 (1983, G.O. 2, 3565), No. 76-90 dated 4 July 1990, No. 86-94 dated 10 January 1994 and No. 601-2000 dated 17 May 2000 (2000, G.O. 2, 2310).

2. by adding, at the end of subsection 1, the following subparagraph:

“(f) one member by the MCQ Mouvement Carrossier Québec.”;

3. by substituting the following for subparagraph *c* of subsection 2:

“(c) two members by the Syndicat national des employés de l’automobile de la région de Victoriaville (CSN).”.

3. This Regulation comes into force on the date of its approval by the Government.

4514

Gouvernement du Québec

O.C. 983-2001, 23 August 2001

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

Cartage industry — Montréal region

CONCERNING the Decree to amend the Decree respecting the cartage industry in the Montréal region

WHEREAS the Government made the Decree respecting the cartage industry in the Montréal region (R.R.Q., 1981, c. D-2, r. 6);

WHEREAS the contracting parties within the meaning of the Decree have petitioned the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour for certain amendments to be made to that Decree;

WHEREAS sections 2, 6.1 and 6.2 of of the Act respecting collective agreement decrees (R.S.Q., c. D-2) authorize the Government to decree the extension of a collective agreement and to amend an extension decree at the request of the contracting parties by making, where applicable, the amendments it deems appropriate;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, the draft of the amendment Decree attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 2 May 2001 and, on the same date, in a French language news-

paper and an English language newspaper, with a notice that it could be made by the Government on the expiry of the 45-day period following that publication;

WHEREAS it is expedient to make that draft Decree with amendment;

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

THAT the Decree to amend the Decree respecting the cartage industry in the Montréal region, attached hereto, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the cartage industry in the Montréal region*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, ss. 2, 6.1 and 6.2)

1. Section 2.05 of the Decree respecting the cartage industry in the Montréal region is amended by deleting paragraphs *a* and *b*.

2. Section 3.02 of the French text is amended by substituting the word “*étalées*” for the word “*étalée*”.

3. Section 5.08 is amended by inserting in subsection 1, after the word “*residence*”, the words “*in the performance of his duties*”.

4. Section 5.16 is amended by substituting, in paragraph *k* of the French text, the word “*déductions*” for the word “*retenues*”.

5. Section 5.18 is amended by deleting the last sentence.

6. The following is substituted for section 6.01:

“**6.01.** The following days are statutory general holidays: 1 January, Good Friday, the Monday preceding 25 May, 1 July, the first Monday in September, the second Monday in October and 25 December.

* The Decree respecting the cartage industry in the Montréal region (R.R.Q., 1981, c. D-2, r. 6) was last amended by the Regulation made by Order in Council No. 1096-2000 dated 13 September 2000 (2000, *G.O.* 2, 4592). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

The holiday on Good Friday may be substituted by that of Easter Monday, at the option of the employer, for all or part of his employees.”.

7. Section 6.06 is amended by substituting the following for the part of subsection 2 preceding paragraph *a*:

“(2) For Good Friday, the Monday preceding 25 May, 1 July, the first Monday in September and the second Monday in October, the employee receives the indemnity provided for in paragraph 1, provided that:”.

8. Section 7.03 is amended by adding, at the end, the following paragraphs:

“He is also entitled, if he applies therefor, to an additional annual leave without pay equal to the number of days required to increase his annual leave to three weeks.

Such additional leave need not follow immediately the two-week annual leave with pay. However, it may not be divided, or be replaced by a compensatory indemnity.”.

9. Section 7.07 is amended:

(1) by substituting the following for the text preceding paragraph *a* of subsection 1:

“**7.07.** (1) The employee who completes his fifth or twelfth year of uninterrupted service, after 1 May of the current year, is entitled to additional paid vacation days, determined as follows:”;

(2) by substituting the following for the first sentence of subsection 2:

“(2) The employee must take the additional days specified in subsection 1 after the anniversary date of his fifth or twelfth year of uninterrupted service.”.

10. Section 9.06 is revoked.

11. Section 11.03 is revoked.

12. The following is substituted for section 12.01:

“**12.01.** This Decree remains in force until 31 December 2002.”.

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

4513

Gouvernement du Québec

O.C. 1003-2001, 29 August 2001

Highway Safety Code
(R.S.Q., c. C-24.2)

Demerit points

Regulation respecting demerit points

WHEREAS, under paragraph 9 of section 619 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may, by regulation, establish a system of demerit points on the basis of which the Société de l'assurance automobile du Québec cancels a licence or suspends the right to obtain a licence; the system shall include a list of offences and the corresponding number of demerit points for each offence and determine the total number of demerit points entered in a person's file that entails the sending of a notice, the cancellation of a licence or the suspension of the right to obtain a licence;

WHEREAS, under paragraph 9.2 of section 619 of the Code, the Government may, by regulation, determine which provisions of Division IV of Chapter II of Title II of the Code or of a regulation made under paragraph 9 of that section shall apply to the holder of a learner's licence or probationary licence and provide for derogatory provisions to this division or to that regulation which shall apply to such holders;

WHEREAS, under paragraph 9.3 of section 619 of the Code, the Government may, by regulation, prescribe the total number of offences or demerit points entered in a person's record that shall entail the suspension of a learner's licence and of a probationary licence or of the right to obtain such licences;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation respecting demerit points was published in Part 2 of the *Gazette officielle du Québec* of 20 June 2001 with a notice that it could be submitted to the Government for adoption upon the expiry of 45 days following that publication;

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

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

THAT the Regulation respecting demerit points, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting demerit points

Highway Safety Code
(R.S.Q., c. C-24.2, s. 619, pars. 9, 9.2 and 9.3)

DIVISION I INTERPRETATION

1. Any references in this Regulation must be read taking into account amendments that may be made to the legislative and regulatory provisions referred to.

DIVISION II DEMERIT POINT SYSTEM

2. Demerit points shall be assigned for any offence against the provisions of the Highway Safety Code (R.S.Q., c. C-24.2) listed in the table of demerit points in the Schedule, according to the number of points listed for each offence.

3. The same number of demerit points shall be assigned for any offence the description of which corresponds to one of the offences listed in the Schedule and committed against a provision of:

(1) a by-law in force in a municipality;

(2) a Statute of Canada other than the Criminal Code (R.S.C., 1985, c. C-46) or a regulation of Canada in the case of an offence committed in a territory under the jurisdiction of the Government of Canada.

4. A total of at least 7 demerit points must be entered in the record of a person to entail the sending of the notice prescribed in section 114 of the Highway Safety Code.

5. A total of at least 15 demerit points must be entered in the record of a person to entail the cancellation of the licence or the suspension of the right to obtain a licence.

In the case of a person referred to in section 191.2 of the Code, a total of at least 4 demerit points must be entered in the person's record to entail the suspension of the licence or the suspension of the right to obtain a licence.

DIVISION III

PROVISIONS OF DIVISION IV OF CHAPTER II OF TITLE II OF THE HIGHWAY SAFETY CODE APPLICABLE TO THE HOLDER OF A LEARNER'S LICENCE OR A PROBATIONARY LICENCE

6. The provisions of Division IV of Chapter II of Title II of the Highway Safety Code apply, subject to the first paragraph of section 111, to the holder of a learner's licence or a probationary licence.

The Société de l'assurance automobile du Québec shall suspend the licence of a person referred to in the first paragraph and who is convicted of an offence within the meaning of section 110 of the Code or the right to obtain a licence, in accordance with section 191.2 of the Code.

DIVISION IV TRANSITIONAL AND FINAL

7. Demerit points appearing in the record of a person on the day preceding that of the coming into force of this Regulation shall be deemed to be demerit points entered in the record in accordance with this Regulation.

8. This Regulation replaces the Regulation respecting demerit points, made by Order in Council 1424-91 dated 16 June 1991.

Notwithstanding the foregoing, the demerit points prescribed by Schedule I to the Regulation shall remain applicable to the offences committed before the coming into force of this Regulation.

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

SCHEDULE

(ss. 2 and 3)

TABLE OF DEMERIT POINTS

Summary description of offence for reference purposes only	Sections of the Highway Safety Code		Points
	Description	Penal Provisions	
1. Driving while unaccompanied	99 or 100	140.1	4
2. Failure by a driver involved in an accident to do his duty	168, 169, 170 or 171	178 or 179	9
3. Driving with the presence of alcohol in the blood or failing to provide a breath sample	202.2 or 202.8	202.8	4
4. Failure to obey the orders or signals of a peace officer, school crossing guard or flag man	311	314.1	3
5. Speeding or reckless driving	327	512	4
6. Speed in excess of a limit prescribed or indicated on traffic signs Exceeding the speed limit by :	299, 303.2, 328 or 329	516	
11 to 20 km/h			1
21 to 30 km/h			2
31 to 45 km/h			3
46 to 60 km/h			5
61 to 80 km/h			7
81 to 100 km/h			9
more than 100 km/h			12 + 3 points for every additional 20 km/h in excess of 100 km/h over the speed limit
7. Passing where prohibited by a line marking off a lane	326.1	510	3
8. Failure to reduce speed to take into account atmospheric or environmental conditions	330	507	2
9. Following another vehicle more closely than is prudent	335	509	2
10. Accelerating while being passed by another vehicle	340	510	2
11. Passing a bicycle when there is not enough space in the traffic lane	341	510	2
12. Successively passing vehicles in a zigzag pattern	342	510	4

Summary description of offence for reference purposes only	Sections of the Highway Safety Code		Points
	Description	Penal Provisions	
13. Prohibited passing in the lane reserved for traffic moving in the opposite direction	345	510	4
14. Prohibited passing to the right	346	510	3
15. Prohibited passing to the left	348	510	3
16. Failure to yield the right of way to pedestrians and cyclists at an intersection	349	504 or 509	2
17. Failure to yield the right of way to vehicles moving in the opposite direction	350	504 or 509	2
18. Failure to obey a red light	359 or 360	504 or 509	3
19. Failure to stop before turning right on a red light	359.1	504 or 509	3
20. Failure to obey a stop sign	368, 369 or 370	504 or 509	3
21. Failure to wear a seat belt	396 or 401	508	3
22. Failure to make an obligatory stop at a level crossing	411	504 or 509	3
23. Failure to come to a stop at a level crossing when driving a bus, a minibus or a road vehicle carrying certain categories of hazardous materials	413	510	9
24. Prohibited driving in reverse	416 or 417	509 or 506	3
25. Driving for a wager, a stake or a race	422	512	6
26. Sudden unnecessary braking	436	506	2
27. Failure to obey the flashing lights or stop sign of a school bus	460	510	9
28. Failure to wear a protective helmet	484	508	3
29. Prohibited driving of a road vehicle carrying hazardous materials in a tunnel (section 11 of the Transportation of Dangerous Substances Regulation, made by Order in Council 674-88 dated 4 May 1988)	622	646	9

M.O., 2001

Code of Penal Procedure
(R.S.Q., c. C-25.1)

**Order of the Minister of Justice, Attorney General
dated 20 August 2001**

THE MINISTER OF JUSTICE,

CONSIDERING the first paragraph of section 204 of the Code of Penal Procedure (R.S.Q., c. C-25.1) which provides that testimony shall be taken in the manner determined by order of the Minister of Justice;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 25 April 2001, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), of a draft Regulation respecting the taking of witnesses' depositions in penal matters, attached to this Order with a notice that it could be made upon the expiry of 45 days following that publication;

CONSIDERING the absence of comments from the public following this consultation;

CONSIDERING that it is expedient to make the aforementioned draft Regulation without amendment;

ORDERS:

THAT the Regulation respecting the taking of witnesses' depositions in penal matters, the text of which is attached to this Order, be made.

Sainte-Foy, 20 August 2001

PAUL BÉGIN,
Minister of Justice

**Regulation respecting the taking of
witnesses' depositions in penal matters**

Code of Penal Procedure
(R.S.Q., c. C-25.1, s. 204)

1. The depositions of witnesses before the courts in penal matters may be taken by stenotypy, by stenography, by means of an apparatus commonly called "stenomask", or by means of sound only or sound and picture recording apparatus.

The taking of depositions before the court by means of sound only or sound and picture recording apparatus shall be done by the personnel of the court or by any person designated by the clerk.

The recording shall make it possible to listen to and, where applicable, to watch the depositions, as well as to transcribe, preserve and issue true copies of the depositions.

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

4499

Draft Regulations

Draft Regulation

Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2)

Chambre de l'assurance de dommages — Code of ethics of claims adjusters — 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 amending the Code of ethics of claims adjusters, the text of which appears below, may be approved by the Government upon the expiry of 45 days following the date of this publication. The Government may approve it with or without amendment.

According to the Chambre de l'assurance de dommages, the draft regulation is intended to amend the Code of ethics of claims adjusters by adding the obligation for a claims adjuster to attend a meeting to which the office of the syndic summons him.

Further information may be obtained by contacting Mrs. Maya Raic, Director General, Chambre de l'assurance de dommages, 500, rue Sherbrooke Ouest, 7^e étage, Montréal (Québec) H3A 3C6. Telephone: (514) 842-2591 or 1 800 361-7288; fax: (514) 842-3138; E-mail: mraic@chad.qc.ca.

Any interested person having comments to make on the matter is asked to send them in writing before the expiry of the 45-day period, to the Minister of Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec) G1R 5L3.

PAULINE MAROIS,
Minister of Finance

Regulation amending the Code of ethics of claims adjusters¹

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2, s. 313, par. 1, subpar. 1)

1. The Code of ethics of claims adjusters is amended by inserting after section 56, the following:

“56.1. A claims adjuster must, in particular, appear before the syndic, the co-syndic, an assistant of the syndic or a member of their staff as soon as he is required to do so.”.

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

4501

Draft Regulation

Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2)

Chambre de l'assurance de dommages — Code of ethics of damage insurance representatives — 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 amending the Code of ethics of damage insurance representatives, the text of which appears below, may be approved by the Government upon the expiry of 45 days following the date of this publication. The Government may approve it with or without amendment.

According to the Chambre de l'assurance de dommages, the draft regulation is intended to amend the Code of ethics of damage insurance representatives by adding the obligation for the representative to return books and documents that belong to a client.

Moreover, the draft regulation stipulates that a representative must attend a meeting to which the office of the syndic summons him.

Further information may be obtained by contacting Mrs. Maya Raic, Director General, Chambre de l'assurance de dommages, 500, rue Sherbrooke Ouest, 7^e étage, Montréal (Québec) H3A 3C6. Telephone: (514) 842-2591 or 1 800 361-7288; fax: (514) 842-3138; E-mail: mraic@chad.qc.ca.

¹ The Regulation amending the Code of ethics of ethics of claims adjusters, made by Order in Council 1040-99 dated 8 September 1999 (1999, *G.O.* 2, 4138), was not modified since its approval.

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 Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec) G1R 5L3.

PAULINE MAROIS,
Minister of Finance

Regulation amending the Code of ethics of damage insurance representatives¹

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2, s. 313, par. 1, subpar. 1)

1. The Code of ethics of damage insurance representatives is amended by inserting, after section 26, the following section:

“**26.1.** A damage insurance representative must promptly give to his client, or to any other person his client designates, the books and documents belonging to the client, even though the latter owes him sums of money.”.

2. This Code of ethics is amended by inserting, after section 34, the following section:

“**34.1.** A damage insurance representative must, in particular, appear before the syndic, an assistant of the syndic or a member of their staff as soon as he is required to do so.”.

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

4502

Draft Regulation

Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2)

Chambre de l'assurance de dommages — Titles of associate insurance broker and chartered insurance broker — 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 amending the Regulation respecting the criteria governing the granting of the titles of associate insurance broker and chartered insurance broker, the text of which appears below, may be approved by the Government upon the expiry of 45 days following the date of this publication. The Government may approve it with or without amendment.

According to the Chambre de l'assurance de dommages, the draft regulation is intended to amend the Regulation respecting the criteria governing the granting of the titles of associate insurance broker and chartered insurance broker by stipulating that a broker who resumes his brokerage activities after engaging in activities governed by the Act respecting the distribution of financial products and services under a differ status may, upon regaining his title of broker, once again use his professional title of associate insurance broker or chartered insurance broker.

The draft regulation also confirms that a representative who has ceased his professional activities for over five years may not, upon resuming his activities, once again use his professional title.

Further information may be obtained by contacting Mrs. Maya Raic, Director General, Chambre de l'assurance de dommages, 500, rue Sherbrooke Ouest, 7^e étage, Montréal (Québec) H3A 3C6. Telephone: (514) 842-2591 or 1-800-361-7288; fax: (514) 842-3138; E-mail: mraic@chad.qc.ca.

Any interested person having comments to make on the matter is asked to send them in writing before the expiry of the 45-day period, to the Minister of Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec) G1R 5L3.

PAULINE MAROIS,
Minister of Finance

¹ The Regulation amending the Code of ethics of damage insurance representatives, made by Order in Council 1041-99 dated 8 September 1999 (1983, *G.O.* 2, 4143), was not modified since its approval.

Regulation amending the Regulation respecting the criteria governing the granting of the titles of associate insurance broker and chartered insurance broker*

An act respecting the distribution of financial products and services

(R.S.Q., c. D-9.2, s. 313, par. 1, subpar. 3)

1. Section 7 of the Regulation respecting the criteria governing the granting of the titles of associate insurance broker and chartered insurance broker is amended, by replacing, in the last paragraph, the words “broker who has ceased to hold a certificate for a damage insurance broker for at least 5 years” by the words “representative who has ceased to engage in an activity governed by An Act respecting the distribution of financial products and services for at least 5 years and which becomes again holder of a damage insurance broker certificate”.

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

4503

Draft Regulation

An Act respecting the conservation and development of wildlife

(R.S.Q., c. C-61.1)

Disposal of seized or confiscated property — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the disposal of seized or confiscated property, 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 harmonize the rules respecting the disposal of confiscated firearms with the federal rules governing that matter.

To that end, the Regulation proposes that confiscated firearms be disposed of in accordance with the rules of the Public Agents Firearms Regulations (SOR/98-203 dated 24 March 1998).

To date, study of the matter has shown no impact on the public, on businesses and, in particular, on small and medium-sized businesses.

Further information may be obtained by contacting

Serge Bergeron
Société de la faune et des parcs du Québec
Direction des territoires fauniques et de la réglementation
675, boulevard René-Lévesque Est, 11^e étage, boîte 96
Québec (Québec)
G1R 5V7

Telephone : (418) 521-3880, extension 4078

Fax : (418) 646-5179

E-mail : serge.bergeron@fapaq.gouv.qc.ca

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

GUY CHEVRETTE,
Minister responsible for Wildlife and Parks

Regulation to amend the Regulation respecting the disposal of seized or confiscated property*

An Act respecting the conservation and development of wildlife

(R.S.Q., c. C-61.1, s. 162, par. 3)

1. The Regulation respecting the disposal of seized or confiscated property is amended by inserting the following paragraph after paragraph 2 in section 3 :

“(2.1) in the case of a firearm, he may dispose of it in accordance with the provisions of the Public Agents Firearms Regulations (SOR/98-203 dated 24 March 1998);”.

* The Regulation amending the Regulation respecting the criteria governing the granting of the titles of associate insurance broker and chartered insurance broker, made by Order in Council 1035-99 dated 8 September 1999 (1999, *G.O.* 2, 4128), was not modified since its approval.

* The Regulation respecting the disposal of seized or confiscated property was made by Order in Council 1516-97 dated 26 November 1997 (1997, *G.O.* 2, 5806) and has not been amended.

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

4500

Draft Regulation

An Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan
(1990, c. 5)

Centre hospitalier Côte des Neiges — Régime de retraite des employés en fonction — Partition and assignment of benefits accrued

Partition and assignment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges

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 respecting the partition and assignment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges, the text of which appears below, may be made by the Conseil du trésor upon the expiry of 45 days following this publication.

The draft Regulation proposes to set out explicitly and in detail the different rules applicable to the partition and assignment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges.

Study of the matter has shown no negative impact on the members of the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges to the extent that the draft Regulation attached hereto contains rules similar to those applicable to members of other retirement plans administered by the Commission administrative des régimes de retraite et d'assurances.

Further information may be requested from the secretary of the Commission administrative des régimes de retraite et d'assurances and director of legal affairs, Mtre. Serge Birtz, at 475, rue Saint-Amable, 7^e étage, Québec (Québec) G1R 5X3, tel. (418) 644-9910; fax: (418) 644-0265.

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 chairman of the Commission administrative des régimes de retraite et d'assurances, Mr. Luc Bessette, at the above address.

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

Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges

An Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan
(1990, c. 5, s. 52)

DIVISION I STATEMENT OF THE MEMBER'S OR FORMER MEMBER'S BENEFITS

1. Any application to obtain a statement referred to in section 122.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) shall contain the following information and be accompanied with the following documents:

(1) the name, address, social insurance number and date of birth of the member or former member and of his spouse;

(2) a marriage certificate and, where applicable, the date on which the spouses resumed living together;

(3) a written confirmation of a certified mediator to the effect that he has obtained a mandate of family mediation or a copy of the application for separation from bed and board, divorce, annulment of marriage or payment of a compensatory allowance or, where applicable, a copy of the judgment ruling on such an application; and

(4) the information that must be provided by the employer in his annual report, in accordance with section 188 of the Act respecting the Government and Public Employees Retirement Plan for the year during which the assessment is determined up to the date set for that assessment, as well as for the previous year; that information shall be certified by an authorized representative of the employer.

Any application made under this section is also valid for the other pension plans administered by the Commission administrative des régimes de retraite et d'assurances or for which the Commission is responsible for paying benefits.

2. Within 90 days following the date of receipt of a duly completed application, the Commission shall provide the member or former member and his spouse with a statement containing the following information :

(1) the date on which the member or former member became a member of the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges, set up under Order in Council 397-78 dated 16 February 1978, *mutatis mutandis*, and, where applicable, the date on which he ceased to be a member thereof;

(2) the benefits accrued to the member or former member, without taking into account any reduction resulting from a prior partition or assignment of benefits, from the time when he became a member of the plan to the date of assessment provided for in the second paragraph of section 122.2 of the Act respecting the Government and Public Employees Retirement Plan, as well as the value of those benefits;

(3) the benefits accrued for the period of the marriage as well as their value;

(4) where applicable, the value, applicable at the date of this assessment, of the reduction of the accrued benefits as a result of any prior partition or assignment of benefits; and

(5) the terms and conditions for payment of the sums awarded to the spouse in accordance with Division III.

The statement of benefits and values is established at the date of assessment on the basis of information known to the Commission not later than the date of that statement.

DIVISION II

ESTABLISHMENT AND ASSESSMENT OF ACCRUED BENEFITS

§1. Establishment of benefits

3. The benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges shall be established in accordance with the plan, taking into account the following provisions :

(1) where the employee has less than 5 years of pensionable service but has to his credit more than 30 years of service on which a pension benefit or retirement

benefit of a type described in paragraph *b* of subsection 3 of section 5 of the Public Service Superannuation Act (R.S.C., (1985), c. P-36) is based and has not reached age 60, the accrued benefits shall be those whose value is the higher of a refund of contributions or a deferred pension payable at age 60;

(2) where the employee has less than 5 years of pensionable service but has to his credit more than 30 years of service on which a pension benefit or retirement benefit of a type described in paragraph *b* of subsection 3 of section 5 of the Public Service Superannuation Act is based and has reached age 60, the accrued benefits shall be those whose value is the highest of

(a) a refund of contributions;

(b) a cash termination allowance; or

(c) an immediate pension;

(3) where the employee has at least 5 years of pensionable service but does not have to his credit at least 10 years of service and has not reached age 45, the accrued benefits shall be those whose value is the higher of a refund of contributions or a deferred pension payable at age 60;

(4) where the employee has at least 5 years of pensionable service and has to his credit at least 10 years of service and has reached age 45 but not age 60, the accrued benefits are deemed to correspond to a deferred pension payable at that age;

(5) where the employee has ceased to hold employment because of a disability and has the option between either an immediate pension or a cash termination allowance or a refund of contributions, and where his option is not exercised within 60 days following the date of receipt of the application for assessment, the accrued benefits shall be those having the higher value.

The benefits accrued for the period of the marriage shall be established in accordance with the first paragraph on the basis of the years or parts of a year of service credited during that period, on the assumption that the member or former member acquired for that period benefits of the same type as those accrued to him from the beginning of his membership to the date of assessment.

For the purposes of establishing and assessing the accrued benefits, those benefits shall correspond to the benefits acquired under the plan at the date of assessment on the basis of the years or parts of a year of service credited at that date without taking into account, except for the pensioner, those years added at the time of

the calculation of the pension. For those purposes, the member is deemed to have ceased to be covered by the plan at the date of assessment.

4. The years or parts of a year of service redeemed shall be credited proportionately to the amounts paid in capital for their payment, out of the total capital amount. Those years or parts of a year are deemed to be credited for the period of the marriage, to the extent that they were paid during that period.

§2. Assessment of benefits

5. Where the accrued benefits consist in a refund of contributions, the value of those benefits corresponds to the contributions paid with interest calculated in accordance with the plan and accrued to the date of assessment, as though the refund was made at that date. The same applies in respect of the value of the benefits accrued for the period of the marriage.

6. The actuarial value of the benefits shall be established according to the following actuarial method and assumptions:

(1) actuarial method:

the “distribution of benefits” method;

(2) actuarial assumptions:

(a) mortality rate: GAM-83 men and GAM-83 women (The 1983 Group Annuity Mortality Table, Transactions of the Society of Actuaries, Vol. XXXV, pp. 880 and 881), weighted equally;

(b) interest rate: 9% for the first 15 years following the date of assessment and 6.5% for subsequent years;

(c) rate of increase in the Pension Index within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9): 5.5% for the first 15 years following the date of assessment and 3% for subsequent years.

7. Where the accrued benefits consist in a benefit that is being paid at the date of assessment or that would be if the former member had made an application to that effect, the value of those benefits shall be obtained by calculating the actuarial value of such a benefit.

The value of the benefits accrued for the period of the marriage shall be established in accordance with the first paragraph.

DIVISION III

PAYMENT OF THE SUMS AWARDED TO THE SPOUSE AS A RESULT OF THE PARTITION OR ASSIGNMENT OF BENEFITS

8. In this Division, the expression “life income fund” has the meaning given to it by sections 18 and 19 of the Regulation respecting supplemental pension plans, approved by Order in Council 1158-90 dated 8 August 1990, and the expressions “locked-in retirement account” and “annuity contract” have the meanings given to them by sections 29 and 30, respectively, of that Regulation.

9. An application for payment of the sums awarded to the spouse shall be preceded by an application for assessment made in accordance with Division I and shall contain the name and address of the member or former member and of his spouse, their social insurance numbers and their dates of birth.

That application is also valid for all pension plans for which the Commission has provided a statement.

10. An application for payment of the sums awarded to the spouse shall include the following documents:

(1) the judgment ruling on separation from bed and board, divorce, annulment of marriage or payment of a compensatory allowance;

(2) where applicable, any other judgment relative to the partition or assignment of the member’s or former member’s benefits;

(3) where applicable, the agreement entered into between the spouses regarding the terms for payment out of the benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges; and

(4) the divorce certificate and, where applicable, the certificate of non-appeal.

11. Upon receipt of a duly completed application for payment, the Commission shall send the member or former member a statement showing the sums awarded to the spouse as well as the amount of the reduction calculated pursuant to Division IV. The Commission shall also send the spouse a statement showing the sums awarded to him. Those statements shall be accompanied with a statement of the administrative expenses established in accordance with the Regulation respecting the recovery of certain administrative expenses and of certain other expenses within the framework of the partition and assignment between spouses of benefits ac-

crued under a pension plan, made by Order in Council 352-91 dated 20 March 1991, including any subsequent amendments.

The spouse shall, within 60 days following the date on which the statement addressed to him was mailed, provide the Commission with the name and address of the financial institution and with an identification of the annuity contract, locked-in retirement account or life income fund or, where applicable, the registered retirement savings plan or registered retirement income fund into which the sums awarded to him must be transferred.

Unless the spouse was paid otherwise, the Commission shall, within 120 days following the expiry of the period provided for in the second paragraph, transfer the sums awarded to the spouse into an annuity contract, locked-in retirement account or life income fund or, where applicable, into a registered retirement savings plan or registered retirement income fund with a financial institution chosen by the spouse, as long as the steps necessary for the transfer of those sums have first been taken.

Should the spouse fail to indicate his choice and to take the necessary steps within the prescribed period, the Commission shall transfer those sums into a locked-in retirement account or, where applicable, into a registered retirement savings plan in the spouse's name with the financial institution with which the Commission has reached an agreement to that effect.

Where the spouse proceeds by way of compulsory execution, the judgment authorizing a seizure by garnishment shall take the place of an application for payment and this section applies.

12. The Commission shall transfer the sums awarded to the spouse into an annuity contract, locked-in retirement account or life income fund where those sums come from an entitlement to an immediate pension or deferred pension.

Notwithstanding the foregoing, the Commission shall transfer those sums into a registered retirement savings plan or registered retirement income fund where those sums come from an entitlement to a refund of contributions or, upon application by the spouse, shall transfer those sums into an annuity contract, locked-in retirement account or life income fund.

Notwithstanding the first and second paragraphs, those sums shall be paid to the spouse's successors in case of the spouse's death.

13. Interest compounded annually at the rate of 4% and accrued from the date of assessment to the date of payment shall be added to the sums awarded to the spouse.

DIVISION IV REDUCTION OF ACCRUED BENEFITS

14. If the amount paid to the spouse comes from an entitlement to a refund of contributions, to a cash termination allowance or to a deferred retirement pension, the member's or former member's benefits shall be established in accordance with the plan and shall be recalculated as follows:

(1) where the member or former member is entitled to a refund of contributions, the amount of the refund shall be reduced by the sums awarded to the spouse at the date of assessment with interest compounded annually at the rate of 4% and accrued from the date of assessment to the date on which the refund is made; or

(2) where the member or former member is entitled to a deferred retirement pension or to a retirement pension, his pension shall be reduced from the date on which it becomes payable or from the date of payment, as the case may be, by the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

15. If the amount paid to the spouse comes from an entitlement to a retirement pension, that pension shall be reduced, from the date of payment or the date on which it becomes payable for an employee who is at least 60 years of age at the date of assessment, by the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

16. For the purposes of section 14, the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established at that date according to the actuarial method and assumptions provided for in section 6. That amount is presumed applicable on the date of the member's or former member's 60th birthday.

The amount of pension obtained pursuant to the first paragraph shall, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, be indexed in accordance with the rate of increase in the Pension Index within the meaning of that Act, from 1 January following the date of assessment to 1 January of the year during which that amount begins to apply.

If the pensioner is under 60 years of age either on the date on which the annual pension becomes payable or on the date of payment if the pension is being paid on that date, the amount of pension obtained pursuant to the first and second paragraphs shall be reduced by 0.50% per month, calculated for each month between the date on which that amount of pension begins to apply and the date of the pensioner's 60th birthday, without exceeding 65%.

If the pensioner retired before the date of payment and if that date occurs after the date of his 60th birthday, the amount of pension obtained pursuant to the first and second paragraphs shall be increased by 0.50% per month, calculated for each month between the date of his 60th birthday and the date on which that amount of pension begins to apply if the pensioner retired before the date of his 60th birthday, or for each month between the date on which he retired and the date on which that amount of pension begins to apply, if the pensioner retired on the date of his 60th birthday or thereafter.

17. For the purposes of section 15, the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established at that date in accordance with the actuarial method and assumptions provided for in section 6. That amount is presumed applicable on the date of assessment.

The amount of pension obtained pursuant to the first paragraph shall be indexed in the same manner as the pension or in the same manner as though it were being paid at the date of assessment, from 1 January following that date to 1 January of the year during which that amount begins to apply.

The amount of pension obtained pursuant to the first and second paragraphs shall be increased by 0.50% per month, calculated for each month between the date of assessment and the date on which that amount of pension begins to apply, if the pension was being paid on the date of assessment or would have been if the former employee had made an application to that effect, or for each month between the date of retirement and the date on which that amount of pension begins to apply, if the pensioner retired between the date of assessment and the date of payment.

18. Any refund of contributions to be made following a death or any payment of actuarial value shall be reduced by the sums awarded to the spouse with interest compounded annually at the rate of 4% and accrued from the date of assessment to the date on which the refund is made, except for the period during which a retirement pension is paid.

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

4498

Draft Regulation

Public Health Protection Act
(R.S.Q., c. P-35)

Regulation — Amendments

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1) and section 69 of the Public Health Protection Act (R.S.Q., c. P-35), that the Regulation to amend the Regulation respecting the application of the Public Health Protection Act, the text of which appears below, may be made by the Government upon the expiry of 60 days following this publication.

The purpose of the draft Regulation is to

- standardize the compulsory declarations by attending physicians and laboratories in order that both provide for the declaration of viral hepatitis, which would include hepatitis C;
- make the declaration of a HIV diagnosis by attending physicians and laboratories compulsory.

Those measures are necessary to ensure the monitoring of those infections and protection against their spread.

The draft Regulation proposes to revoke section 84 of the Regulation respecting the application of the Public Health Protection Act. The application of that section is no longer considered required for public health protection and its revocation constitutes a deregulation measure for the businesses concerned.

Further information may be obtained by contacting :

Dr. Horacio Arruda
Direction générale de la santé publique
Ministère de la Santé et des Services sociaux
1075, chemin Sainte-Foy, 2^e étage
Québec (Québec) G1S 2M1
Telephone: (418) 266-6720
Fax: (418) 266-6708
E-mail: horacio.arruda@msss.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-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 Public Health Protection Act*

Public Health Protection Act
(R.S.Q., c. P-35, ss. 4, 69, 1st par., subpars. *e* and *g*)

1. Section 28 of the Regulation respecting the application of the Public Health Protection Act is amended

(1) by adding the words “human immunodeficiency virus (HIV)” at the end of paragraph *b*;

(2) by substituting “viral hepatitis 070” for “viral hepatitis A and B 070.0-070.3” in paragraph *c*; and

(3) by adding the words “human immunodeficiency virus (HIV)” at the end of paragraph *c*.

2. Section 30 is amended

(1) by inserting the words “, except the human immunodeficiency virus (HIV),” at the beginning of the second paragraph, after the letter *b*;

(2) by adding the following at the end of the second paragraph: “or, in the case of hepatitis C, in the form of Schedule 14”.

4. Section 31 is amended

(1) by inserting the words “, except the human immunodeficiency virus (HIV),” in the second paragraph after the letter *c*; and

(2) by adding the following at the end of the second paragraph: “In the case of the human immunodeficiency virus (HIV), the positive result shall be transmitted to the person designated by the Minister.”.

4. The following is inserted after section 31:

“**31.1.** In the case of the human immunodeficiency virus (HIV), the attending physician shall provide the health insurance number of the person who tested positive to the person designated by the Minister, or directly to the laboratory-file of the Laboratoire de santé publique du Québec of the Institut national de santé publique du Québec. He shall also provide him with the following epidemiological information: the month and year of birth, the sex, the place of residence, the first three characters of the postal code, the racial or ethnocultural origin, the country of birth, the date of arrival in Canada, the risk factors related to the transmission of the virus, the history of previous tests, the clinical status, other relevant laboratory data available at the time of the diagnosis, the history of blood, organ or tissue donations, the reason for the test and, in the case of a woman, the indication of whether or not she is pregnant.

31.2. Where a positive result confirming an infection by HIV is declared to the person designated by the Minister, that person shall verify in the laboratory-file of the Laboratoire de santé publique du Québec of the Institut national de santé publique du Québec if the result has already been subject to a declaration.

During that verification, in order to ensure confidentiality of the result and the information that may accompany it, the following procedure shall be complied with:

(a) where a positive result confirming an HIV infection is accompanied by the health insurance number of the infected person when it is sent to the person designated by the Minister, that person shall proceed to the encryption of that number. If the number has already been encrypted, the system shall enter “Already declared” in the record and no additional procedure shall be undertaken;

(b) where a positive result confirming an HIV infection is not accompanied by the health insurance number of the infected person, the person designated by the Minister shall contact the applicant for the test in order to obtain the health insurance number of the infected person. After the number has been obtained, the person designated by the Minister shall proceed to the encryption of the number. If the number has already been encrypted, the system shall enter “Already declared” in the record and no additional procedure shall be undertaken.

* The Regulation respecting the application of the Public Health Protection Act (R.R.Q., c. P-35, r. 1) was last amended by the Regulation made by Order in Council 776-2001 dated 20 June 2001 (2001, *G.O.* 2, 3448). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

If, in the cases referred to in subparagraphs *a* and *b*, the health insurance number of the infected person has never been encrypted, the person designated by the Minister shall proceed to its encryption and collect, from the applicant for the test, all the epidemiological information described in section 31.1 that is necessary for his declaration. Once that information has been collected, the person designated by the Minister shall make an anonymous declaration, that is he enters, in the record of diseases that must be declared, the epidemiological information of the infected person, without such information being associated with his health insurance number. In addition, he shall enter "Declared" in the record."

5. Section 84 is revoked.

6. Schedule 11 is replaced by that appearing as a Schedule to this Regulation.

7. The Regulation is amended by adding Schedule 14 after Schedule 13 appearing as a Schedule to this Regulation.

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

SCHEDULE 11

DECLARATION OF A DISEASE THAT MUST BE DECLARED*

More than 50% recycled paper
including 10% post-consumer fibre

FOR PHYSICIAN'S USE

Surname of patient	Given name	Sex <input type="checkbox"/> M <input type="checkbox"/> F
Address No.	Street	
Municipality	Telephone No.	
Date of birth	Year	Month Day Occupation

Name of disease (**): _____
Year Month Day

Onset of disease: | | | | | | | |

Specimen sent to laboratory Yes No

(*) For declaration of venereal disease, use Form AS-771. For declaration of acquired immune deficiency syndrome (AIDS), use Form AS-757.

(**) See over for list of diseases that must be declared under the Public Health Protection Act, coded in accordance with the ninth edition of the International Classification of Diseases.

AS-770 (rev. 2000-01)

Name of physician (in block letters)	
Address	
No.	Street
Municipality	Telephone No.

_____ Date

_____ Signature

_____. M.D.

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**TO BE TRANSMITTED TO THE PUBLIC HEALTH DIRECTOR OF YOUR TERRITORY
TO BE RETAINED FOR YOUR FILES**

TO BE DECLARED URGENTLY BY TELEPHONE OR TELEGRAM SIMULTANEOUSLY TO THE MINISTER OF HEALTH AND SOCIAL SERVICES AND TO THE PUBLIC HEALTH DIRECTOR OF YOUR TERRITORY AND TO BE CONFIRMED WITHIN 48 HOURS USING THIS FORM:

- | | | | |
|--------------------|--|---------------------------|------------------|
| - botulism (005.1) | - Lassa fever (078.8) | - yellow fever (060) | - plague (020) |
| - cholera (001) | - African haemorrhagic fever (Ebola) (078.8) | - Marburg disease (078.8) | - smallpox (050) |

TO BE DECLARED TO THE PUBLIC HEALTH DIRECTOR OF YOUR TERRITORY WITHIN 48 HOURS USING THIS FORM:

- | | | | | | | | |
|--|---|--------------------------------|--|---|--------------------------------------|--|---|
| - pertussis (033) | - epidemic diarrhea (009.2) | - diphtheria (032) | - typhoid and paratyphoid fevers (002) | - viral hepatitis, except hepatitis C (070) | - neonatal herpes (054) | | |
| - Chlamydia trachomatis infections: | • genital (099.4, 099.8, 616) | • ocular (076, 077, 0) | • pulmonary (483) | - Haemophilus influenzae infections: | • meningitis (320.4) | • bacteriaemia (038.4) | • other invasive forms (041.5) |
| - meningococcal infections (036) | - invasive streptococcal infections (035.0, 038.0, 038.2, 041.0, 041.2, 320.2, 481, 482.3, 711.0, 728.0, 730.2, 785.5, 998.5) | - legionnaire's disease | - leprosy (030) | - mumps (072) | - poliomyelitis (045) | | |
| - rabies (071) | - measles (055) | - rubella (056) | - congenital rubella (771.0) | - scarlet fever (034.1) | - tetanus (037) | - food poisoning (005) | - tuberculosis (010-018) |
| - carbon monoxide (986) | - nitro and amino by-products of benzene, phenol and similar substances | • cyanide (989.0) | • mixture (989.4) | • organochlorine (989.2) | • organophosphorus (989.3) | • strychnine (989.1) | • thallium (985.8) |
| - benzene (982.0) | - beryllium and its compounds (985.3) | - chlorine and its compounds | • gaseous chlorine (987.6) | • compounds (983.9) | - chromium and its compounds (985.6) | - copper, nickel and zinc (985.8) | - fluorine (987.8) |
| - chlorinated hydrocarbons | • solvents (carbon tetrachloride) (982.1) | • non solvents (989.2) | - carbon monoxide (986) | - nitro and amino by-products of benzene, phenol and similar substances | • vapour (987.8) | • solvents (982.9) | • non solvents (989.9) |
| - pesticides | • vapour (987.8) | • arsenic (985.1) | • carbamate (989.3) | • chlorine (989.2) | • composition stated NOC (989.4) | - phosphorus and its compounds (983.9) | - sulphur and its compounds |
| • dioxide (gas) (987.3) | • hydrogen (987.8) | • medicinal (ointment) (976.4) | • pesticide (vapour) (989.4) | • vapour NOC (987.8) | - nitrous vapours | • silo workers disease (506.9) | • nitrous oxide (968.2) |
| • sulphur (989.8) | • sulphuric acid (989.1) | • carbon sulphide (982.2) | - phosphorus and its compounds (983.9) | - nitrous vapours | • silo workers disease (506.9) | • nitrous oxide (968.2) | • non-anaesthetic nitrous oxide (987.2) |
| • carbon sulphide (982.2) | - nitrous vapours | • silo workers disease (506.9) | • nitrous oxide (968.2) | • non-anaesthetic nitrous oxide (987.2) | • nitric oxide (987.8) | | |

SCHEDULE 14**DECLARATION OF HEPATITIS C**

More than 50% recycled paper
including 10% post-consumer fibre

FOR PHYSICIAN'S USE

Surname of patient	Given name	Sex
		<input type="checkbox"/> M <input type="checkbox"/> F
Address No.	Street	
Municipality	Telephone No.	
Date of birth	Year	Month Day
	Occupation	

Onset of disease : Year Month Day
 | | | | | | | | | | | |

Specimen sent to laboratory Yes No

Name of physician (in block letters)	
Address	
No.	Street
Municipality	Telephone No.

BLOOD, ORGAN OR TISSUE DONATIONS

Has the patient given blood? Yes No Do not know
 Has the patient received blood or blood products? Yes No Do not know
 Has the patient donated any organs or tissue? Yes No Do not know
 Has the patient received any organs or tissue? Yes No Do not know
 If so, has the body in question (ex. Héma-Québec) been notified? Yes No Do not know
 If not notified, do you intend to do so? Yes No

_____ M.D.
 Date Signature

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AS-775 (2001-05)

TO BE TRANSMITTED TO THE PUBLIC HEALTH DIRECTOR OF YOUR TERRITORY TO BE RETAINED FOR YOUR FILES

4504

Treasury Board

Gouvernement du Québec

T.B. 196963, 21 August 2001

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Government and Public Employees Retirement Plan — Amendments to Schedule I of the Act

CONCERNING amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) the retirement plan applies to employees and persons listed in Schedule I, and to the employees and persons designated in Schedule II who did not adhere to a retirement plan on 30 June 1973 or who were appointed or hired after 30 June 1973;

WHEREAS, under paragraph 6 of section 2 and section 16.1 of the Act, the plan applies to an employee who is released without pay by his employer for union activities and who is in the employ of a body designated in Schedule II.1 if, where applicable, the employee belongs to the class of employees mentioned in that schedule in respect of that body;

WHEREAS, under the first paragraph of section 220 of the Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and that any such order may have effect 12 months or less before it is made;

WHEREAS, according to section 40 of the Public Administration Act (2000, c. 8), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers conferred in that provision;

WHEREAS the Minister of Finance has been consulted;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan made by Order in Council 1845-88 dated 14 December 1988 and amended later, determines, in accordance with

paragraph 25 of section 134 of the Act respecting the government and public employees retirement plan, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1;

WHEREAS the Syndicat de l'enseignement de l'Estrie, the Syndicat de l'enseignement de Louis-Hémon and the Syndicat de l'enseignement de la région de Laval meet these conditions;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan, attached to this Decision, be made.

ROBERT CAVANAGH,
Associate Clerk of the Conseil du trésor

Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan*

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220, 1st par.)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting, in paragraph 1 and following the alphabetical order, the following bodies:

- (1) the Syndicat de l'enseignement de l'Estrie;
 - (2) the Syndicat de l'enseignement de Louis-Hémon;
- and

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the last update of the Revised Statutes of Québec, on 1 April 2000, by Orders in Council 561-2000 dated 9 May 2000 (2000, G.O. 2, 2260, 824-2000 dated 28 June 2000 (2000, G.O. 2, 3555), 965-2000 dated 16 August 2000 (2000, G.O. 2, 4406), 1109-2000 dated 20 September 2000 (2000, G.O. 2, 5031) and 1168-2000 dated 4 October 2000 (2000, G.O. 2, 5151), by C.T. 195744 dated 21 December 2000 (2001, G.O. 2, 550) as well as by sections 54 of chapter 11 of the Statutes of 1999, 54 of chapter 34 of the Statutes of 1999, 14 of chapter 73 of the Statutes of 1999 and 48 of chapter 32 of the Statutes of 2000.

(3) the Syndicat de l'enseignement de la région de Laval.

2. This Order in Council comes into force on the date it is made by the Conseil du trésor but has effect twelve months before that date.

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

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