

Gazette officielle du Québec

Part 2 Laws and Regulations

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PROVINCE OF QUÉBEC

2nd SESSION

36th LEGISLATURE

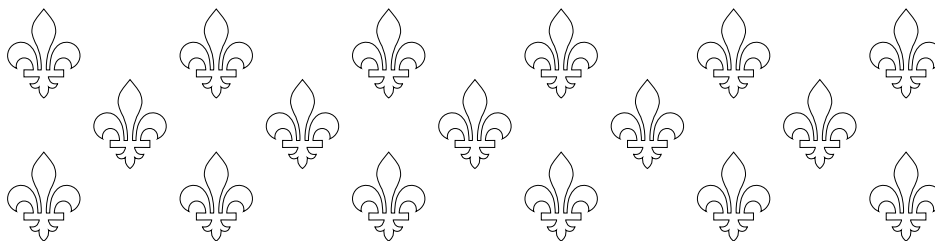
QUÉBEC, 1 NOVEMBER 2001

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 1 November 2001*

This day, at ten minutes past ten o'clock in the morning, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 57 An Act to amend the Securities Act
- 154 An Act to amend the Agricultural Merit Act, the Restoration Merit Act and the Fishermen's Merit Act
- 196 An Act respecting the Agence universitaire de la Francophonie

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 154
(2001, chapter 39)

**An Act to amend the Agricultural Merit
Act, the Restoration Merit Act and the
Fishermen's Merit Act**

**Introduced 1 November 2000
Passage in principle 30 November 2000
Passage 25 October 2001
Assented to 1 November 2001**

**Québec Official Publisher
2001**

EXPLANATORY NOTES

This bill amends the Agricultural Merit Act to change the name of the Order of Agricultural Merit to that of “Ordre national du mérite agricole”. The provisions of the bill enable the Minister of Agriculture, Fisheries and Food to organize competitions for the purpose of granting awards and rewards for agricultural merit. The Minister may also award medals and honours to recipients who then become members of the Order. The Government is empowered under the bill to award the honour of Special Commander of the Order without a competition.

The bill amends the Restauration Merit Act by repealing the provisions concerning the Ordre du mérite de la restauration and authorizing the Minister of Agriculture, Fisheries and Food to grant awards, honours or rewards following a competition. The Minister is to publish the conditions for the competition in due time. The Government may grant awards, honours or rewards without a competition.

Lastly, the bill amends the Fishermen’s Merit Act for the same purposes.

LEGISLATION AMENDED BY THIS BILL :

- Agricultural Merit Act (R.S.Q., chapter M-10);
- Restauration Merit Act (R.S.Q., chapter M-10.1);
- Fishermen’s Merit Act (R.S.Q., chapter M-10.2).

Bill 154

AN ACT TO AMEND THE AGRICULTURAL MERIT ACT, THE RESTAURATION MERIT ACT AND THE FISHERMEN'S MERIT ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The title of the Agricultural Merit Act (R.S.Q., chapter M-10) is replaced by the following title :

“AN ACT RESPECTING THE ORDRE NATIONAL DU MÉRITE AGRICOLE”.

2. Section 1 of the said Act is amended by adding the following paragraph :

“The Minister shall encourage and recognize excellence in agriculture, in particular through the granting of awards or rewards following the holding of agricultural merit competitions.”

3. Section 2 of the said Act is amended by replacing “Order of Agricultural Merit of Québec” in the first line by “Ordre national du mérite agricole”.

4. Section 3 of the said Act is replaced by the following section :

“3. The following agricultural merit decorations and honours may be awarded :

(1) the gold medal and the accompanying decoration of Commander of the Ordre national du mérite agricole and diploma ;

(2) the silver medal and the accompanying decoration of Officer of the Ordre national du mérite agricole and diploma ;

(3) the bronze medal and the accompanying decoration of Knight of the Ordre national du mérite agricole and diploma ;

(4) the “merit” diploma ;

(5) the decoration of Special Commander of the Ordre national du mérite agricole and the accompanying diploma.

The Minister may create a division of the Ordre national du mérite agricole for young farm producers or children of farm producers, and award them medals and diplomas conveying no title.”

5. Section 5 of the said Act is amended by striking out the second paragraph.

6. Section 6 of the said Act is amended by replacing “; from the professors of schools of agriculture” in the third and fourth lines by “, the teachers of agriculture”.

7. Section 7 of the said Act is replaced by the following section :

“7. The Minister may, on the report of the judges, award the agricultural merit decorations and honours provided for in subparagraphs 1 to 4 of the first paragraph and the second paragraph of section 3 to persons participating in a competition organized pursuant to section 4.

The Government may award the agricultural merit decoration provided for in subparagraph 5 of the first paragraph of section 3 to any person who, in a public occupation, in scientific or official missions, through his or her undertaking, through research, works or publications, or through the creation of scholarships or endowments, has contributed outstanding services to agriculture.”

8. Section 8 of the said Act is amended

(1) by striking out the first paragraph ;

(2) by replacing “Order of Agricultural Merit” in the second line of the second paragraph by “Ordre national du mérite agricole”.

9. The title of the Restauration Merit Act (R.S.Q., chapter M-10.1) is replaced by the following title :

“AN ACT RESPECTING THE *MÉRITE NATIONAL* IN THE RESTAURANT AND FOOD INDUSTRY”.

10. Section 1 of the said Act is replaced by the following section :

“1. The Minister of Agriculture, Fisheries and Food may promote and recognize excellence in the restaurant and food industry through the granting of awards, honours or rewards following the holding of competitions.

To that end, the Minister shall organize a *mérite national* competition in the restaurant and food industry for the whole or for part of Québec.”

11. Sections 2 and 3 of the said Act are repealed.

12. Section 4 of the said Act is replaced by the following section :

“4. The Minister shall cause the conditions relating to a competition to be published in due time in the manner the Minister considers most appropriate.”

13. Section 5 of the said Act is repealed.

14. Section 6 of the said Act is replaced by the following section:

“6. The awards, honours or rewards may be granted

(1) by the Minister to those persons participating in a competition, in accordance with the conditions of the competition;

(2) by the Government to any person who, in a public occupation, in scientific or official missions, through his or her undertaking in the restaurant or food sectors, through research, works or publications, or through the creation of scholarships or endowments, has promoted in outstanding fashion the use of food products from Québec.”

15. Section 7 of the said Act is repealed.

16. Section 8 of the said Act is amended by replacing “a medal, a diploma, a decoration or another insignia” in the first and second lines by “an honour or a reward”.

17. Section 9 of the said Act is repealed.

18. The title of the Fishermen’s Merit Act (R.S.Q., chapter M-10.2) is replaced by the following title:

“AN ACT RESPECTING THE *MÉRITE NATIONAL* IN FISHERIES AND AQUACULTURE”.

19. Section 1 of the said Act is replaced by the following section:

“1. The Minister of Agriculture, Fisheries and Food may promote and recognize excellence in fisheries and aquaculture through the granting of awards, honours or rewards following the holding of competitions.

To that end, the Minister shall organize a *mérite national* competition in fisheries and aquaculture for the whole or for part of Québec.”

20. Sections 2 and 3 of the said Act are repealed.

21. Section 4 of the said Act is replaced by the following section:

“4. The Minister shall cause the conditions relating to a competition to be published in due time in the manner the Minister considers most appropriate.”

22. Section 5 of the said Act is repealed.

23. Section 6 of the said Act is replaced by the following section :

“6. The awards, honours or rewards may be granted

(1) by the Minister to those persons participating in a competition, in accordance with the conditions of the competition;

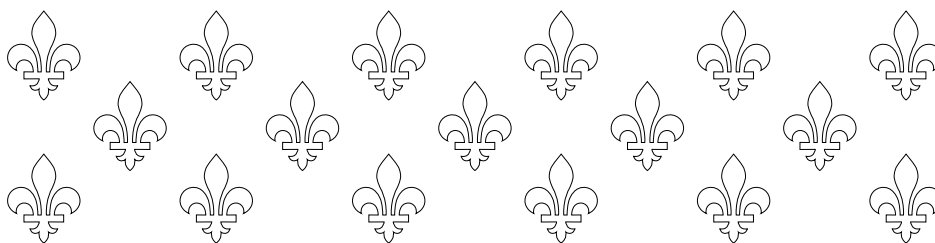
(2) by the Government to any person who, in a public occupation, in scientific or official missions, through his or her fisheries or aquaculture undertaking, through research, works or publications or through the creation of scholarships or endowments, has made an outstanding contribution to fisheries and aquaculture.”

24. Section 7 of the said Act is repealed.

25. Section 8 of the said Act is amended by replacing “a medal, a diploma, a decoration or another insignia” in the first and second lines by “an honour or a reward”.

26. Section 9 of the said Act is repealed.

27. This Act comes into force on 1 November 2001.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 196
(2001, chapter 40)

An Act respecting the Agence universitaire de la Francophonie

Introduced 6 June 2001
Passage in principle 14 June 2001
Passage 25 October 2001
Assented to 1 November 2001

**Québec Official Publisher
2001**

EXPLANATORY NOTES

The object of this bill is to enable the Agence universitaire de la Francophonie, incorporated under Part III of the Companies Act, to be continued under a specific Act.

The bill describes the mission of the Agence and provides that its operation is governed by its regulating instruments.

Bill 196

AN ACT RESPECTING THE AGENCE UNIVERSITAIRE DE LA FRANCOPHONIE

WHEREAS the Association des universités entièrement ou partiellement de langue française was incorporated on 31 October 1961 under Part III of the Companies Act (R.S.Q., chapter C-38);

Whereas, under supplementary letters patent issued on 10 November 1994, the name “Association des universités entièrement ou partiellement de langue française” was changed to that of “AUPELF-UREF (Agence francophone pour l’enseignement supérieur et la recherche)”;

Whereas, under supplementary letters patent issued on 6 July 2000, the name “AUPELF-UREF (Agence francophone pour l’enseignement supérieur et la recherche)” was changed to that of “AUPELF-UREF (Agence universitaire de la Francophonie)”;

Whereas, under supplementary letters patent issued on 8 June 2001, the name “AUPELF-UREF (Agence universitaire de la Francophonie)” was changed to that of “Agence universitaire de la Francophonie”;

Whereas the mission of the Agence universitaire de la Francophonie is to develop a French-speaking academic international network in close partnership with the key actors concerned, namely, higher learning and research institutions, professors, researchers, students and contributing States and Governments;

Whereas the Agence universitaire de la Francophonie currently comprises over 400 higher learning institutions, grandes écoles and international conferences of deans and directors of higher learning institutions from all continents;

Whereas it is expedient to modify the legal regime applicable to the Agence universitaire de la Francophonie to enable it to better meet the needs deriving from its international character;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Agence universitaire de la Francophonie, also designated under the name “Association des universités partiellement ou entièrement de langue française – Université des réseaux d’expression française (AUPELF-UREF)”, a non-profit legal person incorporated on 31 October 1961 under Part III of the

Companies Act (R.S.Q., chapter C-38), shall be continued as a non-profit legal person under this Act.

2. The mission of the Agence is to develop a French-speaking academic international network in close partnership with the key actors concerned, namely, higher learning and research institutions, professors, researchers, students and contributing States and Governments.

3. The Agence has its head office in Montréal.

4. The Agence, whose operation, administration and activities are governed by its regulating instruments, shall act through its various organs, namely, the general meeting of the members, the board of directors, an executive director, who may be designated under the title of rector, and the councils and committees established by the Agence.

5. The members of the various organs of the Agence in office on 1 November 2001 remain in office until replaced or reappointed in accordance with the regulating instruments of the Agence.

6. This Act comes into force on 1 November 2001.

Regulations and other acts

Gouvernement du Québec

O.C. 1321-2001, 7 November 2001

An Act respecting the conservation and development of wildlife

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

Île-Laval Wildlife Preserve

WHEREAS under paragraph 3 of section 125 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) amended by section 28 of chapter 48 of the Statutes of 2000, the Government may, by regulation, in respect of a wildlife preserve, determine the conditions that must be complied with by a person who enters, stays in or travels about a wildlife preserve or engages there in any activity, or prohibit such activities;

WHEREAS under paragraph 14 of section 162 of the Act, the Government may, in addition to the other regulatory powers conferred on it by the Act, 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 the Île-Laval Wildlife Preserve was published in Part 2 of the *Gazette officielle du Québec* of 20 June 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 made concerning the draft Regulation and an amendment has been made to the English text since that publication;

WHEREAS it is expedient to make the Regulation respecting the Île-Laval Wildlife Preserve;

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

THAT the Regulation respecting the Île-Laval Wildlife Preserve, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the Île-Laval Wildlife Preserve

An Act respecting the conservation and development of wildlife

(R.S.Q., c. C-61.1, s. 125, par. 3, and s. 162, par. 14; 2000, c. 48, s. 28)

1. This Regulation applies to the Île-Laval Wildlife Preserve, established by Minister's Order 2001-011 dated 27 March 2001.

2. No one may stay in the wildlife preserve.

3. From 15 April to 15 August, any person may enter or travel about in the wildlife preserve or engage in any activity therein, unless he is accompanied by a domestic animal, and provided he uses the corridors, trails, observation platforms or footbridges designated for that purpose.

Notwithstanding the first paragraph, any person who, in the performance of his duties, carries out scientific research or inspection, protection, surveillance or maintenance work, may enter, travel about or engage in any activity anywhere in the wildlife preserve during that period.

4. No one may light a campfire in the wildlife preserve.

5. No one may, in the wildlife preserve, carry on an activity that may alter any biological, physical or chemical element of the wildlife habitat.

6. A person who contravenes any provision of section 2, 3, 4 or 5 commits an offence.

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

4671

Gouvernement du Québec

O.C. 1323-2001, 7 November 2001

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

Associate insurance broker and chartered insurance broker
— Granting of the titles
— Amendment

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

WHEREAS under subparagraph 3 of the first paragraph of section 313 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), each Chamber shall determine, by regulation, the criteria, including the equivalency criteria, governing the granting or withdrawal of the titles of “chartered insurance broker” and the abbreviation “(C.I.B.)” or the title of “associate insurance broker” and the abbreviation “(A.I.B.)”;

WHEREAS under the second paragraph of that section, the Government approved the Regulation respecting the criteria governing the granting of the titles of associate insurance broker and chartered insurance broker by Order in Council 1035-99 dated 8 September 1999;

WHEREAS in accordance with that section, the Chambre de l’assurance de dommages has adopted the Regulation amending the Regulation respecting the criteria governing the granting of the titles of associate insurance broker and chartered insurance broker;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Regulation was published as a draft in the *Gazette officielle du Québec* of 5 September 2001 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve that Regulation;

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

THAT the Regulation amending the Regulation respecting the criteria governing the granting of the titles of associate insurance broker and chartered insurance broker, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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*.

4672

* 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, 2925), was not modified since its approval.

Gouvernement du Québec

O.C. 1324-2001, 7 November 2001

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

Claims adjusters
— **Code of ethics**
— **Amendment**

Regulation amending the Code of ethics of claims adjusters

WHEREAS under subparagraph 1 of the first paragraph of section 313 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), each Chamber shall determine, by regulation, the rules of ethics applicable to the representatives of each sector or class of sectors in which its contributors carry on business;

WHEREAS under the second paragraph of that section, the Government approved the Code of ethics of claims adjusters by Order in Council 1040-99 dated 8 September 1999;

WHEREAS in accordance with that section, the Chambre de l'assurance de dommages has adopted the Regulation amending the Code of ethics of claims adjusters;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Regulation was published as a draft in the *Gazette officielle du Québec* of 5 September 2001 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve that Regulation;

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

THAT the Regulation amending the Code of ethics of claims adjusters, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation amending the Code of ethics of claims adjusters*

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*.

4673

Gouvernement du Québec

O.C. 1325-2001, 7 November 2001

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

Damage insurance representatives
— **Code of ethics**
— **Amendments**

Regulation amending the Code of ethics of damage insurance representatives

WHEREAS under subparagraph 1 of the first paragraph of section 313 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), each Chamber shall determine, by regulation, the rules of ethics applicable to the representatives of each sector or class of sectors in which its contributors carry on business;

WHEREAS under the second paragraph of that section, the Government approved the Code of ethics of damage insurance representatives by Order in Council 1041-99 dated 8 September 1999;

* The Code of ethics of claims adjusters, made by Order in Council 1040-99 dated 8 September 1999 (1999, *G.O.*, 2933), was not modified since its approval.

WHEREAS in accordance with that section, the Chambre de l'assurance de dommages has adopted the Regulation amending the Code of ethics of damage insurance representatives;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Regulation was published as a draft in the *Gazette officielle du Québec* of 5 September 2001 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve that Regulation;

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

THAT the Regulation amending the Code of ethics of damage insurance representatives, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation amending the Code of ethics of damage insurance representatives*

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.”

* The Regulation amending the Code of ethics of damage insurance representatives, made by Order in Council 1041-99 dated 8 September 1999 (1999, *G.O.2*, 2938), was not modified since its approval.

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

4674

O.C. 1327-2001, 7 November 2001

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

Conseillers en ressources humaines et en relations industrielles agréés — Terms and conditions for permits to be issued by the Ordre — Abrogation

Regulation to revoke the Regulation respecting terms and conditions for permits to be issued by the Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés du Québec

WHEREAS under paragraph *i* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of an order may, by regulation, determine the other terms and conditions for issuing permits, specialist's certificates or special authorizations, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines;

WHEREAS it is expedient to revoke the Regulation respecting terms and conditions for permits to be issued by the Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés du Québec adopted on 9 March 1983;

WHEREAS the Bureau of the Ordre made the Regulation to revoke the Regulation respecting terms and conditions for permits to be issued by the Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés du Québec;

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 the *Gazette officielle du Québec* of 16 July 1997, with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Professional Code, the Office des professions made its recommendations;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to revoke the Regulation respecting terms and conditions for permits to be issued by the Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés du Québec, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to revoke the Regulation respecting terms and conditions for permits to be issued by the Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés du Québec*

Professional Code
(R.S.Q., c. C-26, s. 94, par. i)

1. The Regulation respecting terms and conditions for permits to be issued by the Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés du Québec is revoked.

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

4675

Gouvernement du Québec

O.C. 1328-2001, 7 November 2001

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

Engineers

— Procedure for conciliation and arbitration of accounts

— Amendments

Regulation amending the Regulation respecting the procedure for conciliation and arbitration of accounts of engineers

* The Regulation respecting terms and conditions for permits to be issued by the Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés du Québec was adopted on 9 March 1983 (1983, *G.O.* 2, 2383) and has not been amended since.

WHEREAS under section 88 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the order which may be used by persons having recourse to the services of the members ;

WHEREAS under the same section, the regulation shall include :

— provisions allowing a person to avail himself of the procedure if he has already paid the account in whole or in part ;

— provisions for the setting up of a council of arbitration with the power to determine, where applicable, the amount of any reimbursement to which a person may be entitled ;

— provisions for the arbitration of accounts by a council of arbitration composed of one or three arbitrators, according to the amount of the dispute as prescribed in the regulation ;

WHEREAS the Bureau of the Ordre des ingénieurs du Québec made the Regulation amending the Regulation respecting the procedure for conciliation and arbitration of accounts of engineers ;

WHEREAS under section 95.3 of the Professional Code, amended by section 22 of Chapter 13 of the Statutes of 2000 and by section 8 of Chapter 34 of the Statutes of 2001, a draft Regulation was sent to every member of the order at least 30 days before its adoption by the Bureau ;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 18 October 2000 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication ;

WHEREAS in accordance with section 95 of the Professional Code, the Office des professions du Québec made its recommendations ;

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 procedure for conciliation and arbitration of accounts of engineers, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation amending the Regulation respecting the procedure for conciliation and arbitration of accounts of engineers*

Professional Code
(R.S.Q., c. C-26, s. 88)

1. Section 1.01 of the Regulation respecting the procedure for conciliation and arbitration of accounts of engineers is revoked.

2. Section 1.02 of this Regulation is amended by replacing, in paragraph *a*, the words “executive director” with the word “secretary”.

3. Section 1.03 is revoked.

4. Section 2.02 of this regulation is amended by replacing the first two paragraphs with the following paragraph:

“**2.02.** A client or person who has a dispute with a member about the amount of an account, may, even if the amount was paid, partly or fully, file a written application for conciliation with the conciliator within sixty days of the date of receipt of the account.”

5. The first paragraph of section 2.04 is replaced by the following:

“**2.04.** Upon reception of an application for conciliation, the conciliator shall notify the member or, where he is unable to notify the member personally, shall notify the member’s firm or employer; he shall also send the client a copy of this regulation.”

6. Section 2.07 of this regulation is amended by replacing the third paragraph by the following:

The conciliator also sends the client the form provided in Schedule 1, indicating the procedure and the time allowed for submitting the dispute to arbitration.”

7. This regulation is amended by the addition, at the end of Division II, of the following section:

“**2.09.** The conciliation record is filed with the conciliator. This record includes the application for conciliation and the conciliator’s report; it must be kept for at least one year but not more than five years.”

8. Section 3.01.01 of this regulation is amended:

1° by adding, at the end of the first paragraph, the words “and its schedules”;

2° by replacing the second paragraph by the following:

“The application for arbitration may be withdrawn by the client only in writing and with the consent of the member.”

9. Section 3.01.02 of this regulation is replaced by the following:

“**3.01.02** Upon reception of an application for arbitration, the conciliator shall notify the member or, where he is unable to notify the member personally, shall notify the member’s firm or employer.”

10. Section 3.01.03 of this regulation is amended by the following:

“**3.01.03.** Any agreement reached by the parties after the application for arbitration has been submitted shall be put in writing, shall be signed by the parties and shall be recorded in the arbitration award.”

11. Section 3.02.01 of this regulation is amended:

1° by replacing, wherever it occurs in the first paragraph, the number 3,000 with the number 10,000;

2° by replacing the second paragraph by the following paragraphs:

“The administrative committee designates members of the Ordre to act as arbitrators.

The president of the Ordre selects from among the members designated as provided in the second paragraph, the member or the three members of a council of arbitration and, if it consists of three arbitrators, he designates the chairman and the secretary thereof.”

* The Regulation respecting the procedure for conciliation and arbitration of accounts of engineers (R.R.Q., 1981, c. I-9, r. 8) was last amended by Order in Council 822-95 dated 14 June 1995 (1995, *G.O.* 2, 1893). For previous amendments, refer to the *Tableau des modifications et index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

12. Section 3.04.01 of this regulation is amended by replacing the words “six months of the application for arbitration” by the words “forty-five days of the end of the hearing.”.

13. Section 3.04.02 of this regulation is replaced by the following:

“3.04.02. The award is filed with the conciliator. It is sent to each of the parties or their counsel by registered mail within ten days of being submitted.”.

14. Section 3.04.06 of this regulation is amended:

1° by striking out in the first paragraph, what follows: “who, unless explicitly authorized by the parties, shall issue a copy thereof in whole or in part only to the latter, their advocate, the syndic and the members of the Bureau”;

2° by replacing the second paragraph by the following: “At the request of either of the parties, the conciliator shall return the documents filed by them at the hearing.”.

15. Schedule I of this regulation is amended by replacing the words “client’s name” by the words “name of the person seeking arbitration”.

16. This regulation applies to any application for conciliation sent to the conciliator after the date it comes into force.

17. This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.”.

4676

Gouvernement du Québec

O.C. 1341-2001, 7 November 2001

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

Petroleum equipment

— Installation

— Amendments

CONCERNING the Decree to amend the Decree respecting the installation of petroleum equipment

WHEREAS the Government made the Decree respecting the installation of petroleum equipment (R.R.Q., 1981, c. D-2, r. 33);

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 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, a draft of the amendment Decree was published in Part 2 of the *Gazette officielle du Québec* of 25 April 2001 and, on the same date, in two French language newspapers and one 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 amendments;

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 installation of petroleum equipment, attached hereto, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the installation of petroleum equipment*

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

1. Section 1.01 of the Decree respecting the installation of petroleum equipment is amended:

* The Decree respecting the installation of petroleum equipment (R.R.Q., 1981, c. D-2, r. 33) was last amended by the Regulation made by Order in Council No. 462-2000 dated 5 April 2000 (2000, *G.O.* 2, 2013). For previous amendments, please refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

(1) by substituting the following for paragraphs 1 and 2:

“(1) “equipment”: tanks, piping, pumps, meters, safety devices, leakage detection devices, compressors, elevators, oil interceptors as well as their parts and accessories, installed with operators or users as defined in the Petroleum Products Regulation, made by Order in Council No. 753-91 dated 29 May 1991, and intended for:

(a) the operation of an establishment where motor vehicles are kept, maintained or repaired;

(b) the operation of an establishment or filling centre where a petroleum product or its derivatives are sold, distributed, exchanged in bulk or stored;

(c) to tanks of tank trucks used for the transport of petroleum products or by-products and related parts and accessories;

(2) “installation”: all operations required for dismantling or setting up and for activating equipment, including excavation, backfilling, cement and welding framework as well as the construction of pump islands and the compressor base-plate;

(2.1) “service”: the maintenance, inspection, alteration, connection, adjustment, replacement, restoration, repair, welding and checking of equipment on site;”;

(2) by substituting the following for paragraph 4:

“(4) “service mechanic”: employee who is a service attendant on a regular basis;”;

(3) by substituting the following for paragraph 6:

“(6) “installation mechanic”: employee who is an installation attendant on a regular basis;”;

(4) by deleting paragraph 8;

(5) by substituting the following for subparagraph *iii* of paragraph 9:

“*iii*. Class C: employee who has accumulated 4,000 hours of service and who will perform a portion of the duties provided for in the definition of the trade;”;

(6) by substituting the following for paragraphs 11 and 12:

“(11) “spouse”: either of two persons who:

(a) are married and cohabiting;

(b) are living together in a de facto union and are the father and mother of the same child;

(c) are of opposite sex or the same sex and have been living together in a de facto union for one year or more;

(12) “labourer”: employee who is chiefly engaged in unskilled work such as handling material, participating in excavation, backfilling and cement framework and assisting the mechanic in his functions; this word also includes the employee who is learning the trades of service mechanic, shop mechanic, installation mechanic and tank-truck mechanic.”.

2. Section 2.01 of the Decree is amended by adding, at the end, the following words:

“as well as the removal and flushing of soil contaminated by a petroleum product and its derivatives”.

3. The following is substituted for section 3.02:

“**3.02.** The regular workday is as follows:

(1) for installation employees: eight hours scheduled between 6:30 a.m. and 5 p.m., with one hour off without pay for the noon meal;

(2) for service employees: eight hours scheduled between 7:30 a.m. and 7 p.m., with one hour off without pay for the noon meal;

(3) for all other employees: eight hours scheduled between 8 a.m. and 5 p.m., with one hour off without pay for the noon meal.”.

4. The following is substituted for section 3.04:

“**3.04.** In addition to the hours of the regular workday, time spent by the employee travelling from the employer’s establishment to the job site and back again, and between job sites, is paid time and a half.”.

5. The following is substituted for section 3.10:

“**3.10.** “Shift premium”: An installation employee working on the second or third shift is paid an hourly premium of \$0.35.”.

6. The following are substituted for sections 4.02 and 4.03:

“**4.02.** The first four overtime hours worked over and above the regular workday and those worked on Saturday are paid time and a half.

4.03. Except for the hours worked as provided for in section 3.04, overtime hours worked on Sunday and on holidays as well as hours worked over and above those specified in section 4.02 are paid double time.

Hours worked on a holiday also entitle employees to indemnity for that holiday as provided for in section 6.03.”.

7. The following are substituted for section 4.05:

“**4.05.** When an employee is called back to work after his or her regular workday, that employee is entitled to be paid double time.

4.05.1. An employee who reports to work at his place of employment at the express demand of his employer and who works fewer than three consecutive hours, except in the case of a fortuitous event, is entitled to an indemnity equal to three hours’ wages at the prevailing hourly rate, except where the application of sections 4.02, 4.03 or 4.05 provides him with a higher amount.

The first paragraph does not apply where the nature of the work or the conditions of execution require the employee to be present several times in the same day, for less than three hours each time.”.

8. The following is substituted for section 5.01:

“**5.01.** The 24th of June is a statutory general holiday under the National Holiday Act (R.S.Q., c. F-1-1).”.

9. Section 5.02 is amended by inserting “25,” after “24,”.

10. Section 6.03 is amended by substituting “4.4%” for “4%”.

11. Section 6.03.1 is amended by substituting “10.76%” for “10.36%”.

12. The following is substituted for section 9.01:

“**9.01.** (1) The minimum hourly rate payable to the service mechanic, the installation mechanic, the shop mechanic and the tank-truck mechanic is established as follows for each class of employment:

Class of Employment	As of 21 November 2001
A	\$23.05
B	\$19.05
C	\$15.95.

(2) The labourer is paid according to the number of hours accumulated since the date on which he is hired. The minimum hourly rate payable is established as follows as of 21 November 2001:

starting:	\$13.24
after 2000 hours:	\$13.65
after 4000 hours:	\$14.10
after 6000 hours:	\$14.69.

(3) The minimum hourly rate payable to a student is \$9.42.

(4) For each four employees in his employ, the employer has an employee paid at the Class A rate.

For the purposes of paragraph 4, the multiple of four is deemed to be reached as soon as the number of employees reaches a number lower than one below the multiple of four.”.

13. Section 10.04 of the French text is amended by inserting, after the word “travail”, the words “ou sur le chantier”.

14. The following are substituted for sections 11.02 to 11.04:

“**11.02.** The employer contributes to the fringe benefits plan managed by the Comité paritaire de l’installation d’équipement pétrolier du Québec, the sum of \$14 per week for each of his employees, except for a student.

11.03. The employer deducts from the pay of each of his employees, except for a student, the sum of \$14 per week, for the fringe benefits fund.

11.04. In order for the amount provided for in section 11.02 to be paid by the employer and for that provided for in section 11.03 to be deducted from the wages of an employee, the employee must have worked 24 hours or more during the week, including overtime hours.

Where an employee works less than 24 hours during the week, the amount paid by the employer or that deducted from the wages of the employee are respectively \$0.35 for each hour worked.”.

15. Section 11.06 is revoked.

16. Section 11.08 is amended:

(1) by substituting the following for paragraph 1:

“(1) The employer pays into the pension plan of employees, except for students, the amount of \$0.32 for each hour worked by the employees. The employer deducts from the pay of his employees the amount that each of them elects to pay as contribution; however, that amount may not be lower than \$0.32 for each hour worked.”;

(2) by substituting the following for paragraphs 5 to 7:

“(5) The Parity Committee determines the supplemental pension plan for the employees governed by the Decree. That plan is subject to the Supplemental Pension Plans Act (R.S.Q., c. R-15.1).”.

17. The following is substituted for section 12.01:

“**12.01.** This Decree remains in force until 31 December 2002. It is then renewed automatically from year to year thereafter, unless one of the contracting parties opposes it by sending written notice to the Minister of Labour and to the other contracting party during the month of August of the year 2002 or during the month of August of any subsequent year.”.

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

Decisions

Decision, 2 November 2001

An Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2)

Chief electoral officer — Manual counting of ballot papers rejected in the cities of Québec, Trois-Rivières, Sherbrooke and Blainville

Decision of the chief electoral officer by virtue of the powers invested in him under section 90.5 of the Act respecting elections and referendums in municipalities concerning the manual counting of ballot papers rejected by the PerFas-TAB, modèle 100 electronic ballot boxes in the cities of Québec, Trois-Rivières, Sherbrooke and Blainville

WHEREAS municipal elections are scheduled to take place in Québec City, Trois-Rivières, Sherbrooke and Blainville on 4 November 2001 ;

WHEREAS, during the advanced polling held in each of the above-mentioned municipalities, it was noted that the PerFas-TAB 100 electronic ballot boxes rejected certain ballot papers, when inserted, notably because the elector's mark exceeded the oval space designed to receive the elector's vote on each of the ballot papers ;

WHEREAS, given this situation, provisions were taken during the advanced polling to keep these ballot papers and place them in envelopes identified for this purpose and submitted to each returning officer ;

WHEREAS the same situation might arise again on election day, 4 November 2001, in each of the above-mentioned cities and other ballot papers will likely be rejected by the electronic ballot boxes, when inserted ;

WHEREAS all of these ballot papers must be counted on polling day, 4 November 2001 ;

WHEREAS an agreement concerning the use of the new voting mechanisms for an election was entered into in each of the above-mentioned cities ;

WHEREAS this agreement makes no provision for enabling the returning officer and polling station staff to manually count the ballot papers rejected by the electronic ballot boxes ;

WHEREAS all of the provisions of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) related to manual counting of votes were replaced by provisions envisaging electronic compiling of the results ;

WHEREAS each of the agreements reached in the municipalities of Québec, Trois-Rivières, Sherbrooke and Blainville includes a provision similar to section 90.5 of the Act respecting elections and referendums in municipalities stating that should it come to the chief electoral officer's attention that a provision referred to in the said agreement does not meet the demands of the situation, this provision allows the chief electoral officer to adapt the provisions of the agreement ;

WHEREAS the chief electoral officer previously informed the Minister of Municipal Affairs and Greater Montréal of the decision he intends to make ;

By virtue of the powers invested in him under section 90.5 of the Act respecting elections and referendums in municipalities, duly amended by each of the agreements of the cities of Québec, Trois-Rivières, Sherbrooke and Blainville, the chief electoral officer has decided to adapt the provisions of the agreements governing COMPILING OF RESULTS AND ADDITION OF VOTES contained in each of these agreements.

1. The preamble is an integral part of this decision.

Advanced polling

2. As regards ballot papers rejected by the electronic ballot boxes when inserted during the business hours for advanced polling, the returning officer for each of the cities in question may recover all of these ballot papers and ask for a manual count at a time and place he may decide on, provided that the said count is carried out after having informed and invited the representatives of the political parties and the independent candidates involved in the current election to attend.

3. The ballot papers rejected by the electronic ballot boxes, when inserted during the business hours for advanced polling, shall be counted by sufficient deputy returning officers and polling secretaries appointed to perform this duty by the returning officers of each of the above-mentioned cities.

4. For the purposes of the manual count that the returning officers of each municipality shall perform, the instructions given to the deputy returning officers and the polling secretaries responsible for the count shall reproduce the provisions of sections 231 and 232 of the Act respecting elections and referendums in municipalities, adapting them as required.

5. For the purposes of the manual count performed, section 233 of the Act respecting elections and referendums in municipalities, as replaced in the agreement for each municipality, shall guide the deputy returning officer in the decision to accept or reject a ballot paper and the provisions of the said section 233, as amended, shall apply *mutatis mutandis* to the manual counting.

6. The returning officer must take the necessary measures to instruct the polling secretaries who will assist the deputy returning officers in the manual counting of ballot papers for advanced polling stations so that they can draw up a statement of votes specific to the votes counted during the manual counting.

7. The results shown on the statement of votes specific to the votes counted during the manual counting shall be added, in keeping with the instructions of the returning officer, to the results compiled by the electronic ballot boxes so as to be integrated into the overall results for the 4 November 2001 election.

Polling day

8. Each of the returning officers for the above-mentioned cities is also authorized to take measures to organize the manual counting of all ballot papers which, during polling station business hours on 4 November 2001, might be rejected by the electronic ballot boxes, when inserted.

9. The returning officer shall take the necessary measures so that the said ballot papers are collected keeping each elector's vote secret and gathered together at the time stipulated in the Act to proceed with counting, that they be counted in accordance with the same prescriptions and under the same conditions as the advanced ballot papers, and in keeping with the preceding provisions of this decision.

10. In this regard, all of the provisions of this decision concerning advanced polling apply *mutatis mutandis* to any ballot papers whose fate might be the same on polling day, 4 November 2001.

11. As soon as possible, the returning officer shall inform all parties authorized under Chapter XIII or teams recognized under Division III of this chapter and independent candidates concerned by this decision of the decision.

12. This decision shall come into effect on 2 November 2001.

MARCEL BLANCHET,
*Chief Electoral Officer and Chairman of the
Commission de la représentation électorale*

4668

Municipal Affairs

Gouvernement du Québec

O.C. 1318-2001, 7 November 2001

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

Correction to Order in Council 1169-2001 dated 3 October 2001 respecting the authorization to the Minister of Municipal Affairs and Greater Montréal to require that Ville de Cookshire, Canton d'Eaton and Canton de Newport file a joint application for amalgamation

WHEREAS by Order in Council 1169-2001 dated 3 October 2001, the Government authorized the Minister of Municipal Affairs and Greater Montréal to require that Ville de Cookshire, Canton d'Eaton and Canton de Newport file a joint application for amalgamation;

WHEREAS there is an error in writing in the Order in Council and it is expedient to correct it;

WHEREAS under section 214.2 of the Act respecting municipal organization (R.S.Q., c. O-9), the Government may correct an error in writing or supply for an obvious omission in an order made under that Act;

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

THAT Order in Council 1169-2001 dated 3 October 2001 be amended by substituting the words "Municipalité d'Eaton" for the words "Canton d'Eaton" in the title, in the second recital and in the operative part of the Order in Council.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4670

Gouvernement du Québec

O.C. 1355-2001, 14 November 2001

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

Correction to Order in Council 1044-2001 dated 12 September 2001 respecting Ville de Saint-Jérôme

WHEREAS by Order in Council 1044-2001 dated 12 September 2001, the Government amalgamated the territories of Ville de Saint-Jérôme, Ville de Bellefeuille, Ville de Saint-Antoine and Ville de Lafontaine;

WHEREAS errors in writing and obvious omissions occurred in the Order in Council and it is expedient to correct them;

WHEREAS the Government made certain corrections to the amalgamation order by Order in Council 1171-2001 dated 30 October 2001;

WHEREAS under section 214.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9) the Government may correct an error in writing or supply an obvious omission in an Order in Council made under that Act;

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

THAT Order in Council 1044-2001 dated 12 September 2001 respecting the amalgamation of Ville de Saint-Jérôme, Ville de Bellefeuille, Ville de Saint-Antoine and Ville de Lafontaine be further amended by

(1) substituting the words "1 January 2002" for "the coming into force of this Order in Council" in the first paragraph of section 78;

(2) substituting "31 December 2001" for "the date of coming into force of this Order in Council" in the first paragraph of section 96;

(3) substituting "1 January 2002" for "the date of coming into force of this Order in Council" in the first paragraph of section 97;

(4) striking out the words “the abandoned railroad used as a bicycle path, the eastern extension of Rue des Pins, that street, Rue Fournier” in the description of Electoral district 3 in Schedule B;

(5) substituting the words “to the meeting point of projected Rue Schulz and Côte Saint-André, that projected Rue Schulz to its meeting point with the eastern extension of Avenue Forget, that avenue, to the southern extension of Rue Claude, 118^e Avenue to Boulevard des Hauteurs, that boulevard, southerly to the railroad, that railroad to the” for the words “Côte Saint-André, Rue Pierre-Audette, its eastern extension to Avenue Forget, that avenue, Boulevard des Hauteurs, the railroad, the former” in the description of Electoral district 7 in Schedule B;

(6) substituting the following for the description of Electoral district 8 in Schedule B:

“Clockwise, from the intersection of projected Rue Schulz, Côte Saint-André and the municipal limit; that municipal limit, the former municipal limit between Ville de Lafontaine and Ville de Saint-Jérôme, the railroad, Boulevard des Hauteurs to 118^e Avenue Est, that avenue, to the southern extension of Rue Claude, Avenue Forget, its eastern extension to projected Rue Schulz, that street, to the meeting point of Côte Saint-André and the municipal limit.”.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Notices

Notification

Ecological Reserves Act
(R.S.Q., c. R-26.1, s. 2)

Mine-aux-Pipistrelles Ecological Reserve — Creation

Notification is hereby given in accordance with section 2 of the Ecological Reserves Act of the Minister of the Environment's intention to propose to the government of Québec the creation of the Mine-aux-Pipistrelles Ecological Reserve within the Memphrémagog regional county municipality.

Specifically, the proposed reserve of 3.24 hectares comprises two parts of lot 607 of the Potton Township cadastre in the Brome registration division.

Anyone interested in commenting on this project can do so within 30 days of this notification by writing to the Minister of the Environment, André Boisclair, at 675, boulevard René-Lévesque Est, 30^e étage, Québec (Québec) G1R 5V7.

GILBERT CHARLAND,
Deputy Minister

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

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