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2

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## Laws and Regulations

Volume 134

### Summary

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## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 1262-2002, 23 October 2002**

#### **An Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions (2001, c. 26) — Coming into force of certain provisions**

Coming into force of certain provisions of the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions

WHEREAS, under section 222 of the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions (2001, c. 26), the provisions of the Act come into force on the date or dates to be fixed by the Government, except the provisions of paragraph 2 of section 12, section 31, section 45.3 of the Labour Code (R.S.Q., c. C-27) enacted by section 32 of the Act, sections 42, 44, 45, 47, 50, 51, 57, 58, 60 to 62, 73 to 82, 93, 126, 128 to 130, 132 to 134, 136 and 137, paragraph 24 of section 151, sections 158, 159 and 173, paragraph 3 of section 182 and sections 202, 206, 211 and 221 of the Act which came into force on 15 July 2001;

WHEREAS, by Order in Council 132-2002 dated 13 February 2002, sections 137.11 to 137.16 of the Labour Code, enacted by section 63 of chapter 26 of the Statutes of 2001, as well as section 207 of that Act, enacted by section 3 of chapter 49 of the Statutes of 2001, came into force on 13 February 2002;

WHEREAS, by Order in Council 1192-2002 dated 2 October 2002, sections 137.17 to 137.39 of the Labour Code, enacted by section 63 of chapter 26 of the Statutes of 2001 and, as regards sections 137.19 and 137.20, as replaced by section 32 of chapter 22 of the Statutes of 2002 and, as regards sections 137.24, 137.27 and 137.30, as amended respectively by sections 33 and 34 of chapter 22 of the Statutes of 2002 and by section 2 of chapter 49 of the Statutes of 2001, came into force on 2 October 2002;

WHEREAS it is expedient to fix the dates of coming into force of other provisions of the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Human Resources and Labour and Minister of Labour:

THAT 23 October 2002 be fixed as the date of coming into force of sections 113, 137.62 and 137.63 of the Labour Code, enacted by section 63 of the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions (2001, c. 26), as well as sections 139, 209 and 220 of the Act;

THAT 25 November 2002 be fixed as the date of coming into force of section 112 of the Labour Code enacted by section 63 of that Act.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

5375



## Regulations and other acts

Gouvernement du Québec

**O.C. 1248-2002**, 23 October 2002

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

### Ethics and discipline

Regulation respecting ethics and discipline in the public service

WHEREAS, under paragraphs 1 to 3 of section 126 of the Public Service Act (R.S.Q., c. F-3.1.1), the Government may, by regulation, on the advice of the Conseil du trésor, specify the standards of ethics and discipline prescribed in the Act and add to them, define disciplinary action applicable to public servants and determine the conditions under which it may be taken and determine on what conditions and according to what modalities a public servant may be provisionally relieved of his duties and the cases where the relief is with or without remuneration;

WHEREAS, by Order in Council 577-85 dated 27 March 1985, the Government made the Standards of Ethics and Discipline and Provisional Suspension (Public Service) Regulation;

WHEREAS it is expedient to replace the Regulation in order to update the rules in matters of ethics in the public service;

WHEREAS, in accordance with section 128 of the Public Service Act, a draft Regulation respecting ethics and discipline in the public service was published in the *Gazette officielle du Québec* of 19 June 2002, with a notice that it could be made by the Government, with or without amendment, upon the expiry of 30 days from that publication;

WHEREAS it is expedient to make the Regulation respecting ethics and discipline in the public service with amendments;

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

THAT the Regulation respecting ethics and discipline in the public service, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### Regulation respecting ethics and discipline in the public service

Public Service Act  
(R.S.Q., c. F-3.1.1, s. 126, pars. 1 to 3)

#### CHAPTER I PURPOSE AND APPLICATION

**1.** The purpose of this Regulation is to specify the standards of ethics and discipline applicable to public servants provided for in the Public Service Act (R.S.Q., c. F-3.1.1), to establish new standards and to stipulate the measures applicable, among other things to protect and strengthen public confidence in the integrity and impartiality of the public service and to maintain a high level of quality in the services offered to the general public.

**2.** In case of doubt, public servants shall act in accordance with the spirit of the applicable standards of ethics and discipline.

#### CHAPTER II DUTIES OF PUBLIC SERVANTS

**3.** The duty of discretion set out in section 6 of the Public Service Act, which includes non-disclosure of confidential information, also extends to information obtained by public servants in the performance of their duties.

**4.** Public servants may not obtain confidential information not required for the performance of their duties, nor try to obtain such information.

**5.** Public servants shall avoid placing themselves in a situation where their personal interest enters into conflict with the duties of their position.

Public servants who believe they may be in a situation referred to in the first paragraph shall inform the deputy minister of their department or the chief executive officer of the body or agency for which they work, who may seek an opinion from the Ministère de la Justice and shall advise the public servants of the proper attitude to take.

Where the conflict of interest involves a deputy minister or the secretary of the Conseil du trésor, disclosure shall be made to the Secretary General of the Conseil exécutif.

**6.** Public servants shall not accept gifts, tokens of hospitality or benefits other than customary benefits of modest value.

All other gifts, tokens of hospitality or benefits received must be returned to the giver or handed to the State.

**7.** Public servants shall not mix the property of the State with their own property, nor shall they use the property of the State or information obtained in or during the performance of their duties for the benefit of a third party.

**8.** Public servants who intend to publish a text or be interviewed on matters related to the performance of their duties or to the activities of the department, body or agency for which they perform their duties shall obtain the prior permission of the deputy minister or chief executive officer.

**9.** Public servants shall be permitted to hold a position outside the public service only if:

(1) they ensure that the holding of that position does not hinder their performance as a public servant;

(2) they avoid all conflicts between the exercise of that position and the exercise of the position they hold as a public servant; and

(3) they avoid all other breaches of the standards of ethics applicable to them as a public servant that may be caused by the exercise of that position.

In case of doubt, public servants may ask the opinion of the deputy minister of their department or the chief executive officer of the body or agency for which they work, who may seek the opinion of the Deputy Minister of Justice and shall advise public servants of the proper attitude to take.

**10.** Public servants who cease to perform their duties within the public service shall conduct themselves so as not to obtain undue benefit from their prior position.

**11.** Public servants who cease to perform their duties within the public service shall not disclose confidential information, nor shall they give advice to any person based on information not available to the public concerning the State or a third party with which they had significant direct contact during the year preceding the end of their employment.

**12.** Public servants who acted in connection with a proceeding, negotiation or other transaction shall not act for or on behalf of anyone else in the same proceeding, negotiation or other transaction after ceasing to perform their duties within the public service.

**13.** Public servants who hold an office referred to in section 55 of the Public Service Act shall not, in the year after they cease to perform their duties as a public servant,

(1) accept any appointment to a board of directors or as a member of an entity other than those referred to in the Schedule with which those public servants had official, direct and significant dealings, in the year preceding the end of employment or agree to perform duties or accept employment within such an entity; and

(2) intervene on behalf of an entity other than those referred to in the Schedule with a department where they worked in the year preceding the end of their employment or with another entity referred to in the Schedule with which they had official, direct and significant dealings in that year.

**14.** A public servant, upon discovering that another public servant is violating a provision of section 12 or paragraph 2 of section 13 in connection with a proceeding, negotiation or other transaction, shall inform the deputy minister or the chief executive officer to whom that person reports. The deputy minister or chief executive officer shall take the necessary measures so that the government department, body or agency abstains from dealing with that public servant within the context of that proceeding, negotiation or other transaction, if he or she comes to the same conclusion.

### CHAPTER III PROVISIONAL SUSPENSION

**15.** A writing indicating the decision to suspend a public servant provisionally from his or her duties must be sent or given to the public servant within two working days following the day on which the decision was made.

The writing must indicate any appeal available to the public servant and the procedure for lodging such an appeal.



**16.** Subject to the applicable conditions of employment, the salary of a public servant shall be continued while he or she is on provisional suspension.

**17.** The decision to suspend a State administrator provisionally from his or her duties shall be made by the deputy minister to whom that State administrator reports and the decision to suspend a deputy minister provisionally from his or her duties shall be made by the Secretary General of the Conseil exécutif.

However, if the proposed sanction for a State administrator is dismissal, the Secretary General of the Conseil exécutif may immediately, for a period not exceeding 30 days, either suspend the administrator provisionally from his or her duties without remuneration, or modify a provisional suspension that has already been imposed so that it is thenceforth without remuneration.

#### CHAPTER IV DISCIPLINARY MEASURES

**18.** A disciplinary measure may consist in a reprimand, suspension or dismissal, depending on the nature and gravity of the fault.

**19.** Public servants shall be notified in writing of any disciplinary measure imposed upon them.

The written notice must briefly describe the nature of the alleged fault, and the time and place at which it was committed.

The notice must also indicate any appeal available to public servants and the procedure for lodging such an appeal.

#### CHAPTER V MISCELLANEOUS AND FINAL PROVISIONS

**20.** The deputy minister or chief executive officer shall ensure that the public servants of the department, body or agency comply with the standards of ethics and discipline.

**21.** This Regulation replaces the Standards of Ethics and Discipline and Provisional Suspension (Public Service) Regulation made by Order in Council 577-85 dated 27 March 1985.

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

#### SCHEDULE (s. 13)

##### ENTITIES

1. Any public body, government agency and any government enterprise, within the meaning of the Auditor General Act (R.S.Q., c. V-5.01).

2. Université du Québec, its constituent universities, research institutes and superior schools within the meaning of the Act respecting the Université du Québec (R.S.Q., c. U-1).

3. Any educational institution at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1) and not referred to in section 2 of this Schedule.

4. Any general and vocational college established under the General and Vocational Colleges Act (R.S.Q., c. C-29).

5. Any school board referred to in the Education Act (R.S.Q., c. I-13.3) or in the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14), and the Conseil scolaire de l'île de Montréal.

6. Any private institution accredited for purposes of subsidies under the Act respecting private education (R.S.Q., c. E-9.1).

7. Any other educational institution more than half of the expenditures of which are provided for in the estimates tabled in the National Assembly otherwise than under a transferred appropriation.

8. Any public or private institution under agreement referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2).

9. The regional council established under the Act respecting health services and social services for Cree Native Persons (R.S.Q., c. S-5).

10. Any municipality and any body referred to in section 18 or 19 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3).

11. Any regional development council and any local development centre referred to in the Act respecting the Ministère des Régions (R.S.Q., c. M-25.001).

12. Any agency referred to in paragraph 4 of section 4 of the Lobbying Transparency and Ethics Act (2002, c. 23).

Gouvernement du Québec

**O.C. 1261-2002, 23 October 2002**

Publication of Complementary Agreement No. 15 to the Agreement concerning James Bay and Northern Québec

WHEREAS the Gouvernement du Québec and the Cree Regional Authority entered into Complementary Agreement No. 15 to the Agreement concerning James Bay and Northern Québec on 23 May 2002;

WHEREAS the Agreement was approved, put into force and declared valid by the gouvernement du Québec by Order in Council 605-2002 dated 24 May 2002;

WHEREAS it is expedient that the Complementary Agreement be easily accessible to all Québec citizens;

WHEREAS, under paragraph 7 of section 3 of the Regulation respecting the *Gazette officielle du Québec*, made by Order in Council 1259-97 dated 24 September 1997, the Complementary Agreement is a document whose publication is required by the Government in the French Edition of the *Gazette officielle du Québec*;

WHEREAS, under paragraph 6 of section 4 of that Regulation, such a document may also be published in the English Edition of Part 2 of the *Gazette officielle du Québec* if the Government so orders;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Social Solidarity and Child and Family Welfare and Minister of Social Solidarity:

THAT Complementary Agreement No. 15 to the Agreement concerning James Bay and Northern Québec, entered into on 23 May 2002 by the gouvernement du Québec and the Cree Regional Authority, be published in the French and English Editions of Part 2 of the *Gazette officielle du Québec*.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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**JAMES BAY AND NORTHERN QUÉBEC  
AGREEMENT**

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**English text of the agreement**

**Signatories**

**COMPLEMENTARY AGREEMENT No. 15**

**BETWEEN**

The CREE REGIONAL AUTHORITY, a legal person duly established in the public interest under an Act respecting the Cree Regional Authority, R.S.Q. c. A-6.1, herein acting and represented by Ted Moses, its Chairman, duly authorized to execute this Complementary Agreement

**AND**

The GOVERNMENT OF QUÉBEC (referred to as “Québec”) herein represented by Linda Goupil, ministre d’État à la Solidarité sociale, à la Famille et à l’Enfance, by Rémy Trudel, ministre d’État à la Population, aux Régions et aux Affaires autochtones et ministre responsable des Affaires autochtones and by Michel Létourneau, ministre délégué aux Affaires autochtones et ministre délégué au Développement du Nord québécois

WHEREAS Section 30 of the James Bay and Northern Québec Agreement stipulates that the Income Security Program for Cree Hunters and Trappers (referred to as “the program”) shall ensure that hunting, fishing and trapping shall constitute a viable way of life for the Cree people and that individual Crees who elect to pursue such way of life shall be guaranteed a measure of economic security consistent with conditions prevailing from time to time;

WHEREAS Section 30 of the James Bay and Northern Québec Agreement further provides that the program shall ensure that as an alternative to transfer payment or guaranteed annual income programs existing from time to time there exists through the program effective incentive to pursue harvesting as a way of life for the Cree people;

WHEREAS Section 30 of the James Bay and Northern Québec Agreement provides that Québec and the Cree Regional Authority shall from time to time review the operation of the program and may by mutual consent make any adjustments necessary for the proper functioning of or to give effect to the program;

WHEREAS Section 30 of the James Bay and Northern Québec Agreement and the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec, R.S.Q. c. S-3.2 provide that the Cree Hunters and Trappers Income Security Board (hereinafter referred to as “the Board”) may recommend when and how revisions to the program should be made;

WHEREAS in December 1995 the Board submitted to Québec and the Cree Regional Authority recommendations respecting the revision of the program;

WHEREAS representatives of Québec and the Cree Regional Authority have considered the said recommendations, the stated objectives of the program and the changing circumstances and requirements of the program and have agreed on modifications to the program and program payments which are necessary and appropriate;

WHEREAS the parties hereto have determined that, given the extent of the modifications to the program agreed upon, it is appropriate to amend the James Bay and Northern Québec Agreement by replacing the present text of Section 30 in its entirety.

NOW, THEREFORE, THE PARTIES HEREBY AGREE AS FOLLOWS:

### **Section 30 Amended and Replaced**

1. The parties hereto amend the James Bay and Northern Québec Agreement (hereinafter referred to as “the Agreement”) by replacing Section 30 of the Agreement in its entirety by the new Section 30 attached hereto as Schedule 1 to form part hereof. For greater certainty, the parties confirm their agreement respecting the annual review of the person/day limit for the program provided at paragraph 4 of Complementary Agreement No. 8 to the Agreement executed on September 27, 1988.

### **Continuation of the Program and Protection of Rights**

2. The parties agree that notwithstanding that Section 30 of the Agreement is being replaced by the new Section 30 attached as Schedule 1 to this Complementary Agreement:

i. this shall not affect the validity of any actions, decisions, resolutions, by-laws, regulations or any other acts validly undertaken in virtue of the program as it existed prior to the coming into force of this Complementary Agreement;

ii. the Income Security Program for Cree Hunters and Trappers referred to in Section 30 of the Agreement shall be continued as amended by the new Section 30 attached hereto as Schedule 1 and reference to “the program” in this new Section 30 shall include, where the context allows, and with respect to the period prior to the coming into force of this Complementary Agreement, the program as it existed up to the coming into force of this Complementary Agreement;

iii. for greater certainty, the coming into force of this Complementary Agreement shall not in and of itself affect rights, benefits, eligibility or entitlements in place at the coming into force of this Complementary Agreement but such rights, benefits, eligibility or entitlements shall become subject to the terms of the new Section 30 from the coming into force of this Complementary Agreement.

### **Research Project**

3. In order to provide the Cree hunters and trappers, members of the Board, Cree entities, the ministère de l'Emploi et de la Solidarité sociale and all other responsible Québec departments, basic information on programs, resources and agreements likely to assist Cree hunters and trappers in conducting their activities, the parties hereto agree to establish forthwith a research project the details of which are set out at Schedule 2 attached hereto to form part hereof.

### **Implementation**

4. The amendments to the Agreement set out in Schedule 1 attached hereto to form part hereof shall become operational and be implemented for the program year 2002-3.

### **SCHEDULE 1 TO COMPLEMENTARY AGREEMENT No. 15**

### **SECTION 30 INCOME SECURITY PROGRAM FOR CREE HUNTERS AND TRAPPERS**

#### **30.1 Definitions**

30.1.1 “Beneficiary unit” shall mean: A family or an unattached individual eighteen (18) years of age or over.

30.1.2 “Community improvement program” shall mean: A project authorized by the local government designed to improve the living conditions in the Cree community and funded by government programs or community funds.

30.1.3 “Consorts” shall mean: Two persons of the opposite sex or of the same sex who, taking into account Cree custom, are married or live together in a *de facto* union.

30.1.4 “Daily net allowance” shall mean: The amount payable per day pursuant to paragraph 30.4.3 less the contribution payable by a beneficiary to the Insurance Fund.

30.1.5 “Dependent child” shall mean: An unmarried child, whatever his or her filiation and taking into account established Cree custom, who depends for his or her support upon the head of family for the greater part of the year or while in the bush and who:

- a) is less than eighteen (18) years of age, or
- b) is eighteen (18) years of age or older and is attending on a full time basis secondary school in the regular stream, or
- c) is eighteen (18) years of age or older, is handicapped and is not receiving financial support or assistance in respect of his or her handicap.

30.1.6 “Disaster” shall mean: An event such as a flood or a forest fire, whatever the cause, resulting in one or more beneficiary units being required to reduce their harvesting and related activities on a scale determined to be significant by the Board.

30.1.7 “Enrolled” shall mean: Having one’s name on the definitive list referred to at paragraph 30.6.4.

30.1.8 “Family” shall mean: Taking into account established Cree custom, consorts with or without a dependent child or an adult with one or more dependent children.

30.1.9 “Far Harvesting Region” shall mean: In respect of a beneficiary unit, the harvesting region associated with the Cree community where the head of the unit is registered for the purpose of the program, which is recognized specifically for the purpose of the program by Québec and the Cree Regional Authority as a “far harvesting region” and which is depicted on a map forming part of Schedule I to this Section or on a modified map referred to at paragraph 30.4.9.

30.10.10 “Harvesting and related activities” shall mean:

a) in the case of harvesting activities, all activities involved in the exercise of the right to harvest as provided in Section 24 excluding commercial fishing;

b) in the case of related activities:

i. activities associated with harvesting activities generally carried out by women, and

ii. activities commonly practiced by those who also practice harvesting activities, including, *inter alia*:

1) making or repairing equipment used in hunting, fishing and trapping activity;

2) preparation of food supplies, clothing, habitations, materials, equipment and land improvements necessary for harvesting activities;

3) picking and processing wild berries;

4) processing, transportation and marketing of the products of harvesting activities;

5) making of handicrafts from products of harvesting within the household;

6) remedial works, protection and enhancement of wildlife;

7) surveys or management of wildlife to assist harvesting activity;

8) transportation to and from bush camps and harvesting sites;

9) the work carried out as a member of a Local Income Security Program Committee, not exceeding ten days per year;

10) time spent in a mandatory course for firearm use not exceeding 3 days per year.

30.1.11 “Head of beneficiary unit” shall mean: A head of family or an unattached individual.

30.1.12 “Head of family” shall mean: The member of a family who habitually is the chief provider for the needs of such family, taking into account established Cree custom.

30.1.13 “Local Income Security Program Committee” shall mean: A committee contemplated by paragraph 30.5.14.

30.1.14 “Local Income Security Program List” shall mean: The list referred to in paragraph 30.5.14.

30.1.15 “Sickness” shall mean: A state resulting from illness or injury that prevents the conducting of harvesting or related activities.

30.1.16 “The basic guarantee under the program” shall mean: The sum of the benefits provided to a beneficiary unit referred to in paragraph 30.4.2.

30.1.17 “The basic guarantee under social aid” shall mean: An amount equal to the benefits available to a beneficiary unit in receipt of social aid which has no other source of income.

30.1.18 “The break-even point in the program” shall mean: The minimum level of income which, taking into account only the sum of the benefits provided for in paragraph 30.4.2 and the reduction rate provided for in paragraph 30.4.5, would leave a beneficiary unit in receipt of no such benefits.

30.1.19 “The break-even point under social aid” shall mean: The minimum level of income which would make any beneficiary unit ineligible to receive social aid benefits.

30.1.20 “Time conducting harvesting and related activities” shall mean: A number of days calculated as the total of:

a) the number of days spent away from permanently occupied settlements conducting harvesting and related activities computed so as to include the number of days from each date of departure from such settlement to each date of return to such settlement inclusive, and including single days a major portion of the daylight part of which was spent away from permanently occupied settlements conducting harvesting and related activities.

b) the number of days spent in such settlement and actually spent in the conduct of harvesting and related activities.

30.1.21 “Time spent in salary or wage employment” shall mean: The number of days spent in work that is not a harvesting or related activity and for which the individual received salary or wage.

30.1.22 “Transfer payment programs” shall mean: Family and youth allowances, government old age security pensions, veterans’ pensions and allowances, social aid, mother’s allowances, manpower training allowances, payments to the blind or disabled, guaranteed income supplement for the aged, social assistance for Indians or Inuit and other such programs as may exist from time to time.

## 30.2 General Provisions

30.2.1 An income security program (herein referred to as “the program”) to provide an income guarantee and benefits and other incentives for Cree people who wish to pursue harvesting activities as a way of life is established by and in accordance with this Section.

30.2.2 Subject to the terms of Sub-Section 30.7, the funding of the program established by and in accordance with this Section shall be the responsibility of Québec which shall ensure at all times that the necessary funds are provided to give full effect to the program.

30.2.3 Subject to and in accordance with the provisions of Sub-Section 30.10, the program shall be at least as generous as any guaranteed annual income program of general application that may be established or exist from time to time in Québec whether such program is established or funded by Canada or Québec. This program must also offer advantages equivalent to those granted under any maternity benefit program of general application in Québec.

30.2.4 Notwithstanding anything in this Section, every Cree person shall have the right to benefit, if eligible under such programs, from any transfer payment, workmen’s compensation, employment insurance programs, Canada and Québec Pension Plans and other social insurance programs existing from time to time in Québec, whether established and funded by Québec or Canada.

30.2.5 A person benefiting from the program shall not be entitled to combine the benefits from the program with benefits from social aid, social assistance for Indians or Inuit or guaranteed annual income programs of general application existing from time to time in Québec provided that such person, if eligible, may elect from time to time to benefit from such programs in place of the program.

30.2.6 The payments made pursuant to Sub-Sections 30.4, 30.7 and 30.8 shall be offset against benefits payable for the same period under any social aid, social assistance for Indians or Inuit, guaranteed income supplement for the aged or guaranteed annual income programs of general application existing from time to time in Québec.

30.2.7 Payments under the program shall be made to beneficiary units and established on the basis of such beneficiary units in the manner provided in this Section.

30.2.8 The program shall ensure that hunting, fishing and trapping shall constitute a viable way of life for the Cree people, and that individual Crees who elect to pursue such way of life shall be guaranteed a measure of economic security consistent with conditions prevailing from time to time.

30.2.9 The program shall ensure that as an alternative to transfer payments or guaranteed annual income programs existing from time to time there exists through the program effective incentive to pursue harvesting as a way of life for the Cree people.

30.2.10 The establishment whether by Canada or Québec of guaranteed annual income programs of general application shall not prejudice the rights and guarantees under the program in favour of the Crees established by and in accordance with this Section. However, beneficiaries under the program shall not be entitled to benefit from more than one such program at the same time at their option.

### 30.3 The Right to Benefit and Eligibility

#### I. ELIGIBILITY

30.3.1 Every Cree person eligible pursuant to Section 3 of the Agreement and ordinarily resident in Québec shall have the right to benefit under the program provided such person is eligible in accordance with the terms and conditions set forth in this Section.

30.3.2 With the exception of a beneficiary unit contemplated by sub-paragraph 30.3.3 *i*, for a beneficiary unit to be eligible in any given year:

*a)* the name of its head must appear on the Local Income Security Program List submitted to the Board no later than June 30 of each year or such other date as may be established by the Board, or on an amended list, if any, submitted to the Board no later than September 15 of each year or such other date as may be established by the Board, or

*b)* if no Local Income Security Program List has been submitted as provided in sub-paragraph *a*, the name of its head must appear on the last Local Income Security Program List submitted to the Board, or

*c)* if no Local Income Security Program List has ever been submitted to the Board, the beneficiary unit must have been enrolled in the program in the preceding year under the terms of paragraph 30.3.3.

30.3.3 Eligibility to benefits under the program shall be determined in the manner provided in paragraph 30.3.2 and this paragraph. Subject to paragraphs 30.3.2 and 30.3.6, the following beneficiary units shall be eligible:

*a)* any beneficiary unit the head of which in the preceding year spent more time conducting harvesting and related activities than time spent in salary or wage employment, excluding, both in the case of harvesting and related activities and salary and wage employment, time spent in guiding, outfitting or commercial fishing or in receipt of employment insurance, workmen's compensation, or manpower training allowances, provided that the head of such beneficiary unit spent at least one hundred and twenty (120) days conducting harvesting and related activities of which at least ninety (90) days were spent away from the settlement conducting such activities, or

*b)* any beneficiary unit which in the preceding year derived the greater part of its earnings, excluding earnings from guiding, outfitting or commercial fishing, from harvesting and related activities, or

*c)* any beneficiary unit which in the preceding year was eligible under *a* or *b* and a member of which in the preceding year suffered from sickness or was the victim of an accident during the exercise of harvesting and related activities which, in either case, resulted in such beneficiary unit not being eligible under *a* or *b*, or

*d)* any beneficiary unit which in the preceding year was eligible under *a* or *b* and a member of which in the preceding year was the victim of an accident during seasonal employment as a result of which she became eligible for workmen's compensation and which also resulted in such beneficiary unit not being eligible under *a* or *b*, or

*e)* any beneficiary unit which in the preceding year was eligible under *a* or *b* and the head of which in the preceding year was forced to abandon or diminish her harvesting and related activities as a result of government action, development activities, or in order to allow animal populations to increase to a harvestable level, which resulted in such beneficiary unit not being eligible under *a* or *b*, or

*f)* any beneficiary unit which in the preceding year was eligible under *a* or *b* and which in the current year is not eligible under *a* or *b* as a result of the head of such beneficiary unit having been engaged in a manpower, upgrading, training or other self-improvement program in the preceding year, or

g) any beneficiary unit which in the preceding year was eligible under *a* or *b* and which in the current year is not eligible under *a* or *b* as a result of the head of such beneficiary unit having been engaged in temporary employment on a community improvement program or project during the preceding year, or

h) any beneficiary unit which, in the preceding year, was eligible under *a* or *b*, and whose head, during the preceding year was unable to participate in harvesting and related activities as a result of her pregnancy, its effects, or care of her infant, making the beneficiary unit ineligible under *a* or *b*, or

i) any beneficiary unit which is not eligible under *a* or *b* because during the preceding year its head was enrolled in an educational institution completing successfully at least a secondary V level education, or normally recognized equivalent studies, provided its head is under 25 years of age, or

j) any beneficiary unit which is not eligible under *a* or *b* because during the preceding year it was on a temporary leave from the program in accordance with paragraph 30.3.9, making the beneficiary unit ineligible under *a* or *b*, or

k) any beneficiary unit which is not eligible under *a* or *b* because during the preceding year it was on a temporary leave from the program in accordance with paragraph 30.3.9 but which has obtained semi-active status under paragraph 30.3.11 and remains in compliance with sub-paragraph 30.3.12 *a*, or

l) any beneficiary unit which in the preceding year was eligible under *a* or *b* and which during the preceding year qualified under the terms of paragraph 30.3.11 to receive benefits in virtue of the semi-active status, or

m) any beneficiary unit which in the preceding year was not eligible under *a* or *b* but which had semi-active status under paragraph 30.3.11 and which remains in compliance with sub-paragraph 30.3.12 *a*, or

n) any beneficiary unit which in the preceding year was eligible under *a* or *b* and whose head during the preceding year was unable to participate in harvesting and related activities as a result of sickness or disaster making the beneficiary unit ineligible under *a* or *b* but which elected during that year to receive benefits in accordance with the terms and conditions of Sub-Section 30.7 provided that, in any event, the beneficiary unit remains in compliance with paragraph 30.3.6.

30.3.4 In the case of beneficiary units eligible under *c*, *d*, *e*, *f*, *g*, *k*, *l*, *m* and *n* of paragraph 30.3.3, such beneficiary units shall be considered eligible and shall have the right to receive the benefits provided under the program applicable to such beneficiary units in the current year and subsequent year subject to any restrictions provided in the program and, notwithstanding paragraph 30.2.5, the members of such beneficiary units shall have the right to receive any other transfer payments, workmen's compensation or employment insurance benefits, Canada Pension Plan or Québec Pension Plan benefits for which they may be eligible during such period.

30.3.5 Notwithstanding paragraph 30.3.2, a beneficiary unit shall continue to be eligible to receive income security benefits during the current year in spite of the death of the head of the beneficiary unit.

30.3.6 Where the head of a beneficiary unit is eligible to benefit from the provisions under Sub-Section 30.7 and elects to benefit from such provisions and provided that days spent in harvesting and related activities and days remunerated pursuant to Sub-Section 30.7 total at least 120 days in a program year, the beneficiary unit may maintain eligibility in the program on this basis for a period not exceeding 3 consecutive years unless the Board decides to extend such period.

30.3.7 The Board or a Local Income Security Program Committee may advise a person eligible under the program to leave the program for reasons of health or security or, if such person appears eligible, to apply to benefit in virtue of appropriate measures provided through the program.

30.3.8 Harvesting or related activities may be replaced, for the purpose of the eligibility of a beneficiary unit, by land development activities, to the extent and on the conditions determined by the Board after a specific activity has been the subject of a decision of the Minister pursuant to a recommendation of the Board to the effect that it be considered as a land development activity.

## II. TEMPORARY LEAVE

30.3.9 A beneficiary unit shall be entitled to a temporary leave from the program for a period of up to 3 consecutive program-years unless the Board decides to extend such period and provided that:

a) the head of a beneficiary unit has requested in advance from the Board a temporary leave;

b) the temporary leave is required as a result of:

i. the head of a beneficiary unit or the consort being enrolled in a full time program in a school, university or other institution recognized by the Board for this purpose, or

ii. the head of a beneficiary unit or the consort being engaged in a regular full time job;

c) the head of the beneficiary unit:

i. is between the ages of 21 and 26 years old inclusive and has been enrolled in the program as head of a beneficiary unit during the 3 program-years immediately preceding the commencement of the temporary leave, or

ii. has been enrolled in the program as head of a beneficiary unit during at least 10 program-years including the 5 program-years immediately preceding the temporary leave;

d) the temporary leave will only be valid for the program-years during which the head of a beneficiary unit or the consort is actually in school, in training or in a regular full time job;

e) the beneficiary unit availing itself of a temporary leave:

i. shall not, during the temporary leave, lose sick leave benefits already accumulated under the program to which it was entitled at the moment that its participation in the temporary leave commences, and

ii. does not have a right to any payment under the program save where the Board otherwise decides provided that such a decision respects the nature and objectives of the program.

### III. SEMI-ACTIVE STATUS

30.3.10 The head of a beneficiary unit who wishes to reduce his or her harvesting or related activities or who for medical reasons must reduce those activities may request that the beneficiary unit be designated as semi-active.

30.3.11 A beneficiary unit may avail itself of semi-active status provided the head of the beneficiary unit:

a) has no medical impediment to continue to conduct harvesting and related activities for a period of at least 20 days and at least 50% of any such period away from a settlement;

b) has been enrolled in the program for at least 15 years inclusive of any years on temporary leave and including the 5 years immediately preceding the application respecting semi-active status;

c) is of an age that, if added to the number of years he or she has been enrolled in the program including any years on temporary leave, the total is at least 80;

d) continues to spend more time during the year conducting harvesting and related activities than time in salary or wage employment within the meaning of subparagraph 30.3.3 a.

30.3.12 A beneficiary unit contemplated in paragraph 30.3.10, must decide either:

a) to maintain for a period up to 5 years, its eligibility for the program as a semi-active unit and to receive payments under the program to which it is entitled, or

b) to receive a lump sum representing 100% of the value of the sick leave days accumulated by the head of the beneficiary unit and the consort paid at the daily net allowance in force during the last year in which that beneficiary unit was enrolled in the program.

30.3.13 In the case of a beneficiary unit availing itself of the semi-active status under the program:

a) if the beneficiary unit decides to maintain its eligibility in the program as provided at subparagraph 30.3.12 a, both the head of a beneficiary unit and the consort shall not be entitled to benefit from the program for a period of 5 years following either the end of the period referred to in subparagraph 30.3.12 a or the end of the year during such period in which it loses eligibility;

b) if the beneficiary unit received the lump sum referred to at subparagraph 30.3.12 b, both the head of a beneficiary unit and the consort shall not be entitled to benefit from the program for a period of 10 years following the last year they were enrolled on the program;

c) if the head of a beneficiary unit or the consort dies, the surviving adult shall keep his or her rights to the benefits provided under the semi-active status for the period remaining for entitlement to those benefits on the conditions provided at paragraph 30.3.12 and this paragraph;



*d)* in the case of divorce or separation affecting a unit, each of the adults shall keep his or her rights to the benefits under semi-active status for the period remaining for entitlement to those benefits on the conditions provided at paragraph 30.3.12 and this paragraph.

### 30.4 Calculation of Benefits

#### I. GENERAL

30.4.1 The benefits under the program as of July 1, 2002 shall be calculated as provided for in this Sub-Section taking into consideration:

- a)* the composition and size of the beneficiary unit eligible to benefit under the program, and
- b)* the extent of harvesting and related activities of such beneficiary unit, and
- c)* the amount of other income, and
- d)* the harvesting region where the beneficiary unit conducted harvesting and related activities.

30.4.2 Any beneficiary unit eligible to benefit under the program shall be guaranteed a basic amount calculated as a sum of:

- a)* an amount of \$ 3 818.00 for the head of the beneficiary unit and \$ 3 818.00 for the consort, and
- b)* an amount of \$ 1 528.00 for each family and for each unattached individual not living with his parent, grandparent or child, and
- c)* an amount of \$ 1 528.00 for each dependent child.

30.4.3 With respect to payment of daily allowances:

*a)* every beneficiary unit is entitled to receive a daily allowance in an amount of \$47.34 per adult for every day spent by the adult in the bush in harvesting or related activities, for every day, not exceeding 10 days per year, during which the adult participated as a member in the work of a Local Income Security Program Committee, for every day, not exceeding 3 days per year, during which the adult attended a mandatory course for firearms use and for every day during which the adult carried out land development activities referred to at paragraph 30.3.8, except:

*i.* days for which the head of the beneficiary unit receives a salary for such activities;

*ii.* days for which the head of the beneficiary unit receives employment insurance or manpower training allowances;

*iii.* days for which the head of the beneficiary unit receives benefits under a statute as compensation replacing income;

*iv.* days for which the head of the beneficiary unit receives a salary for work other than harvesting or related activities;

*b)* in cases where a consort receives benefits, allowances or a salary referred to in sub-paragraph *a*, the beneficiary unit is not entitled to receive, for this consort, the daily allowance referred to in sub-paragraph *a* for any day in respect of which the consort receives such benefits, allowances or salary;

*c)* the maximum number of days in a year for which a beneficiary unit may receive the amount provided in sub-paragraph *a* is 240 days for each adult in the beneficiary unit except:

*i.* in the case of a beneficiary unit eligible under sub-paragraph 30.3.3 *i* the maximum number of days in the first year for which a beneficiary unit may receive the said amount is 120 days for each adult in the beneficiary unit; and

*ii.* in the case of a beneficiary unit who is admitted to semi-active status under paragraph 30.3.11, the maximum number of days per year for which a beneficiary unit may receive the said amount is 119 days for each adult in the beneficiary unit;

*d)* subject to the provisions regarding indexation at paragraph 30.4.10, for the years 2003-4 and 2004-5 the amount of the daily allowance provided at sub-paragraph *a* shall be adjusted by adding each year an amount of \$2.25.

30.4.4 For the purposes of this Sub-Section:

*a)* the words “other income” shall mean an amount equal to the sum of:

*i.* the income of the beneficiary unit from the sale of furs in excess of \$15,000.00 or such greater amount or amounts as may be determined by the Board;

*ii.* the amounts received pursuant to paragraphs 30.4.3 and 30.4.7;

iii. all net income from guiding, outfitting or commercial fishing and net income from harvesting and related activities, excluding income contemplated in subparagraph *a i*;

iv. the net income from land development activities referred to at paragraph 30.3.8;

v. all other net income or salary from any other sources received by the members of the unit except net income received by a dependent child supplementary to his studies and not exceeding \$ 4 313.00, payments received by the unit in respect of child care, family allowances, old age security pensions and guaranteed income supplements, social aid payments and social assistance payments for Indians or any other income, salary or subsidy established by the Board;

vi. the amounts received pursuant to paragraph 30.4.6 and Sub-Sections 30.7 and 30.8;

*b*) for greater certainty, the words “other income” shall not include amounts received by a beneficiary unit as compensation as a result of hydro electric, mining or forestry development and that does not constitute a salary or income replacement.

30.4.5 Each beneficiary unit eligible to benefit under the program shall receive a sum equal to the amount determined pursuant to paragraph 30.4.2 less an amount equal to the sum of old age security pension payments received by the beneficiary unit and 40 percent of all other income.

## II. MATERNITY BENEFITS

30.4.6 With respect to payment of maternity benefits:

*a*) when a woman who is the head of a beneficiary unit or who is the consort of the head of that unit is unable to participate in harvesting and related activities as a result of her pregnancy, its effects or care of her infant, the beneficiary unit has the right to maternity benefits under the program equivalent to those available under any maternity benefit program of general application in Québec;

*b*) the Board shall determine, taking into account the daily allowance amount payable under paragraph 30.4.3 and the amount payable under paragraph 30.4.7, the period and the amount of the maternity benefits to be paid under this paragraph provided that the amount of such benefits may not exceed on a per diem basis the daily allowance payable under paragraph 30.4.3 combined, if applicable, with the amount payable under paragraph 30.4.7;

*c*) notwithstanding subparagraph *a*, no maternity benefits shall be issued unless the Board determines, pursuant to criteria it establishes, that the woman, who is otherwise eligible to receive maternity benefits, would have participated in harvesting or related activities, and provided that she is not benefiting from a maternity benefit program of general application in Québec;

*d*) maternity benefits are payable only after the Board has received documentation it considers adequate certifying the pregnancy of the woman requesting the benefits, the effects of the pregnancy or the care of her infant.

## III. FAR HARVESTING REGION

30.4.7 In addition to the amount provided at paragraph 30.4.3, each adult in a beneficiary unit is entitled to receive an additional amount equal to 30% of the amount provided under paragraph 30.4.3 for harvesting and related activities in a far harvesting region provided that:

*a*) such harvesting and related activities are conducted during the period fixed by the Board for the Cree community in which the unit is registered provided that for each Cree community such period, even if varying between communities, shall begin during the Fall season and cover 180 consecutive days;

*b*) the amount is only payable in respect of days claimed for which the member of the unit spent the full 24 hours in the far harvesting region;

*c*) the number of days per adult per program-year for which this amount is payable shall not exceed 180.

30.4.8 The far harvesting regions are depicted in the set of maps attached as Schedule I. A set of the maps contained in Schedule I certified by the Board shall be held on deposit by the Board.

30.4.9 The following procedure shall apply to any modifications to the maps depicting the far harvesting regions:

*a*) the Board may modify the maps depicting the far harvesting regions which presently form part of Schedule I to this Section or any successor map provided that:

i. any such modification is made by unanimous decision of the members present at the meeting considering the matter;

ii. a copy of the modified map certified by the Board is on deposit with the Board;

iii. copies of the modified map certified by the Board are provided to each of the Chairman of the Cree Regional Authority and the Minister within 30 days of the decision of the Board.

b) Schedule I to this Section shall be deemed to be modified in accordance with the decision of the Board referred to at sub-paragraph *a* thirty days following the date of the said decision.

#### IV. INDEXATION

30.4.10 Subject to paragraph 30.10.8, the dollar amounts provided for in this Sub-Section shall be indexed annually according to the increase in the cost of living in Québec. If a cost of living index for the Territory computed on a basis similar to that available in Québec becomes available, the Board may by unanimous decision of the members present at the meeting considering the matter, decide to use this index.

#### 30.5 Administration of the Program

##### I. CREE HUNTERS AND TRAPPERS INCOME SECURITY BOARD

30.5.1 There is established the Cree Hunters and Trappers Income Security Board (hereinafter referred to as the "Board"). The Board may also be designated under the name in Cree of "NDOO-WHO SHOO-YAN OUJEMAOCH" and under the name, in French of "Office de la sécurité du revenu des chasseurs et piégeurs cris".

30.5.2 The Board is a legal person within the meaning of the Civil Code of Québec and shall have the general powers of such a legal person and such special powers as are assigned to it by statute.

30.5.3 The Board shall have 6 members. The Cree Regional Authority and Québec shall each appoint three (3) members and shall pay the remuneration and expenses of their respective members.

30.5.4 Four (4) members shall constitute a quorum provided two (2) members appointed by each party are present.

30.5.5 The members of the Board shall each have one (1) vote.

30.5.6 The respective parties shall appoint a Chair and Vice-Chair of the Board who shall hold office for one (1) year from among their appointees in the following manner:

a) in the first year of the operation of the Board, the Chair shall be appointed by Québec and the Vice-Chair shall be appointed by the Cree Regional Authority;

b) in the second year of the operation of the Board, the Chair shall be appointed by the Cree Regional Authority and the Vice-Chair shall be appointed by Québec;

c) in subsequent years, the appointment of the Chair and Vice-Chair of the Board shall take place in the sequence set forth in sub-paragraphs *a* and *b*.

30.5.7 In the absence of the Chair, the Vice-Chair shall act as Chair.

30.5.8 The Chair of the Board shall have a second and deciding vote.

30.5.9 Unless otherwise specifically provided elsewhere in this Section, where it is provided that the Board decides or otherwise acts, it shall do so only in virtue of the vote of the majority of the members present at the meeting considering the matter provided that at least one member appointed by the Cree Regional Authority and one member appointed by Québec form part of the majority.

30.5.10 In addition to the other functions and duties of the Board provided for in this Section, the Board shall:

a) examine the applications for income security benefits transmitted by the local administrator pursuant to paragraph 30.6.3 in light of the Local Income Security Program List in force on September 15 and draw up a definitive list of beneficiaries eligible for the program;

b) review all protests and claims resulting from the operation of the program or the procedures established for the program or any other matter contemplated in this Section;

c) review the operation of the program and procedures established for the program and participate at the request of the Minister in the evaluation of the results of the program;

d) supervise the administration of the program and procedures established for the program;

e) establish, pursuant to paragraph 30.4.10, the annual adjustment of the dollar amounts provided for in this Section and where appropriate the cost of living rate to which the payments under the program established by this Section shall be indexed;

*f)* establish the administrative procedures and criteria, consistent with the terms of this Section, necessary to implement the program and modify such procedures and criteria from time to time on the basis of experience with the operation of the program;

*g)* consult the appropriate local administrator or administrators in all matters respecting the operation of the program in any Cree community or communities;

*h)* prepare an estimate of the annual costs of the program for each Cree community, including an amount for each beneficiary unit eligible, and obtain from Québec the funds necessary to cover such costs;

*i)* prepare a budget for its own operations and obtain from Québec the funds necessary to cover such costs;

*j)* recommend or determine, as the case may be, when and how revisions to the program should be made as provided in Sub-Sections 30.10 and 30.11;

*k)* fulfill for a given Cree community the duties of the local administrator contemplated in paragraph 30.5.13 if there is no local administrator in such community;

*l)* recommend to the Minister the specific activities to be designated as land development activities and determine the extent to which and the conditions upon which such activities may replace harvesting and related activities for the purposes of the eligibility of a beneficiary unit;

*m)* determine, for the purposes of sub-paragraph 30.4.4 *a i*, any amount or amounts from the sale of furs greater than \$15,000.00 which amounts may vary according to categories of beneficiaries, revenues, territories where harvesting and related activities are carried out or the manner in which such activities are exercised;

*n)* determine the income, salaries and subsidies to be excluded pursuant to sub-paragraph 30.4.4 *a v*;

*o)* determine the criteria and conditions for maternity benefits contemplated in paragraph 30.4.6;

*p)* determine the amount of the daily benefits, which may not exceed that provided in sub-paragraph 30.4.3 *a* and paragraph 30.4.7 and the maximum number of days for which a beneficiary unit may receive maternity benefits, which may not exceed 240 days;

*q)* establish the conditions and procedures for reimbursement of the overpayments contemplated in sub-paragraph 30.6.8 *f*;

*r)* establish rules relating to the application of benefits of the head of a beneficiary unit referred to at sub-paragraph 30.3.3 *i*;

*s)* establish rules concerning the conditions of eligibility and participation in regard to temporary leave as provided at paragraph 30.3.9;

*t)* decide, in the case of a beneficiary unit entitled to a temporary leave under paragraph 30.3.9, whether such unit may continue to be eligible for temporary leave after 3 consecutive years;

*u)* establish, for the purposes of temporary leave from the program, what institutions should be recognized under sub-paragraph 30.3.9 *b i*;

*v)* decide, in the case of temporary leave from the program, whether a beneficiary unit may, by exception, continue to receive payments under the program as provided at sub-paragraph 30.3.9 *e ii*;

*w)* where appropriate, advise a person eligible under the program to leave the program for reasons of health or safety or to apply to benefit under other measures provided through the program;

*x)* establish the period for each Cree community during which beneficiary units conducting harvesting and related activities in a far harvesting region are entitled to receive an additional amount as provided at paragraph 30.4.7;

*y)* determine the information required to be provided by a beneficiary unit respecting time spent conducting harvesting and related activities in a far harvesting region;

*z)* establish from time to time the dates on which Local Income Security Program Lists or amended Local Income Security Program Lists must be submitted to the Board;

*aa)* determine for the purposes of the sick leave provisions under the program:

*i.* any person other than a doctor who may certify that the individual was unable to practice harvesting or related activities as provided at sub-paragraph 30.7.17 *a*;

*ii.* any different reference period referred to at sub-paragraph 30.7.17 *d*;

*bb)* make recommendations concerning modifications to the sick leave provisions as provided at sub-paragraph 30.7.31 *b*;

*cc)* administer the Insurance Fund and hold the Insurance Fund in trust as provided at Sub-Section 30.7;

*dd)* determine whether the effects of an event such as a flood or a forest fire are of such significant scale as to qualify as a disaster within the meaning of paragraph 30.7.9;

*ee)* determine, as provided at Sub-Section 30.8, what events shall constitute a catastrophe and make recommendations to the Minister;

*ff)* fulfill the duties and roles provided in respect of the mechanism for review of the implementation and application of Section 30 as provided at paragraph 30.10.10;

*gg)* modify the maps depicting the far harvesting regions forming part of Schedule I of this Section or any successor map referred to at paragraph 30.4.9;

*hh)* adopt such administrative rules as it deems necessary and appropriate to give effect to the provisions of this Section.

30.5.11 A measure adopted by the Board under sub-paragraph 30.5.10 *n* must be approved by the Minister.

## II. LOCAL ADMINISTRATOR

30.5.12 For each Cree community, the Board shall, following consultations with the responsible Cree local government, appoint a local administrator for the community who shall be an employee of the Board and who shall have an office in the community.

30.5.13 The local administrator shall:

*a)* receive annually applications for income security benefits submitted in the Cree community where he or she carries on his or her duties;

*b)* see to the proper functioning of the program and the procedures provided for and in accordance with this Section at the community level;

*c)* see to the distribution and payment to heads of beneficiary units of sums due in accordance with the provisions of this Section;

*d)* keep accurate and verifiable records of all payments made to heads of beneficiary units and costs incurred in administration under this program, in accordance with the procedures and criteria established by the Board;

*e)* assist members of beneficiary units to apply for and prepare all necessary documentation respecting eligibility and benefit forms under the program, and other relevant information;

*f)* collect and preserve all necessary documentation respecting eligibility and benefits under the program, according to the procedures and criteria established by the Board.

## III. LOCAL INCOME SECURITY PROGRAM COMMITTEE

30.5.14 A Cree community shall establish a local committee to prepare a list of persons who are recognized by community custom to be practicing harvesting and related activities as a way of life in compliance with the harvesting traditions and rules of the community.

30.5.15 With respect to the composition of the local committees:

*a)* a local committee shall be composed of not fewer than three and not more than seven members;

*b)* the members shall be chosen for a fixed period in accordance with the custom of the Cree community by and among the adults who are or have previously been beneficiaries of the program, provided that one member may be designated by the Council of the Band, as defined in the Cree-Naskapi (of Québec) Act, S.C. 1984, c. 18, from among its members;

*c)* upon its establishment, the committee shall post a notice of its membership in a public place within the Cree community in question;

*d)* at the end of their term, the members shall remain in office until they are replaced or reappointed.

30.5.16 The names of local committee members must be submitted to the Board upon the establishment of the local committee. The Board shall also be informed of who among the members, will direct the activities of the committee, coordinate its work and act as a liaison between the committee and the Board.

30.5.17 A quorum for sittings of a local committee shall be at least a majority of the members.

30.5.18 A local committee may adopt rules of procedure concerning the implementation of paragraphs 30.5.14 to 30.5.20. These rules shall be transmitted to the Board. They shall come into force as soon as they are posted by the local committee in a public place within the Cree community in question.

30.5.19 No later than June 30 of each year or such other date as may be established by the Board, the most recent list prepared by a Local Income Security Program Committee pursuant to paragraph 30.5.14 shall be submitted to the Board and posted in a public place within the Cree community in question.

30.5.20 The duties and authority of the Local Income Security Program Committee shall include among others:

*a)* to make recommendations to the Board in regard to any aspect of the design, administration or operation of the program in the Cree community where it carries out its duties;

*b)* to consult and exchange information deemed necessary by the Board on any matter regarding the design, administration or operation of the program in the Cree community where it carries out its duties;

*c)* to prepare the list referred to at paragraph 30.5.14;

*d)* to advise a person eligible under the program as provided at paragraph 30.3.7.

### 30.6 Procedures

30.6.1 For the purpose of the program, the program-year shall commence on July 1 of each year.

30.6.2 Each applicant for benefits under the program shall submit an application between July 1 and July 31 each year, unless prevented from doing so by harvesting or related activities, training, education or employment away from the settlement, sickness, accident or other similar circumstances.

30.6.3 No later than August 1 of each year or such other date as may be established by the Board, the local administrator shall transmit to the Board the applications for income security benefits submitted in the Cree community where his or her duties are carried out.

30.6.4 The Board shall review the applications referred to in paragraph 30.6.3 in the light of the Local Income Security Program Lists prepared and submitted by the Local Income Security Program Committees, shall draw up the definitive list of beneficiaries eligible for the program and shall calculate the required funds for each Cree community for the operation of the program during the current year, including administration costs of the program for the current year, taking into account in the estimated total costs any surplus or deficit resulting from the operation of the program in the preceding year.

30.6.5 The Board shall, on the basis of the calculation referred to at paragraph 30.6.4, submit to the Minister a request for the necessary funds for a given period to be determined from time to time by the Board and the Minister shall transfer to the Board, within thirty (30) days of the receipt of such request, the necessary funds to cover the costs of the program including administrative costs for such period.

30.6.6 No later than August 31 of each year, the Board may transfer to the local administrator amounts determined from time to time by the Board sufficient to cover the special payments referred to at paragraph 30.6.9 provided that the amount available to each local administrator is at least equal to 25% of the total amount paid to beneficiary units in his community in the preceding year.

30.6.7 All funds transferred by the Board to a local administrator shall be held by such local administrator in segregated trust accounts for the specific purpose of payments to heads of beneficiary units in accordance with the provisions of this Section and administration costs incurred by the said local administrator in connection therewith.

30.6.8 The Board shall distribute payments to the heads of beneficiary units through the office of the local administrator, subject to the following provisions:

*a)* the first payment, equal to one quarter of the estimated total annual payment, shall be made on or about September 1, the second payment on or about January 2, the third payment on or about April 1 and the fourth payment on or about June 30;

*b)* any balance shall be paid after the submission of the information contemplated in paragraph 30.6.11, on the date determined by the Board;

*c)* where the head of the beneficiary unit or the consort does not intend to return to his or her settlement before January 2, the payment to be made on September 1 shall be equal to half of the estimated total annual payment;

*d)* the Board shall make payments directly to a consort upon request by the consort, in accordance with the criteria established by the Board;

*e)* the Board may also, if it considers it necessary and in accordance with the criteria it stipulates, grant to the consort, rather than to the head of the beneficiary unit, the payments due to the unit or that part of the payment attributable to the consort;

f) where the head of the beneficiary unit or the consort has received an amount exceeding that payable for one year, the overpayment must be reimbursed in accordance with the conditions and procedures established by the Board, within the two years following the subsequent application for income security benefits;

g) in the event of the death of the head of a beneficiary unit or the consort in the period following the first payment in a program year and prior to the second payment, the minimum to be paid to the beneficiary unit in respect of the deceased shall be equal to at least a quarter of the estimated total annual payment established for the deceased for the year;

h) the Board may modify any date stipulated in sub-paragraphs *a* or *c*.

30.6.9 Notwithstanding paragraph 30.6.8, the local administrator may issue payments to heads of beneficiary units or the consorts in the following cases:

a) a head of a beneficiary unit or the consort who intends to be absent from the settlement for a period of ten (10) consecutive days or more for the purpose of conducting harvesting and related activities and who has not received the special payment under sub-paragraph 30.6.8 *c* for the said period shall be entitled to receive from the local administrator an advance upon his or her next regular payment in the amount of \$100.00 per eligible adult in the beneficiary unit;

b) in the event that a head of a beneficiary unit or the consort does not receive from the Board the payment due to him or her pursuant to sub-paragraphs 30.6.8 *a* or *c*, the local administrator may issue such payment from the funds held by him.

30.6.10 The amount paid under paragraph 30.4.7 shall be paid at the end of the program-year or such other time as may be established by the Board.

30.6.11 Every head of a beneficiary unit shall be required to provide the local administrator with information for the year just ended and with estimated information for the year just commencing respecting the following:

a) information respecting his family necessary for the calculation referred to in paragraphs 30.4.2 and 30.4.3;

b) the amount of time spent conducting harvesting and related activities;

c) the amount of time spent in wage employment;

d) the revenue derived from such harvesting and related activities and such wage employment;

e) any pertinent information respecting other income referred to in paragraph 30.4.4;

f) information in accordance with the requirements of the Board indicating the amount of time spent conducting harvesting and related activities in a far harvesting region.

30.6.12 The information referred to in paragraph 30.6.11 may be provided in the form appropriate to local circumstances, including in the form of diaries or affidavits.

30.6.13 The local administrator shall collect such information and forward it to the Board.

30.6.14 Québec and the Board shall have the right to verify or audit all procedures, books and documents provided for in this Section and shall have the right to withhold or reclaim funds or adjust allocations of funds in the event of overpayment or abuse.

## **30.7 Sick Leave, Disaster and Insurance Fund**

### **I. GENERAL**

30.7.1 The purpose of this Sub-Section is to provide compensation, complete or partial, for the loss of income that beneficiaries under the program incurred as a result of not being able to conduct harvesting or related activities due to sickness or a disaster.

30.7.2 The days paid pursuant to the provisions of this Sub-Section shall be paid from the Insurance Fund referred to at paragraph 30.7.18.

30.7.3 The days paid pursuant to the provisions of this Sub-Section are not included in the total number of remunerated person/days referred to at paragraph 30.11.1.

## II. SICK LEAVE

30.7.4 During the 5 years following the coming into force of this Sub-Section, each program beneficiary shall accumulate, in an individual bank of days, for sick leave in accordance with the number of days remunerated pursuant to paragraph 30.4.3 on the following basis per program-year:

<b>Days remunerated</b>	<b>Days of sick leave</b>
Between 1 and 99	1
Between 100 and 149	2
Between 150 and 199	3
200 and more	4

30.7.5 The maximum number of sick leave days that can be accumulated by a program beneficiary shall be 240.

30.7.6 The members of a beneficiary unit may pool their sick leave days together, however, a member of a unit may only use the sick leave days of the consort after having first completely used his or her own sick leave days and only with the approval of the consort.

30.7.7 There shall be an annual communal bank of days comprising the sum of the days that can be remunerated through the contributions collected during the program year pursuant to paragraph 30.7.20 less the total number of days allocated to the beneficiaries of the program during the program year pursuant to paragraph 30.7.4.

30.7.8 The maximum number of days that can be included in the communal bank each year shall be 2000.

30.7.9 The days included in the communal bank shall first be used to remunerate losses due to disasters up to a maximum of 500 days for each program year. The Board shall determine whether the effects of an event such as a flood or a forest fire are of such significant scale as to qualify as a disaster.

30.7.10 The following provisions shall apply to payments made pursuant to paragraph 30.7.9:

*a)* the daily benefit paid shall be equal to the daily net allowance;

*b)* payments shall be made only for the program year during which the disaster occurred unless otherwise determined by the Board;

*c)* the days remunerated must fall within a period of the year corresponding to the period of the preceding year, or years as determined by the Board, during which harvesting and related activities were conducted by the beneficiary unit;

*d)* the days remunerated shall not have the effect of increasing benefits payable to a beneficiary unit beyond the number of days normally remunerated for that unit as determined by the Board and in any event shall not result in an individual receiving remuneration for days exceeding the total number of days for which each adult in a beneficiary unit may receive payments as stipulated at sub-paragraph 30.4.3 *c*;

*e)* the days paid shall not be included in the total number of remunerated person/days stipulated at paragraph 30.11.1;

*f)* no contributions referred to at paragraph 30.7.20 need be paid in respect of the days remunerated.

30.7.11 In cases of sickness, a beneficiary may, after using all sick leave days that he or she has accumulated, be further remunerated from the communal bank:

*a)* up to the number of days corresponding to his or her share of the days allocated to the unit for the program year in a case where the consort has not consented to the use of his or her individual bank of sick leave days as provided in paragraph 30.7.6; or

*b)* up to the number of days allocated to the unit for the program year in a case where the consort has consented to the use of his or her individual bank of sick leave days, as provided in paragraph 30.7.6, and those days have been used.

30.7.12 In the event that a beneficiary dies during a program year:

*a)* the sick days accumulated by the beneficiary shall be cancelled at the end of the program year without compensation or reimbursement to the beneficiary unit;

*b)* the consort however may during the program year use the sick days accumulated by the deceased beneficiary.

30.7.13 In the event of a separation or divorce, each beneficiary shall keep the number of sick days that he or she has accumulated.



30.7.14 A beneficiary may retain the sick days he or she has accumulated for 3 consecutive program years during which his or her unit is not enrolled under the program or during the time the unit is granted a temporary leave after which the beneficiary who is still not part of a unit that is enrolled under the program shall lose the days that he or she has accumulated.

30.7.15 A consort in a unit enrolled under the program shall lose his or her accumulated sick leave days after 5 consecutive program-years of not making contributions to the Insurance Fund.

30.7.16 Except where otherwise provided in this Section, no compensation or reimbursement shall be made as a result of loss or cancellation of accumulated sick leave days.

30.7.17 A beneficiary unit is entitled to the payment of sick leave benefits under this Sub-Section provided that:

*a)* a document signed by a doctor or other person recognized for this purpose by the Board, certifies that the beneficiary was unable, during a given period, to practice harvesting or related activities because he or she was sick or injured;

*b)* the days remunerated are days in a period of time during which the beneficiary usually conducts harvesting or related activities determined with reference to the preceding year, unless the Board determines a different reference period;

*c)* the days for which a claim is made under this Sub-Section have not been remunerated and are not eligible to be remunerated in virtue of other provisions of the program;

*d)* the number of days remunerated pursuant to this Sub-Section added to the number of days remunerated pursuant to paragraph 30.4.3 shall not exceed the number of days for which a beneficiary unit was remunerated during the previous year, or such previous years as may be determined by the Board, but in no case shall exceed the number of days for each adult specified at subparagraph 30.4.3 *c*;

*e)* payments of sick leave benefits shall be made at the end of the program year, or on such other date as may be determined by the Board, at which time the beneficiary unit must be informed of the amounts and number of days that have been remunerated pursuant to this Sub-Section and must also be informed of the number of days that both the head and the consort have remaining in their individual banks.

### III. INSURANCE FUND

30.7.18 A fund, hereinafter referred to as the “Insurance Fund”, is established to finance the provisions of this Sub-Section relating to sick leave and disaster.

30.7.19 The Insurance Fund shall be administered by the Board.

30.7.20 The Insurance Fund shall be financed through equal contributions from Québec and the beneficiaries of the program in the following manner:

*a)* each beneficiary unit shall contribute annually to the Insurance Fund for each day remunerated under the program pursuant to paragraph 30.4.3, with the exception of days remunerated for sick leave, disaster and catastrophe, an amount which shall be deducted automatically from the program benefits payable to the beneficiary unit for the program year;

*b)* Québec shall contribute each year an amount equal to that of the total contributions paid by the beneficiaries for the program year.

30.7.21 During the 5 years following the coming into force of the provisions regarding the Insurance Fund, the contribution to the fund shall be equivalent to 2.4% of the amount paid pursuant to paragraph 30.4.3, divided equally between Québec and the beneficiary units enrolled under the program.

30.7.22 Following the fifth year of the coming into force of the provisions regarding the Insurance Fund:

*a)* the Board may modify the contributions required provided that:

i. the minimum contribution shall be equal to 0.24 of 1% of the amount payable under paragraph 30.4.3;

ii. the maximum contribution shall not exceed 2.6% of the amount payable under paragraph 30.4.3;

iii. in the event that there are surpluses in the Insurance Fund, the Board may apply such surpluses to lower contributions subject to the following:

1) if the accumulated surplus is under 10% of the amount required to meet the obligations under this Sub-Section, there shall be no change to the contributions;

2) if the accumulated surplus is between 10% and 19% of the amount required to meet the obligations under this Sub-Section, the Board may choose to reduce contributions;

3) if the accumulated surplus is 20% of the amount required to meet the obligations under this Sub-Section or greater, the Board shall reduce the contributions;

*b)* the Board may, rather than modifying the contributions, increase the number of sick days to which an individual is entitled annually or modify, in a manner consistent with this Sub-Section, the provisions relating to the communal bank;

*c)* the Board may choose to combine any or all of the measures provided at sub-paragraphs *a* and *b* of this paragraph;

*d)* the Board must ensure in all cases that there are sufficient funds in the Insurance Fund to cover all individual sick day banks at the prevailing daily net allowance.

30.7.23 The Insurance Fund shall be held in trust by the Board for the purposes specifically provided for in this Sub-Section.

30.7.24 The contributions of the beneficiaries and of Québec to the Insurance Fund shall be deposited by the Board as they are received in one or several banks contemplated by the Bank Act, S.C. 1991, c. 46, or by the Cooperative Credit Associations Act, S.C. 1991, c. 48.

30.7.25 The Board may determine from time to time amounts in the Insurance Fund not required at the time for payments to beneficiaries in virtue of this Sub-Section or for other purposes specifically provided for in this Sub-Section and may invest such sums in securities ensuring the protection of the capital and, subject to protection of the capital, a reasonable return.

#### 30.7.26 **The assets of the Insurance Fund:**

*a)* shall not be part of the Board's assets and cannot be used by the Board for purposes other than those stipulated in this Sub-Section;

*b)* are not seizable;

*c)* may be used in respect of the execution of a judgment by a court of competent jurisdiction against the Board in respect of its management or administration of the Insurance Fund.

30.7.27 The Board shall determine from time to time the amounts required to pay the administrative costs related to the Insurance Fund and such administrative costs shall be paid out of the Insurance Fund.

30.7.28 The Board shall be responsible for maintaining distinct books and accounts for the Insurance Fund.

30.7.29 The fiscal year for the Insurance Fund shall correspond to the program year.

30.7.30 The Board shall each year report to the Cree Regional Authority and to Québec respecting the operations of the Insurance Fund.

30.7.31 Notwithstanding paragraph 30.12.1,

*a)* the provisions of this Sub-Section and other provisions of this Section related to sick leave, disasters and the Insurance Fund shall cease to have effect and shall be considered rescinded at the end of the program year in which a notice in writing is given by the Cree Regional Authority to Québec stating that the program beneficiaries no longer wish to participate in a sick leave plan provided that such notice shall not be given within the first 5 years of the implementation of this Sub-Section and may only be given within 5 years following that fifth anniversary of the implementation of this Sub-Section;

*b)* after the provisions of this Sub-Section and of this Section relating to sick leave have been in force for a period of 5 years, they may be modified in whole or in part by agreement between the Chairman of the Cree Regional Authority and the Minister but only after receiving advice from the Board.

30.7.32 In the event that the provisions relating to sick leave, disasters and the Insurance Fund are rescinded as provided at sub-paragraph 30.7.31 *a*, the Board shall pay all amounts due from the Insurance Fund for the period prior to the rescinding of the sick leave and disaster provisions and shall distribute any balance remaining in the Insurance Fund after such payments in the following proportions:

*a)* 50% to the beneficiaries of the program in a manner to be determined by the Board, and

*b)* 50% to Québec.

#### 30.8 **Catastrophe**

30.8.1 For the purposes of this Sub-Section:

*a)* "catastrophe" shall mean an event such as an earthquake or a major forest fire, whatever the cause, that has a significant impact on the harvesting and related activities of the beneficiaries resulting in a reduction of days spent in harvesting and related activities;

*b)* the Board shall determine, in a manner consistent with the provisions of this Section and particularly this Sub-Section, what specific events shall constitute a catastrophe.

30.8.2 With respect to payment of benefits in the case of catastrophes:

*a)* the Board shall make recommendations to the Minister regarding:

*i.* the appropriateness of applying the provisions related to catastrophes;

*ii.* the daily rate to be applied for the period to be covered through these provisions and the total amount of compensation to be paid, provided that the daily compensation paid to a beneficiary unit for each day under this measure shall never exceed the daily net allowance;

*iii.* the number of days to be compensated;

*b)* no contribution need be paid in respect of benefits paid pursuant to this paragraph and no days for sick leave shall be allocated for the days compensated pursuant to this paragraph;

*c)* no payment shall be made pursuant to this paragraph if there exist other means of compensation for the days lost as a result of a catastrophe;

*d)* all individual claims by a beneficiary unit made pursuant to this paragraph must be approved by the Board;

*e)* the Board may adopt administrative rules respecting the presentation of a claim pursuant to this paragraph, the manner in which the Board shall treat such claim and the manner of payment.

### 30.9 Examination, Review and Appeals

30.9.1 Notwithstanding sub-paragraphs 30.3.3 *a* to *n*, if a Cree believes that, consistent with the nature and purposes of the program, he or she should be considered eligible and should receive benefits under the program, the Board may, upon request from such person, examine or review the case and determine if the grounds given by this person are consistent with the nature and purposes of the program and decide if such person shall be considered eligible and benefit under the program. The decision of the Board must be by unanimous vote of the members present at the meeting considering the matter.

30.9.2 If the head of a beneficiary unit or his consort believes himself or herself aggrieved because the beneficiary unit has been refused income security benefits, because he or she considers the beneficiary unit is entitled to higher income security benefits, because the income security benefits of the beneficiary unit have been reduced, suspended or discontinued, or because the Board has refused to make payments directly to a consort as provided in sub-paragraphs 30.6.8 *d* and *e*, he or she may appeal to the Board to review its decision.

30.9.3 An application for a review by the Board shall be made in writing within sixty (60) days after the complainant is notified of the decision he or she applies to have reviewed. The application for review must contain a brief account of the grounds invoked and must be sent to the Board.

30.9.4 Upon receipt of the application for review, the Board shall verify the facts and circumstances of the case, examine the grounds invoked and render its decision within sixty (60) days of receiving the application for review. The Board shall immediately give notice in writing to the complainant of the decision rendered, the reasons on which it is based and any right to further appeal.

30.9.5 If a person feels aggrieved by a decision of a Local Income Security Program Committee which he or she has not appealed, he or she may request that the Committee review its decision in accordance with the following procedures:

*a)* the request for revision must be presented to the Committee within 15 days following the posting of the list contemplated at paragraph 30.5.19;

*b)* the Committee must, before deciding on its review, give the person an opportunity to be heard;

*c)* the Committee may maintain or reverse its original decision;

*d)* any decision rendered pursuant to sub-paragraph *c* that is unfavorable to the person who requested the review shall be in writing and include reasons and must be transmitted to the said person together with information on his or her right to appeal the decision;

*e)* in the case of a decision favorable to the person who requested the review, the Committee shall modify the list provided for in paragraph 30.5.14 and submit it to the Board no later than September 15.

30.9.6 If a person feels aggrieved by a decision of the Local Income Security Program Committee pursuant to a review in virtue of paragraph 30.9.5, he or she may appeal to the Board. Paragraphs 30.9.3 and 30.9.4 apply with the necessary changes to an appeal made pursuant to this paragraph.

30.9.7 The Board may maintain or reverse a decision submitted to it.

30.9.8 An appeal may be made to the Tribunal administratif du Québec or its successor concerning a decision rendered by the Board pursuant to paragraph 30.9.7.

30.9.9 Any appeal made pursuant to this Sub-Section does not suspend the application of a decision made by the Local Income Security Program Committee or the Board, as the case may be.

### 30.10 Review of the Program

30.10.1 Québec and the Cree Regional Authority shall from time to time review the operation of the program, procedures and benefits established by and in accordance with this Section and may by mutual consent make any adjustments necessary for the proper functioning of or to give effect to the program, procedures and benefits provided for in this Section including more particularly the provisions of paragraphs 30.2.3, 30.2.8 and 30.2.9.

30.10.2 With respect to the basic guarantee under the program :

*a)* in the event that the basic guarantee for families without other income under any social aid, social assistance for Indians or Inuit, or guaranteed annual income program of general application existing in Québec is increased, the program shall be modified by the Board so as to assure that, on the basis of a family of two (2) adults, the present ratio between the basic guarantee under such programs and the basic guarantee under the program is maintained by increasing proportionally each of the amounts provided for at sub-paragraphs 30.4.2 *a* and *b* ;

*b)* if a guaranteed annual income program of general application is introduced which includes basic guarantees for persons with earned incomes distinct from basic guarantees for persons with no income, the program shall be modified by the Board so as to assure that on the basis of a family of two (2) adults, the basic guarantee under the program and such basic guarantee for persons with earned income under the guaranteed annual income program of general application are equal by increasing proportionally each of the amounts provided for at sub-paragraphs 30.4.2 *a* and *b*. In no case shall such revision reduce the amounts provided for at sub-paragraphs 30.4.2 *a* or *b* ;

*c)* the provisions of sub-paragraph 30.10.2 *a* shall apply unless the Board by unanimous decision of the members present at the meeting considering the matter decides to apply the provisions of sub-paragraph 30.10.2 *b* in which case sub-paragraph 30.10.2 *a* and paragraph 30.10.5 shall not apply for such time as the guaranteed annual income program structure contemplated in sub-paragraph 30.10.2 *b* exists.

30.10.3 In the event that the weighted average benefits per child under sub-paragraph 30.4.2 *c* and under family and youth allowances due to families eligible under the program is less than equal to the weighted average benefits per child that would be due under the basic guarantee in virtue of any social aid, transfer payment or guaranteed annual income program in Québec and family and youth allowances to the same families if they were eligible under such programs, the program shall be modified by the Board by increasing the amount provided for at sub-paragraph 30.4.2 *c* by the amount of the difference between the two (2) weighted averages.

30.10.4 Subject to paragraph 30.10.3, in the event that family allowances provided to citizens of Québec at the date of the execution of the Agreement are increased over and above the increase due to indexation, the dollar amount provided for at sub-paragraph 30.4.2 *c*) shall not be indexed by the Board pursuant to paragraph 30.4.10 until such time as the cumulative increase which would have resulted from the indexing of the amounts provided for at sub-paragraph 30.4.2 *c* equals the amount indexed on the same basis, of such increase in family allowances.

30.10.5 In the event that any social aid, social assistance for Indians or Inuit or guaranteed income program of general application which exists in Québec is revised, including increases due to indexation, the program will be modified, in accordance with the provisions of paragraph 30.10.7, if the break-even point for a family of two adults in the program is less than the break-even point for the same family size in such program of general application in Québec. Such modification will never reduce the break-even point in the program.

30.10.6 In the event that any social aid program existing from time to time in Québec is modified or a guaranteed annual income program of general application is established or modified, the Board may request a review of the program if in its opinion it would have been more expensive for Québec, during any period of one (1) year running from July 1 to June 30, to enroll all beneficiaries of the program in such social aid program or such guaranteed income program of general application and in such case the program shall be modified in accordance with the provisions of paragraphs 30.10.7 and 30.10.9.

30.10.7 In the case of modifications to the program effected pursuant to and in accordance with paragraphs 30.10.5 and 30.10.6, Québec shall effect such modifications only after prior consultation with and upon recommendations of the Board. Such modifications to the program not contemplated by paragraphs 30.10.2 and 30.10.3 shall assure that the basic guarantee established by and in accordance with paragraph 30.4.2 for the program shall not be reduced and the exemptions and the reduction rate established by and in accordance with paragraphs 30.4.4 and 30.4.5 for the program shall not be modified unless the Board otherwise decides by unanimous decision of the members present at the meeting considering the matter.

30.10.8 In the event that the benefits of any social aid or guaranteed annual income program of general application existing from time to time in Québec are indexed to an index other than the cost of living index in Québec, the program shall be adjusted by the Board to provide that such index is applied to the dollar amounts provided for at paragraph 30.4.2 and that the index applied to other dollar amounts provided for in the program shall be comparable to the index applied to comparable benefits in such program of general application if same would result in a better maintenance of the relative benefits of the program over the years than would the index currently in use in the program.

30.10.9 In the event that any other guaranteed annual income, transfer payment, or income security programs of general application are established, or are significantly modified from time to time in Québec, whether such programs are established or funded by Canada or Québec:

*a)* subject to the provisions of this Sub-Section, Québec and the Cree Regional Authority shall review the program and shall by mutual consent make any adjustments necessary to ensure the continued existence of the program and the maintenance of the purpose and principles of the program;

*b)* a lack of agreement between Québec and the Cree Regional Authority on a matter contemplated in sub-paragraph 30.10.9 *a* shall not prejudice the rights of beneficiaries under the program including those set forth in paragraphs 30.2.3, 30.2.8 and 30.2.9 and failing such agreement the necessary adjustments shall be effected through binding arbitration in accordance with the laws of Québec and upon the basis of the principles set forth in this Section. For the purposes of such arbitration, Québec and the Cree Regional Authority shall each appoint one arbitrator. The arbitrators so appointed shall together appoint a third arbitrator.

30.10.10 In addition to the process provided in paragraphs 30.10.1 to 30.10.9, a mechanism for review of the implementation and application of this Section is established as follows:

*a)* Québec and the Cree Regional Authority may initiate a review by submitting to the Board, with a copy to the other party, a written notice signed by, in the case of Québec, the Minister or one of the members of the Board appointed by Québec and, in the case of the Cree Regional Authority, its Chairman or one of the members of the Board appointed by the Cree Regional Authority, requesting the review of any aspect of the program;

*b)* the Board shall consider the request within the 90 days following receipt of the written notice referred to at sub-paragraph *a* or within any other period agreed to by the Minister and the Chairman of the Cree Regional Authority;

*c)* if the Board does not arrive at a solution satisfactory to both the Minister and the Chairman of the Cree Regional Authority, it shall again consider the matter within 150 days of the date of the receipt of the notice referred to in sub-paragraph *a* or within any other period agreed to by the Minister and the Chairman of the Cree Regional Authority;

*d)* should the Board, after considering the matter as provided in sub-paragraph *c*, fail to reach a position acceptable to the Minister and the Chairman of the Cree Regional Authority, it shall so notify the Minister and the Chairman of the Cree Regional Authority who may within 45 days following the date of the receipt of such notice from the Board or within any other period agreed to by the Minister and the Chairman of the Cree Regional Authority:

- i.* determine an agreed upon solution;
- ii.* designate a third party to inquire, collect relevant information and draft recommendations;
- iii.* institute a mediation process agreed upon; or
- iv.* institute the binding arbitration process provided for at sub-paragraph 30.10.9 *b*;

*e)* if an agreement between the Minister and the Chairman of the Cree Regional Authority is achieved, the parties shall within a reasonable delay take the necessary measures to implement their agreement;

f) if there is no agreement between the Minister and the Chairman of the Cree Regional Authority pursuant to sub-paragraph *d* and the parties have not instituted the binding arbitration process provided for at sub-paragraph 30.10.9 *b*, Québec, the Cree Regional Authority and the Board shall include the issue in question in the next review of the program held pursuant to paragraph 30.10.1.

### 30.11 Final Provisions

30.11.1 Subject to modification by the mutual consent of Québec and the Cree Regional Authority, the total number of remunerated person/days contemplated at paragraph 30.4.3 in each program-year shall not exceed three hundred and fifty thousand (350 000) person/days and the total number of remunerated person/days contemplated at paragraph 30.4.7 in each program-year shall not exceed one hundred thousand (100 000) person/days or, in either case, such greater number of person/days as may be fixed by Québec after consultation with the Board.

30.11.2 At least one hundred and eighty-five thousand (185 000) person/days or any greater number of such days as may be fixed by Québec after consultation with the Board, must be spent in harvesting or related activities while other days may be spent in such activities or in land development activities having been the subject of a decision of the Minister pursuant to paragraph 30.3.8.

30.11.3 In the event that, at the commencement of a program year, the Board determines that the estimated total person/days to be remunerated under paragraph 30.4.3 exceeds three hundred and fifty thousand (350 000), it shall review the operation of the program and recommend appropriate measures to be implemented in succeeding years in order to give effect to the provisions of paragraph 30.11.1 or any modifications pursuant thereto.

30.11.4 If, for any program year, the demand for days to be remunerated under paragraph 30.4.7 exceeds 100 000 days, the Board shall, in order to comply with paragraph 30.11.1, determine how the available 100 000 days shall be allocated to beneficiary units claiming such days under paragraph 30.4.7 for that program year.

30.11.5 If, for any program year, the demand against the communal bank for the payment of sick days exceeds the number of days in the communal bank after the payment of days lost due to disasters, the Board shall determine how the days available in the communal bank shall be allocated to beneficiary units claiming such days for that program year.

30.11.6 If, for any program year, the demand for payments due to disasters pursuant to paragraph 30.7.9 exceeds 500 days, the Board shall determine how the days available shall be allocated to beneficiary units claiming such days for that program year.

30.11.7 In the event that the Minister does not receive the recommendation referred to at paragraph 30.11.3 before December 31 of any given year or if he has cause to believe that such recommendations will not give proper effect to the provisions of paragraph 30.11.1, he may, after further consultation with the Board, effect such modifications as are necessary to give proper effect to the provisions of the said paragraph.

30.11.8 Notwithstanding any other Act, the Board may when appropriate obtain from any government department or body any information that it considers necessary respecting the benefits of any kind which such department or body has paid, is paying or would be authorized to pay to any person who receives or applies for benefits under the program.

30.11.9 Subject to the provisions of this Section, the Minister may, after consultation with the Board, establish such further administrative procedures, including requirements for verification of information, and prescribe such penalties as may be necessary to give full force and effect to this Section.

### 30.12 Amendment Clause and Legislation

30.12.1 Unless otherwise specifically provided in this Section, the provisions of this Section can only be amended with the consent of Québec and the interested Native party.

30.12.2 Legislation enacted to give effect to the provisions of this Section may be amended from time to time by the National Assembly of Québec.

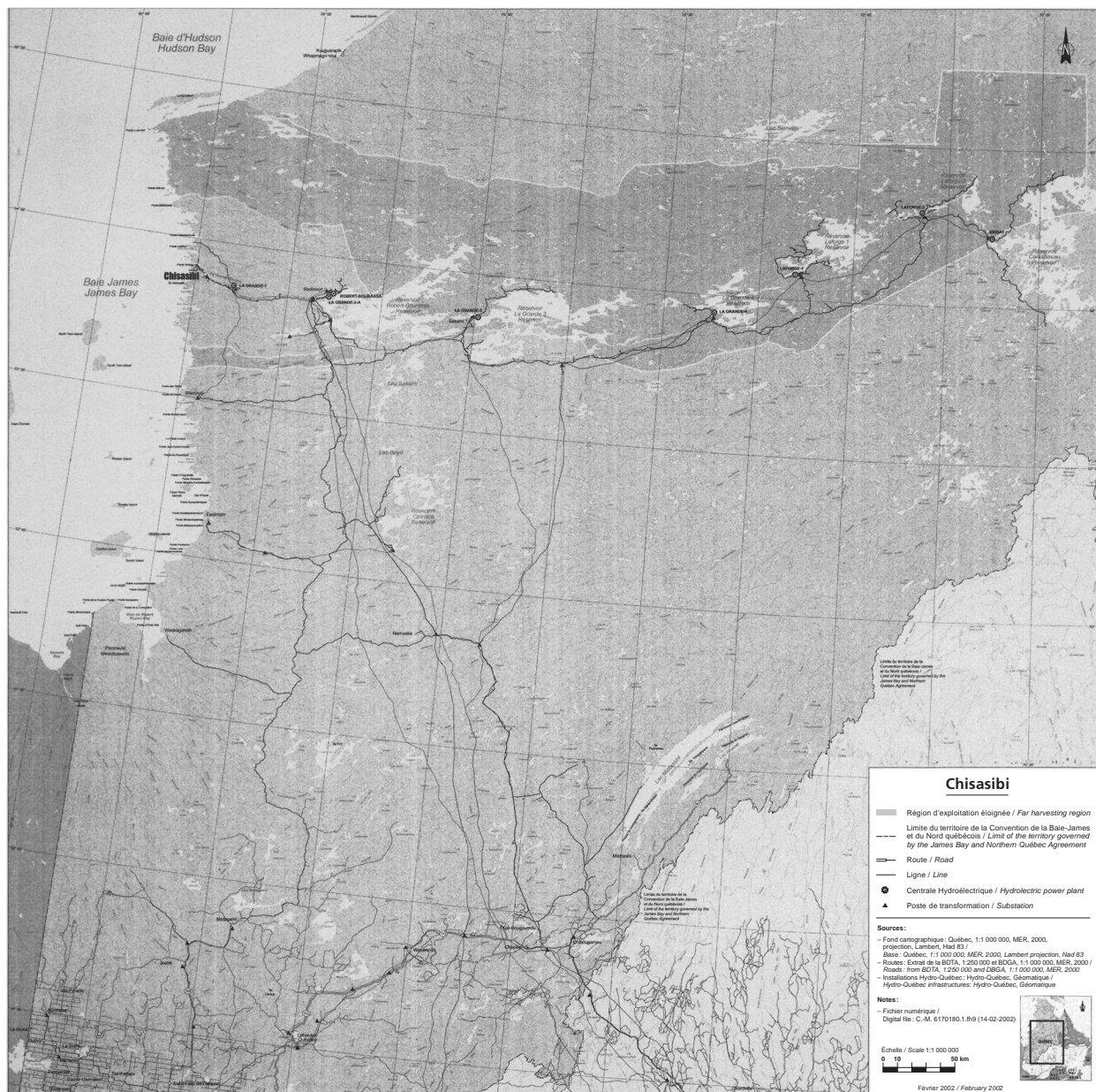


## SECTION 30

## SCHEDULE 1

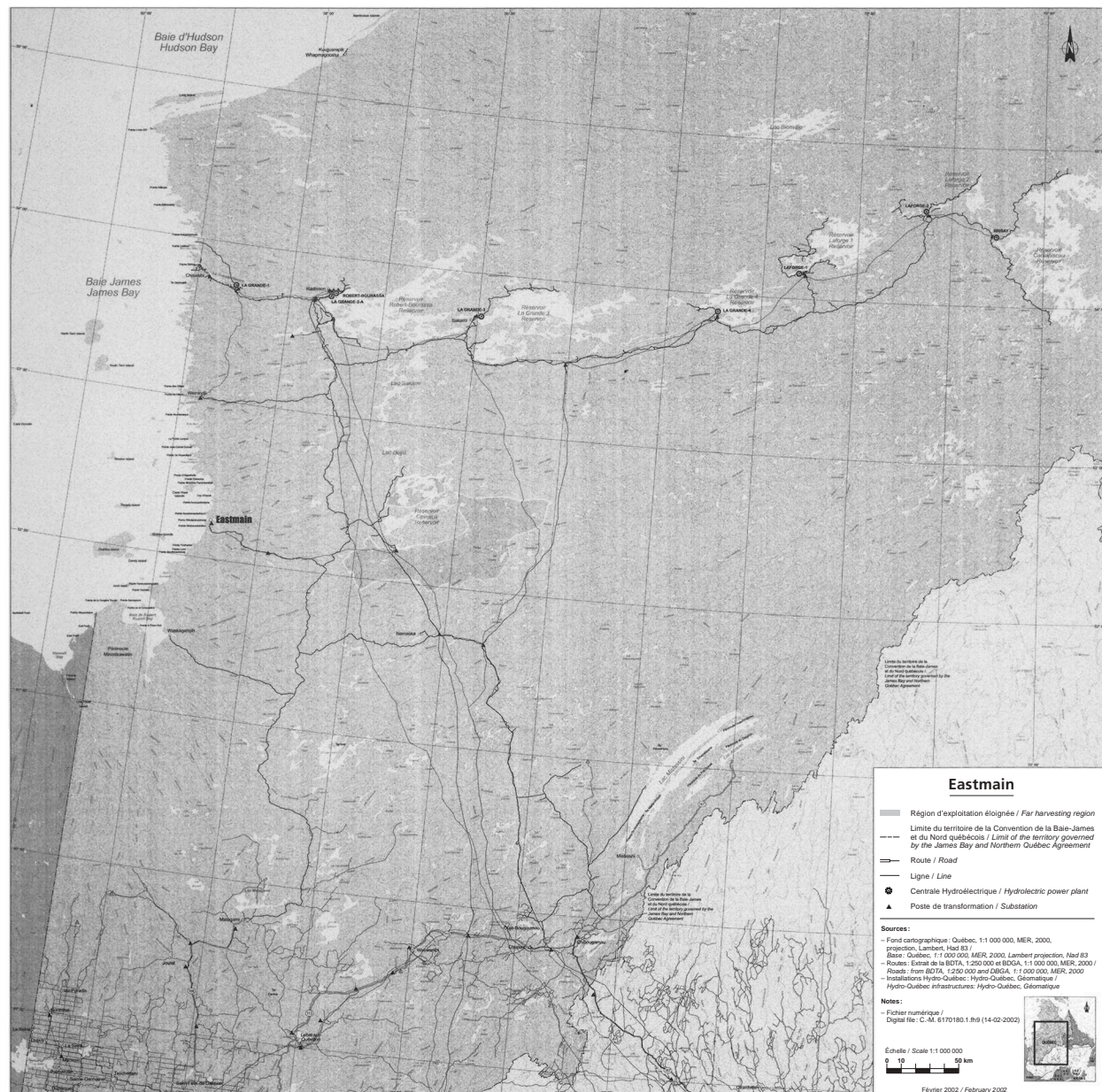
## MAPS OF FAR HARVESTING REGIONS

## CHISASIBI



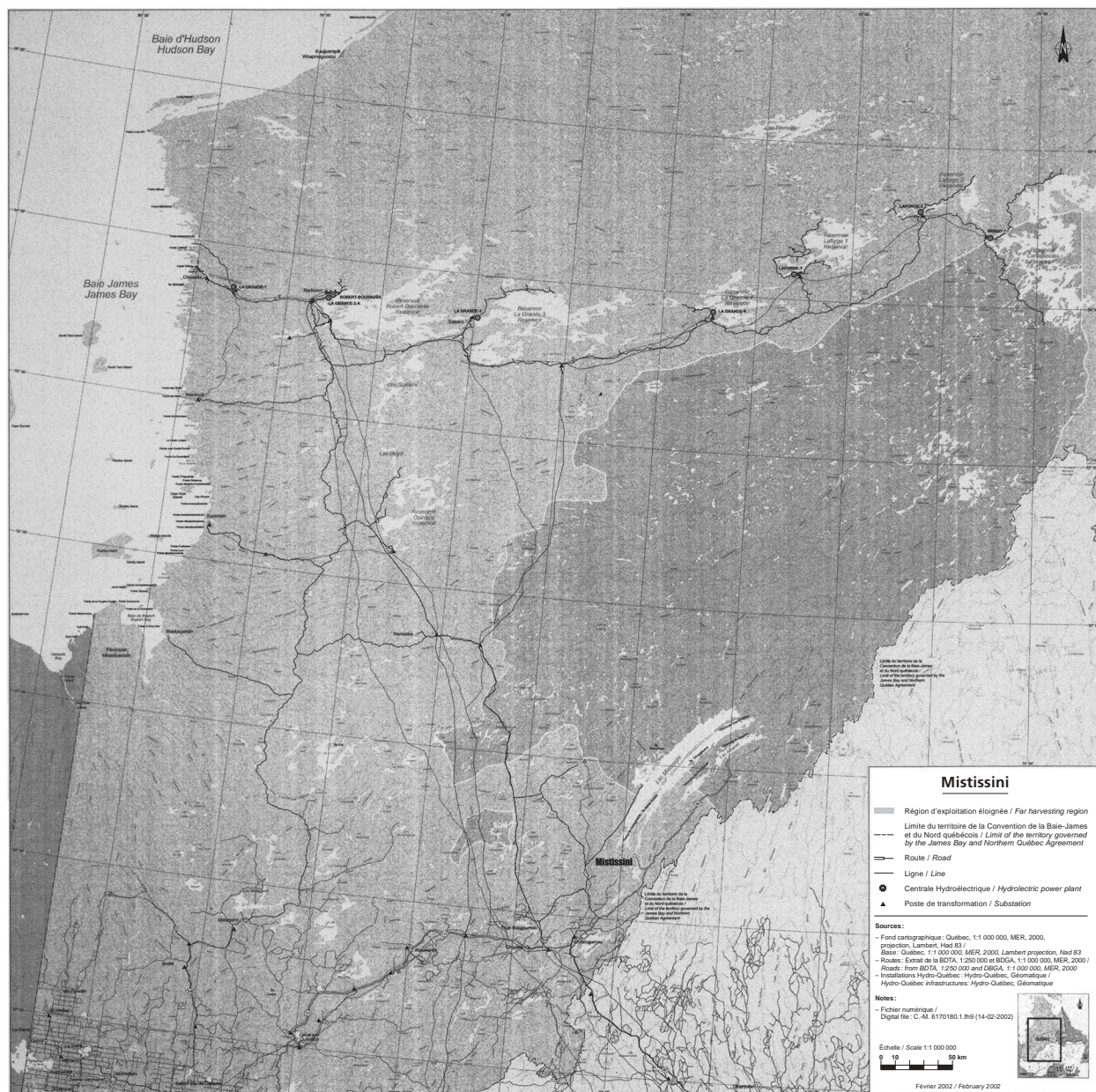


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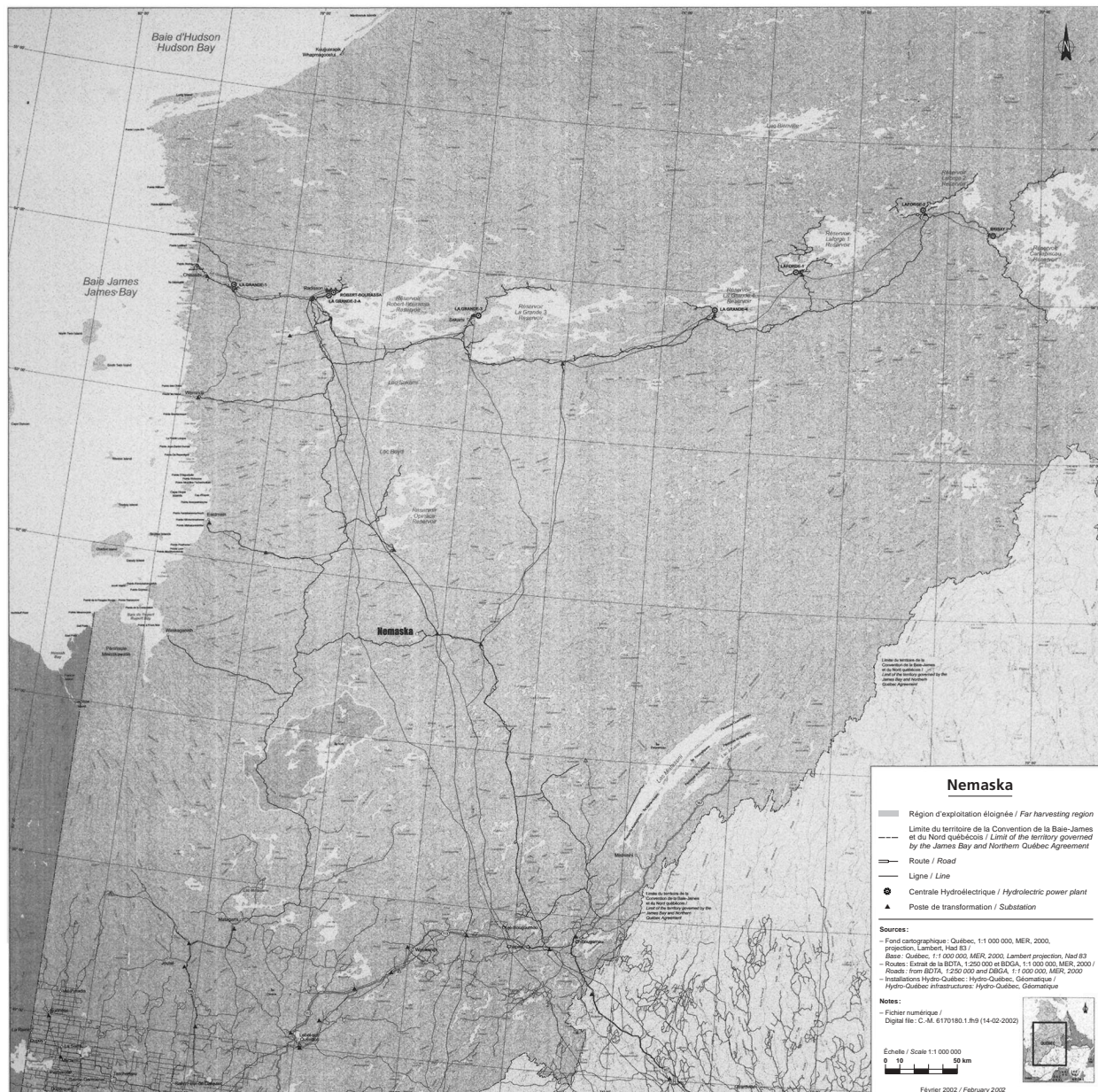


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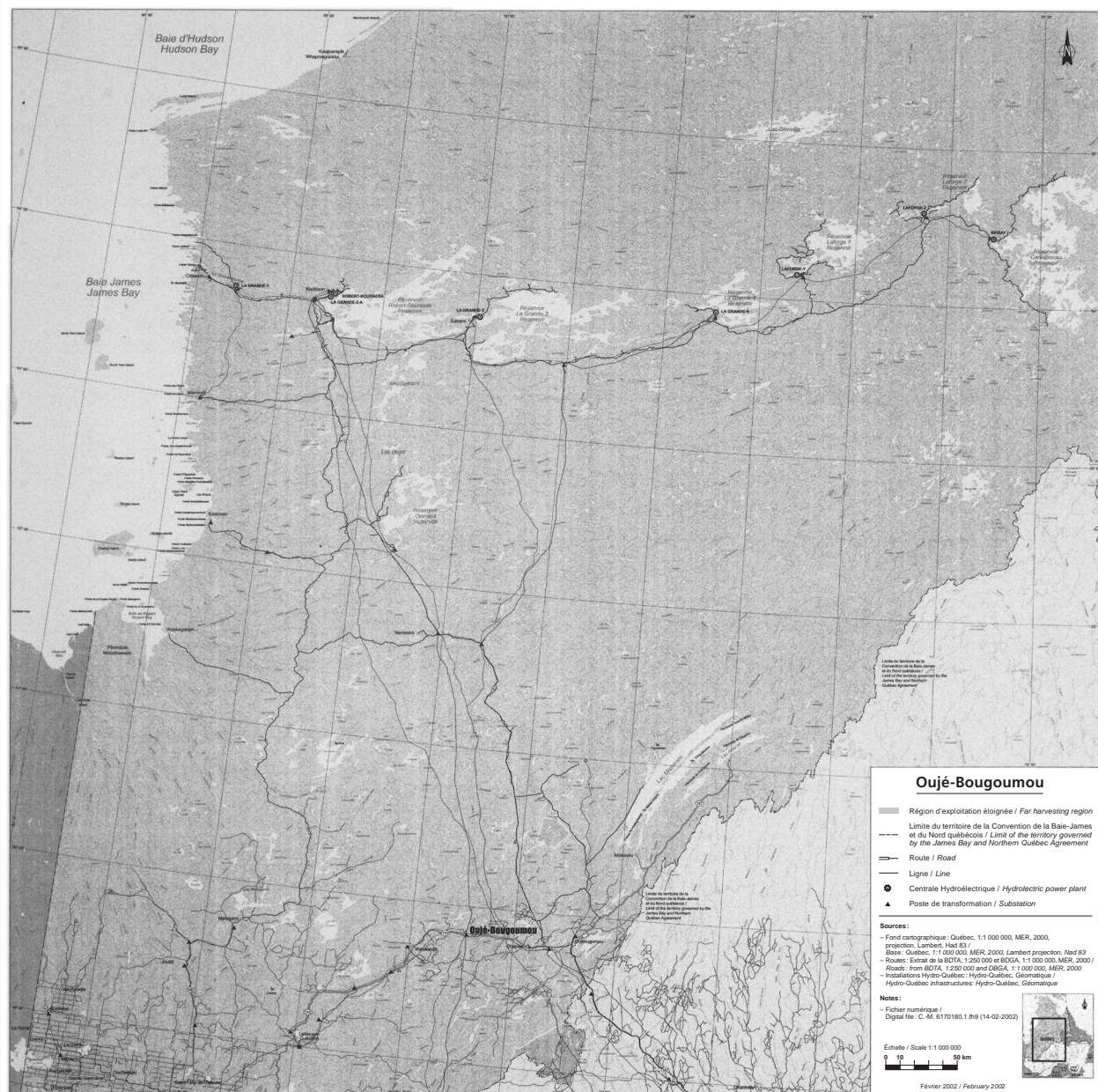


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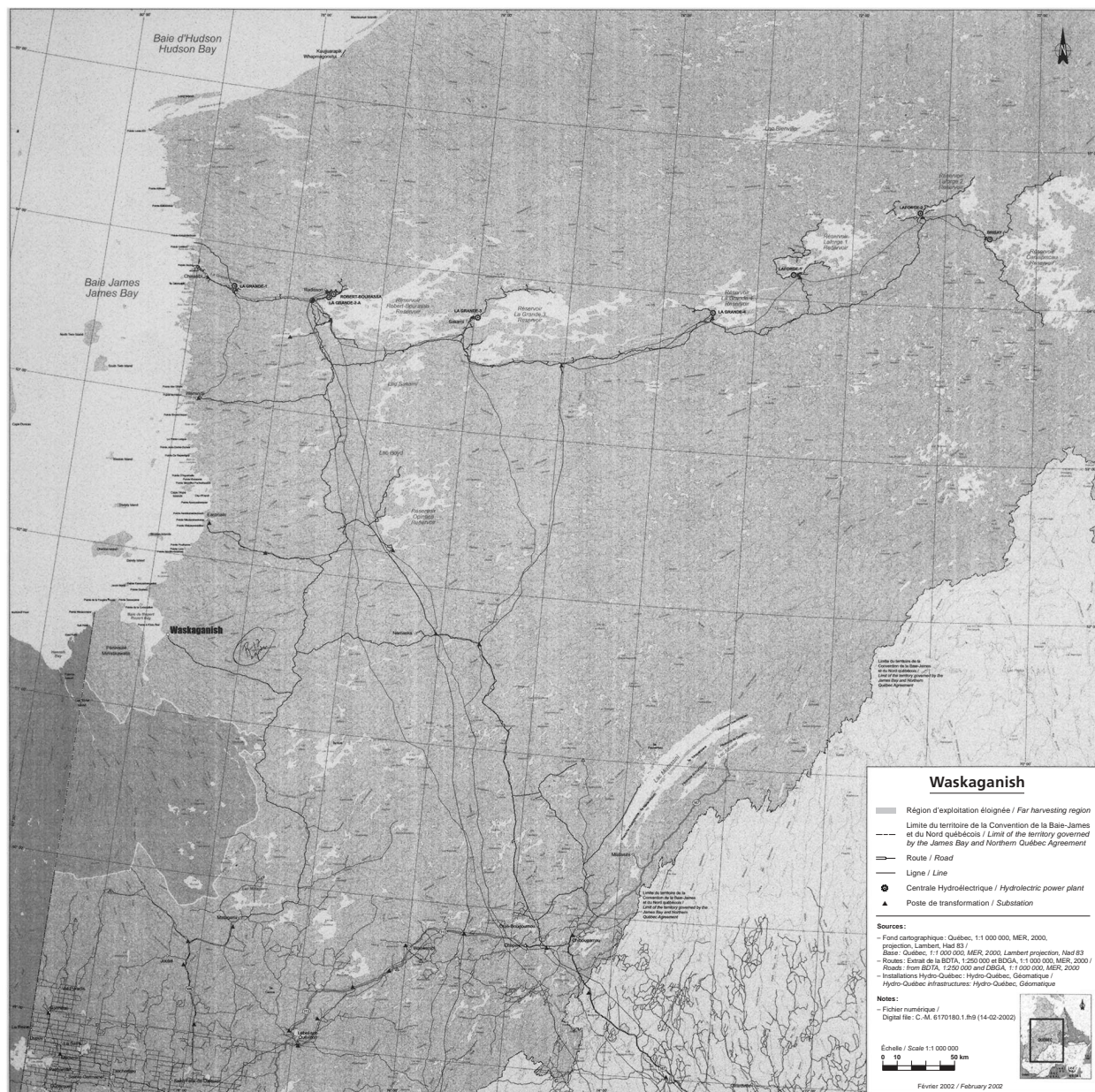


## OUJÉ-BOUGOUMOU



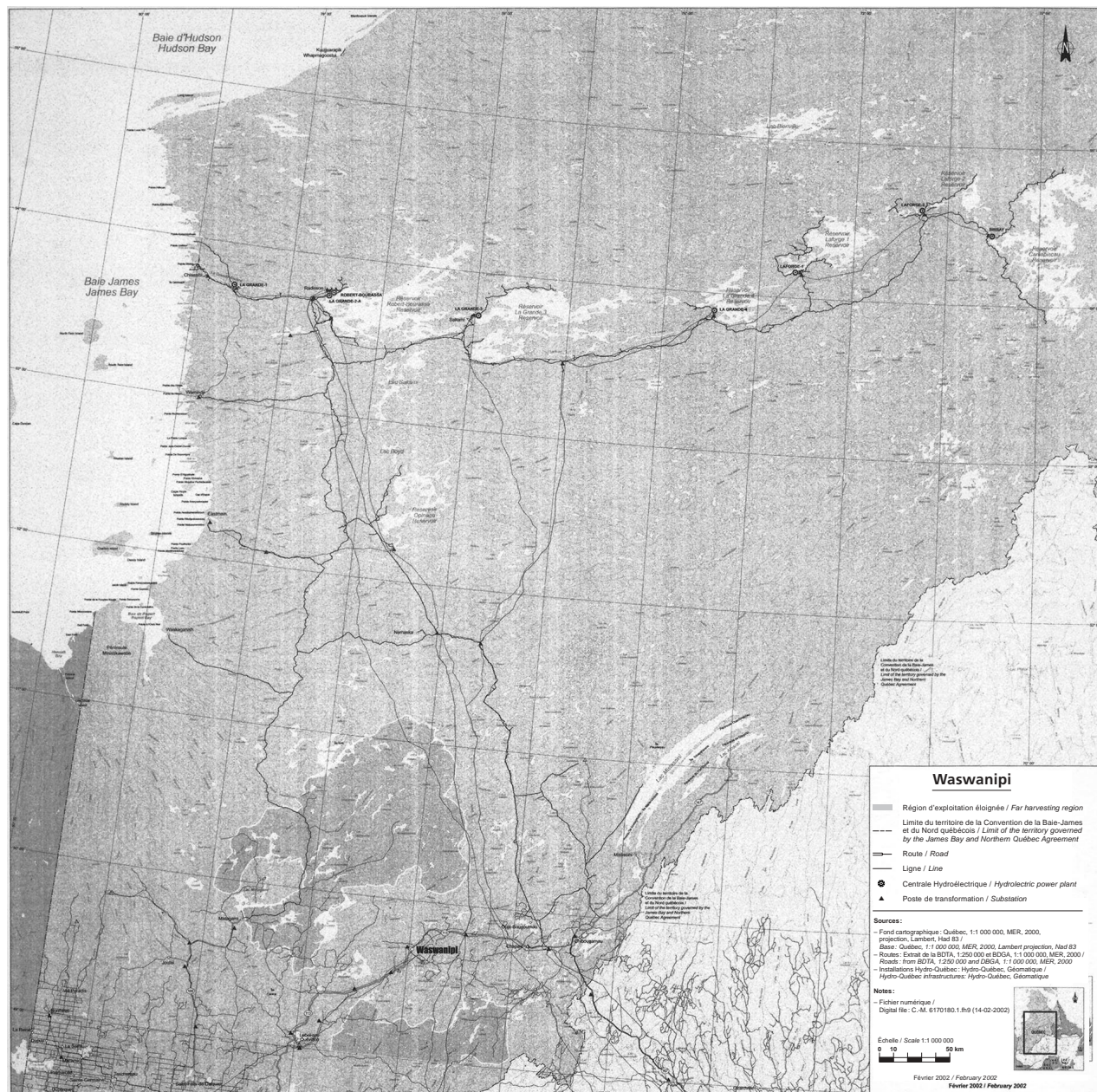


## WASKAGANISH



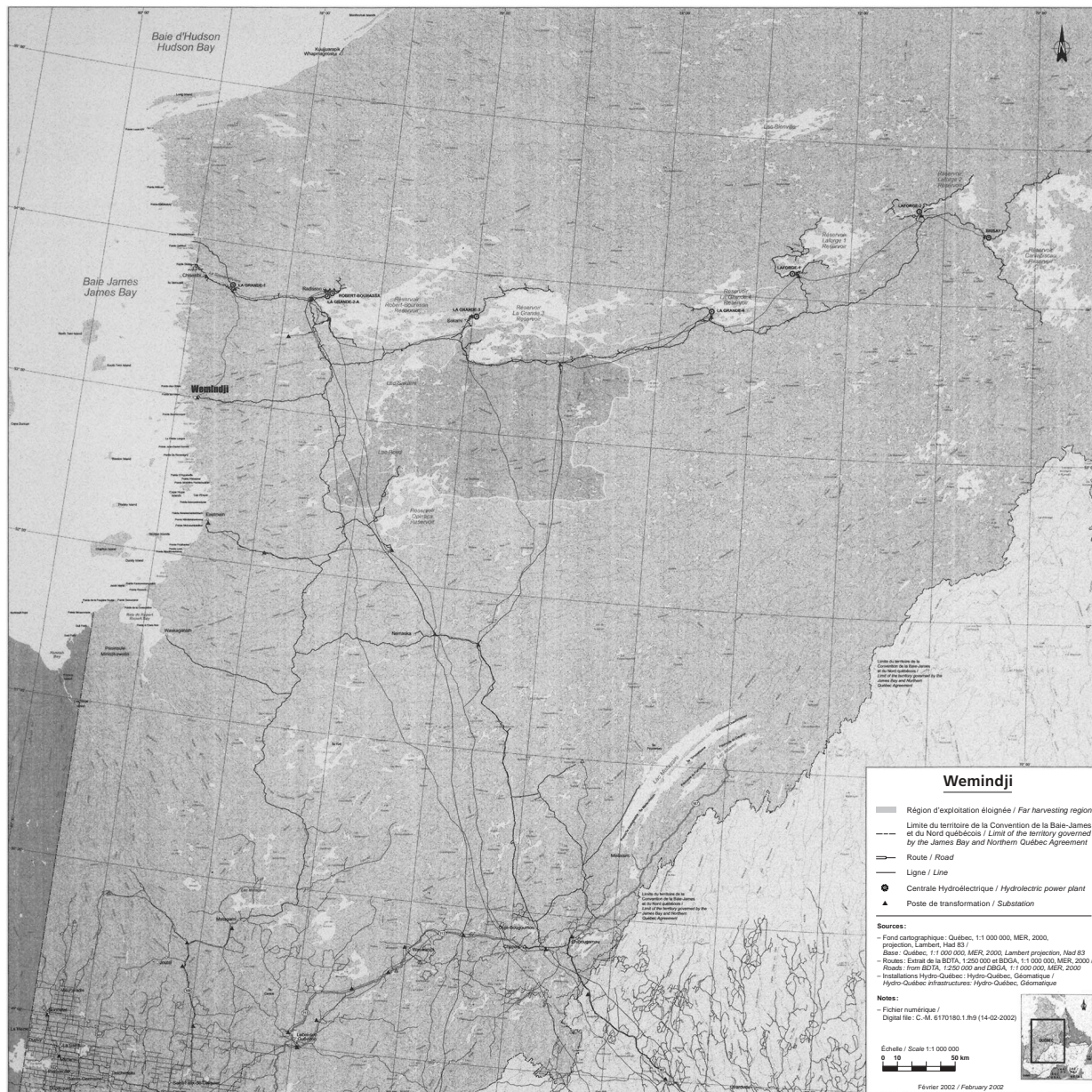


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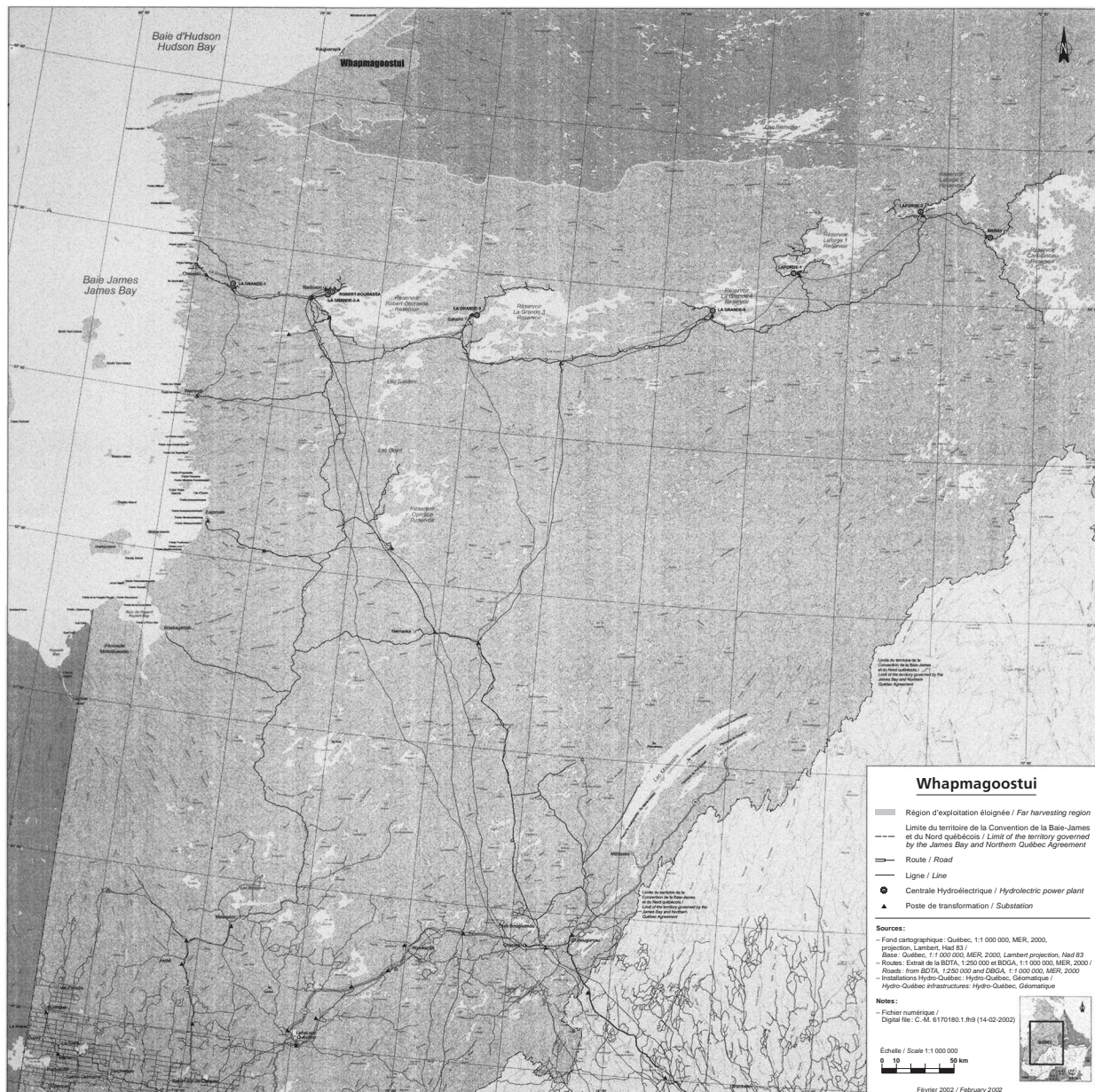


## WEMINDJI





# WHAPMAGOOSTUI



## **SCHEDULE 2**

### **TO COMPLEMENTARY AGREEMENT NO. 15**

#### **RESEARCH PROJECT**

1. The research project shall be the responsibility of the Cree Hunters and Trappers Income Security Board.

2. The research project shall be conducted by an individual chosen by Québec and the Cree Regional Authority who will carry out the research project under the supervision of the Board.

3. The mandate for the research project shall include :

*a)* to prepare a list of all programs, resources and agreements available from Canada, Québec, the Cree Regional Authority, the Cree Trappers Association or offered by other organizations or entities which will be likely to assist Cree hunters and trappers in satisfying their requirements related to the carrying out of their activities ;

*b)* to collect, in respect of each of the said programs, resources and agreements, any basic information likely to be helpful to the Cree hunters and trappers, to the members of the Board, to representatives of Québec departments or to representatives of Cree entities ;

*c)* to determine the content and format of a document that would both meet the needs of the Cree hunters and trappers, the members of the Board, representatives of Québec departments and representatives of the Cree entities and also be easy to use by all parties ;

*d)* to prepare and produce the document referred to in *c)* ;

*e)* to identify means to update the document referred to in *c)* and ways to measure the extent of the use of the document and the level of satisfaction by users as well as the projected cost of such work.

4. The research project shall have a duration of one year which may be extended for a maximum of a further six months.

5. The budget provided by Québec for one year will be approximately \$110,000.00 comprising :

\$70,000.00 in salary (salary of a professional level employee plus 12%) ;

\$40,000.00 in operating costs (travelling expenses, typing, supplies etc.).

6. The parties recognize that there could be a need for a further budget regarding the updating of the document. The person responsible for the research project shall include this matter in the recommendations contemplated in 3 *e* above.

IN WITNESS WHEREOF, the parties hereto have caused 2 copies of this Complementary Agreement to be duly signed on the date and at the place hereinbelow indicated.

Signed at Québec

The 23rd of May 2002

THE CREE REGIONAL AUTHORITY

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TED MOSES, *Chairman*

GOVERNMENT OF QUÉBEC

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RÉMY TRUDEL,  
*Minister of State for Population,  
Regions and Native Affairs,  
and Minister responsible for Native Affairs*

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LINDA GOUPIL,  
*Minister of State for Social Solidarity  
and Child and Family Welfare*

---

MICHEL LÉTOURNEAU,  
*Minister for Native Affairs and Minister  
for the Development of Northern Québec*



Gouvernement du Québec

## Agreement

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

### AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION BY MAIL

#### AGREEMENT ENTERED INTO

#### BETWEEN

The REGIONAL COUNTY MUNICIPALITY OF “GRANIT”, a legal person established in the public interest, having its head office at 5090, Frontenac Street, Lac-Mégantic, Province of Québec, represented here by the warden, Mrs Francine Blais, and the secretary-treasurer interim, Mrs France L. Maurice, under a resolution bearing number 2002-156, hereinafter called

#### THE RCM

#### AND

Mtre Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office, under the Election Act (R.S.Q., c. E-3.3) acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, Province of Québec, hereinafter called

#### THE CHIEF ELECTORAL OFFICER

#### AND

the Honourable André Boisclair, in his capacity as MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL having his main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province of Québec, hereinafter called

#### THE MINISTER

WHEREAS the council of the CRM, by its resolution No. 2002-156, passed at its meeting of Wednesday September 18th 2002, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow use of the mail for the election of the Warden of RCM of “Granit” held on November 3th of the year 2002 in the CRM;

WHEREAS under sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2):

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

**659.3.** After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer.”;

WHEREAS the RCM wishes to avail itself of those provisions to hold an election on warden of RCM of “Granit” of November 3th of the year 2002 and, with the adaptations required, could avail itself of those provisions for subsequent polling provided for in the agreement. The adaptations must form the subject of an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the RCM for that election;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the RCM is solely responsible for that new method of voting;

WHEREAS the council of the RCM passed, at its meeting of September 18th of the year 2002, resolution No. 2002-156 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the returning officer of the RCM is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

## 1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

## 2. INTERPRETATION

Unless stated otherwise, expressly or as a result of the context of a provision, the following expressions, terms and words have, for the purposes of this agreement, the meaning and application given in this section.

### 2.1 “Envelope ENV-1”

The envelope used to receive ballot papers, which in no way identifies the elector and which bears the words: “insert ballot papers in this envelope”.

### 2.2 “Envelope ENV-2”

The envelope bearing the name and address of the returning officer and used to receive Envelope ENV-1 as well as a photocopy of one of the identification documents provided for in section 213.1 of the Act respecting elections and referendums in municipalities, as amended by section 4.30 of this agreement, and the declaration form of the elector or of the person giving assistance.

### 2.3 “Declaration Form of Elector or of Person Giving Assistance”

A document with the following wording:

“The elector must sign the following declaration: “I have the capacity of elector and I have not voted in the current election.

The person giving assistance must sign the declaration stating that he is the spouse or a relative within the meaning of section 131 of the Act respecting elections and referendums in municipalities or is not the spouse or a relative and has not already given assistance to another elector during the poll and will not reveal the name of the candidate for whom the elector has asked him to vote.”.

### 2.4 “Instructions to the Elector”

The information provided to the elector on how to vote.

## 3. ELECTIONS

3.1 For the purposes of the election of the warden of RCM of “Granit” of November 3th of the year 2002 in the RCM, voting will be carried out by mail.

3.2 The RCM must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

## 4. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

### 4.1 Election Officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by replacing the words “poll clerk, member of an identity verification panel, officer in charge of information and order” by the words “clerk of ballot receiving station, clerk of counting station”

### 4.2 Deputy Returning Officer and Clerk of ballot Receiving Station, Deputy Returning Officer and Clerk of the Counting Station

The following is substituted for section 76 of the Act:

“76. The returning officer shall appoint a deputy returning officer and a clerk for each receiving ballot papers station.

Where there is only on receiving ballot paper station, the returning officer himself may perform the duties of deputy returning officer and the election clerk may perform the duties of receiving ballot papers clerk

The returning officer shall appoint a deputy returning officer and a counting clerk for each counting station.”.

### 4.3 Duties of Deputy Returning Officer of ballot Receiving Station and Deputy Returning Officer of the Counting Station

The following are substituted for section 80 of the Act:

“80. The deputy returning officer shall, in particular,

(1) receive the envelopes of the electors;

(2) verify if the photocopy of the elector's identification provided for in section 213.1 of the Act respecting elections and referendums in municipalities, as amended by section 4.30 of this agreement, is attached and if his signature appears thereon;

(3) verify, where the elector has asked for

— assistance, if the identification of the person giving assistance provided for in section 213.1 of the Act respecting elections and referendums in municipalities, as amended by section 4.30 of this agreement, is attached and if his signature appears thereon;

(4) if the declaration of the elector is not signed or the photocopy of the identification is missing, contact the elector to obtain it or them;

(5) if the declaration of the person giving assistance is not signed or if the photocopy of the identification is missing, contact that person to obtain it or them;

(6) compare the signatures on the photocopy of the identification and on the declaration of the elector;

(7) if the elector has asked for assistance, compare the signatures on the photocopy of the identification of the person giving assistance and on that person's declaration;

(8) if the signatures are the same, place Envelope ENV-1 containing the ballot paper(s) in the ballot box corresponding to the elector's voting subdivision.

**80.1.** The deputy returning officer of the counting station shall, in particular,

(1) see to the arrangement of the counting station;

(2) see that the votes are counted properly and maintain order at the counting station;

(3) proceed with the counting of the votes;

(4) ensure the secrecy of the vote;

(5) transmit the results of the vote and all the election materials to the returning officer.”.

#### **4.4 Functions of Clerk of ballot receiving station and Clerk of Counting Station**

The following are substituted for section 81 of the Act:

“**81.** The clerk of receiving of ballot papers station shall, in particular,

(1) assist the deputy returning officer in the latter's duties;

(2) indicate on the list of electors that the elector has voted;

(3) enter the information in the poll book.

**81.0.1.** The clerk of the counting station shall, in particular, assist the deputy returning officer of the counting station in the latter's duties.”.

#### **4.5 Identity Verification Panel and Appointment and Duties of Officer in Charge of Information and Order**

The following is substituted for sections 81.1 to 83 of the Act:

“**81.1.** The deputy returning officer and the clerk of receiving of ballot papers station shall verify the identity of electors.”.

#### **4.6 Discretion of Chief Electoral Officer Upon Observing an Error, Emergency or Exceptional Circumstance**

The following is substituted for section 90.5 of the Act:

“**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the chief electoral officer may adapt the provision in order to achieve its object.

The chief electoral officer shall first inform the Minister of Municipal Affairs and Greater Montréal of the decision he intends to make.

Within 30 days following polling day, the chief electoral officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.”.

#### 4.7 Representatives of Candidates

The following is substituted for section 92 of the Act :

“**92.** A party authorized under Chapter XIII, a ticket recognized under Division III of Chapter VI or an independent candidate may designate a person and give him a power of attorney to represent his candidates before the deputy returning officer of receiving of ballots papers station and the deputy returning officer of the counting station.”.

#### 4.8 Poll Runner

The following is substituted for section 96 of the Act :

“**96.** A party authorized under Chapter XIII or a ticket recognized under Division III of Chapter VI, or an independent candidate may designate a poll runner and give him a power of attorney to periodically collect, with his representative, a list of the persons who have already exercised their right to vote.”.

#### 4.9 Power of Attorney of Representative or Poll Runner

Section 98 of the Act is amended :

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

“The power of attorney shall be presented to the deputy returning officer of receiving of ballot papers station or to the deputy returning officer of the counting station.”;

(2) by substituting, in the third paragraph, the words “counting station” for the words “polling station”.

#### 4.10 Notice of Election

The following is substituted for section 99 of the Act :

“**99.** Not later than forty-four days before polling day, the returning officer shall give a public notice setting forth the following particulars :

(1) every office on the council that is open for nominations ;

(2) the places, days and hours for filing nomination papers ;

(3) the fact that where two or more candidates are nominated for the same office, a poll will be held to elect one of them ;

(4) the fact that the method of voting is voting by mail ;

(5) the day on which the ballot papers are sent by mail as well as the date and time by which they must be returned to the returning officer ;

(6) the name of the election clerk ;

(6.1) the names of the deputy returning officers able to receive nominations, where applicable ;

(7) the telephone number of the office of the returning officer and, where applicable, the telephone number of the offices of the deputy returning officers ;

(8) the fact that electors who have not received the ballot papers sent by mail by the seventh day preceding polling day at the latest must contact the returning officer.

The returning officer shall send a certified copy of the notice of election to the chief electoral officer”.

#### 4.11 Polling Subdivisions

Section 104 of the Act is amended by substituting the numbers “500” for the numbers “300”.

#### 4.12 Notice of Poll

The following is substituted for section 171 :

“**171.** Not later than the eleventh day before polling day, the returning officer shall give a public notice setting forth the following particulars :

(1) the designation of each office for which a poll must be held ;

(2) the names of the candidates for each office ;

(3) the address of each candidate ;

(4) for each candidate, his membership in an authorized party or recognized ticket ;

(5) the day and time by which the ballot papers must be received by the deputy returning officer of ballot receiving station ;

(6) the address of the returning officer’s office and, where applicable, the addresses of the deputy returning officers’ offices, and the opening hours of the office where the elector may obtain ballot papers if he has not received them in the mail ;

(7) the day and time when the votes must be deposited by mail;

(8) the day, place and time when the counting of votes will be begin;

(9) the day and time when the addition of votes will begin and the location where it will take place;”.

#### 4.13 Sending of Ballot Papers by Returning Officer

The Act is amended by inserting, after section 172, the following:

“**172.1.** After the revision and the notice of poll and not later than the tenth day before polling day, the returning officer shall mail, to the electors entered on the list of electors, the following:

(1) a ballot paper for the office of warden of RCM. The ballot papers shall bear the initials of the returning officer. The returning officer may permit a facsimile of his initials to be engraved, lithographed or printed;

(2) the envelopes provided for in section 2 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities;

(3) the declaration form of the elector and of the person giving assistance;

(4) the instructions for voting provided for in section 2 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

**172.2.** Not later than the sixth day before polling day, the returning officer shall take the necessary steps to inform the electors who have not received the ballot papers that they may obtain them from the deputy returning officer of receiving of ballot papers station.

The elector may then obtain a ballot paper in accordance with the procedure provided for in section 219.”.

#### 4.14 Repeals - Reminder and Advance Poll

Sections 173 to 185 of the Act are repealed.

#### 4.15 Ballot Receiving Stations

The following are substituted for section 186 of the Act:

“**186.** The returning officer shall establish a receiving of ballot papers station in the place where the envelopes containing the ballot papers in particular are received.

**186.1.** The returning officer shall notify each party authorized under Chapter XIII or ticket recognized under Division III of Chapter VI or each independent candidate of the decision made under section 186.”.

Sections 187 and 188 of the Act are repealed.

#### 4.16 Use of Premises Free of Charge

Section 189 of the Act is amended by substituting the words “counting stations” for the words “polling stations”.

#### 4.17 Arrangement of Counting Stations

The following is substituted for section 190 of the Act:

“**190.** The returning officer shall be responsible for the arrangement and identification of the place where a receiving of ballot papers station and one or more counting stations are situated.”.

#### 4.18 Polling Booth

Section 191 of the Act is repealed.

#### 4.19 Repeal – Counterfoil and Stub of Ballot Paper

Section 195 of the Act is repealed.

#### 4.20 Reverse of Ballot Paper

The following is substituted for section 197 of the Act:

“**197.** The ballot paper shall contain, on the reverse, in accordance with the specimen attached hereto:

(1) a space reserved for the initials of the returning officer which may be printed, lithographed or engraved;

— the name of the RCM

— the office concerned;

(4) the date of the poll;

(5) the name and address of the printer.

The indication of the office concerned shall correspond to that contained in the nomination papers.”.

#### 4.21 **Withdrawal of Candidate**

The following is substituted for section 198 of the Act:

“**198.** Where the withdrawal of a candidate occurs when there is no time to have the ballot papers reprinted and before the ballot papers are sent to the electors, the returning officer shall cause the particulars relating to that candidate to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

The returning officer shall inform every elector to whom he sends such a ballot paper of the candidate’s withdrawal.

If a candidate withdraws his candidature after the ballot papers are sent, the returning officer shall notify the electors thereof.

Any vote cast in favour of the candidate, before or after his withdrawal, is null.”.

#### 4.22 **Material Necessary for Voting**

The following is substituted for section 200 of the Act:

“**200.** The returning officer shall obtain a sufficient quantity of ballot papers, envelopes, declaration forms for the elector and the person giving assistance, instructions to the elector for voting and a ballot box for each counting station.”.

#### 4.23 **Ballot Box**

The following is substituted for section 201 of the Act:

“**201.** Each ballot box must be made of durable material with an opening on the top so as to allow the envelopes containing the ballot papers to be inserted without being withdrawn therefrom before the ballot box is opened.”.

#### 4.24 **Delivery of Materials to Deputy Returning Officer of ballot receiving station**

The following is substituted for section 204 of the Act:

“**204.** On the tenth day before the poll, the returning officer shall deliver to the deputy returning officer:

- (1) a ballot box for each polling subdivision;
- (2) a copy of the list of electors;
- (3) a poll book.

The returning officer shall also deliver to the deputy returning officer any other materials necessary for his duties.”.

#### 4.25 **Formalities Prior to the Opening of ballot Receiving Stations**

The following are substituted for sections 205 to 209:

“**205.** The deputy returning officer and the clerk of receiving of ballot papers station shall be present at the polling station on the days and at during the opening hours of the polling station, of the tenth day before polling day until 7 p.m. on polling day.

**206.** The representatives assigned to the station where the ballot papers are received may be present on the same days and at the same times as the deputy returning officer of ballot receiving station.”.

#### POLLING PROCEEDINGS

##### 4.26 **Polling Period**

The following is substituted for section 210 of the Act:

“**210.** The polling period shall begin on the tenth day before polling day and shall end at 7 p.m. on polling day, subject to any extension of the polling period provided for in section 211.”.

##### 4.27 **Delay or Interruption**

Section 211 is amended by deleting, in the first paragraph, the following words: “for the polling station affected by the delay or interruption”.

##### 4.28 **Electors on the Premises of a Polling Station**

Section 212 of the Act is repealed:

##### 4.29 **Repeal – Employee’s Leave**

Section 213 of the Act is repealed.

##### 4.30 **Identification of Electors**

The following is substituted for section 213.1:

“**213.1.** The elector shall send with his ballot paper(s) a photocopy of one of the following documents showing his signature: the Québec health insurance card, the Québec driver’s licence or probationary licence or a Canadian passport.”.

#### **4.31 Absence of Document Identifying Elector and of Declaration of Elector or of Person Giving Assistance**

The following are substituted for section 213.2 of the Act:

“**213.2.** Where an elector has not sent with his ballot paper(s) a photocopy of one of the documents provided for in section 213.1 or has not signed the declaration of the elector or of the person giving assistance, the deputy returning officer shall contact that elector and ask him to send a photocopy of one of those documents before 7 p.m. on polling day. Otherwise his ballot paper(s) will be cancelled.

**213.2.1.** Where an elector can not sent a photocopy of one of the documents provided for in section 213.1, that elector must, if he wishes to be admitted to vote, have himself identified as follows:

(1) declare before the deputy returning officer and the clerk of receiving of ballot papers station that he is the elector whose name appears on the list of electors and is entitled to be entered on the list in respect of the address appearing opposite his name;

(2) sign the sworn statement provided for that purpose in the identity verification register kept by the deputy returning officer and the clerk of receiving of ballot papers station;

(3) meet either of the following conditions:

(a) produce at least two documents providing evidence of his name, including one that bears his photograph, or failing that, at least two documents which together provide evidence of his name and date of birth and of the address appearing on the list opposite his name or his domiciliary address; or

(b) be accompanied by a person who

i. identifies himself in accordance with section 213.1;

ii. attests to the identity and address of the elector;

iii. declares that he has not accompanied any other elector other than his spouse or relative within the meaning of section 131;

iv. produces a document referred to in section 213.1 that bears his photograph;

v. signs a sworn statement provided for that purpose in the identity verification register, which statement shall indicate his name, date of birth and address.”.

#### **4.32 Information in an Identification Document**

The following is substituted for section 213.3 of the Act:

“**213.3.** No person may write down or otherwise record information contained in a document produced pursuant to section 213.2.1.”.

#### **4.33 Certificate of Identity**

The following is substituted for section 213.4 of the Act:

“**213.4.** The clerk of ballot receiving station shall enter in the poll book that the elector has identified himself in accordance with section 213.2.1”.

#### **4.34 Voting by Mail**

The following are substituted for sections 214 to 228 of the Act:

“**214.** The elector shall mark the ballot paper in one of the circles, using a pen or pencil.

The elector, after marking the ballot paper(s) received, shall insert them in the envelope identified “Envelope ENV-1”, seal that envelope and insert it in the envelope identified “Envelope ENV-2”. In addition, he must insert in Envelope ENV-2 one of the identification documents provided for in section 213.1 as well as the declaration of the elector or the declaration of the person giving assistance provided for in section 2.3 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities and which is duly signed. He must also enter his name in block letters, his address which must correspond to that entered on the list of electors and his telephone number.

**215.** If the elector is unable to carry out the operations to vote, those operations shall be carried out by the person assisting him in accordance with section 220.

The person giving assistance must insert, in Envelope ENV-2:

(1) Envelope ENV-1 containing the ballot papers;

(2) a photocopy of one of the identification documents provided for in section 213.1 concerning the elector who has asked for assistance;

(3) the declaration of the person giving assistance provided for in section 2.3 of this agreement;

(4) a photocopy of one of the identification documents provided for in section 213.1 concerning the person giving assistance.

**216.** The elector may send Envelope ENV-2 by mail.

Any ballot paper received after 7 p.m. on polling day is cancelled.

**217.** An elector who does not wish to exercise his right to vote shall return to the returning officer all the documents received from the returning officer within the period provided for in section 216 for returning ballot papers.

**218.** Where the name or address of the elector specified on the declaration of the elector differs slightly from that entered on the list of electors, the deputy returning officer of receiving of ballot papers station shall place the envelope containing that elector's ballot papers in the ballot box corresponding to the elector's polling subdivision. An indication thereof shall be entered in the poll book.

**219.** An elector who has not received a ballot paper may contact the deputy returning officer of receiving of ballot papers station to obtain one.

In that case, the deputy returning officer of receiving of ballot paper station shall verify on the list of electors if that elector has already voted. He shall then make the necessary arrangements to deliver to the elector without delay, an envelope containing the ballot papers bearing the returning officer's initials to the elector.

If the deputy returning officer has already received the envelope from the elector, he shall not allow that elector to vote and shall not give him another envelope.

The elector may avail himself of the first two paragraphs from the eighth day before polling day.

The poll clerk shall enter an indication thereof in the poll book.

**220.** An elector who cannot mark his ballot paper himself may be assisted:

(1) by a person who is his spouse or a relative within the meaning of section 131; or

(2) by another person who declares, in accordance with section 2.3 of this agreement, that he has not already given assistance to another elector during the poll.

**221.** The returning officer may authorize an elector to vote where the name of the elector does not appear on the revised list of elector but was entered or corrected by a board of revisors. An indication thereof shall be entered in the poll book.

The returning officer shall send to the chief electoral officer a photocopy of the authorization given to an elector domiciled in the territory of the RCM unless he is satisfied that the change to the list warranting the authorization was communicated in accordance with section 140.

**222.** In no case may any person who refuses to make the oath that is required of him be admitted to vote. An indication thereof shall be entered in the poll book.

**223.** An elector who has inadvertently marked or spoiled his ballot paper may contact the deputy returning officer of receiving of ballot papers station to obtain an new ballot paper. An indication thereof shall be entered in the poll book.

**224.** The deputy returning officer of ballot receiving station shall place without opening it Envelope ENV-1 containing the ballot paper in the ballot box corresponding to the elector's polling subsection after verifying if the elector's signature on the declaration of the elector corresponds with the signature on the photocopy of the identification. If the signatures do not correspond, he must cancel Envelope ENV-1 and place it in an envelope provided for that purpose.

**225.** If the elector votes with the help of a person who gives him assistance, the deputy returning officer of ballot receiving station shall verify if the elector's name on the identification provided for in section 213.1 and the address on the declaration of the elector correspond with those entered on the list of electors, in which case he shall place Envelope ENV-1 in the ballot box without opening it.



If that information does not correspond with that entered on the list of electors, the deputy returning officer of ballot receiving station shall cancel Envelope ENV-1 and place it without opening it in an envelope provided for that purpose.

**226.** As soon as an elector has voted, the clerk of ballot receiving station shall indicate it on the list of electors in the space reserved for that purpose.

**227.** At the end of the polling period, the clerk of ballot receiving station shall enter in the poll book the following particulars:

- (1) the date of the poll and the name of the RCM;
- (2) the number of electors who have sent Envelope ENV-1;
- (3) the number of Envelopes ENV-1 cancelled per polling subdivision;
- (4) the number of documents returned to the returning officer under section 217.

The deputy returning officer of ballot receiving station shall give all the election materials to the returning officer.”.

## COMPILATION OF RESULTS AND ADDITION OF VOTES

### 4.35 Establishment of a Counting Station

The following are substituted for section 228.1 of the Act:

“**228.1.** The returning officer shall establish a counting station for each polling subsection.

**228.2.** The returning officer shall notify each party authorized under Chapter XIII or ticket recognized under Division III of Chapter VI or each independent candidate of the decision made under section 228.1.”.

### 4.36 Counting of Votes

The following is substituted for section 229 of the Act:

“**229.** After the closing of the poll, the deputy returning officer of counting station assisted by the clerk of the counting station, shall proceed to the counting of the votes.

The representatives assigned to the counting station may attend.

Where a counting station is situated at the same place as the polling station, the counting of votes shall begin only after the poll is closed at the ballot receiving station.”.

### 4.37 Entries in Poll Book

The following is substituted for section 230 of the Act:

“**230.** Before the ballot box is opened and before the counting of votes, the clerk of the counting station shall enter the following particulars in the register of votes counted:

- (1) the date of the poll, the name of the municipality and the number of the counting station;
- (2) the name of the persons designated by the returning officer to count the votes;
- (3) the name of the representatives present when the votes are counted.”.

### 4.38 Compiling Sheet

Section 231 of the Act is amended by substituting the words “counting station” for the words “polling station”.

### 4.39 Opening of Ballot Box and Envelopes ENV-1 and Counting of Votes

The following are substituted for section 232 of the Act:

“**232.** The deputy returning officer of counting station shall open the ballot box and take Envelopes ENV-1 one by one, open them and place before him the ballot papers according to the office for which the election is held.

**232.1.** The deputy returning officer of counting station shall count the votes, taking the ballot papers one by one, by office. He shall allow each person present to examine the ballot papers without touching them.”.

### 4.40 Rejected Ballot Papers

The following are substituted for sections 233 and 234 of the Act:

“**233.** Every ballot paper marked as provided for in section 214 shall be valid. However, any ballot paper must be rejected which:

- (1) has not been furnished by the returning officer;
- (2) has not been marked;
- (3) has been marked in favour of more than one candidate;
- (4) has been marked in favour of a person who is not a candidate;
- (5) has been marked elsewhere than in one of the circles;
- (6) bears a mark by which the elector can be identified;
- (7) bears fanciful or injurious entries.

**234.** Every ballot paper that does not bear the initials of the returning officer or of the person designated for that purpose must be rejected.”.

#### 4.41 Repeal – Ballot Paper Stub Not Detached

Section 235 of the Act is repealed.

#### 4.42 Objection in Respect of Validity

The following is substituted for section 237:

“**237.** The deputy returning officer of counting station shall consider every objection raised by a representative in respect of the validity of a ballot paper and make a decision immediately.

The objection and the decision of the deputy returning officer shall be entered in the poll book.”.

#### 4.43 Statement of Votes

The following is substituted for section 238:

“**238.** After examining all the ballot papers received, the deputy returning officer of counting station shall draw up a statement of votes indicating:

- (1) the total number of electors who have voted, which must correspond to the number of envelopes placed in the ballot box;
- (2) the number of ballot papers in favour of each candidate;

(3) the number of ballot papers rejected in the counting of votes.

The deputy returning officer of counting station shall draw up sufficient copies of the statement of votes for himself, the returning officer and every representative assigned to the counting station.”.

#### 4.44 Copy for Representative

Section 240 of the Act is amended by substituting the words “counting station” for the word “polling station” in the first paragraph.

#### 4.45 Separate Envelopes

The following are substituted for sections 241 and 242 of the Act:

“**241.** After drawing up the statement of votes, the returning officer of the counting station shall place the ballot papers marked in favour of one candidate, the ballot papers rejected in the counting of votes and the statement of votes in separate envelopes.

He shall seal the envelopes. The deputy returning officer and the clerk of the counting station and the representatives assigned to that station who wish to do so shall affix their initials to the seals.

Those envelopes and the register of votes counted shall be placed in the ballot box. Before the ballot boxes are closed, the returning officer shall deliver to each deputy returning officer of a counting station an envelope corresponding to their polling subdivision which contains the cancelled ballot papers when they are received by the deputy returning officer of ballot receiving station..

That envelope shall be placed in the ballot box without being opened.

A copy of the register of votes counted shall be placed in the ballot box.”.

#### 4.46 Closing of Ballot Box

The following is substituted for section 243 of the Act:

“**243.** The deputy returning officer of the counting station shall close and seal the ballot box. The deputy returning officer and the clerk of the counting station and the representatives assigned to the counting station who wish to do so shall affix their initials to the seals.”.

#### 4.47 Addition of Votes

The following is substituted for section 245 of the Act:

“**245.** The addition of the votes shall begin, at the discretion of the returning officer:

(1) at the time he fixes, during the evening of closing of the poll;

(2) at 9 a.m. on the day after the day of closing of the poll; or

(3) at the time and on the day he determines, that day being any of the four days following the day of closing of the poll.

If the returning officer chooses to begin the addition of the votes after the day of closing of the poll, he shall notify each authorized party, recognized ticket and independent candidate concerned of the date, time and place selected for that purpose.”.

#### 4.48 Summary Counting of Votes

Section 250 of the Act is amended by substituting the words “counting station” for the words “polling station” in the first paragraph.

#### RECOUNT OR RE-ADDITION OF VOTES

#### 4.49 Application for recount

Section 262 of the Act is amended by substituting the words “counting station” for the word “polling station” in the first paragraph.

#### 4.50 Secrecy of Voting

The following is substituted for section 280 of the Act:

“**280.** No person may attempt to learn in favour of which candidate an elector proposes to vote or has voted.”.

#### 4.51 Assistance to an Elector

The following is substituted for section 281 of the Act:

“**281.** No person who has given assistance to another elector may disclose for which candidate the elector has voted.”.

#### 4.52 Publicity and Partisan Work

The following is substituted for section 283 of the Act:

“**283.** No person may, on the premises of a ballot receiving station and on the premises of a counting station, use a sign to indicate his political affiliation or support for or opposition to a party, ticket or candidate or ideas promoted or opposed by the latter, or engage in any other form of partisan publicity.

The building in which the ballot receiving station or counting station is located and any neighbouring place where the sign or partisan publicity may be seen or heard by the electors waiting in line are deemed to be the premises of the polling station or counting station.”.

#### 4.53 Offences

Section 586 of the Act is amended by adding the following paragraph:

“(13) every person who falsely declares that he is the spouse, including the de facto spouse, a relative or a person living with the elector.”.

#### 4.54 Alteration or Imitation of Initials

Section 633 of the Act is amended by inserting the words “or returning officer” after the words “deputy returning officer” in paragraph 2.

#### 4.55 Leave to Vote

Section 635 of the Act is amended by deleting paragraph 1.

#### 5. DURATION AND APPLICATION OF AGREEMENT

The returning officer is responsible for the application of this agreement and, consequently, for the proper testing of the new method of voting for the election of the warden of RCM of “Granit” held on November 3th of the year 2002. and for subsequent polls until the next general election.

#### 6. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the election of the warden of RCM of “Granit” held on November 3th of the year 2002.

That fact shall be entered in the assessment report.

## 7. ASSESSMENT REPORT

Within 120 days following the election of the warden of RCM of “Granit” held on November 3th of the year 2002, the returning officer shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the chief electoral officer and to the Minister addressing relevant aspects for improving the testing of the new method of voting, such as :

— the preparations for the election (choice of the new method of voting, communications plan, etc.);

— the conduct of the poll;

— the cost of using voting by mail:

— the cost of adapting election procedures;

— non-recurrent costs likely to be amortized;

— a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and, where applicable, the planned costs for the traditional election of the warden of RCM of “Granit” held on November 3th of the year 2002;

— the advantages and disadvantages of using the new method of voting.

## 8. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the election of the warden of RCM of “Granit” held on November 3th of the year 2002 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

## 9. EFFECT OF THE AGREEMENT

This agreement has effect from the moment the returning officer performed the first act for the purposes of an election to which this agreement applies.

### AGREEMENT SIGNED IN THREE COPIES :

In Lac-Mégantic, on this 24th day of the month of September of the year 2002

THE REGIONAL COUNTY MUNICIPALITY  
OF “GRANIT”

By: \_\_\_\_\_  
FRANCINE BLAIS, *Warden*

\_\_\_\_\_  
FRANCE L. MAURICE, *Secretary-Treasurer interim*

In Québec, on this 25th day of the month of September of the year 2002

THE CHIEF ELECTORAL OFFICER

\_\_\_\_\_  
MARCEL BLANCHET

In Québec, on this 17th day of the month of October of the year 2002

THE MINISTER OF MUNICIPAL AFFAIRS  
AND GREATER MONTRÉAL

By: \_\_\_\_\_  
JEAN PRONOVOST, *Deputy Minister*

**SCHEDULE**

## MODEL FOR BALLOT PAPER

<b>Rolland DANSEREAU</b>	●
<b>Claudette DENIS</b> Political Affiliation	●

Initial of  
Returning Officer

Municipality of Matteau

Election for Office of Mayor  
3 November 2002

MAXIME TREMBLAY, Printer  
117, rue Notre-Dame Est  
Montréal (Québec)

## Notice

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

### Animals in captivity

#### — Classes of licenses to keep and their term

#### — Amendments

Notice is given, by the present, that the “ Regulation to amend the Regulation respecting the classes of licenses to keep animals in captivity and their term” for which the text appears below, is adopted by the Société de la faune et des parcs du Québec by resolution n° 02-59 dated May 30, 2002, in conformity with section 54.1 of the Act respecting the conservation and development of wildlife.

HERVÉ BOLDUC,  
*Secretary*

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## Regulation to amend the Regulation respecting the classes of licences to keep animals in captivity and their term <sup>1</sup>

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 54.1)

**1.** Section 1 of the Regulation respecting the classes of licenses to keep animals in captivity and their term is amended by substituting the following for paragraph 8:

“(8) the licence to keep animals for exhibition purposes:

(a) for residents;

(b) for non-residents;

(9) the apprentice hawker’s licence;

(10) the hawker’s licence;

(a) for residents;

(b) for non-residents.”.

**2.** The following is substituted for section 2:

“**2.** The licences referred to in section 1 are valid for one year and expire on 31 March, except the non-resident’s licence to keep animals for exhibition purposes and the non-resident hawker’s licence whose term may not exceed 90 days, as determined by the Société.”.

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

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<sup>1</sup> The Regulation respecting the classes of licences to keep animals in captivity and their term was made by Minister’s Order 98020 dated 4 March 1999 (1999, G.O. 2, 434) and has not been amended since that date.

## Draft Regulations

### Draft Rules

Civil Code of Québec  
(1991, c. 64)

#### Rules respecting the solemnization of civil marriages — 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 Rules to amend the Rules respecting the solemnization of civil marriages, the text of which appears below, may be made by the Minister of Justice upon the expiry of 45 days following this publication.

These draft Rules amend the Rules respecting the solemnization of civil marriages in order to take into consideration the amendments made by the Act instituting civil unions and establishing new rules of filiation (2002, c. 6). The Rules must be amended so that marriages and civil unions may be solemnized by notaries authorized by law to execute notarized acts and, within the territory defined in the instrument of designation, all other persons designated by the Minister of Justice among such officials as mayors, members of municipal or borough councils and municipal officers.

The Rules are also amended so that marriages and civil unions may be solemnized by mayors, members of municipal or borough councils and municipal officers in a city hall, whether in a council chamber or any other suitable place in that building.

In addition, the Rules provide that marriages and civil unions may be solemnized by notaries and all other persons designated by the Minister of Justice in a place laid out for that purpose, agreed upon by the intended spouses, and in keeping with the solemn nature of the ceremony.

Further information may be obtained by contacting Mtre. Sylvie Lachance or Mtre. Anne Richard, Direction générale des services de justice, 1200, route de l'Église, 7<sup>e</sup> étage, Sainte-Foy (Québec) G1V 4M1, telephone: (418) 644-7700 or (418) 644-7704, fax: (418) 644-9968.

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 Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Sainte-Foy (Québec) G1V 4M1.

PAUL BÉGIN,  
*Minister of Justice*

### Rules to amend the Rules respecting the solemnization of civil marriages\*

Civil Code of Québec  
(1991, c. 64, a. 376)

**1.** The title of the Rules respecting the solemnization of civil marriages is amended by adding “and civil unions” at the end.

**2.** The following is substituted for section 1 :

“**1.** For the purposes of the publication of a marriage or a civil union, the clerk of the Superior Court or the person authorized to solemnize a marriage or a civil union shall use the form in Schedule I or Schedule I.1 and shall post it for 20 days before the date of the ceremony, at the place where the ceremony is to be held or, in the cases referred to in rules 4, 5 and 5.1, at the nearest courthouse or at the city hall, if a municipal officer is to preside at the ceremony.”.

**3.** Section 2 is amended by substituting “Marriages or civil unions” for “Civil marriages”.

**4.** Section 3 is amended

(1) by substituting “Where the marriage or civil union is solemnized by the clerk of the Superior Court, the ceremony shall be held” for “The marriage shall be solemnized” at the beginning of the section;

\* The Rules respecting the solemnization of civil marriages, made by Minister's Order 1440 dated 6 July 1994 (1994, *G.O.* 2, 2975), were last amended by the Rules made by Minister's Order 1847 dated 14 June 1999 (1999, *G.O.* 2, 1649). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

(2) by substituting “the intended spouses” for “the intended husband or the intended wife”; and

(3) by substituting “the ceremony may be held” for “the marriage may be solemnized”.

**5.** The Rules are amended by inserting the following after section 3:

**3.1.** Where the marriage or civil union is solemnized by a mayor, a member of a municipal or borough council or a municipal officer, the ceremony shall be held at the city hall, in the council chamber or in any other suitable place in that building. The ceremony may also be held at the courthouse nearest to the municipality or in one of the places referred to in rules 4, 5 and 5.1, inasmuch as that place is within the territory defined by the instrument of designation of that person and under the conditions referred to in those sections.

**3.2.** Where the marriage or civil union is solemnized by a notary or any other person, the ceremony shall be held in a place laid out for that purpose and agreed upon by the intended spouses and the officiant. That place shall be in keeping with the solemn nature of the ceremony.”.

**6.** Section 4 is amended

(1) by substituting “conjoints” for “époux” at the beginning of the section in the French text;

(2) by substituting “ce futur conjoint” for “le futur époux” in the French text;

(3) by substituting “the ceremony may be held” for “the marriage may be solemnized”; and

(4) by substituting “notice of marriage or civil union” for “notice of marriage”.

**7.** Section 5 is amended

(1) by substituting “conjoints” for “époux” in the French text;

(2) by substituting “the ceremony may be held” for “the marriage may be solemnized”; and

(3) by substituting “notice of marriage or civil union” for “notice of marriage”.

**8.** Section 5.1 is amended

(1) by substituting “A marriage or civil union may also” for “Under a pilot project, with the permission of the clerk of the Superior Court, a marriage may”; and

(2) by substituting the following for the second paragraph: “A request to that effect shall be submitted at the time of the application for a dispensation from publication of the notice or at the latest at the time the intended spouses submit the forms and documents required for establishing the publication notice to the person authorized to receive their request.”.

**9.** Section 6 is amended by substituting “the ceremony is held” for “the marriage is solemnized”.

**10.** Section 7 is amended

(1) by substituting “clerk of the Superior Court” for “officiant”; and

(2) by adding the following paragraph: “The other officiants are exempted from wearing a gown.”.

**11.** Section 8 is amended

(1) by substituting “During the ceremony” for “When solemnizing the marriage”;

(2) by substituting “conjoints” for “époux” in the French text; and

(3) by adding “or II.1” at the end of the section.

**12.** Section 9 is amended

(1) by substituting “conjoints” for “époux” at the end of the first sentence in the French text;

(2) by substituting “them” for “the intended spouses” at the beginning of the second sentence; and

(3) by substituting “conjoints” for “époux” at the end of the second sentence in the French text.

**13.** Section 10 is amended

(1) by substituting “conjoints” for “époux” in the French text; and

(2) by adding “or III.1” at the end of the section.

**14.** Section 11 is amended

(1) by inserting “or civil union” after “marriage”; and

(2) by adding “or II.1” after “Schedule II”.

**15.** Schedule I is amended



(1) by inserting the following after “Superior Court” in the first paragraph: “(or).....”;  
(name and position of officiant)

(2) by substituting “(signature) (profession or position)” for “(signature) (duty, profession or quality)”;

(3) by substituting “20” for “19” and by inserting the following before the word “at” in the last paragraph: “(or).....”; and  
(name and position of authorized person)

(4) by substituting the following for “Clerk” at the end of the Schedule:  
“(signature) Clerk or authorized person”.

**16.** The Rules are amended by inserting the following after Schedule I:

#### “SCHEDULE I.1

##### NOTICE OF CIVIL UNION

A civil union will be solemnized by the clerk of the Superior Court (or) ..... at .....  
(name and position of officiant) (name or address of building and place)  
in the judicial district of .....  
on .....  
between .....  
(intended spouse’s surname, given name and domicile)  
born on .....  
at .....  
(place, province, country)  
and .....  
(intended spouse’s surname, given name and domicile)  
born on .....  
at .....  
(place, province, country)

I, the undersigned, acting as witness, declare that I am of full age and that I have taken cognizance of the above information. I solemnly affirm that those statements are true.

Witness .....  
Address .....  
Declared before me at .....  
this .....

\_\_\_\_\_  
(signature) (profession or position)

This notice of civil union has been posted, this .....  
day of ..... 20 ..... by me .....  
clerk of the Superior Court in the judicial district of .....  
(or).....  
(name and position of authorized person)  
at .....  
(name of building and place)

\_\_\_\_\_  
(signature) Clerk or authorized person

..”.

**17.** Schedule II is amended by inserting “Form used for a civil marriage” under “SCHEDULE II”.

**18.** The Rules are amended by inserting the following after Schedule II:

#### “SCHEDULE II.1

##### FORM USED FOR A CIVIL UNION

“.....  
(name of one spouse) (name of other spouse)

before uniting you in the bonds of civil union, I am required to read to you certain articles of the Civil Code of Québec which set out the rights and duties of spouses:

Article 521.6. The spouses in civil union have the same rights and obligations.

They owe each other respect, fidelity, succour and assistance.

They are bound to live together.

The effects of the civil union as regards the direction of the family, the exercise of parental authority, contribution towards expenses, the family residence, the family patrimony and the compensatory allowance are the same as the effects of marriage with the necessary modifications.

Whatever their civil union regime, the spouses may not derogate from the provisions of this article.

(Under article 393) In civil union, both spouses retain their respective names and exercise their civil rights under those names.

(Under article 394) The spouses together take in hand the moral and material direction of the family, exercise parental authority and assume the tasks resulting therefrom.

(Under article 395) The spouses choose the family residence together.

In the absence of an express choice, the family residence is presumed to be the residence where the members of the family live while carrying on their principal activities.

(Under article 396) The spouses contribute towards the expenses of the civil union in proportion to their respective means.

The spouses may make their respective contributions by their activities within the home.””.

**19.** Schedule III is amended by inserting “Form used for a civil marriage” under “SCHEDULE III”.

**20.** The Rules are amended by adding the following schedule at the end:

#### “SCHEDULE III.1

##### FORM USED FOR A CIVIL UNION

“....., do you take  
(name of intended spouse)  
....., here present,  
(name of intended spouse)

to be your spouse?

Answer: “I do”.”

The intended spouse declares: “I do”.”

“....., do you take  
(name of intended spouse)  
....., here present,  
(name of intended spouse)

to be your spouse?

Answer: “I do”.”

The intended spouse declares: “I do”.”

The spouses then join hands and the officiant pronounces the following words:

“By virtue of the powers vested in me by law, I now declare you,

....., and you,  
(name of intended spouse)

....., united  
(name of intended spouse)

in the bonds of civil union.”

The spouses then exchange rings. The officiant may then address the new spouses:

“You are now legally united. Allow me, on my own behalf and on behalf of all those present, to offer you our best wishes for your happiness.””.

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## Draft Regulation

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

### Public servants not governed by a collective agreement

— Appeals procedure  
— Amendments

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

The purpose of the draft Regulation is to update the list of directives from the Conseil du trésor under which any public servant not governed by a collective agreement who considers himself or herself aggrieved by a decision rendered in his or her respect may file an appeal before the Commission de la fonction publique.

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

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 30-day period, to the Minister of State for Administration and the Public Service, Minister responsible for Administration and the Public Service and Chair of the Conseil du trésor, 885, Grande Allée Est, 4<sup>e</sup> étage, Québec (Québec) G1R 6C2.

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

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## **Regulation to amend the Regulation respecting an appeals procedure for public servants not governed by a collective agreement\***

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

**1.** The Regulation respecting an appeals procedure for public servants not governed by a collective agreement is amended by substituting the following for section 2:

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

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

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

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

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

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

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

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

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

(9) the Directive concernant l'attribution des taux de traitement ou taux de salaire et des bonis à certains fonctionnaires;

(10) the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents;

(11) the Directive sur le remboursement des frais de déplacement des cadres;

(12) the Directive sur les frais remboursables lors d'un déplacement à l'extérieur du Québec;

(13) the Directive sur les déménagements des fonctionnaires; and

(14) the Directive concernant les indemnités et les allocations versées aux fonctionnaires affectés à l'extérieur 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 an appeals procedure for public servants not governed by a collective agreement, made by Order in Council 1042-2001 dated 12 September 2001 (2001, G.O. 2, 5045), has not been amended since.



## Treasury Board

Gouvernement du Québec

### **T.B. 198941, 22 October 2002**

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10; 2001, c. 31; 2002, c. 30)

#### **Schedules I and II.1 — Amendments**

An Act respecting the Pension Plan of Management Personnel  
(2001, c. 31; 2002, c. 30)

#### **Schedule II — Amendments**

Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel

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 designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under the first paragraph of section 220 of the Act, amended by section 358 of chapter 31 of the Statutes of 2001 and by section 68 of chapter 30 of the Statutes of 2002, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI, and where the Government amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel and such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 1 of the Act respecting the Pension Plan of Management Personnel (2001, c. 31), the Pension Plan of Management

Personnel applies to employees and persons appointed or engaged on or after 1 January 2001 to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and referred to in Schedule II;

WHEREAS, under the second paragraph of section 1 of that Act, the plan also applies to the extent provided for in Chapter I of that Act, from 1 January 2001, to employees and persons referred to in Schedule II, appointed or engaged before that date to hold, with the corresponding classification, non-unionizable employment designated in Schedule I, to the extent that, on 31 December 2000, they were members of the Government and Public Employees Retirement Plan as employees governed by the special provisions enacted under Title IV.0.1 of the Act respecting the Government and Public Employees Retirement Plan, and to the extent that, on 1 January 2001, they would have maintained their membership in the plan under such special provisions if those provisions had not been replaced by the Act respecting the Pension Plan of Management Personnel;

WHEREAS, under the first paragraph of section 207 of that Act, amended by section 153 of chapter 30 of the Statutes of 2002, the Government may, by order, amend Schedule II, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan, and any such order may have effect 12 months or less before it is made;

WHEREAS, in accordance with section 40 of the Public Administration Act (R.S.Q., c. A-6.01), amended by section 394 of chapter 31 of the Statutes of 2001, 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 referred to in subparagraphs 1 to 6 of that provision;

WHEREAS, by Order in Council 1109-2002 dated 25 September 2002, the Minister of Finance shall thenceforth be Minister of Finance, the Economy and Research;

WHEREAS the Minister of Finance, the Economy and Research was 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, determines, in accordance with paragraph 25 of section 134 of that Act, 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, under the first paragraph of section 416 of the Act respecting the Pension Plan of Management Personnel, the regulations and orders made under the provisions of the Act respecting the Government and Public Employees Retirement Plan that are in force on 20 June 2001 shall be considered, for the purposes of that Act, as regulations and orders made under the corresponding provisions of that Act and they shall apply, with the necessary modifications, until they are replaced by regulations and orders made under such corresponding provisions;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan has not been replaced and shall be considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, as a regulation made under paragraph 25 of the first paragraph of section 196 of that Act;

WHEREAS the Syndicat de l'enseignement de la Pointe-de-L'Île, the Syndicat des enseignantes et enseignants du CEGEP de l'Abitibi-Témiscamingue, the Syndicat du personnel de soutien en éducation (S.P.S.É.) and the Syndicat du personnel enseignant du Collège de Sherbrooke-CSN meet the conditions provided for in that Regulation;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, be made.

ALAIN PARENTEAU,  
*Clerk of the Conseil du trésor*

## **Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan\* and to Schedule II to the Act respecting the Pension Plan of Management Personnel\*\***

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 220, 1st par.; 2001, c. 31, s. 358; 2002, c. 30, s. 68)

An Act respecting the Pension Plan of Management Personnel  
(2001, c. 31, s. 207, 1st par.; 2002, c. 30, s. 153)

**I.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the following bodies in paragraph 1 and in alphabetical order:

\* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the Revised Statutes of Québec were last updated to 1 April 2001, by T.B. 196698 dated 26 June 2001 (2001, *G.O.* 2, 4033), T.B. 196963 dated 21 August 2001 (2001, *G.O.* 2, 4911), T.B. 197036 dated 11 September 2001 (2001, *G.O.* 2, 5707), T.B. 197037 dated 11 September 2001 (2001, *G.O.* 2, 5108), T.B. 197300 dated 20 November 2001 (2001, *G.O.* 2, 6166), T.B. 197301 dated 20 November 2001 (2001, *G.O.* 2, 6168), T.B. 197302 dated 20 November 2001 (2001, *G.O.* 2, 6170), T.B. 197303 dated 20 November 2001 (2001, *G.O.* 2, 6172), T.B. 197373 dated 4 December 2001 (2001, *G.O.* 2, 6451), T.B. 197375 dated 4 December 2001 (2001, *G.O.* 2, 6452), T.B. 197464 dated 18 December 2001 (2002, *G.O.* 2, 257), 198080 dated 16 April 2002 (2002, *G.O.* 2, 2303) and T.B. 198513 dated 25 June 2002 (2002, *G.O.* 2, 3962), and by section 361 of chapter 31 of the Statutes of 2001 and section 71 of chapter 30 of the Statutes of 2002.

Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan was amended, since the Revised Statutes of Québec were last updated to 1 April 2001, by T.B. 197037 dated 11 September 2001 (2001, *G.O.* 2, 5108), T.B. 197302 dated 20 November 2001 (2001, *G.O.* 2, 6170), T.B. 197303 dated 20 November 2001 (2001, *G.O.* 2, 6172) and T.B. 197375 dated 4 December 2001 (2001, *G.O.* 2, 6352), and by section 49 of chapter 32 of the Statutes of 2000 and section 363 of chapter 31 of the Statutes of 2001.

\*\* Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) came into force on 1 January 2001 and was amended by T.B. 197299 dated 20 November 2001 (2001, *G.O.* 2, 6165), T.B. 197300 dated 20 November 2001 (2001, *G.O.* 2, 6166), T.B. 197301 dated 20 November 2001 (2001, *G.O.* 2, 6168), T.B. 197302 dated 20 November 2001 (2001, *G.O.* 2, 6170), T.B. 197303 dated 20 November 2001 (2001, *G.O.* 2, 6172), T.B. 197373 dated 4 December 2001 (2001, *G.O.* 2, 6451), T.B. 197375 dated 4 December 2001 (2002, *G.O.* 2, 6452), T.B. 197464 dated 18 December 2001 (2002, *G.O.* 2, 257), T.B. 198080 dated 16 April 2002 (2002, *G.O.* 2, 2303) and T.B. 198513 dated 25 June 2002 (2002, *G.O.* 2, 3962), and by section 156 of chapter 30 of the Statutes of 2002.

(1) The Syndicat des enseignantes et enseignants du CEGEP de l'Abitibi-Témiscamingue; and

(2) The Syndicat du personnel enseignant du Collège de Sherbrooke-CSN.

**2.** Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan is amended by inserting the following bodies in alphabetical order:

(1) the Syndicat de l'enseignement de la Pointe-de-L'Île; and

(2) the Syndicat du personnel de soutien en éducation (S.P.S.É.).

**3.** Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) is amended by inserting the following bodies in paragraph 1 and in alphabetical order:

(1) the Syndicat des enseignantes et enseignants du CEGEP de l'Abitibi-Témiscamingue; and

(2) the Syndicat du personnel enseignant du Collège de Sherbrooke-CSN.

**4.** This Decision comes into force on the day it is made by the Conseil du trésor but has effect on the dates indicated for each of the following bodies:

(1) Syndicat de l'enseignement de la Pointe-de-L'Île      1 July 2002;

(2) Syndicat des enseignantes et enseignants du CEGEP de l'Abitibi-Témiscamingue      12 months before this Decision is made;

(3) Syndicat du personnel de soutien en éducation (S.P.S.É.)      12 months before this Decision is made;

(4) Syndicat du personnel enseignant du Collège de Sherbrooke-CSN      12 months before this Decision is made.





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## Parliamentary Committees

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### Committee on Institutions

#### General consultation

#### Paper entitled “The Reform of the Voting System in Québec”

The Committee on Institutions will hold public hearings beginning on 29 November 2002 in pursuance of a general consultation regarding the voting system. The Committee has published a discussion paper for this occasion entitled: “The Reform of the Voting System in Québec”. This document is available upon request and may also be consulted on the Internet site of the National Assembly ([www.assnat.qc.ca](http://www.assnat.qc.ca)).

Individuals and organizations who wish to express their views on this matter must submit a brief to the committees secretariat not later than 21 November 2002. The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief. Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies printed on letter-size paper. Those who wish to have their brief forwarded to the press gallery must provide an additional 25 copies.

Views on this subject may also be expressed via the Internet site of the National Assembly by using the form under the heading “Online consultation” at the following internet address: ([www.assnat.qc.ca](http://www.assnat.qc.ca)) Authors of opinions may also be invited to the Committee hearings.

Briefs, correspondence, and requests for information should be addressed to: Mr. Louis Breault, Clerk of the Committee on Institutions, édifice Pamphile-Le May, 1035, rue des Parlementaires, 3<sup>e</sup> étage, Québec (Québec) G1A 1A3.

Telephone: (418) 643-2722 Facsimile: (418) 643-0248  
E-Mail: [lbreault@assnat.qc.ca](mailto:lbreault@assnat.qc.ca)



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