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Part

2

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Laws and Regulations

Volume 134

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PROVINCE OF QUÉBEC

2nd SESSION

36th LEGISLATURE

QUÉBEC, 12 NOVEMBER 2002

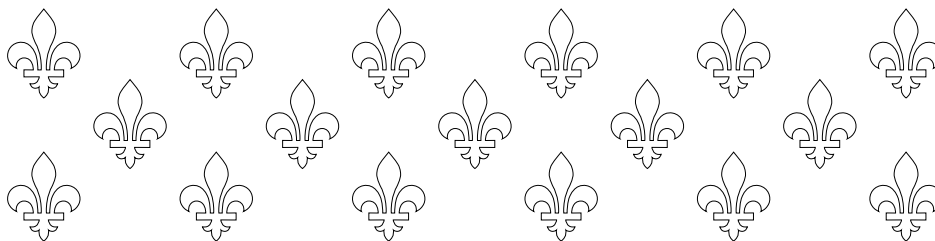
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 12 November 2002

This day, at four minutes past four o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

391 An Act concerning a landing facilities project in the port of Chandler

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 109
(2002, chapter 41)

An Act respecting the Observatoire québécois de la mondialisation

Introduced 4 June 2002
Passage in principle 23 October 2002
Passage 7 November 2002
Assented to 8 November 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill establishes an observatory to be known as the Observatoire québécois de la mondialisation. The mission of the observatory is to further the understanding of the phenomenon of globalization and provide dependable information enabling Quebecers to fully appreciate the issues at stake. The functions of the observatory include disseminating the results of its work, organizing awareness-enhancing and educational activities and publishing an annual status report on globalization viewed from the standpoint of the interests of Québec.

The bill establishes the operating rules of the observatory and determines the rules relating to the composition of its board of directors and those concerning its organization.

LEGISLATION AMENDED BY THIS BILL :

- Financial Administration Act (R.S.Q., chapter A-6.001).

Bill 109

AN ACT RESPECTING THE OBSERVATOIRE QUÉBÉCOIS DE LA MONDIALISATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

DIVISION I

ESTABLISHMENT

- 1.** An observatory to be known as “Observatoire québécois de la mondialisation” is hereby established.
- 2.** The observatory is a legal person.

DIVISION II

MISSION AND FUNCTIONS

3. The mission of the observatory is to further the understanding of all aspects of the globalization phenomenon and provide dependable information enabling Quebecers to fully appreciate the issues at stake for the nation and measure the consequences of globalization so that it may act in an informed manner with a view to promoting a controlled and balanced globalization process that is respectful of human rights.

4. In the pursuit of its mission, the observatory shall

(1) collect and analyze information on the impacts of globalization in the cultural, economic, educational, environmental, financial, political, social, labour and other fields, with particular focus on language dynamics, cultural diversity and national identities ;

(2) follow bilateral and multilateral negotiations, whether global or regional, that are of interest or concern to Québec ;

(3) ensure the development of information and the dissemination of its work and organize awareness-enhancing and educational activities in the various regions of Québec ;

(4) publish an annual status report on globalization viewed from the standpoint of the interests and concerns of Québec ; and

(5) cooperate in and outside Québec with bodies having an interest in globalization, in particular with university institutions and research centres.

DIVISION III

ORGANIZATION

5. The head office of the observatory shall be located in the territory of Québec's national capital. Notice of the location of the head office shall be published in the *Gazette officielle du Québec*.

6. The affairs of the observatory shall be administered by a board of directors composed of the following members who shall become members of the board as and when they are appointed :

(1) 15 members, including a chair, appointed by the Government on the recommendation of the Minister of International Relations, after consultation with the representative bodies of the sector concerned in each case, namely three persons from the labour sector, three persons from the management sector, three persons from the associative and community sectors, four persons from the fields specially concerned by globalization, and one person from the research sector ;

(2) two persons from outside Québec including at least one person from outside the Americas, appointed by the Government on the recommendation of the Minister of International Relations ;

(3) two persons from the personnel of the public service, not entitled to vote, appointed by the Government on the recommendation of the Minister of International Relations ;

(4) three Members of the National Assembly designated by the Office of the National Assembly, who are not entitled to vote.

The appointments must be made so as to achieve the most equitable representation possible of the men and women and the regions of Québec and must reflect the demographic composition of the Québec population ; furthermore, at least three appointees must be under the age of 35 at the time of their appointment.

7. The board of directors shall determine the strategic directions, general objectives, policies and action plans of the observatory.

8. The board of directors must meet at least three times a year.

9. The chair and the other members of the board of directors shall be appointed for a term of not more than three years.

However, half of the members of the first board of directors shall be appointed for a term of two years.

On the expiry of their terms, the members of the board of directors shall remain in office until replaced or reappointed.

10. Any vacancy occurring before the expiry of a member's term shall be filled in the manner set out in section 6.

Absence from the number of board meetings determined in the internal management by-laws of the observatory, in the cases and circumstances specified, constitutes a vacancy.

11. The chair shall preside at the meetings of the board of directors, see to the proper functioning of the board of directors and assume all other functions the board of directors assigns to the chair.

12. The members of the board of directors shall designate a vice-chair of the board from among their number.

Where the chair is absent or unable to act, the vice-chair shall act as chair of the board of directors.

13. The members of the board of directors shall receive no remuneration except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

14. The board of directors shall appoint a director general for a term of not more than five years.

The Government shall determine the remuneration, employment benefits and other conditions of employment of the director general.

15. The director general is responsible for the management of the observatory within the scope of its policies and by-laws. The office of director general is a full-time office.

The director general shall attend the meetings of the board of directors, but shall not vote.

16. The quorum at meetings of the board of directors is a majority of the voting members.

Decisions of the board of directors are made by a majority of the votes cast by the voting members present. In the case of a tie-vote, the person presiding has a casting vote.

17. The members of the board of directors may waive notice of a meeting. The attendance of a member at a meeting of the board of directors constitutes a waiver of notice, unless the member is present to contest the legality of the calling of the meeting.

18. The members of the board of directors may, if they all agree, take part in a meeting using means which allow them to communicate with each other orally, such as the telephone. The participants are, in such a case, deemed to have attended the meeting.

19. The observatory shall establish an executive committee composed of members of the board of directors.

The director general shall attend the meetings of the executive committee, but shall not vote.

20. The observatory may make any by-law concerning the exercise of its functions and its internal management.

21. The members of the personnel of the observatory shall be appointed in accordance with the staffing plan established in a by-law of the observatory.

Subject to the provisions of any collective agreement, the observatory shall determine, by by-law, the standards and scales of remuneration, employment benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.

DIVISION IV

SCIENTIFIC COMMITTEE

22. A scientific committee composed of seven to nine members recognized for their scientific expertise, including at least one member from outside Québec, shall be established within the observatory.

The committee, whose members shall be appointed by the board of directors on the recommendation of the director general, comes under the authority of the latter.

The function of the committee is to evaluate the relevance and scientific quality of the research projects of the observatory.

23. The members of the scientific committee shall be remunerated on such conditions and to such extent as may be determined by the board of directors. They are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the board of directors.

24. The rules of operation of the scientific committee shall be established in the internal management by-laws of the observatory.

DIVISION V

FINANCIAL PROVISIONS AND REPORTS

25. The Government may, subject to the conditions and on the terms it determines, authorize the Minister of Finance to advance to the observatory any amount considered necessary for the performance of its obligations or the carrying out of its mission.

The sums required for the purposes of this section shall be taken out of the consolidated revenue fund.

26. The observatory may impose fees or charges or require other payment for the services it provides.

27. The sums received by the observatory must be allocated to the payment of its activities and the performance of its obligations. Any surplus shall be retained by the observatory unless the Government decides otherwise.

28. The fiscal year of the observatory ends on 31 March.

29. The observatory shall, not later than 31 July each year, file with the Minister its financial statements and a report on its activities for the preceding fiscal year.

30. The Minister shall table the financial statements and the report of activities of the observatory in the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

31. The observatory shall communicate to the Minister any information required by the Minister concerning its activities.

DIVISION VI

FINAL PROVISIONS

32. Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by inserting the following in alphabetical order:

“Observatoire québécois de la mondialisation”.

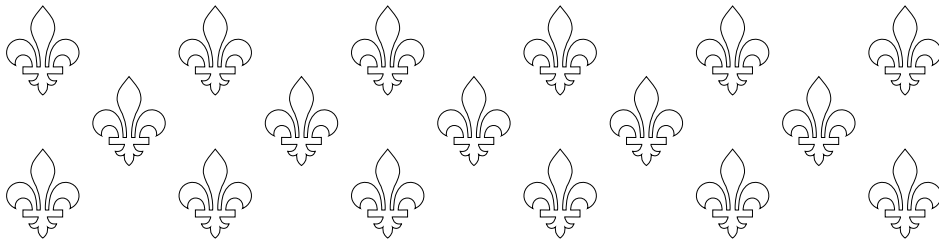
33. The Observatoire québécois de la mondialisation established on 3 July 2002 under Part III of the Companies Act (R.S.Q., chapter C-38) is dissolved and the Observatoire established under section 1 shall acquire its rights and assume its obligations.

34. Within five years after (*insert here the date of coming into force of this Act*) and every five years thereafter, the observatory shall report to the Government on the implementation of this Act, the advisability of maintaining it in force and, if need be, of amending it.

The report shall be tabled in the National Assembly by the Minister of International Relations within the following 30 days or, if the Assembly is not sitting, within 30 days of resumption.

35. The Minister of International Relations is responsible for the administration of this Act.

36. This Act comes into force on the date to be fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 117
(2002, chapter 42)

**An Act to amend the Act respecting
Institut national de santé publique
du Québec and the Act respecting
the Ministère de la Santé et
des Services sociaux**

**Introduced 16 October 2002
Passage in principle 24 October 2002
Passage 31 October 2002
Assented to 8 November 2002**

**Québec Official Publisher
2002**

EXPLANATORY NOTES

This bill proposes to withdraw from Institut national de santé publique du Québec the function of administering the Centre anti-poison but to leave it the responsibility of providing the Centre anti-poison with the expertise necessary to pursue its mission.

The bill also proposes to amend the Act respecting the Ministère de la Santé et des Services sociaux to allow the Minister to entrust the mandate of administering the Centre anti-poison to a health and social services institution or another organization of the health and social services network.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting Institut national de santé publique du Québec (R.S.Q., chapter I-13.1.1);
- Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2).

Bill 117

AN ACT TO AMEND THE ACT RESPECTING INSTITUT NATIONAL DE SANTÉ PUBLIQUE DU QUÉBEC AND THE ACT RESPECTING THE MINISTÈRE DE LA SANTÉ ET DES SERVICES SOCIAUX

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 4 of the Act respecting Institut national de santé publique du Québec (R.S.Q., chapter I-13.1.1), amended by section 106 of chapter 24 and by section 146 of chapter 60 of the statutes of 2001, is again amended

(1) by adding “, and particularly through the Centre, providing the Centre anti-poison with the expertise necessary to pursue its mission” at the end of subparagraph 2 of the first paragraph ;

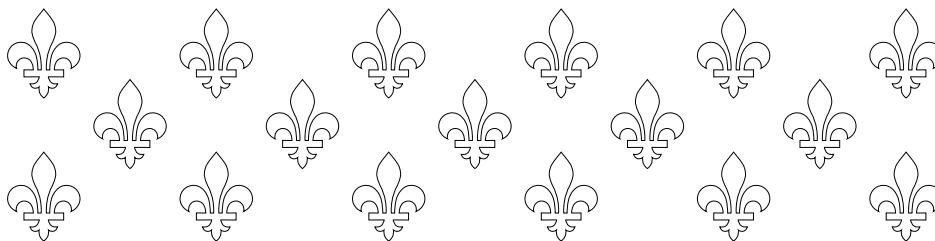
(2) by striking out subparagraph 4 of the first paragraph.

2. The Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) is amended by inserting the following section after section 10.2:

“**10.3.** The Minister may entrust a health and social services institution or another organization of the health and social services system with the responsibility of administering the Centre anti-poison, whose main function is to provide expert assistance in the area of intoxication. The Minister may issue guidelines or objectives to be pursued by the Centre anti-poison and, if necessary, provide directly for its financing.

If the Minister subsequently designates another institution or another organization, the parties concerned must effect a transfer of activities, on the conditions approved beforehand by the Minister.”

3. This Act comes into force on 8 February 2003.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 391
(2002, chapter 43)

An Act concerning a landing facilities project in the port of Chandler

Introduced 5 November 2002
Passage in principle 7 November 2002
Passage 7 November 2002
Assented to 12 November 2002

Québec Official Publisher
2002

EXPLANATORY NOTE

The object of this bill is to exempt a landing facilities project for the wharf in the port situated in the territory of the municipality of Chandler from the environmental impact assessment and review procedure provided for in the Environment Quality Act.

Bill 391

AN ACT CONCERNING A LANDING FACILITIES PROJECT IN THE PORT OF CHANDLER

WHEREAS Ville de Chandler proposes to provide the wharf in the town's port with landing facilities for the purpose of establishing a cruise ship and ferry connection between Montréal, Chandler and Îles-de-la-Madeleine;

Whereas in view of the socio-economic situation in the region, it is expedient to ensure that the landing facilities are operational as soon as possible, that is, not later than the beginning of the 2003 summer season, and to that end, to undertake the work in the fall of 2002;

Whereas to be able to meet that deadline, it is expedient to exempt the landing facilities project from the environmental assessment procedure provided for in Division IV.1 of Chapter I of the Environment Quality Act while allowing the Government to conserve its power to determine the environmental acceptability of the project;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The landing facilities project for the wharf in the port within the territory of the municipality of Chandler, presented by the municipality to the Minister of the Environment, is exempted from the environmental impact assessment and review procedure provided for in Division IV.1 of Chapter I of the Environment Quality Act (R.S.Q., chapter Q-2).

The provisions of section 31.5 of that Act relating to the issue by the Government of a certificate of authorization apply to the project.

The other provisions of the Environment Quality Act continue to apply.

2. This Act comes into force on 12 November 2002.

Coming into force of Acts

Gouvernement du Québec

O.C. 1355-2002, 20 November 2002

An Act to amend the Act respecting prescription drug insurance and other legislative provisions (2002, c. 27)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting prescription drug insurance and other legislative provisions (2002, c. 27)

WHEREAS the Act to amend the Act respecting prescription drug insurance and other legislative provisions (2002, c. 27), was assented to on 13 June 2002;

WHEREAS, under section 48 of the Act, the provisions of the Act come into force on the date or dates to be fixed by the Government, except paragraph 1 of section 1, sections 2, 3 and 6 to 9, paragraphs 2 and 4 of section 10, paragraph 2 of section 22, paragraph 2 of section 23, sections 24 and 26, the first paragraph of section 31, the first paragraph of section 32, sections 33 to 40, paragraph 1 of section 41 and sections 45 and 46, which came into force on 1 July 2002, and sections 4, 11, 13, 28 and 30, which came into force on 2 July 2002;

WHEREAS 26 June 2002 was fixed as the date of coming into force of the provisions of section 15 of the Act by Order in Council 821-2002 dated 26 June 2002;

WHEREAS it is expedient to fix 1 December 2002 as the date of coming into force of sections 12 and 47 of the Act;

WHEREAS it is expedient to fix 1 January 2003 as the date of coming into force of section 5 of the Act;

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

THAT sections 12 and 47 of the Act to amend the Act respecting prescription drug insurance and other legislative provisions (2002, c. 27) come into force on 1 December 2002;

THAT section 5 of the Act come into force on 1 January 2003.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

5407

Regulations and other acts

Gouvernement du Québec

O.C. 1354-2002, 20 November 2002

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

Régie de l'énergie

— Conditions under which and cases in which a supply contract entered into by the electric power distributor must be approved

Regulation respecting the conditions under which and the cases in which a supply contract entered into by the electric power distributor must be approved by the Régie de l'énergie

WHEREAS, under subparagraph 8 of the first paragraph of section 114 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Régie de l'énergie may make regulations determining the conditions under which and the cases in which a supply contract entered into by the electric power distributor must be approved by the Régie de l'énergie;

WHEREAS, at its meeting of 15 July 2002, the Régie adopted the Regulation respecting the conditions under which and the cases in which a supply contract entered into by the electric power distributor must be approved by the Régie de l'énergie;

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

WHEREAS, in accordance with sections 10 and 12 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation respecting the conditions under which and the cases in which a supply contract entered into by the electric power distributor must be approved by the Régie de l'énergie was published in Part 2 of the *Gazette officielle du Québec* of 9 October 2002 with a notice that it could be submitted to the Government for approval upon the expiry of 15 days following that publication;

WHEREAS, at its meeting of 20 November 2002, the Régie adopted the Regulation respecting the conditions under which and the cases in which a supply contract entered into by the electric power distributor must be approved by the Régie de l'énergie, with amendments, to take into account comments submitted by interested persons;

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

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

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

— to ensure electric power supply to Québec markets from 2006, Hydro-Québec, carrying on its electric power distribution activities, must, at the beginning of 2003, enter into the electric power supply contracts selected at the end of the tender solicitation process for the purchase of 1200 MW;

— it is essential, considering the importance of those activities, to determine as soon as possible which cases require the approval of the Régie and the conditions for obtaining that approval;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation respecting the conditions under which and the cases in which a supply contract entered into by the electric power distributor must be approved by the Régie de l'énergie, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the conditions under which and the cases in which a supply contract entered into by the electric power distributor must be approved by the Régie de l'énergie

An Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01, s. 114, 1st par., subpar. 8)

1. The electric power distributor must obtain the approval of the Régie de l'énergie before entering into an electric power supply contract for a term exceeding one year, from the scheduled start of deliveries to the end.

An application for approval must be filed with the Régie at least 90 days before the date of coming into force of the contract, unless the electric power distributor shows to the Régie that special circumstances prevented it. That period is 60 days for contracts to be awarded following the electric power distributor's first tender solicitation.

The application must include the contracts and must contain the following information :

(1) a description of the contribution of each contract to the supply plan and, where the tender solicitation is filled by several contracts, a description of the contribution of each contract to the tender solicitation ;

(2) where the tender specifications provide that all or part of the needs of Québec markets met by a particular source of electric power supply must be supplied out of an energy block determined by regulation of the Government, a description of the contribution of each contract to the energy block determined by regulation of the Government, to the supply plan, and to the tender solicitation where it is filled by several contracts ;

(3) a description of the guarantees provided for in the contracts to cover financial risks and risks related to supply adequacy, as well as an analysis of the residual risks ;

(4) the demonstration that the contract or the combination of contracts carries the lowest price, for the quantity of electric power and the conditions stipulated, taking into account the applicable transmission cost and, where the tender specifications provide that all or part of the needs of Québec markets met by a particular source of

electric power supply must be supplied out of an energy block determined by regulation of the Government, the demonstration that the lowest price does not exceed the maximum price established by regulation of the Government, if the Government decides to establish such maximum price.

(5) a report comparing the prices of the contract, of the combination of contracts, or of each contract included in the combination of electric power supply contracts with the prices of the main products available on America's northeastern markets and the applicable transmission costs ;

(6) the demonstration that the characteristics of the contracts approved in the supply plan are met ; and

(7) where applicable, the actions taken by the electric power distributor following the report prepared by the Régie in the exercise of its power to monitor the tender solicitation and contract awarding procedure and code of ethics.

2. The electric power distributor must obtain the approval of the Régie before entering into an electric power supply contract for a term of between three months and one year, from the scheduled start of deliveries to the end, and for which the tenderer is the only one that has taken part in the tender solicitation, where all the tenderers are associated or affiliated with one another or with the electric power distributor, or where the lowest tenderer is associated or affiliated with the electric power distributor.

An application for approval must be filed with the Régie at least 5 days, excluding the days listed in article 6 of the Code of Civil Procedure (R.S.Q., c. C-25), Saturdays and 24 and 31 December, before the date of coming into force of the contract, unless the electric power distributor proves to the Régie that special circumstances prevented it.

The application must include the contracts and must contain the following information :

(1) the demonstration that the contract or the combination of contracts carries the lowest price, for the quantity of electric power and the conditions stipulated, taking into account the applicable transmission cost ;

(2) a report comparing the prices of the contract, of the combination of contracts, or of each contract included in the combination of electric power supply contracts with the prices of the main products available on America's northeastern markets and the applicable transmission costs ; and

(3) where applicable, the actions taken by the electric power distributor following the report prepared by the Régie in the exercise of its power to monitor the tender solicitation and contract awarding procedure and code of ethics.

For the purposes of the first paragraph, the tenderer of a supply contract referred to in the last paragraph of section 2 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01) is deemed to be affiliated with the electric power distributor.

3. The electric power distributor must obtain the approval of the Régie before entering into a comprehensive general agreement with a supplier for multiple electric power supplies that has been exempted from tender solicitation by the Régie under the Act respecting the Régie de l'énergie.

An application for approval must be filed with the Régie at least 90 days before the date of coming into force of the agreement, unless the electric power distributor proves to the Régie that special circumstances prevented it.

The application must include the agreement and must contain the following information:

(1) a description and forecast of the specific needs referred to in the agreement;

(2) the demonstration that the characteristics of the agreement approved in the supply plan are met;

(3) the prices of the transactions or a description of the method used to determine the prices of the transactions, as the case may be; and

(4) the demonstration that the agreement meets the conditions of the exemption granted by the Régie.

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

5408

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 USING "PERFAS-MV" BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

VILLE DE MAGOG, a corporation legally constituted in virtue of an Order in Council of the Government of Quebec number 1156-2002, adopted on October 2nd, 2002, which took effect and was published in the *Gazette officielle du Québec* on October 9th, 2002, governed by the Cities and Towns Act (R.S.Q., c. C-19), having its head office at 7, Principale Street East, Magog, Province of Quebec, J1X 1Y4, acting and represented by the mayor, Marc Poulin and the clerk, Martine Savard under a resolution bearing number 540-02, hereinafter called

THE MUNICIPALITY

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, in 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, in Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 03-2002, passed at its meeting of October 21, 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 the use of electronic ballot boxes for the regular election of December 1, 2002 in the MUNICIPALITY;

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

“**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 MUNICIPALITY expressed the desire to avail itself of those provisions for the regular election held on December 1, 2002 and could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

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

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

WHEREAS the MUNICIPALITY is solely responsible for the technological choice elected;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of October 21, 2002, resolution No. 03-2002 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 MUNICIPALITY 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 “electronic voting system” means an apparatus consisting of the following devices:

— a computer containing in its memory the list of electors, used for the preparation of electronic voting cards;

— a reader of electronic voting cards;

— one or more printers;

— one or more autonomous voting terminals;

— electronic cards used to place the terminals in “election” mode, to vote (electronic voting cards), to place the terminals in “end of election” mode, and to record the results from each autonomous voting terminal;

2.2 “voting terminal” means an independent device containing a display with a graphical representation of a ballot paper, buttons used by electors to vote, and a memory card to record and compile the votes cast by electors;

2.3 “electronic card reader” means a device allowing the information required for an elector to vote to be transferred onto an electronic card;

2.4 “rejected ballot paper” means a ballot paper for which the button corresponding to “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor” has been pushed by an elector on the voting terminal;

2.5 “operations trail” means a print-out of the operations (audit) of a voting terminal.

3. ELECTION

3.1 For the purposes of the regular election of December 1, 2002 in the municipality, a sufficient number of “PERFAS-MV” model electronic voting systems will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

4. SECURITY MECHANISMS

Each electronic voting system must include the following security mechanisms:

1) a report displaying a total of “zero” must be automatically produced by the electronic ballot box when a voting terminal is turned on on the first day of advance polling and on polling day;

2) a verification report must be generated on a continuous basis and automatically saved on the memory card of the voting terminal, and must record each procedural operation;

3) a mechanism which prevents a voting terminal from being placed in “end of election” mode while polling is still under way, because the terminal can only be placed in “end of election” mode by the insertion of an “end of election” card;

4) a mechanism to ensure that the compilation of results is not affected by any type of interference once the electronic ballot box has been placed in “election” mode;

5) each voting terminal must be equipped with seals, two to prevent the opening of the box and one covering the screws of the voting terminal;

6) each voting terminal must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the terminals are connected to a generator;

7) if a voting terminal is defective, its internal memory card may be removed and transferred immediately into another voting terminal in order to allow the procedure to continue.

5. PROGRAMMING

Each electronic voting system used is specially programmed by the firm PG Elections inc. for the municipality in order to recognize and tally ballot papers in accordance with this agreement.

6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

6.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words “senior deputy returning officer, assistant to the senior deputy returning officer” after the word “assistant,”.

6.2 Senior deputy returning officer, assistant to the senior deputy returning officer

The following is substituted for section 76 of the Act:

“**76.** The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

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

6.3 Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer

The following is substituted for section 80 of the Act:

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

(1) see to the installation and preparation of the electronic voting systems (voting terminal and electronic card reader);

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the voting terminals in the polling place;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) ensure that the electronic voting systems function correctly;

(5) print out the results compiled by the voting terminals at the closing of the poll;

(6) complete an overall statement of votes from the partial statements and the results compiled by each voting terminal;

(7) give the returning officer, at the closing of the poll, the results compiled by each voting terminal, the overall statement of votes and the number of electors at each polling station who were given an electronic voting card;

(8) give the returning officer the memory card on which the results of each voting terminal are recorded, the card used to place terminals in “end of election” mode, and the voting terminals in sealed cases.

80.1. The assistant to the deputy returning officer shall, in particular,

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

(2) receive any elector referred by the senior deputy returning officer;

(3) verify the polling booths in the polling place.

80.2. The deputy returning officer shall, in particular,

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

(2) see that the polling is properly conducted and maintain order at the polling station;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) receive proof of identity from electors;

(5) give electors an electronic voting card to exercise their right to vote;

(6) check that each electronic voting card returned after the vote has been used. If a card has not been used, a record shall be made in the poll book that an elector has failed to exercise the right to vote;

(7) at the close of the poll, give the senior deputy returning officer a statement indicating the total number of electors given an electronic voting card by the deputy returning officer at the polling station.”.

6.4 Discretion of the 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 in the agreement provided for in 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.”.

6.5 Notice of election

The following is added after paragraph 7 of section 99:

“(8) the fact that the method of voting is by means of an electronic voting system.”.

6.6 Polling subdivisions

The following is substituted for section 104 of the Act:

“**104.** The returning officer shall divide the list of electors into polling subdivisions, each comprising not more than 750 electors.

The returning officer shall provide a sufficient number of polling stations at each polling place to receive electors, establish their identity and give them an electronic voting card.

In the polling place, the electors may report to any polling station. They shall be directed to the first available voting terminal to exercise their right to vote.”.

6.7 Verification of electronic voting systems

The Act is amended by inserting the following subdivision after subdivision 1 of Division IV of Chapter VI of Title I:

“§1.1 *Verification of electronic voting systems*

173.1. The returning officer shall, not later than the fifth day preceding the first day of advance polling and the fifth day preceding polling day, test the electronic voting system to ensure that it tallies the number of votes cast accurately and precisely, in the presence of the candidates or their representatives if they so wish.

173.2. During the testing of the electronic voting system, adequate security measures must be taken by the returning officer to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The returning officer must ensure that no electronic communication that could change the programming of the system, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

173.3. The returning officer shall conduct the test by performing the following operations:

(1) he shall prepare a pre-determined number of electronic voting cards and transfer onto them the information relating to one of the positions to be filled;

(2) he shall record on the voting terminal a pre-determined number of votes that have been manually tallied. The votes shall include:

(a) a pre-determined number of votes in favour of one of the candidates for the office of mayor and councillor;

(b) a pre-determined number of votes corresponding to the statement “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor”;

(c) a pre-determined number of votes for a candidate for the office of mayor and the same pre-determined number of votes for a candidate for a position as a councillor;

(3) he shall ensure that it is not possible to record more than one vote for the same position;

(4) he shall ensure that the button used to record a vote can be pushed only after the button used to vote for the mayor or corresponding to the statement “I do not wish to vote for the office of mayor”, and the button used to vote for a councillor or corresponding to the statement “I do not wish to vote for the office of councillor”, have been pushed;

(5) he shall ensure that the information relating to the positions to be filled contained on the electronic voting cards is consistent with the information transferred to the cards by the returning officer;

(6) he shall place the system in “end of election” mode and ensure that the results compiled by the voting terminal are consistent with the results compiled manually;

(7) once the test has been successfully completed, he shall reset the voting terminal to zero and replace it in a sealed case; the candidates or their representatives may affix their signature if they so wish;

(8) where an error in the compilation of the results compiled by the terminals is detected, the returning officer shall determine with certitude the cause of error, proceed with a further test, and repeat the operation until a perfect compilation of results is obtained; any error or discrepancy shall be noted in the test report;

(9) he may not change the programming established by the firm PG Elections inc.”.

6.8 Advance polling

The following is substituted for sections 182, 183 and 185 of the Act:

“**182.** At the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:

(1) the number of electors who were given an electronic voting card;

(2) the total number of votes recorded on each terminal, as transmitted by the senior deputy returning officer;

(3) the names of the persons who performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the forms, the verification reports printed out at each terminal, the poll book and the list of electors, and shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except the envelope containing the list of electors, shall be given to the senior deputy returning officer for deposit in a large envelope. The large envelope shall be sealed. The persons present may affix their initials to the seal.

182.1. At the close of the advance polling station, the senior deputy returning officer shall :

- (1) place the voting terminals in “end of election” mode;
- (2) transfer the data contained in the memory of the electronic ballot box onto a memory card;
- (3) print the operations trail (audit);
- (4) place the memory card (memory chip) and the operations trail in separate envelopes, and seal the envelopes;
- (5) forward the envelopes to the returning officer, who shall keep them safely in separated locations;
- (6) set each voting terminal to zero, seal it and place it in its plastic case;
- (7) affix his initials to all the seals and give the candidates or representatives present an opportunity to affix their initials.

182.2. The senior deputy returning officer shall place the card used to place the terminals in “election” mode and “end of election” mode in the large envelope.

The senior deputy returning officer shall seal the large envelope and each terminal. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.

The senior deputy returning officer shall then give the large envelope, the envelopes containing the list of electors, the memory card and the operations trail, as well as the voting terminals, to the returning officer or the person designated by the returning officer.

The returning officer shall keep in safety, in separate locations, the envelopes containing the memory card and the operations trail.

182.3. The returning officer shall, using the various lists of electors used in the advance polling, draw up an integrated list of all the electors who voted in the advance poll. The returning officer shall make as many copies of the list as there are to be polling stations on polling day.

183. Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the large envelope and give each deputy returning officer the poll books and the forms. Each deputy returning officer shall open the envelopes and take custody of their contents.

The senior deputy returning officer shall take possession of the verification reports indicating the total number of votes recorded on each terminal, the card used to place the terminals in “election” mode and the card used to place the terminals in “end of election” mode.

The senior deputy returning officer shall verify for each terminal, using the memory card, that the number of votes recorded matches the number entered the previous day in the poll book by the poll clerk for that polling station.

The returning officer, or the person designated by the returning officer, shall return the list of electors to each deputy returning officer.

At the close of the advance poll on the second day, the senior deputy returning officer, the returning officer and the poll clerk shall perform the same actions as at the close of the advance poll on the first day.

185. From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall, using the memory card or cards on which the results are recorded, print out the results compiled by each voting terminal used in the advance poll in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

The results shall be printed out at the location determined by the returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of the results from polling day, adapted as required.”

6.9 Revocation

Sections 186 and 187 of the Act are revoked.

6.10 Polling place

The following is substituted for the first paragraph of section 188 of the Act:

“**188.** The polling place must be in premises that are spacious and easily accessible to the public.”.

6.11 Booths

The following is substituted for section 191 of the Act:

“**191.** Where electronic voting systems are used in an election, each polling station shall have the number of polling booths determined by the returning officer.”.

6.12 Ballot papers and electronic voting cards

The following is substituted for section 192 of the Act:

“**192.** The returning officer shall ensure that a sufficient number of electronic voting cards are available to facilitate the exercise of the electors’ right to vote.”.

The following is substituted for sections 193 to 195 of the Act:

“**193.** The graphical representation of a ballot paper that appears on the voting terminal shall be consistent with the model set out in Schedule 1 to the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities.”.

6.13 Identification of the candidates

The following is substituted for section 196 of the Act:

“**196.** The graphical representation of a ballot paper that appears on the voting terminal must allow each candidate to be identified.

Depending on the number of positions to be filled, the representation shall have one or more columns on one or more pages, showing:

(1) the name of each candidate, the given name preceding the surname;

(2) under each name, the name of the authorized party or recognized ticket to which the candidate belongs, where such is the case;

(3) a rectangle for the elector’s mark opposite the particulars pertaining to each candidate.

All rectangles, as the space between consecutive rectangles, must be of the same size.

Where several independent candidates for the same office have the same name, the graphical representation of the ballot paper used in the polling for that office shall indicate the address of each candidate under the candidate’s name and, where such is the case, above the indication of the candidate’s political affiliation.

The particulars must appear in alphabetical order of the candidates’ surnames and, as the case may be, of the candidates’ given names. Where two or more candidates for the same office have the same name, the order in which the particulars relating to each of them appear shall be determined by a drawing of lots carried out by the returning officer.

The particulars pertaining to the candidates must correspond to those contained in the nomination papers, unless, in the meantime, the authorization of the party or the recognition of the ticket has been withdrawn, or the name of the party or ticket appearing on the nomination papers is inaccurate.”.

6.14 Reverse of ballot paper

Section 197 is revoked.

6.15 Withdrawal of a candidate

The following is substituted for section 198 of the Act:

“**198.** Where an electronic voting system is used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.

Any vote in favour of those candidates before or after their withdrawal is null.”.

6.16 Withdrawal of authorization or recognition

The following is substituted for section 199 of the Act:

“**199.** Where electronic voting systems are used in an election, the returning officer shall ensure that they are adjusted so that they do not take into account the party or ticket from which authorization or recognition has been withdrawn.”.

6.17 Number of voting terminals

The following is substituted for sections 200 and 201 of the Act:

“**200.** The returning officer shall ensure that a sufficient number of electronic voting systems are available for the election.

201. The upper surface of the voting terminal must be in conformity with the model described in Schedule 2 to this Agreement.

The voting terminal must be designed so that the button used to vote for a candidate is placed opposite the particulars relating to that candidate.

The instructions to the electors on how to vote must be clearly indicated on the upper surface of the voting terminal.”.

6.18 Provision of polling materials

The following is substituted for section 204 of the Act:

“**204.** Not later than one hour before the time fixed for the opening of the polling station, the returning officer shall give or make available to the deputy returning officer, in a sealed envelope, after affixing his initials to the seals,

(1) the copy of the list of electors for the polling subdivision used for the advance poll and comprising the electors who are entitled to vote at that polling station;

(2) a poll book;

(3) electronic voting cards;

(4) the forms and other documents necessary for the poll and the closing of the polling station.

The returning officer shall give or make available to the deputy returning officer, as well as to the senior deputy returning officer, any other materials required for the poll, the closing of the polling office, and the tallying and recording of votes.”.

6.19 Examination of polling materials and documents

The following is substituted for section 207 of the Act:

“**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic voting system for the polling place. The senior deputy returning officer shall ensure that the system computer dis-

plays a total of zero electors having voted, and that each voting terminal displays a total of zero recorded votes, by verifying the printed reports from those devices.

The senior deputy returning officer shall ensure that as many small envelopes are available for the memory cards used to record results as there are voting terminals under his responsibility.

The senior deputy returning officer must inform the returning officer of any discrepancy observed upon activating a voting terminal or during the poll.

The senior deputy returning officer shall keep the reports and show them to any person present who wishes to examine them.

The senior deputy returning officer must, in addition, before the persons present, ensure that two seals are affixed to each terminal.

In the hour preceding the opening of the polling stations, each deputy returning officer and poll clerk shall examine the polling documents and materials provided by the returning officer.”.

POLLING PROCEDURE

6.20 Presence at the polling station

The following is substituted for the third paragraph of section 214 of the Act:

“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer, may be present at the polling station. The officer in charge of information and order may be present, at the request of the deputy returning officer, for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.”.

6.21 Electronic voting cards

The following is substituted for section 221 of the Act:

“**221.** The deputy returning officer shall give each elector admitted to vote an electronic voting card to which the information required to exercise the right to vote has been transferred.

In no case may the information transferred to the card allow a link to be established between the casting of a vote and the identity of an elector.”.

6.22 Voting

The following is substituted for section 222 of the Act:

“**222.** The elector shall enter the polling booth and exercise the right to vote by:

(1) inserting the electronic voting card in the opening provided for that purpose and clearly identified on the upper surface of the voting terminal;

(2) pressing the button placed opposite the particulars relating to the candidate in whose favour the elector wishes to vote as mayor and councillor or councillors, causing a mark to appear in the rectangle;

(3) recording the vote by pressing the red button placed on the upper surface of the voting terminal, causing the red lights placed above the button to go out.”.

6.23 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After removing the electronic voting card from the voting terminal, the elector shall leave the booth and give the electronic voting card to the polling officer designated for that purpose by the returning officer.

If an elector indicates one or more votes but leaves the booth without recording them, the senior deputy returning officer or the latter’s assistant shall record the votes.

If an elector fails to indicate and record one or more votes and leaves the polling place, the senior deputy returning officer or the latter’s assistant shall press the button corresponding to the statement “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor” or both, as the case may be, and shall then record the voter’s vote.

The electronic voting card shall then be removed from the voting terminal and given to the deputy returning officer. The occurrence shall be recorded in the poll book.”.

6.24 Cancelled and spoiled ballot papers

Sections 224 and 225 of the Act are revoked.

6.25 Assistance for electors

The following is substituted for section 226 of the Act:

“**226.** An elector who declares under oath, before the senior deputy returning officer or the assistance to the senior deputy returning officer, that he is unable to use the electronic ballot box or to vote, may be assisted either:

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

(2) by the senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer.

A deaf or mute elector may be assisted, for the purposes of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.

The senior deputy returning officer shall advise the deputy returning officer concerned that an elector has availed himself of this section, and the occurrence shall be entered in the poll book.”.

6.26 Transfer of information to electronic voting cards

The following is substituted for section 228 of the Act:

“**228.** The electronic voting system shall ensure that the information required for an elector to exercise the right to vote is transferred once only to the electronic voting card.”.

6.27 Compilation of results and tallying of votes

The following is substituted for section 229 of the Act:

“**229.** After the closing of the poll, the senior deputy returning officer shall compile the results by:

(1) placing the election terminals of the polling place in “end of election” mode;

(2) recording the results of each voting terminal;

(3) printing out the results compiled by each voting terminal.

The reports on the compiled results shall indicate the total number of voters who have voted, the number of valid votes, the number of rejected ballot papers and the number of votes for each candidate.

The senior deputy returning officer shall gather from each poll clerk the number of electors admitted to vote.

The senior deputy returning officer shall allow each person present to consult the results.”.

6.28 Entries in poll book

The following is substituted for section 230 of the Act:

“**230.** After the closing of the poll, the poll clerk of each polling station shall enter in the poll book:

- (1) the number of electors who have voted;
- (2) the names of the persons who have performed duties as election officers or as representatives assigned to that polling station.

230.1. The deputy returning officer shall place the poll book and the list of electors in separate envelopes.

The deputy returning officer shall seal the envelopes, and the representatives assigned to the polling station who wish to do so shall affix their initials to the seals.

The deputy returning officer shall then give the envelopes to the senior deputy returning officer.”.

6.29 Compiling sheet

Section 231 of the Act is revoked.

6.30 Counting of the votes

Section 232 of the Act is revoked.

6.31 Rejected ballot papers

The following is substituted for section 233 of the Act:

“**233.** The electronic voting system shall be programmed in such a way that every ballot paper for which the button corresponding to “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor” is pushed by the elector on the voting terminal is rejected.

For the purposes of the poll, the memory card shall be programmed in such a way that the electronic voting system processes and conserves all the votes cast, in other words both the valid ballot papers and the rejected ballot papers.”.

Sections 234 to 237 of the Act are revoked.

6.32 Partial statement of votes and copy for representatives

The following is substituted for sections 238 and 240 of the Act:

“**238.** The deputy returning officer shall draw up the partial statement of votes, setting out the total number of electors admitted to vote.

A separate statement shall be drawn up for each polling station.

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

238.1 Using the partial statements of votes and the results compiled by the electronic voting system, the senior deputy returning officer shall draw up an overall statement of votes.

240. The senior deputy returning officer shall immediately give a copy of the overall statement of votes to the representatives.

The senior deputy returning officer shall retain a copy of the statement and a second copy for the returning officer for the purposes of section 244.”.

6.33 Separate envelopes

The following is substituted for section 241 of the Act:

“**241.** After printing out the results compiled by each voting terminal in the polling place, the senior deputy returning officer shall:

- (1) place the memory card used to record the results from each voting terminal in a small envelope bearing the serial number of the terminal concerned, seal the envelope and affix his initials, along with those of the representatives who wish to do so;

(2) place all the reports on the results compiled in an envelope, together with the partial statements and the overall statement of votes.”.

6.34 Seals

The following is substituted for section 242 of the Act:

“**242.** The senior deputy returning officer shall place in a large envelope:

- (1) the small envelopes prepared pursuant to paragraph 1 of section 241;
- (2) the envelopes provided for in section 230.1;
- (3) the card used in the polling place to place the terminals in “election” mode and “end of election” mode;
- (4) the electronic voting cards.

The senior deputy returning officer shall seal the large envelope. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.”.

6.35 Placing in ballot box

Section 243 of the Act is revoked.

6.36 Delivery to returning officer

The following is substituted for section 244 of the Act:

“**244.** The senior deputy returning officer shall deliver to the returning officer or the person designated by the returning officer

(1) the envelope containing the reports of the results compiled by each voting terminal, the partial statements and the overall statement of votes;

(2) the large envelope provided for in section 242.”.

6.37 Addition of votes

The following is substituted for section 247 of the Act:

“**247.** The returning officer shall proceed with the addition of the votes using the overall statement of votes drawn up by each senior deputy returning officer.”.

6.38 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

“**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement is obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results and a partial statement of votes, the returning officer shall, in the presence of the senior deputy returning officer and the candidates in question or of their representatives if they so wish, print out a new report using the appropriate memory card for recording results and the copy of the partial statements of votes taken from the large envelope, opened in the presence of the aforementioned persons.”.

6.39 Placing in envelope

The following is substituted for section 249 of the Act:

“**249.** After printing out the results, the returning officer shall place the memory card used to record results in an envelope, seal the envelope, and affix his initials and allow the candidates or their representatives to affix their initials if they so wish. He shall place the copy of the partial statements of votes in the large envelope, seal it, and allow the candidates or representatives present to affix their initials.”.

6.40 New counting of the votes

Section 250 of the Act is revoked.

6.41 Notice to the Minister

The following is substituted for section 251 of the Act:

“**251.** Where it is impossible to obtain the electronic cards used to record the results, where applicable, the returning officer shall advise the Minister of Municipal Affairs and Greater Montréal in accordance with Division III of Chapter XI.”.

6.42 Access to voting papers

Section 261 of the Act is revoked.

6.43 Application for a recount or re-addition

The following is substituted for the first paragraph of section 262 of the Act:

“**262.** Any person who has reasonable grounds to believe that a voting terminal has produced an inaccurate statement of the number of votes cast, or that a deputy returning officer has drawn up an inaccurate partial statement of votes, or that a senior deputy returning officer has drawn up an inaccurate overall statement of votes, may apply for a new compilation of the results. The applications may be limited to one or more voting terminals, but the judge is not bound by that limitation.”.

6.44 Notice to candidates

The following is substituted for section 267 of the Act:

“**267.** The judge shall give one clear day’s advance notice in writing to the candidates concerned of the date, time and place at which he will proceed with the new compilation of the results or re-addition of the votes.

The judge shall summon the returning officer and order him to bring the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of vote. Where the new compilation is limited to one or certain polling subdivisions, the judge shall order only the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of votes he will need.”.

6.45 Procedure for a new compilation of results or re-addition of votes

The following is substituted for section 268 of the Act:

“**268.** On the appointed day, the judge, in the presence of the returning officer shall, in the case of a new compilation of results, print out the results compiled by the voting terminal display or displays under inquiry.

In the case of a re-addition of votes, the judge shall examine the reports of the compiled results and the partial and overall statements of votes.

The candidates concerned or their mandataries and the returning officer may, at that time, examine all the documents and items examined by the judge.”.

6.46 Repeal

Section 269 is revoked.

6.47 Missing electronic card for recording results and partial statements of votes

The following is substituted for the first paragraph of section 270 of the Act:

“**270.** If an electronic card on which results are recorded or a required document is missing, the judge shall use appropriate means to ascertain the results of the vote.”.

6.48 Custody of items and documents, and verification

The following is substituted for sections 271, 272 and 273 of the Act:

“**271.** During a new compilation or a re-addition, the judge shall have custody of the voting system and of the items and documents entrusted to him.

272. As soon as the new compilation is completed, the judge shall confirm or rectify each report of compiled results and each report on a partial statement of votes and carry out a re-addition of the votes.

273. After completing the re-addition of the votes, the judge shall certify the results of the poll.

The judge shall give the returning officer the electronic cards used to record the results and all the other documents used to complete the new compilation or the re-addition.”.

7. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before December 31, 2005.

8. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the regular election to be held on December 1, 2002 and of any subsequent election provided for in the agreement. Mention of that fact shall be made in the assessment report.

9. ASSESSMENT REPORT

Within 120 days following the regular election held on December 1, 2002, the returning officer of the municipality 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 the Minister addressing, in particular, the following issues:

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

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system:

– 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 the projected cost of holding the regular election on December 1, 2002 using traditional methods;

— the number and duration of incidents during which voting was stopped, if any;

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

— the results obtained during the addition of the votes and the correspondence between the number of votes cast and the number of electors admitted to vote.

10. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities shall apply to the regular election held on December 1, 2002 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

11. EFFECT OF AGREEMENT

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

AGREEMENT SIGNED IN THREE COPIES:

In Magog, this 29th day of October 2002

MUNICIPALITY OF MAGOG

By: _____
MARC POULIN, *Mayor*

MARTINE SAVARD, *Clerk of the municipality*

In Sainte-Foy, on this 31st day of October 2002

THE CHIEF ELECTORAL OFFICER

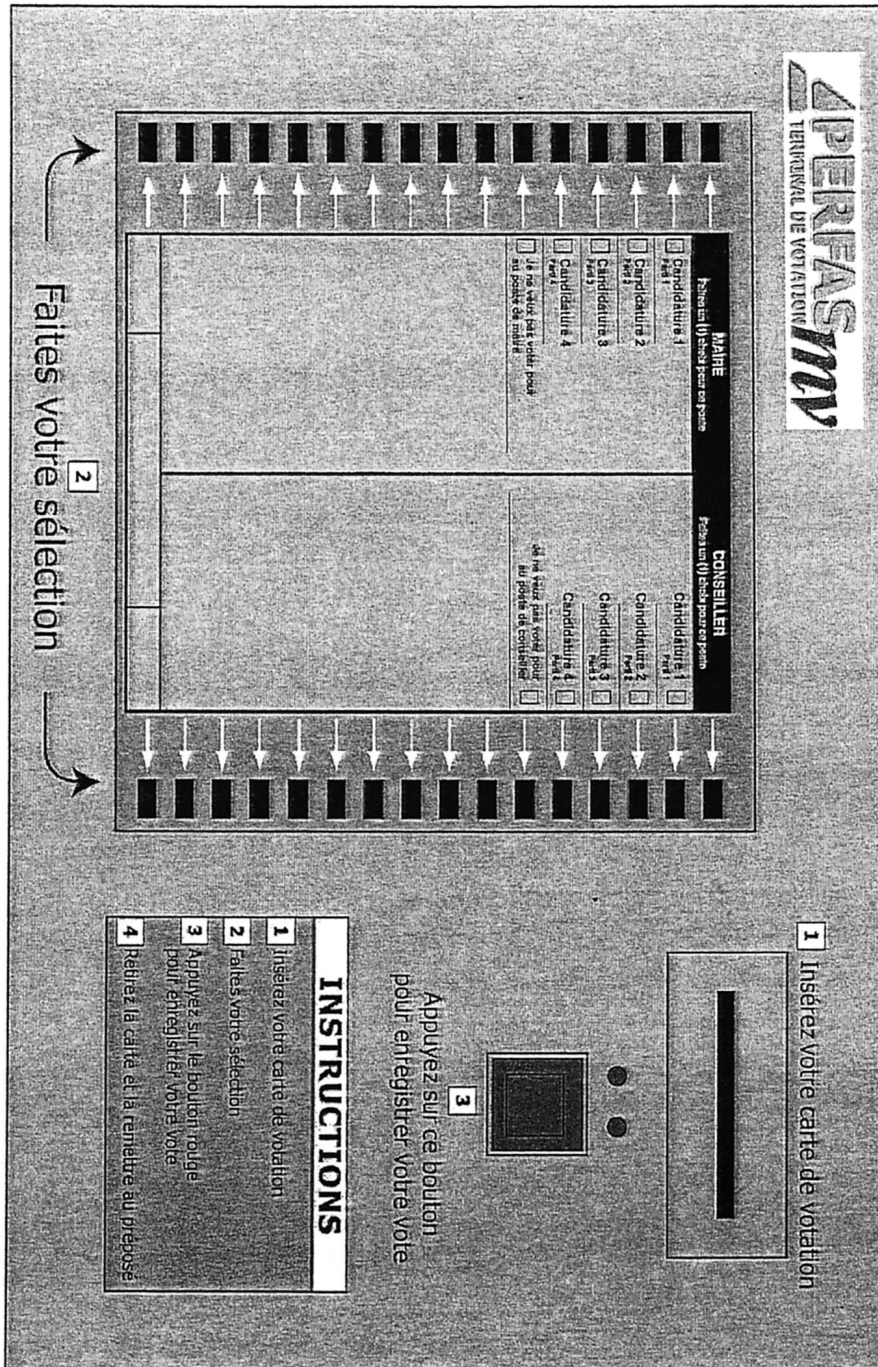
MARCEL BLANCHET

In Québec, on this 7th day of November 2002

THE MINISTER OF MUNICIPAL AFFAIRS AND
GREATER MONTRÉAL

By: _____
JEAN PRONOVOST, *Deputy Minister*

SCHEDULE I
GRAPHICAL REPRESENTATION OF
A BALLOT PAPER



M.O., 2002**Order of the Minister of State for Health and Social Services and Minister of Health and Social Services number 2002-014 dated 31 October 2002**

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Regulation respecting certain terms of employment applicable to respiratory therapy externs in institutions operating a general and specialized hospital centre or a residential and long-term care centre

CONSIDERING subparagraph 2 of the first paragraph of section 487.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING the possibility for students in respiratory therapy duly registered in a study programme leading to the granting of a diploma which gives access to the permit of the Ordre professionnel des inhalothérapeutes du Québec and who have successfully completed the first two years of the programme to perform certain acts under the Regulation to amend the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, made by Order in Council 603-2002 dated 22 May 2002;

CONSIDERING the necessity to define the terms of employment of those students in relation to the work week, salary, overtime, premiums and fringe benefits for the period during which they will perform the authorized acts;

CONSIDERING the authorization obtained from the Conseil du trésor in accordance with the third paragraph of section 487.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

THEREFORE, the Minister of State for Health and Social Services and Minister of Health and Social Services makes the Regulation respecting certain terms of employment applicable to respiratory therapy externs in institutions operating a general and specialized hospital centre or a residential and long-term care centre.

FRANÇOIS LEGAULT,
*Minister of State for Health and Social Services
and Minister of Health and Social Services*

Regulation respecting certain terms of employment applicable to respiratory therapy externs in institutions operating a general and specialized hospital centre or a residential and long-term care centre

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 487.2, 1st par., subpar. 2)

1. This Regulation applies to a respiratory therapy extern within the meaning of section 1 of the Regulation amending the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, made by Order in Council 603-2002 dated 22 May 2002.

2. The work week of a respiratory therapy extern shall be 35 hours. A respiratory therapy extern's salary shall be calculated according to a single fixed rate, that is, \$13.98 an hour.

3. The terms of employment related to premiums and overtime provided for in the collective agreements of the employees in the health and social services sector shall apply to respiratory therapy externs. The fringe benefits applicable to respiratory therapy externs shall be those of the part-time employees of the institution who do not contribute to group insurance plans.

4. This Regulation takes effect on 13 June 2002.

5402

Draft Regulations

Draft Regulation

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

Non-structural metalwork industry — Montréal — Amendments

Notice is hereby given under section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of State for Human Resources and Labour and Minister of Labour has received a petition to amend the Decree respecting the non-structural metalwork industry in the Montréal region (R.R.Q., 1981, c. D-2, r.35) from the contracting parties governed by the Decree and that, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Decree to amend the Decree respecting the non-structural metalwork industry in the Montréal region, the text of which appears below, may be made by the Government upon the expiry of the 45 days following this publication.

The purpose of the Draft Decree is to update wage rates that have remained unchanged since 1999 and to amend other working conditions.

During the consultation period, the impact of the amendments sought will be clarified. According to the 2001 annual report provided by the Comité conjoint des matériaux de construction which administers the Decree, the Decree governs 152 employers and 1 097 employees.

Further information may be obtained by contacting Ms. Danièle Pion, Direction des politiques, de la construction et des décrets, ministère du Travail, 200, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1R 5S1, telephone: (418) 643-4198, fax: (418) 644-6969, e-mail: danièle.pion@travail.gouv.qc.ca

Any interested person with comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

ROGER LECOURT,
Deputy Minister

Decree to amend the Decree respecting the non-structural metalwork industry in the Montréal region*

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

1. The Decree respecting the non-structural metalwork industry in the Montréal region is amended by substituting the following for section 5.01:

“**5.01.** The minimum hourly wage rates are as follows for the classifications listed below:

Classifications	As of (insert here the date of the coming into force of this Decree)	As of 2003 05 30	As of 2004 05 30	As of 2005 05 30	As of 2006 05 30
(a) specialized brake press operator and mechanic	\$19.09	\$19.47	\$19.86	\$20.26	\$20.66;
(b) fitter and blacksmith	\$17.42	17.77	\$18.12	\$18.49	\$18.86;
(c) brake press operator, blade shear operator, buffer	\$17.13	\$17.47	\$17.82	\$18.18	\$18.54;
(d) trailer-truck driver	\$16.59	\$16.92	\$17.26	\$17.61	\$17.96;
(e) production worker A	\$16.33	\$16.66	\$16.99	\$17.33	\$17.68;
(f) truck driver	\$16.33	\$16.66	\$16.99	\$17.33	\$17.68;

* The last amendments to the Decree respecting the non-structural metalwork industry in the Montréal region (R.R.Q., 1981, c. D-2, r.35) were made under the regulation made by Order in Council No. 1346-2000 dated 15 November 2000 (2000, G.O. 2, 5357). For previous amendments, see *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

Classifications	As of (insert here the date of the coming into force of this Decree)	As of 2003 05 30	As of 2004 05 30	As of 2005 05 30	As of 2006 05 30	
(g) production worker B and painter		\$11.75	\$11.75	\$11.99	\$12.22	\$12.47;
(h) labourer: - less than 4 000 hours		\$8.57	\$8.74	\$8.92	\$9.09	\$9.28;
- more than 4 000 hours		\$9.64	\$9.83	\$10.03	\$10.23	\$10.43.”.

2. Section 11.01 is amended by substituting the following for paragraphs *a* and *b* :

“(a) his spouse, his child or the child of his spouse : five working days ;

(b) his father, mother, sister or brother : three working days. He is also entitled to another day on that occasion, but without pay ;”.

3. Section 13.04 is amended by substituting, in the second paragraph, the following for paragraphs *a* and *b* :

“(a) a maximum amount of \$100 yearly, for the years 2003 to 2006 inclusively, for prescription glasses to employees wearing such glasses to work ; such prescription glasses must have a safety frame ;

(b) a maximum amount of \$100 yearly, for the years 2003 to 2006 inclusively, for safety shoes to any employee having one year of continuous service ; this amount is paid during the first week of September.”.

4. The following is substituted for sections 14.01 and 14.02 :

“**14.01.** The employer shall contribute to the social security plan, for each hour worked by his employees, the sum of \$0.55 as of (insert here the date of the coming into force of this Decree), \$0.61 as of (insert here the date of the first anniversary following the date of the coming into force of this Decree), \$0.67 as of (insert here the date of the second anniversary following the date of the coming into force of this Decree) and \$0.76 as of 30 May 2006.

14.02. The employer shall deduct from the pay of each of his employees, for each hour worked, the sum of \$0.55 as of (insert here the date of the coming into force of this Decree), \$0.61 as of (insert here the date of the first anniversary following the date of the coming into force of this Decree), \$0.67 as of (insert here the date of the second anniversary following the date of the coming into force of this Decree) and \$0.76 as of 30 May 2006.”.

5. The following is substituted for section 14.06 :

“**14.06.** The employer pays into the employee’s pension fund, for each hour worked, the sum of \$0.70 as of (insert here the date of the coming into force of this Decree), \$0.75 as of (insert here the date of the first anniversary following the date of the coming into force of this Decree), \$0.80 as of (insert here the date of the second anniversary following the date of the coming into force of this Decree) and \$0.85 as of 30 May 2006, in accordance with section 14.03.”.

6. The following is substituted for section 17.01 :

“**17.01.** The Decree remains in force until 30 May 2006. It is then automatically renewed from year to year thereafter, unless one of the contracting parties opposes its renewal in a written notice sent to the Minister of Labour and to the other contracting parties during the month of February of year 2006 or during the month of February of any subsequent year.”.

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

5406

Draft Regulation

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

Physicians

— Medical activities that may be performed within the scope of prehospital emergency services

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Collège des médecins du Québec, at its meeting held on October 18, 2002, adopted the Regulation respecting medical activities that may be performed within the scope of prehospital emergency services.

The Regulation has been transmitted to the Office des professions du Québec, which will examine it pursuant to section 95 of the Professional Code. It will then be submitted, with the recommendation of the Office, to the Government which may, under the same section, approve it with or without amendment, after the expiry of 45 days following this publication.

According to the Collège des médecins du Québec:

1° the object of this regulation is to determine, among the professional activities that may be performed by physicians, those that may be performed by a first respondent, an ambulance technician and an advanced care ambulance technician within the scope of prehospital emergency services;

2° this regulation determines the terms and conditions, in particular of training, according to which such activities may be performed;

3° as for citizens and the public protection, the regulation anticipates that procedures, methods or limits that must be observed when medical activity provided for this regulation may be performed, must be submitted to the Collège des médecins du Québec for approval; with regard to advanced care ambulance technicians, the regulation will help ensure adequate medical supervision.

Further information may be obtained by contacting, M^e Édith Lorquet, Assistant to the Executive, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; telephone number: (514) 933-4441, extension 362, facsimile number: (514) 933-3112, e-mail: elorquet@cmq.org

Any person having comments to make on the following text is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that has adopted the Regulation, namely the Collège des médecins du Québec, as well as to interested persons, ministries and organizations.

JEAN-K. SAMSON,
*Chairman of the Office
des professions du Québec*

Regulation respecting medical activities that may be performed within the scope of prehospital emergency services

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

DIVISION 1 GENERAL PROVISIONS

1. The object of this Regulation is to determine, among the professional activities performed by physicians, those that, under the terms and conditions so determined, may be performed by a first respondent, an ambulance technician, and an advanced care ambulance technician within the scope of prehospital emergency services.

2. In this Regulation, the following terms mean:

1° “first respondent”: any person who holds a first respondent’s certificate issued by a regional board of health and social services within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or by the Corporation d’Urgences-Santé;

2° “ambulance technician”:

(a) any person who holds a certificate of college studies in ambulance technology as well as a duly certified identification card issued by a regional board or by the Corporation d’Urgences Santé;

(b) any person who holds a valid, duly certified identification card issued by a regional board or by the Corporation d’Urgences Santé in the three years preceding the date of coming into force of this Regulation;

3° “advanced care ambulance technician”:

(a) any ambulance technician who holds a diploma of college studies from a three-year program in a health care sector, notably in nursing or inhalation therapy, and who has successfully completed the specific training in advanced care accredited by the Corporation d’Urgences Santé and approved by the Collège des médecins du Québec;

(b) any ambulance technician who, on April 1, 2002, had successfully completed the specific training in advanced care accredited by the Corporation d’Urgences Santé and approved by the Collège des médecins du Québec;

4° “collective medical prescription”: a prescription given to a person by a physician, outside a centres operated by an institution in compliance with the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), which concerns notably medications, treatments, examinations or care to be given to the categories of patients determined in that prescription, the circumstances under which they may be given, the possible contraindications, in accordance with the protocol to which it refers;

5° “protocol”: a description of procedures, methods or limits that must be observed.

3. Before any medical activity provided for in this Regulation may be performed in a place other than a centres operated by an institution, the physician having written the collective medical prescription or the physician acting as national medical director of prehospital emergency services must transmit to the Collège des médecins du Québec, for approval, a draft protocol applicable to this activity.

4. The medical activities contemplated in this Regulation are performed following a collective medical prescription.

DIVISION II MEDICAL ACTIVITIES THAT MAY BE PERFORMED BY A FIRST RESPONDENT

5. The first respondent may:

1° use the semi-automatic defibrillator during cardiopulmonary resuscitation;

2° administer adrenalin during a severe, anaphylactic-type allergic reaction;

However, in performing the activity contemplated in subsection 2°, the first respondent must use a self-injection device.

DIVISION III MEDICAL ACTIVITIES THAT MAY BE PERFORMED BY AN AMBULANCE TECHNICIAN

6. In addition to the activities contemplated in section 5, the ambulance technician may:

1° install a Combitube in adult persons presenting with cardiac arrest or an altered state of consciousness with a respiratory rate lower than 8/min.;

2° administer the required medication or medications sublingually, orally, subcutaneously or intramuscularly to persons presenting with a health problem necessitating emergency intervention.

DIVISION IV MEDICAL ACTIVITIES THAT MAY BE PERFORMED BY AN ADVANCED CARE AMBULANCE TECHNICIAN

7. In addition to the activities contemplated in sections 5 and 6, the advanced care ambulance technician, in the presence of a physician at the patient’s side, may:

1° proceed with endotracheal intubation in adult persons presenting with cardiac arrest or an altered state of consciousness with a respiratory rate lower than 8/min.;

2° administer intravenously the required medication or medications to adult persons presenting with severe arrhythmia;

3° administer glucose intravenously to persons who are known diabetics presenting with an altered state of consciousness due to hypoglycemia;

4° proceed with direct laryngoscopy on persons over one year old presenting with an upper airway obstruction caused by a foreign body.

8. After expiry of six months from the date on which this Regulation comes into force, and after submission to the Corporation d’Urgences Santé of a notice from the Collège des médecins du Québec attesting that, on the basis of data collected concerning the application of section 7, the presence of a physician at the patient’s side is no longer required for the protection of the public, the advanced care ambulance technician will be allowed to continue performing the activities contemplated in this section, provided he has access to medical assistance.

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

5401

Index Statutory Instruments

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

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