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2

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Laws and Regulations

Volume 134

Summary

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Legal deposit – 1st Quarter 1968
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PROVINCE OF QUÉBEC

2nd SESSION

36th LEGISLATURE

QUÉBEC, 4 DECEMBER 2002

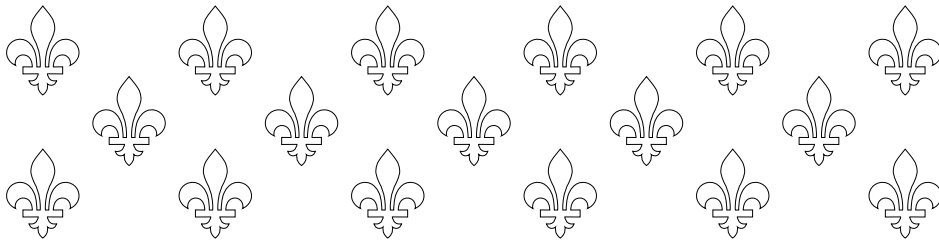
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 4 December 2002

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

118 An Act to amend the Act to prohibit commercial advertising along certain thoroughfares

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 118
(2002, chapter 44)

**An Act to amend the Act to prohibit
commercial advertising along certain
thoroughfares**

**Introduced 16 October 2002
Passage in principle 22 October 2002
Passage 28 November 2002
Assented to 4 December 2002**

**Québec Official Publisher
2002**

EXPLANATORY NOTES

This bill amends the Act to prohibit commercial advertising along certain thoroughfares so as to better define the rules relating to the obligation of removing a sign erected before 11 May 2000 to replace another sign.

In addition, the bill varies the amounts of fines according to whether the offender is a natural person or a legal person.

Bill 118

AN ACT TO AMEND THE ACT TO PROHIBIT COMMERCIAL ADVERTISING ALONG CERTAIN THOROUGHFARES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act to prohibit commercial advertising along certain thoroughfares (R.S.Q., chapter A-7.0001), amended by section 223 of chapter 25 of the statutes of 2001, is again amended by striking out subparagraph 4 of the third paragraph.

2. Section 2 of the said Act is amended by inserting a comma after “places” in the second line and by inserting “reduced in those places to” after “is” in the third line.

3. Section 4 of the said Act is amended by replacing “\$2,000 to \$10,000” by “\$500 to \$2,000 in the case of a natural person and \$2,000 to \$10,000 in the case of a legal person”.

4. Section 6 of the said Act is amended

(1) by replacing “section 1 or the first paragraph of section 2” in the first sentence of the first paragraph by “this Act”;

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

“The first paragraph does not apply to advertising that does not comply with the minimum distances and the maximum dimensions prescribed by the second paragraph of section 2, if it was erected on the same display panel to replace the original advertising and does not exceed the dimensions of the original advertising.”

5. This Act comes into force on 4 December 2002.

Coming into force of Acts

Gouvernement du Québec

O.C. 1457-2002, 11 December 2002

An Act respecting the distribution of financial products and services (1998, c. 37)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions under the Act respecting the distribution of financial products and services

WHEREAS the Act respecting the distribution of financial products and services (1998, c. 37) was assented to on 20 June 1998;

WHEREAS, under section 583 of the Act, its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS, under Order in Council 1108-98 dated 26 August 1998, sections 158 to 184, 194, 229, 231, 244 to 248, 251 to 255, the first and second paragraphs of section 256, sections 257, 284 to 287, the first paragraph of section 288, the second paragraph of sections 296 and 297, sections 299, 302 to 311, the first paragraph of section 312, sections 323 to 326, 504 to 506, 510, 568, 572, 577, 579 and 581 came into force on 26 August 1998;

WHEREAS, under Order in Council 152-99 dated 24 February 1999, sections 1 to 11, the second paragraph of section 13, sections 58, 59, 61 to 65, 70, 72, 185, 189, 190, 193, 195, 196, 200 to 217, 223 to 228, 232, the first paragraph of section 233, sections 258 to 273, the third paragraph of section 274, sections 279 to 283, the second paragraph of section 312, sections 313 and 314, the second paragraph of section 315, sections 316, 319, 321, 322, 327, 328, 331 to 333, 351, 352, 355 to 358, 364, 365, 366, 370, the second paragraph of section 408, sections 411 to 414, 416, 423, 424, 426, 440, 443, 503, 543 and the second paragraph of section 573 came into force on 24 February 1999;

WHEREAS, under Order in Council 693-99 dated 16 June 1999, sections 45, 57, 66, 67, 73 to 79, the first paragraph of section 82, the first paragraph of section 104, sections 128, 130 to 134, the first paragraph of section 144, sections 146 to 157, 197, 218 to 222, 234 to 239, 249, 250, subparagraph 1 of the second paragraph of section 274, sections 395 to 407, 418, 427, 428, 445, 447, 449, 450,

the first paragraph of section 451, sections 452, 458, 459, 484, 485, 487, 502, 517 to 521, 534 to 542, 544 to 546, the first paragraph of section 549, sections 550 to 553, 566, 569, 570, 571, 574 and 576 came into force on 19 July 1999;

WHEREAS, under that Order in Council, section 12, the first paragraph of section 13, sections 14 to 16, 18 to 25, 27, 29, 30, 33 to 39, sections 41 to 44, 46 to 56, 60, 68, 69, 71, 80, 81, the second paragraph of section 82, sections 83 to 103, the second and third paragraphs of section 104, sections 105 to 127, 129, 135 to 143, the second and third paragraphs of section 144, sections 145, 186 to 188, 191, 192, 198, 199, 230, the second paragraph of section 233, sections 240 to 243, the third paragraph of section 256, the first paragraph and subparagraph 2 of the second paragraph of section 274, sections 275 to 278, the second paragraph of section 288, sections 289 to 295, the first paragraph of section 296, the first paragraph of section 297, sections 298, 300 and 301, the first paragraph of section 315, sections 317, 318, 320, 329, 330, 334 to 350, 353, 354, 359 to 363, 367 to 369, 371 to 394, the first paragraph of section 408, sections 409, 410, 415, 417, 419 to 422, 425, 429 to 439, 441, 442, 444, 446, 448, the second paragraph of section 451, sections 453 to 457, 460 to 483, 486, 488 to 501, 507 to 509, 511 to 516, 522 to 533, 547 and 548, the second and third paragraphs of section 549, sections 554, 557 to 565 and 567, the first paragraph of section 573, sections 575, 578, 580 and 582 came into force on 1 October 1999;

WHEREAS, under Order in Council 994-99 dated 1 September 1999, sections 555 and 556 came into force on 1 October 1999;

WHEREAS it is expedient to fix 1 January 2003 as the date of coming into force of sections 17, 26, 31 and 32;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Finance, the Economy and Research:

THAT 1 January 2003 be fixed as the date of coming into force of sections 17, 26, 31 and 32 of the Act respecting the distribution of financial products and services (1998, c. 37).

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

5455

Regulations and other acts

Gouvernement du Québec

O.C. 1419-2002, 4 December 2002

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

Professional orders

— Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates — Amendment

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned, namely the Ordre professionnel des conseillers en ressources humaines et en relations industrielles agréés, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Code, the Office must consult, in particular, the educational institutions and the order concerned, the Conférence des recteurs et des principaux des universités du Québec in the case of a university-level diploma, the Fédération des cégeps in the case of a college-level diploma, and the Minister of Education, before advising the Government;

WHEREAS, in accordance with that provision, the Office held the required consultations;

WHEREAS, on 12 September 2002, the Office recommended that the Government make the Regulation attached to this Order in Council;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 22 May 2002, with a notice that it could be made by the Government, upon the expiry of 45 days following that publica-

tion and inviting any person having comments to make to send them to the Chair of the Office before the expiry of the 45-day period;

WHEREAS no comments were received by the Chair of the Office after that publication;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. Section 1.04 of the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is amended by adding the following paragraphs at the end:

“(d) *Baccalauréat en relations industrielles et en ressources humaines* from Université du Québec en Outaouais; and

* The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the Regulation made by Order in Council 924-2002 dated 21 August 2002 (*G.O.* 2, 4577). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

(e) *Baccalauréat en gestion des ressources humaines* from Université du Québec à Montréal.”.

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

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Gouvernement du Québec

O.C. 1420-2002, 4 December 2002

Travel Agents Act
(R.S.Q., c. A-10)

Travel agents — Amendments

Regulation to amend the Regulation respecting travel agents

WHEREAS, under subparagraph *b* of the first paragraph of section 36 of the Travel Agents Act (R.S.Q., c. A-10), the Government may make regulations, *inter alia*, to prescribe the terms and conditions of issue or renewal of a licence and the qualifications required of a person applying for a licence or on whose behalf a licence is applied for, as well as the conditions to be met;

WHEREAS, under subparagraph *c* of the first paragraph of section 36 of the Act, the Government may make regulations, *inter alia*, to require collective security of travel agents as a whole or of such classes of them as the Government may indicate and fix the terms and conditions of administration and use of that security;

WHEREAS the Government made the Regulation respecting travel agents (R.R.Q., 1981, c. A-10, r.1);

WHEREAS it is expedient to amend the Regulation in order to prescribe therein new conditions governing the issue of licences and a measure to temporarily replenish the collective security fund of travel agents;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation may be made without having been published as required under section 8 of that Act where the authority making it is of the opinion that the urgency of the situation requires it;

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

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and 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 the absence of prior publication and such coming into force:

— it is in the public’s interest, for the protection of consumers, to immediately add new conditions for obtaining a travel agent’s licence in order to reduce the risk of further massive recourses to the collective security fund of travel agents;

— approximately 6 000 claims from clients of travel agents are awaiting payment out of the collective security fund of travel wholesalers and it is necessary to make the proposed regulatory amendments to obtain the sums necessary to indemnify those clients;

WHEREAS it is expedient to make the Regulation attached to this Order in Council and to prescribe therein that it come into force on the date of its publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Population, Regions and Native Affairs and Minister of Relations with the Citizens and Immigration:

THAT the Regulation to amend the Regulation respecting travel agents, attached to this Order in Council, be made;

THAT the Regulation come into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the conseil exécutif

Regulation to amend the Regulation respecting travel agents*

Travel Agents Act
(R.S.Q., c. A-10, s. 36, 1st par., subpars. *b* and *c*)

1. Section 6 of the Regulation respecting travel agents is amended

(1) by inserting the following subparagraph after subparagraph *c* of the second paragraph:

“(c.1)

i. establish that the person has never held a licence nor held the position of manager, director, administrator, partner or silent partner for a travel agent who was the cause of payment of a claim by any of the collective security funds and who did not reimburse the fund;

ii. in the case of a person acting on behalf of a legal person, association or partnership, exclude without delay from the association, partnership or legal person any manager, director, administrator, partner or silent partner who held a licence or the position of manager, director, administrator, partner or silent partner for a travel agent who was the cause of payment of a claim by any of the collective security funds and who did not reimburse the fund;”;

(2) by inserting the following subparagraph after subparagraph *j* of the third paragraph:

“(j.1) ensure that the travel agent on whose behalf a licence is applied for will not sell or offer for sale any air transport services or package deals that include air transport unless the carrier holds all the licences and approvals and complies with all the requirements prescribed by the competent authorities of all the states in question to make the flight;”.

2. Section 44 is amended by adding the following paragraph to subsection 2:

“Should the amount of the collective security fund of a category of travel agents be insufficient to pay for the settlement of all the claims that must be paid by that fund, the President may advance money to that fund and be repaid out of the contributions to that fund.”.

* The Regulation respecting travel agents (R.R.Q., 1981, c. A-10, r.1) was last amended by Order in Council 473-2000 dated 12 April 2000 (2000, *G.O.* 2, 2078). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

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

5450

Gouvernement du Québec

O.C. 1477-2002, 11 December 2002

Building Act
(R.S.Q., c. B-1.1)

Regulation — Amendment

Regulation to amend the Regulation respecting the application of the Building Act

WHEREAS, under the first paragraph of section 153 of the Building Act (R.S.Q. c. B-1.1), the Board shall annually fix the levy on contractors, or owners of buildings, facilities intended for use by the public or installations independent of buildings, on manufacturers of pressure installations and on owners and operators of gas undertakings, according to the method of financing it has chosen;

WHEREAS, under Rule 2-008 of the Canadian Electrical Code, Part I, Eighteenth edition, introduced by paragraph 5 of section 5.04 of the Regulation to amend the Construction Code approved by Order in Council 961-2002 dated 21 August 2002, the levy which every electrical contractor shall pay annually to the Régie du bâtiment du Québec is \$600 plus an amount corresponding to 2½% of the contractor’s total wages;

WHEREAS, under the second paragraph of section 153 of the Building Act, the levy rate shall be indexed annually according to the percentage increase in the Consumer Price Index for Canada published by Statistics Canada under the Statistics Act (R.S.C., 1985, c. S-19) for the 12 months of the preceding year in relation to the 12 months of the year preceding that year;

WHEREAS, under section 4.1 and subparagraph 1 of the first paragraph of section 182 of the Building Act, the Government may, by regulation, exempt from the application of the Act, in whole or in part, categories of contractors;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation may be made without having been published as provided for in section 8 of the Act where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date applicable under section 17 of that Act where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such a coming into force shall be published with the regulation;

WHEREAS, the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such a coming into force of the Regulation to amend the Regulation respecting the application of the Building Act, attached to this Order in Council:

— the levy which every electrical contractor must pay annually to the Régie du bâtiment du Québec must be indexed annually as of 1 January 2003; that levy contains an amount equal to 2½% of the total wages paid by the electrical contractor, which is already increased automatically every year in relation with the yearly wage increase, it is thus expedient not to apply the indexing provided for in the second paragraph of section 153 of the Building Act to that part of the levy;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation to amend the Regulation respecting the application of the Building Act, attached hereto, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Building Act*

Building Act
(R.S.Q., c. B-1.1, s. 182, 1st par., subpar. 1)

1. The Regulation respecting the application of the Building Act is amended by inserting the following after section 3.2.1:

“DIVISION I.1 EXEMPTION FROM THE APPLICATION OF THE SECOND PARAGRAPH OF SECTION 153 OF THE BUILDING ACT

3.3.0.1. The electrical contractor is exempt, as regards the amount corresponding to 2½% of the total wages paid as provided for in Rule 2-008 of the Canadian Electrical Code, First Part, Eighteenth Edition, introduced by paragraph 5 of section 5.04 of the Regulation to amend the Construction Code, approved by Order in Council 961-2002 dated 21 August 2002, from the application of the second paragraph of section 153 of the Building Act (R.S.Q. c. B-1.1).”.

2. This Regulation comes into force on 1 January 2003.

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* The Regulation respecting the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, *G.O.* 2, 1100), was last amended by the Regulation made by Order in Council 962-2002 dated 21 August 2002 (2002, *G.O.* 2, 4652). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Editeur officiel du Québec, 2002, updated to 1 September 2002.

M.O., 2002-015**Order of the Minister of Health and Social Services to designate breast cancer detection centres dated 4 December 2002**

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

THE MINISTER OF STATE FOR HEALTH AND SOCIAL SERVICES AND MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING subparagraph *b.3* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29);

CONSIDERING subparagraph *ii* of paragraph *o* of section 22 of the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1);

CONSIDERING the designation of a breast cancer detection centre by Minister's Order dated 28 April 1998;

CONSIDERING it is expedient to replace that Minister's Order and to designate as breast cancer detection centres the Pavillon de Hull and Pavillon de Gatineau of the Centre hospitalier des Vallées de l'Outaouais;

ORDERS :

THAT the Minister's Order dated 28 April 1998 be replaced by this Order;

THAT the following breast cancer detection centres be designated for the Outaouais region :

“Centre hospitalier des Vallées de l'Outaouais
Pavillon de Hull
116, boulevard Lionel-Émond
Hull (Québec)
J8Y 1W7;

Centre hospitalier des Vallées de l'Outaouais
Pavillon de Gatineau
909, boul. de La Vérendrye Ouest
Gatineau (Québec)
J8P 7H2.”.

Québec, 4 December 2002

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

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M.O., 2002**Order number 2128 of the Minister of Justice dated 5 December 2002**

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

Notice to the defendant, notice to the defendant in family matters, notice to the debtor, and notice setting out options available to the defendant, pursuant to articles 119, 580.1, 813, and 964 of the Code of Civil Procedure

WHEREAS, under the first paragraph of article 119 of the Code of Civil Procedure (R.S.Q., c. C-25), replaced by section 16 of chapter 7 of the Statutes of 2002, the motion to institute proceedings must be accompanied by a notice to the defendant to appear within the time limit indicated in order to file an answer to the action or application;

WHEREAS, under the fourth paragraph of that article, the notice must reproduce the text determined by the Minister of Justice;

WHEREAS, under article 580.1 of the Code, amended by section 99 of chapter 7 of the Statutes of 2002, the writ must also contain, in easily legible type, the text determined by the Minister of Justice;

WHEREAS, under article 813 of the Code, replaced by section 121 of chapter 7 of the Statutes of 2002, except where otherwise provided in the Title, applications based on Book Two of the Civil Code or on the Divorce Act (Revised Statutes of Canada, 1985, chapter 3, 2nd Supplement) follow the general rules applicable to other actions and applications;

WHEREAS, under the first paragraph of article 964 of the Code, replaced by section 148 of chapter 7 of the Statutes of 2002, the clerk notifies a copy of the statement of claim to the defendant, together with a notice setting out the options available to the defendant;

WHEREAS, under the second paragraph of that article, the notice must reproduce the text determined by the Minister of Justice;

CONSIDERING that it is expedient to determine the texts of the notice to the defendant, notice to the defendant in family matters, notice to the debtor, and notice setting out the options available to the defendant;

THEREFORE, the Minister of Justice

DETERMINE :

THAT, commencing on 1 January 2003, the texts of the notice to the defendant, notice to the defendant in family matters, notice to the debtor, and notice setting out the options available to the defendant, pursuant to articles 119, 580.1, 813, and 964 of the Code of Civil Procedure (R.S.Q., c. C-25), shall reproduce the texts provided for in Schedules 1, 2, 3, and 4 attached to this Order.

Québec, 5 December 2002

NORMAND JUTRAS,
Minister of Justice

SCHEDULE 1

(s. 119, CCP)

NOTICE TO DEFENDANT

Take notice that the plaintiff has filed this action or application in the office of the _____ (Name of court) of the judicial district of _____.

To file an answer to this action or application, you must first file an appearance, personally or by advocate, at the courthouse of _____ located at _____ within 10 days of service of this motion.

If you fail to file an appearance within the time limit indicated, a judgment by default may be rendered against you without further notice upon the expiry of the 10-day period.

If you file an appearance, the action or application will be presented before the court on _____, at _____, in room _____ of the courthouse. On that date, the court may exercise such powers as are necessary to ensure the orderly progress of the proceeding or the court may hear the case, unless you make a written agreement with the plaintiff or the plaintiff's advocate on a timetable for the orderly progress of the proceeding. The timetable must be filed in the office of the court.

In support of the motion to institute proceedings, the plaintiff discloses the following exhibits :

These exhibits are available on request.

Request for transfer of a small claim

If the amount claimed by the plaintiff does not exceed \$7,000 and if you could have filed such an action as a plaintiff in Small Claims Court, you may make a request to the clerk for the action to be disposed of pursuant to the rules of Book VIII of the Code of Civil Procedure (R.S.Q., c. C-25). If you do not make such a request, you could be liable for costs higher than those provided for in Book VIII of the Code.

SCHEDULE 2

(s. 119 and 813, CCP)

NOTICE TO DEFENDANT IN FAMILY MATTERS

Take notice that the plaintiff has filed this application in the office of the Superior Court of the judicial district of _____.

To file an answer to this application, you must file an appearance, personally or by advocate, at the courthouse of _____ located at _____ within 20 days of service of this motion or, if service is effected outside Québec, within 40 days of service.

If you fail to file an appearance within the time limit indicated, a judgment by default may be rendered against you without further notice upon the expiry of the 20-day period or the 40-day period.

If you file an appearance, the application will be presented before the court on _____, at _____ in room _____ of the courthouse. On that date, the court may exercise such powers as are necessary to ensure the orderly progress of the proceeding or the court may hear the case, unless you make a written agreement with the plaintiff or the plaintiff's advocate on a timetable for the orderly progress of the proceeding. The timetable must be filed in the office of the court.

In support of the motion to institute proceedings, the applicant discloses the following exhibits :

These exhibits are available on request.

SCHEDULE 3

(s. 580.1, CCP)

NOTICE TO DEBTOR

You have not paid the debt you owe your creditor. The property you possess is therefore seized and is entrusted to you until judicial sale, unless the court entrusts it to the custody of another person.

You may withdraw from seizure the movable property which furnishes your main residence, used by and necessary for the life of the household, up to a market value of \$6,000 determined by the seizing officer, and the instruments of work needed for the personal exercise of a professional activity, unless such movables are seized for sums owed on the price or seized by a creditor holding a hypothec thereon.

If you have any right to assert against the seizure, you may subsequently oppose it.

As guardian of the property under seizure, you have the obligation to keep it and take good care of it until the sale. If you do not comply with this obligation, you may be found guilty of contempt of court, which can entail a fine or imprisonment; you may also be ordered to pay damages as compensation for the injury your creditor might suffer.

The property seized will be sold at a public auction and the debt will be paid to the creditor out of the proceeds of that sale up to the amount of the debt.

It is in your interest, therefore, to prevent the sale of your property, to make whatever arrangements are necessary with whomever it may concern.

For further information, we suggest that you consult an advocate.

SCHEDULE 4

(s. 964, CCP)

NOTICE OF DEFENDANT'S OPTIONS

The plaintiff has filed this statement of claim in the office of the Small Claims Division of the Civil Division of the Court of Québec.

Take notice that you have the following options and that if you fail to indicate an option to the clerk within 20 days of this notification, judgment may be rendered against you without further notice or extension:

— you may pay the amount claimed and the plaintiff's disbursements, either to the clerk or to the plaintiff, in the latter case, forwarding proof of payment or the acquittance obtained from the plaintiff to the clerk;

— you may make a settlement with the plaintiff and send a copy of the agreement signed by the plaintiff and yourself to the clerk; or

— you may contest the merits of the action and so advise the clerk, specifying the grounds for the contestation. In that case, you may: request that the dispute be referred to mediation; apply for the referral of the case to another judicial district or to another court, specifying the grounds for your request; request that another person be impleaded to allow a complete resolution of the dispute, in which case you must inform the clerk of the person's name and last known address; and make a counter-claim against the plaintiff provided it arises out of the same source as the plaintiff's claim or from a related source and is admissible under the Book respecting small claims.

5457

Draft Regulations

Draft Regulation

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

Occupational health and safety and the Safety Code for the construction industry — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that the Regulation to amend the Regulation respecting occupational health and safety and the Safety Code for the construction industry, the text of which appears below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval upon the expiry of 60 days following this publication.

The purpose of the draft Regulation is to ensure the health, safety and physical integrity of divers and prescribe more appropriate standards for underwater work.

To this end, it proposes the addition of new provisions relating to the standards applicable to underwater work, in particular with regard to the competence of divers, composition and operation of the dive team, required equipment and material, breathing mixture to be used, diving documents, medical monitoring and general safety rules in order to safely carry out underwater work in every circumstance.

It also adds special safety rules for certain types of diving, such as diving in a contaminated environment, deep diving, diving in a submersible compression chamber and ice diving.

To date, study of the matter has shown little impact on small and medium-sized businesses.

Further information may be obtained by contacting Claude Rochon, Commission de la santé et de la sécurité du travail, at 524, rue Bourdages, Québec (Québec) G1K 7E2; by telephone: (418) 266-4699; or by fax: (418) 266-4698.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-day period, to Alain Albert, Vice-Chair, Programmation et expertise-conseil, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, 14^e étage, Montréal (Québec) H3B 3J1.

JACQUES LAMONDE,
*Chair of the Board of Directors and
Chief Executive Officer
Commission de la santé et de la
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SCHEDULE

SCHEDULE X

PART 1 (s. 312.39)
BASIC CONTENT OF AN OXYGEN INHALATION KIT

PART 2 (s. 312.44)
MAXIMUM PERMISSIBLE CONCENTRATION OF CONTAMINANTS IN A GAS MIXTURE

PART 3 (s. 312.65)
BASIC CONTENT OF A HYPERBARIC CHAMBER MEDICAL KIT

Regulation to amend the Regulation respecting occupational health and safety* and the Safety Code for the construction industry

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 1, 3, 4, 7, 9 to 13, 19, 21.1, 21.5, 41, 42, 2nd and 3rd pars.)

An Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001, s. 454, 1st par., subpar. 4)

1. Section 2 of the Regulation respecting occupational health and safety is amended by substituting“, 162 to 165 and Division XXVI.1” for “and 162 to 165” in the second paragraph.

2. Section 4 is amended by substituting “of sections 312.5 and 339” for “of section 339”.

3. The Regulation is amended by inserting the following division after section 312:

“DIVISION XXVI.1 UNDERWATER WORK

312.1 Definitions: In this Division

“atmospheric pressure diving” means any diving where the diver is not subjected to a pressure greater than the pressure at sea level; (*plongée à pression atmosphérique*)

“bottom time” means the duration, rounded to the nearest whole minute, from the time the dive begins to the time the diver begins to ascend; (*temps de fond*)

“breathing mixture” means compressed breathing air or gas mixture containing oxygen in a proportion that enables the diver to breathe freely without any danger of physiological problems; (*mélange respirable*)

“buddy diving” means any free-swimming scuba diving by a team of two divers who ensure each other’s safety; (*plongée en compagnonnage*)

“contaminated environment” means a liquid environment containing contaminants within the meaning of the Act respecting occupational health and safety; (*milieu contaminé*)

“decompression sickness” means a sickness caused by the formation of gas bubbles in the blood or tissues following a decompression accident that occurs while diving; (*maladie de décompression*)

“decompression tables” means the tables indicating the duration of the stops to be complied with in the ascent of a diver to prevent decompression sickness, as they read at the time that they apply, taken from the DCIEM Diving Manual Air Decompression Procedures and Tables, published by the Defence and Civil Institute of Environmental Medicine of the Department of National Defence in 1992; (*tables de plongée ou de décompression*)

“decontamination zone” means the zone outside the contaminated environment used for decontaminating divers and their equipment; (*zone de décontamination*)

“deep diving” means any diving to depths greater than 40 metres; (*plongée profonde*)

“diving station” means a location on the surface, such as a bank, jetty, floating wharf or boat, large enough to safely hold the dive team and other workers, install the required diving equipment and material and ensure the smooth running of the operations; (*poste de plongée*)

“environment with an obstruction” means a submerged work area from which a diver cannot resurface because of an obstacle exerting a resistance when the umbilical is pulled from the surface; (*milieu à obstacle*)

“exclusion zone” means the zone in the contaminated environment where the dive is performed; (*zone d’exclusion*)

* The Regulation respecting occupational health and safety was approved by Order in Council 885-2001 dated 4 July 2001 (2001, G.O. 2, 3888) and has not been amended since.

“free-swimming scuba diving” means scuba diving without a lifeline secured to the surface or a buoy; (*en nage libre ou plongée en nage libre*)

“hoses” means the rigid and flexible hoses and fittings of the breathing mixture or oxygen supply and distribution system; (*canalisation*)

“hyperbaric chamber” means a pressure vessel and associated equipment designed to submit a person to pressures greater than atmospheric pressure; (*caisson hyperbare*)

“no-decompression limit” means the bottom time that, according to the decompression tables, does not require any decompression stops because of dive depth and duration; (*limite de remontée sans palier*)

“police diving” means any diving by police divers who are members of a diving unit constituted within a police force in Québec, during an intervention regarding public order and security in accordance with the laws and regulations in force, in particular, rescue, safety of sites, or search and recovery of persons or clues linked to a criminal investigation; (*plongée policière*)

“restricted access area” means a submerged work area, such as a tank, from which a diver can only exit or be taken out through a narrow passageway; (*milieu à accès restreint*)

“saturation diving” means any diving consisting in maintaining the diver pressurized in a submersible compression chamber so that the total pressure of inert gases in the diver’s body remains equal to the ambient pressure at the depth of the dive and thus allowing a longer bottom time without lengthening the duration of the decompression; (*plongée à saturation*)

“scientific diving” means any diving to gather specimens or data for scientific purposes, in particular, in archaeology, biology, environment sciences, oceanography, halieutics or microbiology, except diving to harvest organisms for consumption, whether the harvesting is for personal or commercial purposes; (*plongée scientifique*)

“scuba diving” means any diving carried out with a self-contained underwater breathing apparatus; (*plongée autonome ou en mode autonome*)

“self-contained underwater breathing apparatus” means an open-circuit self-contained underwater breathing apparatus attached to a cylinder containing a breathing mixture worn by a diver; (*scaphandre autonome*)

“stage” means the equipment used to bring a diver to the point of entry into the water, in particular a cage, platform or wet bell; (*nacelle de plongeur*)

“submersible compression chamber” means a submersible hyperbaric chamber equipped with a variable pressure lock used to lower divers under pressure or bring them up at the atmospheric pressure; (*tourelle*)

“support zone” means the zone outside the contaminated environment intended for the management, monitoring and technical and medical support operations of the underwater work. (*zone de soutien*)

“surface-supplied breathing apparatus” means an open-circuit surface-supplied underwater breathing apparatus attached to an umbilical supplied with breathing mixture from the surface; (*scaphandre non autonome*)

“surface-supply diving” means any diving technique using an underwater breathing apparatus that is not self-contained; (*plongée non autonome ou en mode non autonome*)

“therapeutic recompression” means the action of recompressing a diver, usually in a hyperbaric chamber, in accordance with the recognized treatment tables and practices; (*recompression thérapeutique*)

“total dive time” means the time period comprising the bottom time and the time required to resurface, including decompression time; (*durée totale de plongée*)

“treatment tables” means the hyperbaric treatment protocols, including the therapeutic recompression profiles used when treating decompression sickness; (*tables de traitement*)

“umbilical” means a bundle of cables and flexible hoses linking a diver to the surface, in surface-supply diving, to supply breathing mixture, power and communication; (*ombilical*)

“wet bell” means a vessel linked to the surface, with the bottom open, whose hull is not submitted to a pressure difference and having, at its top, a dry compartment for the diver; (*cloche de plongée*)

312.2 Application: This Division applies to any underwater work, except section 312.6, the second paragraph of section 312.27, paragraph 1 of section 312.89, paragraphs 1 and 3 of section 312.90 and paragraph 1 of sections 312.93 and 312.94 that do not apply to police diving.

However, this Division does not apply to the teaching and practice of recreational diving that are subject to the Act respecting safety in sports (R.S.Q., c. S-3.1).

§1. *General*

312.3 Object: The purpose of this Division is to establish standards applicable to underwater work in order to ensure the health, safety and physical integrity of divers and any other workers, in particular with regard to the competence of divers, composition and operation of the dive team, required equipment and material, appropriate breathing mixture, diving documents, medical monitoring and general and special safety rules to apply in order to safely perform the work in any circumstance.

312.4 Employer's obligations: The employer must comply with the standards provided for in this Division, except those provided for in section 312.5. The employer must in particular ensure that each member of the dive team performs the tasks assigned.

In a scientific dive performed by a government agency, teaching institution, non-profit research institution or any other non-profit institution, the employer shall comply with either the provisions of this Division or the Standard of Practice for Scientific Diving of the Canadian Association for Underwater Science, third edition, October 1998.

312.5 Diver's obligations: The diver must

- (1) inform the diving supervisor of any health condition that may make the diver unfit for diving; and
- (2) keep an up-to-date diving logbook and retain it for at least five years.

§2. *Diving Methods*

312.6 Diving task method: Surface-supply diving is required for the following:

- (1) on a construction site within the meaning of section 1 of the Act respecting occupational health and safety;
- (2) for welding or cutting;
- (3) for jetting or suction dredging;
- (4) for work requiring the use of a lifting device to handle loads underwater;
- (5) for handling or using explosives;
- (6) for deep diving;

(7) in a contaminated environment requiring the exceptional preventive measures referred to in sections 312.75 to 312.80;

(8) in a restricted access area;

(9) upstream from a hydraulic structure;

(10) in an environment with an obstruction or a submerged line; and

(11) for inspecting submerged structures or infrastructures.

§3. *Dive Team*

312.7 Composition of the dive team: All diving must be performed in teams.

Subject to sections 312.19, 312.77, 312.81, 312.85, 312.87, paragraph 1 of sections 312.89 to 312.91, 312.93 and 312.94, a dive team must consist of at least three divers sharing the duties of diving supervisor, diver, standby diver and diver's tender, according to the following:

- (1) the diving supervisor may also act as standby diver or diver's tender; and
- (2) the standby diver may also act as diving supervisor but not as diver's tender.

In addition, the dive team includes a hyperbaric chamber operator when such a chamber is required.

312.8 Competence of the dive team: Each dive team member must comply with CSA Standard CAN/CSA-Z275.4-97, Competency Standard for Diving Operations, according to the position held.

In addition, the hyperbaric chamber operator must update his or her competency, at least every three years, with an organization offering training in hyperbaric chamber operation recognized by the Minister of Education or any other institution offering equivalent training.

312.9 Minimum age: A dive team member must be at least 18 years of age.

312.10 Experience of the diving supervisor: The diving supervisor must have at least 50 hours of diving time, including training dives during regular work hours and have at least one year's experience in the diving method prescribed to carry out the work and under the specific conditions in which the dive must be performed.

The diving supervisor responsible for the underwater work on a construction site must have at least 1000 hours of underwater work on a construction site declared to the Commission de la construction du Québec, in accordance with the Regulation respecting the register, monthly report, notices from employers and the designation of a representative approved by Order in Council 1528-96 dated 4 December 1996.

312.11 Duties of the diving supervisor: Every dive must be supervised by a diving supervisor who must, in particular,

- (1) before each dive, prepare a dive plan, brief the dive team members on the plan, discuss it with them and obtain their agreement;
- (2) ascertain that the diving equipment and installations comply with those described in this Division and are in good working order;
- (3) make sure that each diver wears the required diving equipment and that it is installed correctly;
- (4) ensure that each diver checks his or her equipment once in the water, before starting the dive;
- (5) see to the implementation of the dive plan and in particular deal with any emergency;
- (6) supervise dive team members;
- (7) remain on the surface unless an intervention is required because the safety of a diver is threatened and only after delegating the responsibilities of diving supervisor to a diver on the surface;
- (8) designate the dive team member on the surface who is responsible for radio communication with each diver underwater;
- (9) prepare and update a register of the dives supervised; and
- (10) make sure that any other activity does not endanger the health or safety of the dive team members.

312.12 Duties of the standby diver: The standby diver must

- (1) remain on the surface and dive only in case of emergency to help a diver underwater;
- (2) ascertain that the required diving and communication equipment is ready for use in the environmental conditions the diver will be subjected to; and

(3) be ready to dive within no less than two minutes and in the environmental conditions the diver will be subjected to.

In addition, the standby diver may not act for more than one diver at a time, except if the distance separating the standby diver from the divers' entry points does not exceed 30 metres.

A scuba diver may not act as standby diver for surface-supply diving.

312.13 Duties of the diver's tender: The diver underwater must always be assisted by a tender who must

- (1) constantly monitor the diver's lifeline; and
- (2) see to the operation of the breathing mixture supply and distribution system used for surface-supply diving.

312.14 Duties of the hyperbaric chamber operator: The hyperbaric chamber operator must

- (1) see exclusively to the operation of the hyperbaric chamber; and
- (2) be assisted by another member of the dive team if the operator has been diving within the last six hours.

312.15 Exclusivity of the duties of the dive team: Dive team members must carry out only the tasks assigned to them.

The tasks performed on the surface in relation to diving operations must be assumed by workers who are not members of the dive team.

§4. General Safety Standards

312.16 Lifeline: Subject to section 312.19, a diver must be tethered to the surface by a lifeline.

The lifeline must

- (1) be made of cord
 - (a) at least 13 millimetres in diameter;
 - (b) of sufficient length;
 - (c) with a breaking strength of not less than 2045 kilograms; and
 - (d) free of knots and splices, except at the ends where only splices are allowed;

(2) be secured to an anchorage point on the surface that ensures a breaking strength of not less than 2045 kilograms, unless that point is a boat that cannot ensure that strength, in which case the cord must be secured to an anchorage point as solid as possible; and

(3) be attached to a diving harness.

312.17 Lifeline of a standby diver: In addition to the standards listed in section 312.16, the lifeline of a standby diver must be at least 3 metres longer than that of the diver underwater.

312.18 Umbilical: The umbilical must be

(1) protected against kinking or crushing likely to hinder its operation; and

(2) free of any intermediate linkage over its entire length.

If the umbilical is not designed to be used as a lifeline, a lifeline must be integrated to protect the umbilical against any tension stress.

312.19 Free-swimming scuba diving: Subject to paragraph 5 of section 312.89, where the diver's lifeline could get stuck or tangled, the diving supervisor may authorize free-swimming scuba diving, on the condition that an accompanying diver secured to the surface goes underwater and maintains permanent visual contact with that diver. The accompanying diver is added to the dive team referred to in section 312.7.

Where the lifeline of the accompanying diver could also get stuck or tangled, the diving supervisor may authorize both divers to free swim on the condition that the divers use the buddy system in accordance with section 312.20.

312.20 Buddy diving: While buddy diving, the divers must

(1) establish a communication code by hand signals to be used in case of emergency or failure of the voice communication system;

(2) maintain constant visual contact with each other during the entire dive;

(3) end the dive immediately if one of the divers begins to ascend; and

(4) apply the emergency measures referred to in the dive plan if one of the divers does not respond to a signal.

312.21 Decompression tables: Except in saturation diving, dives, ascents and rest periods must comply with the decompression tables corresponding to the characteristics of the dive, such as depth, breathing mixture used and bottom time.

Except in case of emergency, a diver must never be subjected to a situation of undue exposure as defined in those tables.

312.22 Communication system by line signals: Except in the case of a buddy dive in accordance with section 312.20, a two-way communication system by line signals must be established for each dive so that

(1) a diver may immediately obtain help from the dive team members on the surface; and

(2) the dive team on the surface may, at any time, call a diver back to the surface.

312.23 Voice communication system: In addition to the system referred to in section 312.22, a two-way voice communication system between the diver underwater and the dive team members on the surface must be used for all dives

(1) that are surface-supplied;

(2) with a buddy;

(3) near the intake or discharge of submerged pipes;

(4) in an environment with an obstruction or in a submerged pipe;

(5) in a restricted access area;

(6) under ice;

(7) in a contaminated environment;

(8) in an atmospheric pressure diving apparatus; and

(9) to a depth of more than 40 metres in the case of a police dive when the location does not allow the transportation of a hyperbaric chamber to the diving station.

During a dive to a depth of more than 50 metres, the two-way voice communication between the diver and the surface must be recorded for the entire dive. This recording must be kept for at least 48 hours.

A dive must be interrupted if the two-way voice communication system should fail.

312.24 Features of the voice communication system: The communication system referred to in section 312.23 must

(1) have a transmission quality that allows the diver's breathing to be clearly heard; and

(2) be equipped with a voice unscrambler if a gas mixture containing helium or other sound-distorting gas is used.

312.25 Dive time: The sum of all dive times must never exceed four hours per 24-hour period.

312.26 Signalling: Any underwater work in navigational waters must be signalled according to one of the following methods:

(1) by raising the International Code flag "A" on a ship or a boat and ensuring that it is visible from all directions; and

(2) by placing at least one diver's flag on a white buoy equipped with either

(a) a yellow flashing light; or

(b) yellow reflecting material.

The flag must be flown only while the work is underway.

When a diver is in the water, no boat or other floating equipment in the work area may be moved without the authorization of the diving supervisor.

312.27 Current: Diving is prohibited when the current is over 1 knot at the underwater workstation.

However, diving is allowed when the current is over 1 knot in one of the following cases:

(1) for surface-supply diving, where the current does not exceed 1.5 knots at the underwater workstation;

(2) when the diver descends to the underwater workstation, if appropriate preventive measures are taken to eliminate the risk of drifting; or

(3) for a police dive, if appropriate preventive measures are taken to eliminate the risk of drifting.

A current deflector may be used to reduce the current at the workstation to the allowable limits if the deflector is approved by an engineer.

312.28 Locking: Before diving, any source of hydraulic, potential, pneumatic, electrical, chemical, mechanical, thermal or residual energy that may put the diver's safety at risk must be reduced to zero energy

(1) by placing the machine or mechanism's control switch in the "stop" position and, if required, by locking it; and

(2) by locking all power sources to avoid any accidental start or movement of those machines or mechanisms for the entire dive.

This section applies to electromagnetic or ionizing radiation equipment, impressed current cathodic protection equipment and sonars that could be a safety hazard.

312.29 Handling and use of explosives: Any work requiring the handling or use of explosives underwater must be carried out in accordance with Division IV of the Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r.6), except subdivision 4.2 in the case of a police dive.

During such work, the lead wire must not be attached to the detonator before all divers have moved at least 800 metres away from the explosion site on the water or have taken shelter on shore.

312.30 Underwater welding and cutting: Any underwater welding or cutting, as well as the installation, handling and maintenance of equipment required to that effect, must comply with CSA Standard CAN/CSA W117.2-94, Safety in Welding, Cutting and Allied Processes, except section 9.5.3.2.

312.31 Protection against electrical hazards: Electric voltage of devices, equipment and tools used underwater must not exceed 110 volts in direct current or 42 volts in alternating current.

Those devices, equipment and tools must be

(1) insulated;

(2) equipped with a remote shut-off switch;

(3) equipped with a ground fault detector where the power supply is alternating current from the public network or its equivalent; and

(4) grounded, in the case of equipment.

§5. *Diving Documents*

312.32 Dive plan: The dive plan that must be prepared by the diving supervisor in accordance with section 312.11 must include at least the following items:

(1) the description of the dive sites, the geological conditions and the nature of the work to be carried out;

(2) the depth and duration of the dive;

(3) the current velocity and, where applicable, the preventive measures referred to in subparagraphs 2 and 3 of the second paragraph of section 312.27;

(4) the diving mode prescribed and the required equipment and material, including the nature and quantity of the breathing mixture used;

(5) the identification of the hazards and the preventive measures to be taken to eliminate or control them;

(6) the preventive measures in a contaminated environment and whether they are general or exceptional;

(7) the tasks assigned to each member of the dive team;

(8) the establishment of a code for communication and recall to surface by line signals;

(9) the measures to be taken in case of emergency, such as communication failure between the surface and a diver, equipment failure or poor environmental conditions, such as wind, bad weather, currents, waves, visibility and contaminants; those measures must include an underwater rescue simulation four times a year or as required according to the evaluation of the dive team, or each time a new dive team is formed;

(10) the evacuation and transportation methods for an injured diver, by air transport where applicable;

(11) the emergency medical services to contact in case of decompression sickness or accident, particularly the remote medical assistance services in diving medicine; and

(12) the contact information on the administrative authorities concerned by the underwater work, such as the police, the port authority and the authorities in charge of the navigational waters, water intakes, water purification plants and hydraulic structures.

312.33 Diving logbook: The diving supervisor's logbook prepared in accordance with section 312.11 must include, for each dive supervised, a record containing the information referred to in subparagraphs 1 to 12 of the second paragraph of section 312.34.

The logbook must be kept by the employer for at least five years.

312.34 Diver's logbook: The logbook kept by each diver in accordance with section 312.5 must contain the following information and documents:

(1) the information on the identity of the diver, such as name, address and date of birth;

(2) the documents attesting the diver's competence;

(3) the medical certificates referred to in section 312.58; and

(4) the attestations of the first-aid courses referred to in section 312.61.

In addition, the diver must enter the following information in the logbook after each dive:

(1) the name of the employer for which the dive was performed;

(2) the description of the work;

(3) the date and time of the dive;

(4) the diving devices and breathing mixture used;

(5) the maximum depth reached during the dive;

(6) the total time of the dive;

(7) the bottom time;

(8) the water temperature;

(9) the time of ascent and arrival on the surface;

(10) the interval between successive dives;

(11) in the case of a dive from a submerged or pressure vessel, the depth of that vessel as well as its time of arrival and departure; and

(12) any other relevant information, such as weather conditions, currents, emergency simulation, use of a therapeutic recompression or hyperbaric exposure and the protocol carried out.

The diver's logbook must be available at all times at the diving station.

312.35 Maintenance logbook: Maintenance information on the diving equipment and material, including the breathing mixture supply system, such as a description of the location and the material maintained, the date of the maintenance as well as the name of the person doing the work, must be recorded in a logbook.

The logbook must be kept by the employer for at least five years.

§6. Equipment and Material

312.36 Scuba diving equipment: The use of the following equipment is compulsory for any scuba diving:

(1) a self-contained underwater breathing apparatus, including a cylinder of breathing mixture with a harness equipped with a quick-release strap, that is equipped with a demand regulator;

(2) a submersible pressure gauge;

(3) a spare self-contained breathing apparatus;

(4) subject to section 312.38 and paragraph 2 of section 312.70, a wet suit appropriate to the work conditions;

(5) a mask;

(6) an inflatable flotation vest;

(7) a pair of fins;

(8) a diving harness with a pelvic support and rear lifting ring with a breaking strength of not less than 2045 kilograms;

(9) a releasable weight belt equipped with a quick-release buckle or ballasting system;

(10) a depth gauge;

(11) a suitable knife; and

(12) a light and a rescue or stroboscopic beacon when night diving.

312.37 Surface-supply diving equipment: The use of the following equipment is compulsory for any surface-supply diving:

(1) a surface-supplied breathing apparatus including a helmet or a full face mask equipped with a continuous or demand regulator, in addition to protective headgear;

(2) an umbilical;

(3) an emergency self-contained breathing apparatus attached to the appropriate accessories, with a regulator equipped with a shut-off valve and a submersible pressure gauge;

(4) subject to section 312.38 and paragraph 2 of sections 312.70 and 312.79, a wet suit appropriate to the work conditions;

(5) a non-removable diving belt;

(6) a depth gauge or pneumo depth gauge for deep diving;

(7) a diving harness with pelvic support and rear lifting ring with a breaking strength of not less than 2045 kilograms;

(8) a suitable knife;

(9) a pair of fins and, for bottom work, safety boots especially designed to protect against the risks of puncture or the fall of heavy or sharp objects; and

(10) a light for night diving.

312.38 Cold-water diving: A diver must wear a variable volume dry suit when diving in water at 14 °C or colder for more than 15 minutes.

However, when diving in water at 5 °C or colder for more than 90 minutes, the diver must wear a controlled temperature suit.

The heater used to warm up the suit must be equipped with a temperature control.

Where a hot water heater is used, the hot water reserve must be sufficient to warm up the suit for the time required by the diver to resurface in case of unit failure.

312.39 Diving station and required material: All dives require the installation of a diving station that must include at least the following material:

(1) a weighted descent line, at least 13 millimetres in diameter and long enough to reach the bottom at the maximum depth of the underwater workstation, that must be used in particular to guide the diver during descent and ascent; where such a line cannot be used, any other appropriate means to guide the diver, taking into account the depth and diving conditions;

(2) a bottom timer and clock;

(3) a copy of the decompression tables;

(4) a copy of the standards referred to in this Division; and

(5) in addition to the equipment required in accordance with the First-aid Minimum Standards Regulation, approved by Order in Council 1922-84 dated 22 August 1984, an oxygen inhalation kit containing at least the items described in Part 1 of Schedule X.

312.40 Stage: A stage must be used to move divers to the entry point into the water where the diving station is more than 2 metres above water.

This stage must

(1) be built to prevent tipping or spinning;

(2) have a floor surface of at least 0.83 square metres; and

(3) be able to support the weight of at least two divers with their diving gear.

Where this stage is a cage, platform or wet bell, it must meet, in addition to the requirements referred to in the second paragraph, the requirements referred to in paragraph 3 of section 3.10.7 of the Safety Code for the construction industry, except subparagraph *d* of that paragraph.

Where the entry point into the water is 2 metres or less from the water surface and there is no stage, a ladder must be available to the divers.

In a restricted access area, a cage corresponding to the size of the opening may be used to move a diver to the entry point.

312.41 Hoisting of a stage: A stage, submersible compression chamber or atmospheric pressure diving apparatus must be hoisted using a crane or boom truck in accordance with the conditions provided for in paragraph 1, subparagraphs *d*, *e*, and *f* of paragraph 2 and paragraph 4 of section 3.10.7 of the Safety Code for the construction industry, as it reads at the time that it applies.

If no crane or boom truck is used, the diver must be raised using a device designed specifically for raising workers, such as a suspended scaffolding adapted to lift divers, and the following conditions must be met:

(1) the device must be designed and built in such a way that it brakes automatically when the control mechanism is not in the “on” position; pawl-and-ratchet gears operated by disengaging the pawl are prohibited; and

(2) the blueprints, including the installation and disassembly processes, must be written, signed and sealed by an engineer and available at the diving station.

The device used to hoist the stage must be available at all times to move a diver. This device may not be used for other purposes while a diver is still in the water.

Only dive team members may give instructions to the device operator. That operator must be linked to the divers’ two-way voice communication system when such a system is required.

312.42 Booster power supply: In case of main power source failure, an electric power source or any other source of power must be turned on rapidly to maintain, where applicable, the following functions:

(1) the operation of diving devices and equipment, communication devices and the hoisting apparatus;

(2) the heating of the installations and equipment of any diver in the water, including the controlled temperature suit when it must be worn;

(3) lighting the diving station and any other place where lighting is required; and

(4) supply to the hyperbaric chamber.

§7. Breathing Mixture

312.43 Compressed breathing air: The compressed breathing air must comply with section 48.

312.44 Gas mixture: The gas mixture used in a breathing mixture must meet the following requirements:

(1) the gases must be at least 99.5% pure;

(2) the proportion of oxygen, nitrogen, helium and any other gas present in the mixture must comply with the decompression tables;

(3) the concentration of contaminants in the mixture must not exceed the maximum concentration provided for in Part 2 of Schedule X;

(4) the concentration of the contaminants other than those provided for in Schedule II must not reach the odour threshold or exceed 1/25 of the time-weighted average exposure values provided for in Part 1 of Schedule I;

(5) the particles must not exceed 0.3 µm; and

(6) the mixture must be odourless.

312.45 Pure oxygen: A submerged diver must not breathe pure oxygen at a depth exceeding 7.6 metres, except for decompression or therapeutic purposes.

The oxygen used must be 99.5% pure and meet the requirements of paragraphs 3 to 6 of section 312.44.

312.46 Dew point: The dew point of the breathing mixture must be at least 5 °C lower than the lowest temperature to which the supply system or one of its components is exposed.

§8. Supply System

312.47 Composition of the supply system: The system must supply the breathing mixture to the diver at the required temperature, pressure and rate.

The system must include the following components:

(1) a main supply capable of supplying the required quantity of breathing mixture for the entire dive;

(2) an auxiliary reserve breathing mixture located at the dive station; and

(3) an emergency self-contained breathing apparatus with sufficient breathing mixture reserve to allow the diver to resurface or re-enter a wet bell or any other submersible chamber in case of emergency; this apparatus must contain the following quantities:

(a) for surface-supply diving to a depth equal to or less than 15 metres, a minimum of 1415 litres;

(b) for surface-supply diving to a depth greater than 15 metres, under ice, in an environment with an obstruction or in a submerged pipe, a minimum of 2265 litres;

(c) for scuba diving to a depth equal to or less than 15 metres, a minimum of 368 litres; and

(d) for scuba diving to a depth greater than 15 metres, a minimum of 850 litres.

Each component of the supply system must operate independently. An interruption of the main supply must not prevent supply from the auxiliary reserve or the emergency self-contained breathing apparatus.

312.48 Auxiliary reserve: The auxiliary reserve referred to in subparagraph 2 of the second paragraph of section 312.47 must include

(1) for scuba diving, a complete diving breathing apparatus, including a half mask and a full cylinder, for each diver underwater;

(2) for surface-supply diving, a breathing mixture reserve equal to 2.5 times the required quantity to allow each diver to ascend and undergo decompression; and

(3) where a submersible compression chamber is used, a breathing mixture reserve that would allow the underwater work to be extended for 72 hours.

312.49 Compressed breathing air supply system: The compressed breathing air supply system and its components must meet the requirements of section 48.

312.50 Gas mixture supply system: The gas mixture supply system and its components must

(1) be designed and manufactured for their intended use;

(2) be maintained in accordance with the manufacturer's instructions, taking into account the conditions and depths in which they are used;

(3) be repaired and tested in accordance with the manufacturer's instructions;

(4) be protected against freezing due to the low temperature of the water or ambient air or the expansion of a gas;

(5) include a mixture heater, where the gas mixture includes helium; and

(6) not be modified unless that modification is approved in writing by the manufacturer.

312.51 Lines: Each line of the breathing mixture or oxygen supply system must

(1) be designed for its intended use and clearly identified to the diver supplied;

(2) include an easy-to-reach shockproof supply valve; and

(3) be equipped with a pressure gauge, downstream from the supply valve, indicating the supply pressure of the breathing mixture or oxygen, with a dial and numbers easily read by the diver's tender.

The use of flexible hoses in an oxygen supply line is prohibited, except where the high speed flow of the oxygen in the flexible hose does not create a differential pressure greater than 700 kilopascals from one end of the hose to the other.

The use of quick-opening valves in an oxygen supply line is also prohibited, except where emergency stop valves are located at the point where the line goes through the hull of a hyperbaric chamber.

312.52 Breathing mixture cylinders: The breathing mixture cylinders must be submitted to a hydrostatic test and be maintained and stored in accordance with CSA Standard Z94.4-93, Selection, Use and Care of Respirators.

312.53 Masks, helmets and regulators: The masks, helmets and regulators must

(1) be used and maintained in accordance with the manufacturer's instructions; and

(2) be cleaned and disinfected in accordance with Division 10.2 and Appendix F to CSA Standard Z94.4-93, Selection, Use and Care of Respirators.

312.54 Check valves: The helmet and mask of a surface-supplied breathing apparatus must be equipped with non-return valves which must be checked before each dive.

312.55 Pressure gauges: The use of a defective pressure gauge is prohibited. A pressure gauge that cannot be repaired must be destroyed.

Pressure gauges must be checked at least every six months, unless the manufacturer has given specific instructions.

312.56 Compressors: A low pressure compressor must

(1) operate automatically and discharge the breathing mixture in an air cylinder at a sufficient volume to avoid excessive pressure variations;

(2) supply and maintain a breathing mixture supply corresponding to double the required air flow, at a pressure 25% greater than the maximum pressure required;

(3) have a purification system that complies with Appendix D to standard CAN3-Z180.1 M85, Compressed Breathing Air and Systems; and

(4) be used with cylinders, devices and fittings that comply with CSA Standard CSAB51-M1991, Boiler, Pressure Vessel and Piping Code.

A high pressure compressor, 70.3 kg/cm² or more, must not be used to directly supply a surface-supplied diver.

§9. Medical Monitoring

312.57 Competence of the diving physician: A diving physician must comply with CSA Standard CAN/CSA Z275.4-97, Competency Standard for Diving Operations. The physician must

(1) have the basic training in Level I diving medicine provided for in the standard, in order to detect the symptoms of exposure to undue pressures and examine a diver's state of health; and

(2) have the advance training in Level II diving medicine provided for in the standard, in order to treat in a hyperbaric chamber a diver suffering from decompression sickness and supervise at a distance a chamber operator during that treatment.

312.58 Medical examination and certificate: Divers must undergo an annual physical examination by a diving physician and have a medical certificate attesting that they are fit to dive.

The diving supervisor may also require that a diver again undergo the physical examination referred to in the first paragraph and obtain a new medical certificate, if the supervisor considers that the diver is unfit to dive safely.

312.59 Contents of the medical certificate: The medical certificate must indicate

(1) the name of the diver;

(2) the date of the physical examination;

(3) whether the diver's health allows the diver to dive in the required mode;

(4) any restriction regarding the diver's health likely to limit diving activities; and

(5) the name and address of the diving physician issuing the certificate.

The certificate must be attached to the diver's logbook.

312.60 Medical alert bracelet or tag: All divers must wear a medical alert bracelet or tag for at least 24 hours after a dive. The following information must be engraved on the bracelet or tag:

(1) the words "professional diver"; and

(2) the telephone number of the Service d'assistance médicale à distance en médecine de plongée of the Ministère de la Santé et des Services sociaux.

312.61 First-aid attendants: All dive team members must

(1) be trained in occupational first-aid and hold a certificate to that effect; and

(2) attend a two-hour training course on the treatment of near-drowning victims and hold a certificate to that effect.

In addition, at least one dive team member on the surface must have attended a four-hour training course on inhalation therapy and the use of an oxygen inhalation kit and hold a certificate to that effect.

Those certificates must be issued by an institution recognized by the Commission de la santé et de la sécurité du travail, be renewed every three years and be attached to the diver's logbook or be available on request.

312.62 Communication with the Service d'assistance médicale à distance en médecine de plongée: A communication system with the Service d'assistance médicale à distance en médecine de plongée of the Ministère de la Santé et des Services sociaux must be available at all times at the diving station so that any diver that is injured or suffering from decompression sickness may receive the required medical supervision.

312.63 Air transport of a diver: When transporting by air a diver suffering from decompression sickness, the cabin pressure must not be lower than the pressure at an altitude of 300 metres from the diving station and in-flight conditions must be established with the Service d'assistance médicale à distance en médecine de plongée.

312.64 Decompression sickness: Where a diver suffers from decompression sickness, the hyperbaric chamber operator must initiate the treatment in the chamber.

The operator must also communicate as soon as possible with the Service d'assistance médicale à distance en médecine de plongée of the Ministère de la Santé et des Services sociaux to continue treatment under the supervision of a diving physician.

In addition, a diver suffering from decompression sickness must obtain a medical report attesting that the diver is fit to dive.

312.65 Hyperbaric chamber and chamber medical kit: Subject to section 312.66, a Class A hyperbaric chamber built, used and maintained in accordance with CSA Standard Z-275.1-93, Hyperbaric Facilities, as well as a chamber medical kit with the basic content described in Part 3 of Appendix X, must be available at the diving station in the following cases:

(1) the dive exceeds the no-decompression limit;

(2) the dive depth exceeds 15 metres, for the work provided for in section 312.6; or

(3) the dive depth exceeds 40 metres.

The chamber and kit are for the divers' exclusive use. They must always be available and in good condition.

312.66 Special measures for the hyperbaric chamber: The following measures must be taken when a police dive is carried out in a location not accessible by land or in any other location where a hyperbaric chamber may not be transported to the diving station:

(1) air transport must be available on the site;

(2) a satellite telephone must be available wherever possible; and

(3) prior to the dive, communication must be established with the nearest hospital equipped with a hyperbaric chamber in order to ensure its availability in case of emergency.

§10. Special Safety Standards

312.67 Applicable provisions: The other standards of this Division apply, adapted as required, to the following types of dive.

§11. General Preventive Measures for Diving in a Contaminated Environment

312.68 General preventive measures: A dive in an environment contaminated as a result of industrial, agricultural or water purification activities requires the application of the general preventive measures described in sections 312.69 to 312.74.

312.69 Additional preventive measures in the dive plan: In addition to the elements referred to in section 312.32, the dive plan must refer to

(1) the protective clothing and respiratory equipment that the workers other than divers must use;

(2) the required material and decontamination and cleaning measures for the divers and other workers and their equipment;

(3) a depot for contaminated clothing and equipment; and

(4) the measures to be taken in case of intoxication, including the nature of the first-aid to be given and the telephone numbers of the Centre antipoison du Québec and the Service du répertoire toxicologique of the Commission de la santé et de la sécurité du travail.

312.70 Diving equipment: In addition to the equipment referred to in sections 312.36 and 312.37, except paragraphs 4, the following equipment must be worn:

(1) a positive pressure full face mask;

(2) a dry suit; and

(3) a pair of watertight gloves.

312.71 Equipment and plant maintenance: Before each dive in a contaminated environment, all the equipment and the plant must

(1) be inspected to detect any wear;

(2) not be used before having been decontaminated; and

(3) be destroyed if they cannot be decontaminated.

312.72 Safety instructions: The following safety instructions must be followed in the surface work area:

(1) access to the work area is restricted to authorized persons only;

(2) no food, drink or tobacco are allowed in that area; however, drinking water protected from contamination must be available to prevent dehydration; and

(3) the workers and their equipment must be decontaminated or cleaned before leaving the work area.

312.73 Vaccination: Any diver working in a contaminated area must be provided free of charge with vaccines against polio, tetanus, hepatitis A and any other vaccine prescribed by a diving physician.

312.74 Medical certificate: Any diver contaminated after diving in a contaminated area must undergo a physical examination by a diving physician and obtain a medical certificate attesting that the diver is fit to dive again.

§12. Exceptional Preventive Measures for Diving in a Contaminated Environment

312.75 Exceptional preventive measures: In addition to the general preventive measures referred to in sections 312.69 to 312.74, the exceptional preventive measures described in sections 312.76 to 312.80 apply to any dive operation in a contaminated environment:

(1) at the discharge point or in the vicinity of the discharge point of effluents from an industrial facility, a water treatment or wastewater purification station;

(2) in the vicinity of a chemical, biological or radioactive pollutant spill;

(3) in a nuclear plant; or

(4) where sediments containing contaminants are moved with equipment resulting in their suspension at the underwater workstation.

312.76 Identification of contaminants: The following information must be available in writing at the diving station and transmitted to the dive team:

(1) the identification and concentration level of contaminants present on the surface and at the underwater workstation;

(2) the health risks that the contaminants represent; and

(3) the material safety data sheet provided for in section 62.3 of the Act respecting occupational health and safety if the contaminants are controlled products.

Where the concentration level of contaminants may not be established before the dive, the preventive measures in a contaminated environment required by sections 312.77 to 312.80 must nevertheless be complied with.

312.77 Composition of the dive team: The dive team must consist of at least four divers, including a diving supervisor, a diver, a standby diver and a diver's tender.

312.78 Surface-supply diving: Surface-supply diving is mandatory.

312.79 Diving equipment: In addition to the equipment referred to in section 312.37, except paragraph 4, the following equipment must be worn:

(1) a surface-supply diving helmet suitable for working in a contaminated area; and

(2) a diving suit made of non-absorbent material, compatible with the contaminant, to which the diving helmet is attached by a positive seal and lock device.

312.80 Delimitation of the work areas: The exclusion, decontamination and support areas must be delimited.

The boundaries of each area must be clearly defined and marked and the following instructions must be followed:

(1) only workers wearing the required protective clothing and respiratory equipment may enter the exclusion area; and

(2) when leaving the exclusion area, the divers and their equipment must exit through the decontamination area to be cleaned and decontaminated.

§13. Deep Diving

312.81 Composition of the dive team: Subject to sections 312.85 and 312.87, when deep diving, the dive team must consist of at least five divers, including a diving supervisor, a diver, two diver's tenders and one standby diver.

312.82 Equipment: Subject to the use of an atmospheric pressure diving apparatus, the following equipment is compulsory for any deep dive to lower divers to their underwater workstation and return them to the surface:

(1) a descent line, stage or any other suitable equipment allowing the diver to stop at the various levels in the decompression tables, where the depth of the dive does not exceed 50 metres;

(2) a wet bell or submersible compression chamber, where the depth of the dive is between 50 metres and 80 metres; and

(3) a submersible compression chamber, where the depth of the dive exceeds 80 metres.

The submersible compression chamber referred to in subparagraphs 2 and 3 of the first paragraph must comply with CSA Standard Z275.1-93, Hyperbaric Facilities.

The diver's umbilical exiting the wet bell or submersible compression chamber must not exceed the distance that can be covered by the emergency self-contained breathing apparatus to re-enter the wet bell or the submersible compression chamber.

312.83 Breathing mixture: Compressed breathing air is prohibited where the depth of the dive exceeds 50 metres, except if an atmospheric pressure diving apparatus is used.

312.84 Communication system: For any deep diving, a two-way voice communication system must be available for the standby diver in the submersible compression chamber to allow communication with the diver underwater, outside the submersible compression chamber, as well as with the dive team members on the surface.

§14. Diving in a Submersible Compression Chamber

312.85 Composition of the dive team: For diving in a submersible compression chamber, the dive team must consist of at least five divers, including a diving supervisor, a diver and a standby diver in the chamber, a diver and a diver's tender on the surface and the required personnel on the surface to place the submersible compression chamber in the water and ensure adequate operation of the chamber and the chamber system.

The standby diver in the submersible compression chamber also acts as tender.

312.86 Equipment and communication system: The second and third paragraphs of section 312.82 and section 312.84 apply to any dive in a submersible compression chamber.

§15. Atmospheric Pressure Diving

312.87 Composition of the dive team: For atmospheric pressure diving, the dive team must consist of at least four divers, including a diving supervisor, a diver also acting as the apparatus' pilot, a diver and a diver's tender on the surface as well as the required personnel on the surface to place the atmospheric pressure diving apparatus in the water and ensure its adequate operation.

312.88 Equipment: Any atmospheric pressure diving apparatus used for atmospheric pressure diving must comply with the certification requirements established by the American Bureau of Shipping in the document entitled Rules for Building and Classing Underwater Vehicles, Systems and Hyperbaric Facilities, 1990, or any other equivalent certification requirement.

In addition, a standby atmospheric pressure diving apparatus must be available and ready to be used within 24 hours for any rescue operation.

§16. Other Dives with Special Hazards

312.89 Diving near a submerged line intake or discharge: When diving near a submerged line intake or discharge or any other submerged installation, such as a wasteway or wastewater spillway, the water flow must be completely controlled and the following safety standards must be complied with:

(1) the dive team must consist of at least four divers, including a diver, a standby diver and two diver's tenders, one of whom is the diving supervisor;

(2) any intake or discharge must be located and the intake or discharge where the dive is carried out must be clearly identified;

(3) the power source or circuit of any machine or mechanism controlling the flow or which may represent a safety risk must be locked in accordance with section 312.28;

(4) diving before complete control of the water flow is prohibited; and

(5) free-swimming scuba diving is prohibited.

312.90 Diving in an environment with an obstruction or in a submerged line: The following safety standards must be complied with when diving in an environment with an obstruction or a submerged line:

(1) the dive team must consist of at least five divers, including two divers underwater to allow one diver to

lead the other diver's umbilical to the location where there is an obstacle, two diver's tenders and one standby diver on the surface, one of whom is the diving supervisor;

(2) it must be possible to return a diver to the surface at all times by pulling directly on the umbilical;

(3) scuba diving is prohibited;

(4) the water flow must be completely controlled;

(5) a diver may not enter a submerged line where its diameter is smaller than 1 metre and turning is difficult; and

(6) a diver may not proceed further than 100 metres inside a submerged line.

312.91 Diving in a restricted access area: Divers must comply with the following safety standards when diving in a restricted access area:

(1) the dive team must consist of at least four divers, including one diver, one standby diver and two diver's tenders, one of whom is the diving supervisor;

(2) the diver's tender who is not acting as diving supervisor must always be able to pull directly on the umbilical to return the diver to the surface, where required;

(3) scuba diving is prohibited;

(4) the diver's harness must be equipped with a rear lifting ring;

(5) the water flow must be completely controlled; and

(6) a diver lifting device meeting the requirements of section 312.41 must be available on the surface in order to lift a diver out of the water in case of emergency, except where a diver is within easy reach.

312.92 Prior inspection for a dive upstream of a hydraulic structure: Before working underwater upstream of a hydraulic structure, the underwater work space must be inspected to detect any crack or subsurface erosion likely to create suction and to plug it off, where required. The following safety standards must be complied with:

(1) the diver must be lowered underwater in a closed protective cage and the movement of fluids must be analyzed; and

(2) a crane or boom truck meeting the requirements of paragraph 1, subparagraphs *d*, *e* and *f* of paragraph 2 and paragraph 4 of section 3.10.7 of the Safety Code for the construction industry, as it reads at the time that it applies, must be available on the surface to lower the diver's protective cage or lift it out of the water in case of emergency.

312.93 Dive upstream of a hydraulic structure: The following standards must be complied with when diving upstream of a hydraulic structure:

(1) the dive team must consist of at least four divers, including one diver, one standby diver and two diver's tenders, one of whom is the diving supervisor;

(2) scuba diving is prohibited; and

(3) water spill control measures must be provided for and implemented.

312.94 Ice diving: The following safety standards must be complied with when ice diving:

(1) the dive team must consist of at least four divers, including one diver, one standby diver and two diver's tenders, one of whom is the diving supervisor;

(2) a diver must not go under the ice more than 50 metres from the point of entry into the water;

(3) free-swimming scuba diving is prohibited at all times;

(4) the bearing capacity of the ice must be evaluated;

(5) the hole made in the ice must

(a) be triangular;

(b) allow the passage of two divers; and

(c) have a perimeter visibly defined; and

(6) the piece of ice taken from the hole must be

(a) removed from the water to avoid forming an obstacle or binding the lifeline; and

(b) put back into place after the dive.”.

4. Section 1.1 of the Safety Code for the construction industry (R.S.Q., 1981, c. S-2.1, r.6) ** is amended by substituting the following for subparagraph *e* of paragraph 8:

“(e) where work is carried out underwater or in a hyperbaric environment;”.

5. Section 3.17 of the Code and Schedule I are revoked.

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

SCHEDULE X

PART 1

(s. 312.39)

BASIC CONTENT OF AN OXYGEN INHALATION KIT

The oxygen inhalation kit must contain at least the following:

Quantity

— type E oxygen cylinder (24.1 cubic feet) at a pressure between 2000 and 2200 psig	1
— regulator compatible with the oxygen cylinder valve, equipped with a high pressure gauge and a flowmeter	1
— pocket mask	1
— ambu or manual resuscitator	1
— demand regulator	1
— high concentration mask	1
— latex gloves	
— moistureproof and dustproof container or case	1
— instructions manual	1

** The Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r.6) was last amended by the Regulation approved by Order in Council 885-2001 dated 4 July 2001 (2001, *G.O.* 2, 3888). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 september 2002.

PART 2

(s. 312.44)

**MAXIMUM PERMISSIBLE CONCENTRATION
OF CONTAMINANTS IN A GAS MIXTURE
(MEASURED AT 21°C AT 101.3 kPa)**

Contaminants	Maximum concentration
Carbon monoxide	2 mL/m ³
Carbon dioxide	200 mL/m ³
Methane in – pure oxygen	50 mL/m ³
– a gas mixture	10 mL/m ³
Combined halogen hydrocarbons – trichlorotrifluoroethane – dichlorodifluoroethane – chlorodifluoroethane – fluorotrichloromethane	5 mL/m ³
Nitrogen dioxide	0.1 mL/m ³
Nitrous oxide	1 mL/m ³
Oil (condensates and particles)	5 mg/m ³ at normal temperature and pressure

Note: 1 mL/m³ is equal to 1 ppm per volume at normal temperature and pressure.

PART 3

(s. 312.65)

**BASIC CONTENT OF A HYPERBARIC CHAMBER
MEDICAL KIT**

The medical kit in a hyperbaric chamber must contain at least the following items:

I. Diagnostic material

	Quantity
— flashlight	1
— Littmann Classic II stethoscope	1
— Welch Allyn otoscope and ophthalmoscope	1
— TycoS sphygmomanometer	1

— electronic thermometer to measure hypothermia and hyperthermia	1
— tuning fork, 128 vibrations per second	1
— reflex hammer	1
— tongue depressors	50
— safety pins	24
— wooden cotton swabs	100
II. Treatment material	
— oropharyngeal airways (Grudel; kit of 3 to 8)	2
— electric suction pump (where electricity is available)	1
— ambu and ambu mask for adults	1
— rigid plastic Yankauer suction tips	2
— *Cathlon catheters (1¼ in.) for cricothyrotomy or pneumothorax decompression	2
— *thoracic drains and trocars 10F and 24F or McSwain needles	2
— *Heimlich valves and conical fittings	2
— waterproof adhesive tape (2 in.)	2
— elastic bandage for tourniquet (2 in. and 4 in.)	1
— tourniquet for Penrose drain (1/2 in. x 18 in.)	1
— bandage scissors (7½ in.)	1
— *disposable scalpels No. 11	4
— *hemostatic curved Kelley forceps	1
— 5 cc syringes and No. 21 needles (1½ in.)	100
— 20 cc syringes	10
— **kits for inserting Foley No. 18 urinary catheters	5
— bags for urinary catheter	4

	Quantity
— nasogastric tubes	4
— **combitubes	4
— aluminum blanket	1
— packaged sterile gauze pads (4 in. x 4 in.)	25

* These items may only be used by a physician.

** These items may only be used by a physician, nurse or ambulance attendant.

5445

Draft Regulation

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

Guidance counsellors and psychoeducators

— Diplomas giving access to permits

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend section 1.23 in order to provide for the diplomas giving access to both permits of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, that is the guidance counsellor's permit and the psychoeducator's permit.

The draft Regulation proposes certain amendments to the diplomas giving access to both permits that were recognized by the Government at the time of the integration of psychoeducators in September 2000. Those transitory provisions will remain in effect until the coming into force of this Regulation.

Thus, as regards the guidance counsellor's permit, the draft Regulation proposes to withdraw the diploma Maîtrise en psychologie (M.Ps.), option Psychologie du

counselling from Université de Montréal, since it is no longer offered and to add the diploma Maîtrise en éducation (M.Ed.) "carrièreologie" concentration with internship from Université du Québec à Montréal, since it complies with the requirements of the Order.

As regards the psychoeducator's permit, the draft Regulation proposes to add the diploma Maîtrise en psychoéducation (M.Sc.) with internship from Université du Québec en Abitibi-Témiscamingue, since it complies with the requirements of the Order and to make an amendment to the reference respecting the diploma Maîtrise en psychoéducation with internship from Université de Sherbrooke.

The Order foresees no impact from these amendments on businesses, including SMB.

The draft Regulation will be submitted to the Office des professions du Québec and to the Order for their advice. To that end, the Office will seek the advice of the Order and forward it to the Minister responsible for the administration of legislation respecting the professions with its own advice, following consultation with the teaching institutions and other bodies involved.

Further information may be obtained by contacting Renée Verville, Secretary and Director General of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, 1600, boulevard Henri-Bourassa Ouest, bureau 520, Montréal (Québec) H3M 3E2; tel. (514) 737-4717 or 1 800 363-2643; fax: (514) 737-2172.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place d'Youville, 10^e étage, Québec (Québec) G1R 5Z3. Those comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order in question as well as to the interested persons, departments and bodies.

NORMAND JUTRAS,
*Minister responsible for the administration of
legislation respecting the professions*

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders *

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. The following is substituted for section 1.23 of the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders:

“**1.23.** The following diplomas awarded by the teaching establishments listed below give access to the permits mentioned hereafter, issued by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec:

(1) the guidance counsellor's permit:

(a) Maîtrise en sciences de l'orientation (M.A.) with internship and paper, from Université Laval;

(b) Maîtrise en orientation (M.Ed.) with internship and paper, from Université de Sherbrooke;

(c) Master of Arts (M.A.), non-thesis, Counselling Psychology Program, from McGill University; and

(d) Maîtrise en éducation (M.Ed) “carrièreologie” concentration with internship, from Université du Québec à Montréal; and

(2) the psychoeducator's permit:

(a) Maîtrise en psychoéducation (M.Sc.) with internships, from Université de Montréal;

(b) Maîtrise en psychoéducation (M.Sc.) with internships, from Université de Sherbrooke; and

(c) Maîtrise en psychoéducation (M.Sc.) with internships, from Université du Québec en Abitibi-Témiscamingue, Université du Québec à Hull and Université du Québec à Trois-Rivières.”

2. This Regulation does not affect the rights of a person who, on (*enter the date of coming into force of this Regulation*), holds the diploma Maîtrise en psychologie (M.Ps.), option Psychologie du counselling, from Université de Montréal or is registered in a program giving access to that diploma.

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

5448

Draft Regulation

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

Speech therapists and audiologists — Diplomas giving access to permits — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend section 1.12 in order to review the diplomas giving access to the permits of the Ordre des orthophonistes et audiologistes du Québec.

The draft Regulation proposes to replace the diploma of Maîtrise en orthophonie et audiologie from Université de Montréal, presently recognized by the Government, by two diplomas, that is the diploma of Maîtrise professionnelle en orthophonie (M.P.O.) from Université de Montréal and the diploma of Maîtrise professionnelle en audiologie (M.P.A.) from Université de Montréal. It also proposes to add to that list of diplomas recognized by the Government the diploma of Maîtrise en orthophonie (M.Sc.) from Université Laval. An amendment to the designation of the diploma granted by McGill University, already recognized in the Regulation, is also proposed.

* The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369) was last amended by the Regulation made by Order in Council 1037-2000 dated 30 August 2000 (2000, *G.O.* 2, 4482). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

The Order foresees no impact from these amendments on businesses, including SMBs.

The draft Regulation will be submitted to the Office des professions du Québec and to the Order for their advice. To that end, the Office will seek the advice of the Order and will forward it to the Minister responsible for the administration of legislation respecting the professions with its own advice following consultation with the teaching institutions and other bodies involved.

Further information may be obtained by contacting Louis Beaulieu, President and Director General of the Ordre des orthophonistes et audiologistes du Québec, 1265, rue Berri, bureau 730, Montréal (Québec) H2L 4X4; tel. (514) 282-9123; fax: (514) 282-9541.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. Those 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 in question and to interested persons, departments and bodies.

NORMAND JUTRAS,
*Minister responsible for the administration of
legislation respecting the professions*

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders *

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. Section 1.12 of the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is amended by substituting the following for paragraphs *a* and *b*:

* The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the Regulation made by Order in Council 48-2000 dated 19 January 2000 (2000, *G.O.* 2, 660). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

“(a) Maîtrise professionnelle en orthophonie (M.P.O.) from Université de Montréal;

(b) Maîtrise professionnelle en audiologie (M.P.A.) from Université de Montréal;

(c) Speech-Language Pathology (MScA) from McGill University; and

(d) Maîtrise en orthophonie with paper (M. Sc.) from Université Laval.”

2. This Regulation does not affect the rights of a person who holds a diploma giving access to the permit of the Ordre des orthophonistes et audiologistes du Québec on the day before the date of coming into force of this Regulation or is registered in a program giving access to that diploma.

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

5447

Draft Regulation

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1)

Safety Code for the construction industry — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that the Regulation to amend the Safety Code for the construction industry, the text of which appears below, may be adopted by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval upon the expiry of a period of 60 days following this publication.

The purpose of the draft Regulation is to ensure the health and safety of workers who work on a construction site or a part thereof located on a public highway or a private road open to public road vehicle traffic by proposing that the site or the part thereof have traffic signs complying with the standards determined by the Minister of Transport under the Highway Safety Code.

This is an update of the existing standard and not a new provision.

Further information may be obtained by contacting Claude Rochon, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2; telephone: (418) 266-4699; fax: (418) 266-4698.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-day period, to Alain Albert, Vice-Chair, Programmation et expertise-conseil, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, 14^e étage, Montréal (Québec) H3B 3J1.

JACQUES LAMONDE,
*Chair of the Board of Directors and
Chief Executive Officer
Commission de la santé et de la
sécurité du travail*

Regulation to amend the Safety Code for the construction industry*

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1, s. 223, 1st par., subpar. 7)

1. The Safety Code for the construction industry is amended by substituting the following for section 10.3.1:

“**10.3.1.** The principal contractor must ensure that any construction site or part thereof located on or bordering on a public highway or a private road open to public road vehicle traffic has traffic signs complying with the standards of Chapters 1, 4 and 6 of Volume V, as they read when applied, of the manual entitled “Traffic Control Devices”, determined and set out by the Minister of Transport under the second paragraph of section 289 of the Highway Safety Code (R.S.Q., c. C-24.2).”.

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

5443

* The Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r.6) was last amended by the Regulation approved by Order in Council 885-2001 dated 4 July 2001 (2001, *G.O.* 2, 3888). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

Municipal Affairs

Gouvernement du Québec

O.C. 1439-2002, 11 December 2002

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

Amalgamation of Village de L'Annonciation, Village de Sainte-Véronique, Municipalité de Marchand and Municipalité de La Macaza

WHEREAS, on 25 September 2002, the Minister required Village de L'Annonciation, Village de Sainte-Véronique, Municipalité de Marchand and Municipalité de La Macaza to file a joint application for amalgamation no later than 25 October 2002 and the Minister appointed Robert Sabourin as conciliator to assist the municipalities;

WHEREAS the Minister did not receive the joint application for amalgamation within the time prescribed;

WHEREAS the conciliator gave a report on the situation to the Minister;

WHEREAS, the Government may, under the Act respecting municipal territorial organization (R.S.Q., c. O-9), order the constitution of local municipalities resulting from amalgamations, in particular as a means of achieving greater fiscal equity and of providing citizens with services at lower cost or better services at the same cost;

WHEREAS it is expedient to order the constitution of a local municipality under section 125.11 of the Act;

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

THAT a local municipality resulting from the amalgamation of Village de L'Annonciation, Village de Sainte-Véronique, Municipalité de Marchand and Municipalité de La Macaza be constituted on the following conditions:

1. The name of the new municipality shall be "Ville de Rivière-Rouge".

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 27 November 2002; that description appears as a schedule to this Order in Council.

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

4. The territory of Municipalité régionale de comté d'Antoine-Labelle includes the territory of the new town.

5. Until a majority of the candidates elected in the first general election begin their terms, an eight-member provisional council shall administer the new town, on which each of the former municipalities is represented by two members. Those representatives shall be the mayor and the councillor for seat 2 of the former Municipalité de La Macaza, the mayor and the councillor for seat 2 of the former Municipalité de Marchand, the mayor and the councillor for seat 2 of the former Village de L'Annonciation, and the mayor and the councillor for seat 5 of the former Village de Sainte-Véronique.

If the representative of a former municipality resigns or is unable to act, an additional vote shall be allotted to the other representative of the former municipality whose council member's seat has become vacant.

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

6. The mayor of the former Village de L'Annonciation and the mayor of the former Village de Sainte-Véronique shall act respectively as mayor and acting mayor of the provisional council until the first council meeting.

The mayors of the former municipalities who wish to act, for equal terms, as mayor and acting mayor of the provisional council, shall state it at the beginning of the first council meeting. The order in which they hold office as mayor or acting mayor shall be determined by drawing lots.

7. The mayors of the former municipalities shall continue to sit on the council of Municipalité régionale de comté d'Antoine-Labelle until the mayor elected in the first general election begins his or her term and they shall have the same number of votes as they had before the coming into force of this Order in Council.

8. The members of the provisional council shall receive the remuneration that was paid to them before the coming into force of this Order in Council; each mayor shall receive the remuneration that was paid to him or her as mayor without taking into consideration the alternation provided for in section 6.

Any council member of a former municipality whose term ends for the sole reason that the former municipality ceased to exist after the amalgamation may receive a compensation based on the remuneration he or she was receiving. The member shall cease to be entitled to receive that remuneration if, during that period, he or she fills an office as member of the council of a municipality in the territory of Québec.

A person who is eligible for compensation may enter into an agreement with the new town on any mode of payment of the compensation.

The expenses that the payment of compensation represents constitutes a debt charged to the taxable immovables located in the territory of the new town.

9. The first meeting of the provisional council shall be held at the Centre sportif et culturel of Vallée de la Rouge.

10. Until decided otherwise, By-law 2000-014 of the former Village de Sainte-Véronique respecting council meetings applies to the provisional council except for sections 2, 4, 5, 20 and 21.

11. The polling for the first general election shall take place on 2 March 2003. The second general election shall be held in 2005.

12. For the first general election, the council of the new town shall be made up of one mayor and eight councillors.

For the first general election and for any by-election held before the second general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if such election were an election of the council members of the former Village de L'Annonciation shall be eligible for seats 1 and 2; only those persons who would be eligible under that Act if such election were an election of the council members of the former Village de Sainte-Véronique shall be eligible for seats 3 and 4; only those persons who would be eligible under that Act if such election were an election of the council members of the former Municipalité de Marchand shall be eligible for seats 5 and 6; and only those persons who would be eligible under that Act if such election were an election of the council members of the former Municipalité de La Macaza shall be eligible for seats 7 and 8.

Only the electors who are entitled to be entered on the list of electors in respect of the sector made up of the territory of the former Village de L'Annonciation shall participate in the election of the councillors for seats 1

and 2; only the electors entitled to be entered on the list of electors in respect of the sector made up of the territory of the former Village de Sainte-Véronique shall participate in the election of the councillors for seats 3 and 4; only the electors entitled to be entered on the list of electors in respect of the sector made up of the territory of the former Municipalité de Marchand shall participate in the election of the councillors for seats 5 and 6; and only the electors entitled to be entered on the list of electors in respect of the sector made up of the territory of the former Municipalité de La Macaza shall participate in the election of the councillors for seats 7 and 8.

For the second general election, the town shall be divided into six electoral districts in accordance with the Act respecting elections and referendums in municipalities.

13. The council made up of the persons elected in the first general election shall proceed with the reassignment of the personnel of the former municipalities after having commissioned a firm of consultants to make recommendations to the council on the matter.

While awaiting that reorganization, Lise Cadieux, director general and secretary-treasurer of the former Village de L'Annonciation, shall act as director general and secretary-treasurer of the new town. Claire Coulombe, director general and secretary-treasurer of the former Municipalité de Marchand, Danielle Simard, director general and secretary-treasurer of the former Village de Sainte-Véronique, and Pauline Legault, director general and secretary-treasurer of the former Municipalité de La Macaza shall act as assistant directors general and secretary-treasurers of the new town. Pauline Legault shall also act as returning officer for the polling of the first general election.

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

(1) that budget shall remain applicable;

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

(3) an expenditure recognized by the council of the new town as resulting from the amalgamation shall be charged to each former municipality on the basis of the proportion of its standardized property value to the total

standardized property values of the former municipalities as they appear in the financial statements of the former municipalities for the fiscal year preceding the fiscal year during which this Order in Council comes into force; and

(4) the amount paid for the first year of the amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM), less the expenditures recognized by the council under paragraph 3 and financed with that amount, shall constitute a reserve that is paid into the general fund of the new town for the first fiscal year for which it adopts a budget for all its territory.

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

16. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted shall be used for the benefit of the ratepayers in the sector made up of the territory of that former municipality in accordance with the following terms and conditions:

— The surplus accumulated on behalf of the former Village de L'Annonciation and the former municipalities of Marchand and La Macaza shall be used to repay loans charged to the sector made up of the former municipality that accumulated it, to reduce taxes applicable to all the taxable immovables located in that sector or to carry out public works in that sector.

— The surplus accumulated on behalf of the former Village de Sainte-Véronique shall be used to carry out work in the sector made up of the territory of that former municipality.

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

18. The working fund of the new town shall be constituted of the working fund of each of the former municipalities as it existed at the end of the last fiscal year for which the former municipalities adopted separate budgets. The repayment of money borrowed from the working fund of a former municipality shall remain charged to all the taxable immovables in the sector made up of the territory of that former municipality.

From the first fiscal year for which a budget is adopted by the new town in respect of all its territory, all the taxable immovables located in the territory of the new town shall be subject to the repayment of the sums borrowed under resolutions 63-2001, 76-2001, 101-2001 and 495-2001 of the former Village de L'Annonciation.

19. From the first fiscal year for which a budget is adopted by the new town in respect of all its territory, the repayment of the loans made under the following by-laws shall be charged to the taxable immovables located in the territory of the new town:

— By-laws 435, 661 and 673 of the former Village de L'Annonciation;

— By-laws 92-360, 98-449 and 01-487 of the former Municipalité de Marchand;

— By-laws 93-372 and 98-416 of the former Village de Sainte-Véronique; and

— By-law 7-97 of the former Municipalité de La Macaza.

20. From the first fiscal year for which the new town adopts a budget in respect of all its territory, the compensation required under By-law 691-2000 of the former Village de L'Annonciation shall apply to the taxable immovables located in the sector made up of the territory of that former municipality that are served by the waterworks system of that former municipality and also to the taxable immovables served by the waterworks system that are located in the sector made up of the territory of the former Municipalité de Marchand.

21. From the first fiscal year for which the new town adopts a budget in respect of all its territory, the annual payment of the instalments in principal and interest on the loan made under By-law 725-2002 of the former Village de L'Annonciation shall be charged to all the taxable immovables served by the waterworks system in the sector made up of the territory of the former Village de L'Annonciation and of the former Municipalité de Marchand and it shall be carried out by means of a compensation rate.

22. The aggregate of the property assessment rolls of the former Municipalité de Marchand and of the former Village de Sainte-Véronique, drawn up for the 2000, 2001 and 2002 fiscal years and the property assessment rolls of the former Municipalité de La Macaza and of the former Village de L'Annonciation, drawn up for the 2002, 2003 and 2004 fiscal years, shall constitute the property assessment roll of the new town from the date of coming into force of this Order in Council to 31 December 2002.

Despite section 119 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), no adjustment of the values in the property assessment roll shall be made for the 2002 fiscal year.

With respect to an entry on the property assessment roll of the new town for the 2002 fiscal year, it is considered that, for the purposes of establishing the actual value entered on that roll, the conditions in the property market respective to each of the property assessment rolls referred to in the first paragraph have been taken into account, as they existed on 1 July of the second fiscal year that preceded the coming into force of those rolls.

For the purposes of determining the market conditions on the date referred to in the third paragraph, the information related to transfers of ownership that occurred before and after that date may be taken into account.

The date of reference to the property market of each of the rolls referred to in the first paragraph, determined under the third paragraph, must appear, where applicable, on any notice of assessment, tax account, notice of alteration to the roll, or any assessor's certificate issued upon the updating of the roll.

The median proportions and comparative factors of the property assessment roll of the new town for the 2002 fiscal year that must appear, where applicable, on any notice of assessment, tax account, notice of alteration to the roll, or any assessor's certificate issued upon the updating of the roll are respectively those of the property assessment rolls referred to in the first paragraph.

23. The aggregate of the property assessment rolls, amended in accordance with the second paragraph of this section, of the former *Municipalité de Marchand* and the former *Village de Sainte-Véronique*, drawn up for the 2003, 2004 and 2005 fiscal years, of the property assessment roll of the former *Municipalité de La Macaza* amended in accordance with the second paragraph of this section, and of the property assessment roll of the former *Village de L'Annonciation*, drawn up for the 2002, 2003 and 2004 fiscal years shall constitute the property assessment roll of the new town for the 2003 and 2004 fiscal years.

An adjustment of the values entered on the property assessment roll of the new town shall be made, for the units of assessment located in the sectors made up of the territory of the former municipalities of *Marchand* and *La Macaza* and of the former *Village de Sainte-Véronique*, by dividing those values by the median proportion of

their respective assessment roll established for the 2003 fiscal year and by multiplying them by the median proportion of the property assessment roll of the former *Village de L'Annonciation* established for the 2003 fiscal year.

With respect to an entry on the property assessment roll of the new town for the 2003 and 2004 fiscal years, it is considered that, for the purposes of establishing the actual value entered on that roll, the conditions in the property market have been taken into account, as they existed on 1 July 2001.

For the purposes of determining the market conditions on the date referred to in the third paragraph, the information related to transfers of ownership that occurred before and after that date may be taken into account.

The date referred to in the third paragraph must appear, where applicable, on any notice of assessment, tax account, notice of alteration to the roll, or any assessor's certificate issued upon the updating of the roll.

The median proportion and the comparative factor of the assessment roll of the new town for the 2003 and 2004 fiscal years that must appear, where applicable, on any notice of assessment, tax account, notice of alteration to the roll, or any assessor's certificate issued upon the updating of the roll shall be those established by the assessor of *Village de L'Annonciation* for the 2003 fiscal year.

24. The new town shall have the first three-year property assessment roll drawn up by its assessor in accordance with section 14 of the Act respecting municipal taxation (R.S.Q., c. F-2.1) for the 2005, 2006 and 2007 fiscal years.

25. A tax credit calculated on the property value as it appears on the assessment roll in effect and financed from the revenues of the general property tax shall be granted annually in respect of the taxable immovables located in the sector made up of the territory of a former municipality where the combined increase in the tax burden resulting from the amalgamation is greater than 5%. Such credit shall be established so as to reduce the increase to 5%.

The tax burden referred to in the first paragraph includes

(1) the revenues derived from the basic general property tax rate imposed on all the taxable immovables located in the territory of the new town;

(2) any other revenue derived from a property tax imposed on the entire territory, other than the property tax that results from the application of one of the general property tax rates; and

(3) any revenue derived from a tariffing regarded as a property tax under section 244.7 of the Act respecting municipal taxation and exigible from the entire territory of the new town.

For the purposes of the first two paragraphs, the non-taxable value of immovables in respect of which property taxes must be paid under the first paragraph of section 208 of the Act respecting municipal taxation or in respect of which a sum must be paid in lieu of taxes, in accordance with the second paragraph of section 210 or the first paragraph of sections 254 and 255 of that Act, or by the Crown in right of Canada or one of its mandataries, is considered taxable.

The new town must prescribe rules to determine if the increase referred to in the first paragraph results solely from the constitution of the new town and to establish, where applicable, the part of the increase resulting therefrom.

This section has effect for a maximum five-year period following the constitution of the new town.

26. From the 2003 fiscal year to the 2007 fiscal year, the difference between the rate specific to the category of non-residential immovables and the basic rate fixed under section 244.38 of the Act respecting municipal taxation for the former Village de L'Annonciation, the former Village de Sainte-Véronique and the former Municipalité de Marchand must correspond to the following proportions of the same difference calculated for the former Municipalité de La Macaza:

Year	L'Annonciation	Ste-Véronique	Marchand
2003	68%	20%	20%
2004	76%	40%	40%
2005	84%	60%	60%
2006	92%	80%	80%
2007	100%	100%	100%

27. Any debt or gain that may result from legal proceedings for any act performed by a former municipality before the coming into force of this Order in Council shall continue to be charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

28. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second

and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new town in order to replace all the zoning and subdivision by-laws applicable to its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the entire territory of the new town, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

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

29. A municipal housing bureau shall be constituted under the name of "Office municipal d'habitation de la Ville de Rivière-Rouge". The name of the bureau may initially be changed by a simple resolution of the board of directors within the year following its constitution. Notice of the name change must be sent to the Société d'habitation du Québec and published in the *Gazette officielle du Québec*.

The municipal housing bureau shall succeed, on the date of coming into force of this Order in Council, the municipal housing bureau of the former Village de L'Annonciation, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) shall apply to the new municipal housing bureau as though it had been constituted by letters patent under section 57 of that Act.

The bureau shall be administered by a board of directors formed of seven members. Three members shall be appointed by the council of the new town, two shall be elected by all the lessees of the bureau in accordance with the Act respecting the Société d'habitation du Québec, and two shall be appointed by the Minister of Municipal Affairs and Greater Montréal, after consultation, from among the most representative socio-economic groups of the bureau's territory.

Until all the board of directors have been appointed in accordance with the terms and conditions provided for in the third paragraph, the provisional board of directors shall be the members of the former municipal housing bureau of the former Village de L'Annonciation.

The directors shall elect from among themselves a chair, vice-chair and any other officer they deem necessary to appoint.

The term of the board members is three years and is renewable. The board members shall remain in office until reappointed or replaced even though their terms expire.

A quorum for the meetings shall be a majority of the members in office.

The directors may, from the coming into force of this Order in Council,

- (1) borrow money on the credit of the bureau ;
- (2) issue bonds or other securities of the bureau and give them as security or sell them for the prices and amounts deemed appropriate ;
- (3) hypothecate or pledge the present or future immovables or movables of the bureau to ensure the payment of such bonds or other securities, or give only part of that security for those purposes ;
- (4) hypothecate the immovables and movables of the bureau or otherwise affect them, or give various types of security, to ensure the payment of loans contracted other than by the issue of bonds, as well as the payment or execution of any other debt, contract and liability of the bureau ; and
- (5) subject to the Act respecting the Société d'habitation du Québec, the regulations made under that Act and the directives issued by the Société, adopt any by-law deemed necessary or useful for the internal management of the bureau.

The employees of the bureau that has been dissolved shall become, without reduction in salary, employees of the bureau and shall retain their seniority and fringe benefits.

Within 15 days of their adoption, the bureau shall send to the Société d'habitation du Québec a certified true copy of the by-laws and resolutions appointing or dismissing a member or director.

The budget of the dissolved bureau shall remain applicable for the remainder of the current fiscal year.

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

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE TERRITORIAL BOUNDARIES OF VILLE DE RIVIÈRE-ROUGE, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ANTOINE-LABELLE

The territory of Ville de Rivière-Rouge, in municipalité régionale de comté d'Antoine-Labelle, following the amalgamation of the municipalities of La Macaza and Marchand and of the villages of L'Annonciation and Sainte-Véronique, comprises all the lots and blocks of the original survey or the cadastres of the townships of Brunet, Lynch, Marchand, Mousseau, Nantel and Turgeon, the undivided lands of those townships, the lots of the cadastre of Village de L'Annonciation, thoroughfares, hydrographic and topographic entities, built-up sites or parts thereof within the perimeter starting at the meeting point of the central line of Canton de Brunet with the centre line of Ruisseau Castelnau and that follows successively the following lines and demarcations : southwesterly, part of the central line of the said township to a point whose coordinates are 5 173 100 m N and 500 900 m E ; southerly, a straight line to a point whose coordinates are 5 167 800 m N and 500 675 m E ; easterly, a straight line to a point whose coordinates are 5 168 725 m N and 503 475 m E ; southerly, a straight line to the apex of the northern angle of Lot 20 of Rang IX of the original survey of Canton de Mousseau ; southwesterly, the northwestern line of the said lot ; southeasterly, the dividing line between lots 19 and 20 of Rang IX of the original survey of Canton de Mousseau ; southwesterly, part of the dividing line between ranges VIII and IX of the said township to the northeastern line of Canton de Turgeon ; southeasterly, part of the northeastern line of the townships of Turgeon and Marchand to the dividing line between ranges 8 and 7 of the cadastre of Canton de Lynch ; in reference to that cadastre, northeasterly, part of that line to the apex of the southern angle of Lot 18 of Rang 7 ; northwesterly, the southwestern line of the said lot ; northeasterly, part of the dividing line between ranges 7 and 6 to the apex of the northern angle of Lot 22 of Rang 7 ; southeasterly, the northeastern line of the said lot ; northeasterly, part of the dividing line between ranges 8 and 7 to the apex of the northern angle of Lot 23 of Rang 8 ; southeasterly, the line bounding to the northeast lots 23 of ranges 8 and 9 and lots 23 of ranges 1 to 4 of the cadastre of Canton de Nantel ; southwesterly, part of the dividing line between ranges 4 and 5 of the cadastre to the northeastern line of Canton de Marchand ; southeasterly, part of that line to the eastern limit of the said township ; westerly, the dividing line between Canton de Marchand and the townships of Joly and La Minerve ; northerly, successively, the western line of Canton de Marchand then the eastern boundary of the right-of-way of a public road (shown on the original) that is between

the townships of Marchand and Turgeon on the one side and Canton de Loranger on the other side to its meeting with the extension of the southern line of Canton de Turgeon; westerly, the said extension and part of the southern line of the said township to the dividing line between ranges 6 and 7 of the cadastre of that township; in reference to that cadastre, part of that line to the apex of the northeastern angle of Lot 5 of Rang 7; westerly, the northern line of the said lot; successively northerly and northeasterly, the western and northwestern lines of Canton de Turgeon; southeasterly, part of the northeastern line of Canton de Turgeon to its meeting with an irregular line, in Lac Kiamika, that passes halfway between Petite île de la Perdrix and Île Blanche; in a general northerly direction, that irregular line, passing halfway between Petite île de la Perdrix, Île de la Perdrix Blanche and the west shore of the said lake on the one side and Blanche, Thérèse and Noire islands, the east shore of the said lake and the islands having the geographical coordinates 46°38'47" North latitude, 75°03'43" West longitude and 46°44'06" North latitude, 75°02'54" West longitude on the other side, to the centre line of Rivière Kiamika; finally, in a general southeasterly direction, the centre line of the said river to the centre line of Ruisseau Castelnau to the starting point.

The above-mentioned coordinates are given in metres and were graphically traced from the UTM NAD 27 squaring, used on the 1:50 000 scale maps published by Natural Resources Canada.

Ministère des Ressources naturelles
Bureau de l'arpentage général
Division de l'arpentage foncier

Québec, 27 November 2002

Prepared by: _____
JEAN-FRANÇOIS BOUCHER,
Land surveyor

R-172/1

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Parliamentary Committees

Committee on Culture

General consultation

Paper entitled “Une réforme de l'accès à l'information : le choix de la transparence”

The Committee on Culture has been instructed to hold public hearings beginning on 25 March 2003 in pursuance of a general consultation on the consultation paper entitled “Une réforme de l'accès à l'information : le choix de la transparence”.

Individuals and organizations who wish to express their views on this matter must submit a brief to the above Committee. The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief.

Briefs must be received by the committees secretariat not later than 11 March 2003. Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies printed on letter-size paper. Those who wish to have their brief forwarded to the press gallery must provide an additional 25 copies.

Briefs, correspondence, and requests for information should be addressed to: M. Robert Jolicoeur, Clerk of the Committee on Culture, édifice Pamphile-Le May, 1035, rue des Parlementaires, 3^e étage, Québec (Québec) G1A 1A3.

Telephone: (418) 643-2722; facsimile: (418) 643-0248;
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Committee on Transportation and the Environment

General consultation

Implementation of the Kyoto Protocol in Québec

The Committee on Transportation and the Environment has been instructed to hold public hearings beginning on 18 February 2003 with respect to the implementation of the Kyoto Protocol in Québec. Individuals and organizations who wish to express their views on this matter must submit a brief to the above Committee not later than 6 February 2003. The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief.

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

Briefs, correspondence and requests for information should be addressed to: Mrs. Lise St-Hilaire, Clerk of the Committee on Transportation and the Environment, Édifice Pamphile-Le May, 1035, rue des Parlementaires, 3^e étage, Québec (Québec) G1A 1A3.

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

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