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Summary

Table of Contents
Coming into force of Acts
Regulations and other acts
Draft Regulations
Erratum
Index

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Table of Contents

Page

Coming into force of Acts

238-2003	Prescription drug insurance and other legislative provisions, An Act to amend the Act respecting... — Coming into force of certain provisions	1149
241-2003	Prescription drug insurance and other legislative provisions, An Act to amend the Act respecting... — Coming into force of certain provisions	1149
242-2003	Public Health Act — Coming into force of certain provisions	1150
312-2003	Poverty and social exclusion, An Act to combat... — Coming into force of the provisions ...	1150

Regulations and other acts

216-2003	Land protection and rehabilitation	1153
219-2003	Childcare centres and childcare services, An Act respecting... — Reduced contributions (Amend.)	1166
228-2003	Tariff of fees for the service of a claim for a liquidated and payable debt and for the execution by bailiffs and advocates of a small claims judgment claimable from the debtor	1168
233-2003	Professional activities that may be engaged in within the framework of pre-hospital emergency services	1169
234-2003	Chartered administrators — Code of ethics	1171
236-2003	Management delegation program for lands in the domain of the state in regional parks	1178
244-2003	Health Insurance Act — Regulation (Amend.)	1182
315-2003	Labour relations, vocational training and manpower management in the construction industry, An Act respecting the... — Regulation (Amend.)	1183
357-2003	Suspension of the issue of site operator's licences for video lottery machines	1185
363-2003	Taxi transportation (Amend.)	1186
	Agreement concerning new methods of voting for an election by mail — Municipality of Boischatel	1189
	Agreement concerning new methods of voting for an election using computerized polling stations and "Accu-Vote ES 2000" ballot boxes — Municipality of L'Assomption	1202
	Designation of the territory of a municipality as an area where making a right turn on a red light will be prohibited	1217
	Rules respecting the solemnization of civil marriages and civil unions	1217

Draft Regulations

Judicial selection procedure for municipal courts	1223
Judicial selection procedure for the Court for Québec	1228
Professional Code — Dental hygienists — Code of ethics	1233
Professional Code — Midwives — Conciliation and arbitration procedure for the accounts	1234
Professional Code — Nurses — Professional act that may be performed by a person acting on behalf of Héma-Québec	1237
Professional Code — Pharmacists — Code of ethics	1238
Registration of certain dog owners	1240
Tariff of courts costs in civil matters and court office fees applicable before municipal courts	1241

Erratum

Amalgamation of Ville de Sept-Îles, Ville de Moisie and Municipalité de Gallix	1243
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Coming into force of Acts

Gouvernement du Québec

O.C. 238-2003, 26 February 2003

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

— Coming into force of certain provisions

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

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

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

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

WHEREAS 1 December 2002 was fixed as the date of coming into force of the provisions of sections 12 and 47 of the Act and 1 January 2003 was fixed as the date of coming into force of section 5 of the Act by Order in Council 1355-2002 dated 20 November 2002;

WHEREAS it is expedient to fix the date of coming into force of sections 14, 16, 17, 18, 20, 21, paragraph 1 of section 22, paragraph 1 of section 23, sections 25, 27, 29, the second paragraph of sections 31 and 32, paragraph 2 of section 41, and sections 42 to 44 of the Act;

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

THAT sections 14, 16, 17, 18, 20, 21, paragraph 1 of section 22, paragraph 1 of section 23, sections 25, 27, 29, the second paragraph of sections 31 and 32, paragraph 2 of section 41, and sections 42 to 44 of the Act to amend the Act respecting prescription drug insurance and other legislative provisions come into force on 26 February 2003.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

5643

Gouvernement du Québec

O.C. 241-2003, 26 February 2003

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

— Coming into force of certain provisions

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

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

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

WHEREAS, under Order in Council 821-2002 dated 26 June 2002, section 15 of the Act came into force on 26 June 2002;

WHEREAS, under Order in Council 1355-2002 dated 20 November 2002, sections 12 and 47 of the Act came into force on 1 December 2002 and section 5 of the Act came into force on 1 January 2003;

WHEREAS it is expedient to fix 1 March 2003 as the date of coming into force of paragraphs 1 and 3 of section 10 of the Act;

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

THAT paragraphs 1 and 3 of section 10 of the Act to amend the Act respecting prescription drug insurance and other legislative provisions (2002, c. 27) come into force on 1 March 2003.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

5644

Gouvernement du Québec

O.C. 242-2003, 26 February 2003

Public Health Act (R.S.Q., c. S-2.2) — Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Public Health Act (R.S.Q., c. S-2.2)

WHEREAS the Public Health Act (2001, c. 60) was assented to on 20 December 2001;

WHEREAS, under section 177 of the Act, the provisions of the Public Health Act came into force on 19 April 2002, except

(1) Chapters XI and XII, except section 97, and sections 139 to 142, 149 and 166, which came into force on 20 December 2001;

(2) section 54, which came into force on 18 June 2002;

(3) section 146, paragraphs 3 and 4 of section 371 of the Act respecting health services and social services (R.S.Q., c. S-4.2), enacted by section 163, and section 164 which come into force on the date fixed by the Government; and

(4) sections 7 to 17, 19 to 32, 61 to 68, and the words “as provided in the national public health program” in section 18, which come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 26 February 2003 as the date of coming into force of sections 7 to 17, 19 to 32, of the words “as provided in the national public health program” in section 18, section 146, paragraphs 3 and 4 of section 371 of the Act respecting health services and social services enacted by section 163 and section 164 of the Public Health Act (R.S.Q., c. S-2.2);

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

THAT 26 February 2003 be fixed as the date of coming into force of sections 7 to 17, 19 to 32, of the words “as provided in the national public health program” in section 18, section 146, paragraphs 3 and 4 of section 371 of the Act respecting health services and social services (R.S.Q., c. S-4.2) enacted by section 163 and section 164 of the Public Health Act.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

5641

Gouvernement du Québec

O.C. 312-2003, 26 February 2003

An Act to combat poverty and social exclusion (2002, c. 61)

— Coming into force of the provisions

COMING INTO FORCE of the provisions of the Act to combat poverty and social exclusion

WHEREAS the Act to combat poverty and social exclusion (2002, c. 61) was assented to on 18 December 2002;

WHEREAS, under section 70 of the Act, the provisions of the Act come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 5 March 2003 as the date of coming into force of the provisions of the Act to combat poverty and social exclusion (2002, c. 61), except the second sentence of the second paragraph and the

third paragraph of section 1, the second paragraph of section 21, Chapter IV, comprising sections 22 to 34, Chapter V, comprising sections 35 to 45, Chapter VI, comprising sections 46 to 57, sections 58 to 60, section 62 to the extent that it concerns sections 58 and 60, section 63, section 65 and sections 67 and 68;

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

THAT 5 March 2003 be fixed as the date of coming into force of the provisions of the Act to combat poverty and social exclusion (2002, c. 61), except the second sentence of the second paragraph and the third paragraph of section 1, the second paragraph of section 21, Chapter IV, comprising sections 22 to 34, Chapter V, comprising sections 35 to 45, Chapter VI, comprising sections 46 to 57, sections 58 to 60, section 62 to the extent that it concerns sections 58 and 60, section 63, section 65 and sections 67 and 68.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

5646

Regulations and other acts

Gouvernement du Québec

O.C. 216-2003, 26 February 2003

Environment Quality Act
(R.S.Q., c. Q-2)

Land Protection and Rehabilitation

Land Protection and Rehabilitation Regulation

WHEREAS, under paragraphs *f*, *h*, *h.1*, *h.2* and *m* of section 31, paragraphs 1, 2, and 3 of section 31.69, enacted by section 2 of chapter 11 of the Statutes of 2002, and sections 109.1 and 124.1 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft Regulation was published in the *Gazette officielle du Québec* on 18 September 2002, with a notice that it could be made by the Government upon the expiry of 60 days from that publication;

WHEREAS it is expedient to make the Regulation with amendments considering the comments received following publication in the *Gazette officielle du Québec*;

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

THAT the Land Protection and Rehabilitation Regulation, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Land Protection and Rehabilitation Regulation

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, pars. *f*, *h*, *h.1*, *h.2* and *m*, s. 31.69, pars. 1, 2 and 3, ss. 109.1 and 124.1; 2002, c. 11, s. 2)

1. The limit values prescribed in Schedule I with regard to the contaminants listed in the Schedule apply for the purposes of sections 31.43, 31.45, 31.49, 31.51, 31.52, 31.54, 31.55, 31.57, 31.58 and 31.59 of the Environment Quality Act (R.S.Q., c. Q-2), subject to the following provisions.

In the case of lands referred to hereafter, the applicable limit values for the purposes of the same sections are those indicated in Schedule II:

(1) lands on which, under a municipal zoning by-law, only industrial, commercial or institutional uses are authorized, except lands where elementary-level and secondary-level educational institutions, childcare centres, day care centres, hospital centres, residential and long-term care centres, rehabilitation centres, child and youth protection centres, or correctional facilities are built; and

(2) lands constituting, or intended to constitute, the site of a roadway or sidewalk bordering a roadway, a bicycle path or a municipal park, except play areas for which the limit values prescribed in Schedule I remain applicable for a depth of at least one metre. The term "roadway" has the meaning assigned by section 4 of the Highway Safety Code (R.S.Q., c. C-24.2).

In addition, where a contaminant referred to in Part I (metals and metalloids) of Schedule I or Schedule II is present in land in a concentration exceeding the limit value prescribed in that Schedule, and the contaminant does not originate from human activity, that concentration constitutes, for the purposes of sections 31.51, 31.52, 31.54, 31.55, 31.57, 31.58 and 31.59 of the Environment Quality Act, the limit value applicable for that contaminant.

2. The categories of industrial and commercial activities listed in Schedule III are the categories to which sections 31.51, 31.52, and 31.53 of the Environment Quality Act apply.

Sections 31.51 and 31.52 of that Act do not apply, however, to the “contaminated soil or dangerous substance burial sites” category.

3. The analysis of any soil sample collected in connection with a site characterization study required under a provision of Division IV.2.1 of Chapter I of the Environment Quality Act must be made by a laboratory accredited by the Minister of the Environment under section 118.6 of that Act.

4. The carrying on on land of an industrial or commercial activity in a category listed in Schedule IV is subject to the monitoring of groundwater quality, in accordance with the following provisions, if a catchment installation for surface or groundwater intended for human consumption is situated less than 1 kilometre downstream from the land.

Where the catchment installation referred to in the first paragraph is built after the industrial or commercial activity has begun, the groundwater monitoring requirement applies only after the expiry of the sixth month following the date on which the person carrying on the activity is informed of the existence of the installation.

The groundwater monitoring requirement prescribed by this section does not apply if it is shown that the industrial or commercial activity carried on on the land is not likely to alter the quality of the water referred to in the first paragraph by substances listed in Schedule V. If that demonstration is based in whole or in part on the land’s prevailing hydrogeological conditions, it must be signed by an engineer or a geologist who is a member of an order governed by the Professional Code (R.S.Q., c. C-26).

5. The purpose of the monitoring of groundwater quality prescribed in section 4 must be to

(1) determine the land’s prevailing hydrogeological conditions;

(2) identify the substances listed in Schedule V that are likely to be emitted on or in the land as a consequence of the carrying on on the land of certain industrial or commercial activities referred to in that paragraph, and locate on the land the points of emission of the substances; and

(3) verify the presence of the substances in the groundwater where the water reaches the boundaries of the land and, where applicable, their concentration.

6. In order to monitor groundwater quality as required by sections 4 and 5, a monitoring well system must be installed on the land concerned.

The number and location of the monitoring wells in such a system, as well as the number of sampling points that each well must have, depends on the area of the land, the prevailing hydrogeological conditions and the number and location of the points of emission of the substances referred to in paragraph 2 of section 5.

7. At least three times a year, in the spring, summer and fall, the groundwater must be sampled at each sampling point of the monitoring wells established for the purposes of section 6 in order to perform the verification referred to in paragraph 3 of section 5.

During sampling, the piezometric level of groundwater must also be measured.

After a monitoring period of at least five years, if the analysis of the groundwater samples collected during that period has not revealed the presence of any substance referred to in paragraph 2 of section 5, the sampling frequency may be reduced to one sampling per year. The reduction in the sampling frequency applies as long as the analysis of groundwater samples shows that the conditions for the reduction are satisfied.

8. The analysis of groundwater samples collected pursuant to section 7 must be made by a laboratory accredited by the Minister under section 118.6 of the Environment Quality Act.

If the analysis of a sample shows that a limit value in Schedule V has been exceeded, mention to that effect must be made in the analysis report and the Minister must be informed of the excess as soon as possible.

The analysis reports produced by the laboratories must be kept for at least five years after the date on which they were produced.

9. The analysis reports made pursuant to section 8 in the course of a year must be transmitted to the Minister at the latest on 1 February of the following year.

An attestation stating that the samples were collected in accordance with generally accepted standards and practices and the requirements of this Regulation must also be transmitted to the Minister with the reports.

10. Any application under the Environment Quality Act for an authorization to carry on on land an industrial or commercial activity in a category listed in Schedule IV must, if a catchment installation for surface or groundwater intended for human consumption is situated less than one kilometre downstream from the land, be filed with a groundwater monitoring program intended to ensure compliance with this Regulation, in addition to all documents or information required under that Act or any other regulation made under it.

The program must contain

(1) a description of the land's prevailing hydrogeological conditions;

(2) a designation of the substances referred to in paragraph 2 of section 5 and the location on the land of the points of emission of the substances; and

(3) a detailed description of the monitoring well system including the number and the location of the monitoring wells.

Except where the monitoring program has been prepared by an engineer or geologist who is a member of an order governed by the Professional Code, the monitoring program must be filed with a certificate of such an engineer or geologist stating that the data is accurate and the monitoring well system allows groundwater quality to be monitored in compliance with the requirements of this Regulation.

An applicant for an authorization is exempted from the requirement to furnish a groundwater monitoring program if, in the application for authorization, the applicant shows that the groundwater monitoring requirements under the third paragraph of section 4 have been satisfied.

11. In the case provided for in the second paragraph of section 4, the person carrying on the industrial or commercial activity must transmit to the Minister, before the expiry of the sixth month referred to in that section, a groundwater monitoring program and the opinion of a professional in conformity with the provisions of section 10, unless, during that period, the person shows to the Minister that the groundwater monitoring requirements under the third paragraph of section 4 have been satisfied.

12. A person who, on the date of coming into force of this Regulation, carries on on land an industrial or commercial activity in a category listed in Schedule IV, while there is a catchment installation for surface or groundwater intended for human consumption situated less than 1 kilometre downstream from the land, is exempt from the application of sections 4 to 9 for a six-month period.

The person must, however, during that period, transmit to the Minister a groundwater monitoring program and the opinion of a professional in compliance with the provisions of section 10, unless, during that period, the person shows to the Minister that the groundwater monitoring requirements under the third paragraph of section 4 have been satisfied.

13. Any groundwater monitoring program transmitted for the purposes of sections 10 to 12 must be reviewed and updated every five years, in particular to take into account changes authorized by the third paragraph of section 7 or that may have occurred with regard to the land's hydrogeological conditions, the substances referred to in paragraph 2 of section 5, the points of emission of those substances or the monitoring well system.

The reviewed and updated program must be transmitted to the Minister no later than 30 days after the expiry of each five-year period.

14. Every person carrying on an industrial or commercial activity who contravenes the provisions of sections 4 to 9, 11, 12 and 13 commits an offence and is liable

(1) for a natural person, to a fine of \$1,000 to \$20,000; and

(2) for a legal person, to a fine of \$2,000 to \$40,000.

Every person who contravenes the provisions of section 3 commits an offence and is also liable to the fines prescribed above.

For a second or subsequent offence, the fines are doubled.

15. The application of this Regulation extends to immovables within a reserved area and an agricultural zone established in accordance with the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

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

SCHEDULE I

(s. 1)

Contaminants	Limit values mg/kg of soil (dry matter)
I- METALS AND METALLOIDS	
Silver (Ag)	20
Arsenic (As)	30
Barium (Ba)	500
Cadmium (Cd)	5
Cobalt (Co)	50
Chromium (Cr)	250
Copper (Cu)	100
Tin (Sn)	50
Manganese (Mn)	1000
Mercury (Hg)	2
Molybdenum (Mo)	10
Nickel (Ni)	100
Lead (Pb)	500
Selenium (Se)	3
Zinc (Zn)	500
II- OTHER INORGANIC COMPOUNDS	
Available bromide (Br ⁻)	50
Available cyanide (CN ⁻)	10
Total cyanide (CN ⁻)	50
Available fluoride (F ⁻)	400
III- VOLATILE ORGANIC COMPOUNDS	
Monocyclic aromatic hydrocarbons	
Benzene	0.5
Monochlorobenzene	1
1,2-Dichlorobenzene	1
1,3-Dichlorobenzene	1
1,4-Dichlorobenzene	1

Contaminants	Limit values mg/kg of soil (dry matter)
Ethylbenzene	5
Styrene	5
Toluene	3
Xylenes	5
Chlorinated aliphatic hydrocarbons	
Chloroform	5
1,1-Dichloroethane	5
1,2-Dichloroethane	5
1,1-Dichloroethylene	5
1,2-Dichloroethylene (cis and trans)	5
Dichloromethane	5
1,2-Dichloropropane	5
1,3-Dichloropropylene (cis and trans)	5
1,1,2,2-Tetrachloroethane	5
Tetrachloroethylene	5
Carbon tetrachloride	5
1,1,1-Trichloroethane	5
1,1,2-Trichloroethane	5
Trichloroethylene	5
IV- PHENOLIC COMPOUNDS	
Non-chlorinated	
Cresol (ortho, meta, para)	1
2,4-Dimethylphenol	1
2-Nitrophenol	1
4-Nitrophenol	1
Phenol	1
Chlorinated	
Chlorophenol (2-, 3-, or 4-)	0.5
2,3-Dichlorophenol	0.5

Contaminants	Limit values mg/kg of soil (dry matter)
2,4-Dichlorophenol	0.5
2,5-Dichlorophenol	0.5
2,6-Dichlorophenol	0.5
3,4-Dichlorophenol	0.5
3,5-Dichlorophenol	0.5
Pentachlorophenol (PCP)	0.5
2,3,4,5-Tetrachlorophenol	0.5
2,3,4,6-Tetrachlorophenol	0.5
2,3,5,6-Tetrachlorophenol	0.5
2,3,4-Trichlorophenol	0.5
2,3,5-Trichlorophenol	0.5
2,3,6-Trichlorophenol	0.5
2,4,5-Trichlorophenol	0.5
2,4,6-Trichlorophenol	0.5
3,4,5-Trichlorophenol	0.5
V- POLYCYCLIC AROMATIC HYDROCARBONS	
Acenaphthene	10
Acenaphthylene	10
Anthracene	10
Benzo (a) anthracene	1
Benzo (a) pyrene	1
Benzo (b + j + k) fluoranthene (combination or each)	1
Benzo (c) phenanthrene	1
Benzo (g,h,i) perylene	1
Chrysene	1
Dibenzo (a,h) anthracene	1
Dibenzo (a,i) pyrene	1
Dibenzo (a,h) pyrene	1

Contaminants	Limit values mg/kg of soil (dry matter)
Dibenzo (a,l) pyrene	1
7,12-Dimethylbenzo (a) anthracene	1
Fluoranthene	10
Fluorene	10
Indeno (1,2,3-cd) pyrene	1
3-Methylcholanthrene	1
Naphtalene	5
1-Methylnaphtalene	1
2-Methylnaphtalene	1
1,3-Dimethylnaphtalene	1
2,3,5-Trimethylnaphtalene	1
Phenanthrene	5
Pyrene	10
VI- NON-CHLORINATED BENZENE COMPOUNDS	
2,4,6-Trinitrotoluene (TNT)	0.04
VII- CHLOROBENZENES	
Hexachlorobenzene	2
Pentachlorobenzene	2
1,2,3,4-Tetrachlorobenzene	2
1,2,3,5-Tetrachlorobenzene	2
1,2,4,5-Tetrachlorobenzene	2
1,2,3-Trichlorobenzene	2
1,2,4-Trichlorobenzene	2
1,3,5-Trichlorobenzene	2
VIII- POLYCHLORINATED BIPHENYLS (PCB)	
Summation of the congeners	1
IX- PESTICIDES	
Tebuthiuron	50

Contaminants	Limit values mg/kg of soil (dry matter)
X- OTHER ORGANIC SUBSTANCES	
Acrylonitrile	1
Ethylene glycol	97
Formaldehyde	100
Dibutyl phtalate	6
XI- INTEGRATING PARAMETERS	
Petroleum hydrocarbons C ₁₀ to C ₅₀	700
XII- DIOXINS AND FURANS	
Summation of chlorodibenzodioxins and chlorodibenzofurans expressed in toxic equivalents 2,3,7,8-TCDD (NATO, 1988)	1.5×10^{-5}

SCHEDULE II
(s. 1)

Contaminants	Limit values mg/kg of soil (dry matter)
I- METALS and metalloids	
Silver (Ag)	40
Arsenic (As)	50
Barium (Ba)	2000
Cadmium (Cd)	20
Cobalt (Co)	300
Chromium (Cr)	800
Copper (Cu)	500
Tin (Sn)	300
Manganese (Mn)	2200
Mercury (Hg)	10
Molybdenum (Mo)	40
Nickel (Ni)	500
Lead (Pb)	1000
Selenium (Se)	10
Zinc (Zn)	1500

Contaminants	Limit values mg/kg of soil (dry matter)
II- OTHER INORGANIC COMPOUNDS	
Available bromide (Br ⁻)	300
Available cyanide (CN ⁻)	100
Total cyanide (CN ⁻)	500
Available fluoride (F ⁻)	2000
III- VOLATILE ORGANIC COMPOUNDS	
Monocyclic aromatic hydrocarbons	
Benzene	5
Chlorobenzene (mono)	10
1,2-Dichlorobenzene	10
1,3-Dichlorobenzene	10
1,4-Dichlorobenzene	10
Ethylbenzene	50
Styrene	50
Toluene	30
Xylenes	50
Chlorinated aliphatic hydrocarbons	
Chloroform	50
1,1-Dichloroethane	50
1,2-Dichloroethane	50
1,1-Dichloroethylene	50
1,2-Dichloroethylene (cis and trans)	50
Dichloromethane	50
1,2-Dichloropropane	50
1,3-Dichloropropylene (cis and trans)	50
1,1,2,2-Tetrachloroethane	50
Tetrachloroethylene	50
Carbon tetrachloride	50

Contaminants	Limit values mg/kg of soil (dry matter)
1,1,1-Trichloroethane	50
1,1,2-Trichloroethane	50
Trichloroethylene	50
IV- PHENOLIC COMPOUNDS	
Non-chlorinated	
Cresol (ortho, meta, para)	10
2,4-Dimethylphenol	10
2-Nitrophenol	10
4-Nitrophenol	10
Phenol	10
Chlorinated	
Chlorophenol (2-, 3-, or 4-)	5
2,3-Dichlorophenol	5
2,4-Dichlorophenol	5
2,5-Dichlorophenol	5
2,6-Dichlorophenol	5
3,4-Dichlorophenol	5
3,5-Dichlorophenol	5
Pentachlorophenol (PCP)	5
2,3,4,5-Tetrachlorophenol	5
2,3,4,6-Tetrachlorophenol	5
2,3,5,6-Tetrachlorophenol	5
2,3,4-Trichlorophenol	5
2,3,5-Trichlorophenol	5
2,3,6-Trichlorophenol	5
2,4,5-Trichlorophenol	5
2,4,6-Trichlorophenol	5
3,4,5-Trichlorophenol	5

Contaminants	Limit values mg/kg of soil (dry matter)
V- POLYCYCLIC AROMATIC HYDROCARBONS	
Acenaphtene	100
Acenaphtylene	100
Anthracene	100
Benzo (a) anthracene	10
Benzo (a) pyrene	10
Benzo (b + j + k) fluoranthene (combination or each)	10
Benzo (c) phenanthrene	10
Benzo (g,h,i) perylene	10
Chrysene	10
Dibenzo (a,h) anthracene	10
Dibenzo (a,i) pyrene	10
Dibenzo (a,h) pyrene	10
Dibenzo (a,l) pyrene	10
7,12-Dimethylbenzo (a) anthracene	10
Fluoranthene	100
Fluorene	100
Indeno (1,2,3-cd) pyrene	10
3-Methylcholanthrene	10
Naphtalene	50
1-Methylnaphtalene	10
2-Methylnaphtalene	10
1,3-Dimethylnaphtalene	10
2,3,5-Trimethylnaphtalene	10
Phenanthrene	50
Pyrene	100

Contaminants	Limit values mg/kg of soil (dry matter)
VI- NON-CHLORINATED BENZENE COMPOUNDS	
2,4,6-Trinitrotoluene (TNT)	1.7
VII- CHLOROBENZENES	
Hexachlorobenzene	10
Pentachlorobenzene	10
1,2,3,4-Tetrachlorobenzene	10
1,2,3,5-Tetrachlorobenzene	10
1,2,4,5-Tetrachlorobenzene	10
1,2,3-Trichlorobenzene	10
1,2,4-Trichlorobenzene	10
1,3,5-Trichlorobenzene	10
VIII- POLYCHLORINATED BIPHENYLS (PCB)	
Summation of the congeners	10
IX- PESTICIDES	
Tebuthiuron	3600
X- OTHER ORGANIC SUBSTANCES	
Acrylonitrile	5
Ethylene glycol	411
Formaldehyde	125
Dibutyl phtalate	70,000
XI- INTEGRATING PARAMETERS	
Petroleum hydrocarbons C ₁₀ to C ₅₀	3500
XII- DIOXINS AND FURANS	
Summation of chlorodibenzodioxins and chlorodibenzofurans expressed in toxic equivalents 2,3,7,8-TCDD (NATO, 1988)	7.5×10^{-4}

SCHEDULE III

(s. 2)

NAICS* Code	Categories of industrial and commercial activities
21111	Oil and Gas Extraction
21221	Iron Ore Mining or Processing
21222	Gold and Silver Ore Mining or Processing
21223	Copper, Nickel, Lead and Zinc Ore Mining or Processing
21229	Other Metal Ore Mining or Processing
212394	Asbestos Ore Mining or Processing
221112	Electric Power Generation (from Fuel Oil or Diesel)
221122	Electric Power Distribution (Transformer Stations Only)
22133	Steam Supply (from Fuel Oil or Diesel)
31323	Nonwoven Fabric Mills
3133	Textile and Fabric Finishing and Fabric Coating
31411	Carpet and Rug Mills
31611	Leather and Hide Tanning and Finishing
321111	Sawmills (except Shingle and Shake Mills)
321114	Wood Preservation
321211	Hardwood Veneer and Plywood Mills
321212	Softwood Veneer and Plywood Mills
321216	Particle Board and Fibreboard Mills
321217	Waferboard Mills
32211	Pulp Mills
322121	Paper (except Newsprint) Mills
322122	Newsprint Mills
32213	Paperboard Mills
32411	Petroleum Refineries
324122	Asphalt Shingle and Coating Material Manufacturing
32419	Other Petroleum and Coal Products Manufacturing (except Asphaltic Concrete Manufacturers)
32511	Petrochemical Manufacturing

NAICS* Code	Categories of industrial and commercial activities
32512	Industrial Gas Manufacturing
32513	Synthetic Dye and Pigment Manufacturing
32518	Other Basic Inorganic Chemical Manufacturing
32519	Other Basic Organic Chemical Manufacturing
32521	Resin and Synthetic Rubber Manufacturing
32532	Pesticide and Other Agricultural Chemical Manufacturing
32551	Paint and Coating Manufacturing
32552	Adhesive Manufacturing
32591	Printing Ink Manufacturing
32592	Explosives Manufacturing
325999	All Other Miscellaneous Chemical Product Manufacturing
326111	Unsupported Plastic Bag Manufacturing
326114	Unsupported Plastic Film and Sheet Manufacturing
32612	Plastic Pipe, Pipe Fitting and Unsupported Profile Shape Manufacturing
32613	Laminated Plastic Plate, Sheet and Shape Manufacturing
32614	Polystyrene Foam Product Manufacturing
32615	Urethane and Other Foam Product (except Polystyrene) Manufacturing
32616	Plastic Bottle Manufacturing
326193	Motor Vehicle Plastic Parts Manufacturing
32621	Tire Manufacturing
32622	Rubber and Plastic Hose and Belting Manufacturing
32629	Other Rubber Product Manufacturing
32731	Cement Manufacturing
33111	Iron and Steel Mills and Ferro-Alloy Manufacturing
33121	Iron and Steel Pipes and Tubes Manufacturing from Purchased Steel

NAICS* Code	Categories of industrial and commercial activities
331221	Cold-Rolled Steel Shape Manufacturing
331222	Steel Wire Drawing
331313	Primary Production of Alumina and Aluminum
331317	Aluminum Rolling, Drawing, Extruding and Alloying
33141	Non-Ferrous Metal (except Aluminum) Smelting and Refining
33142	Copper Rolling, Drawing, Extruding and Alloying
33149	Non-Ferrous Metal (except Copper and Aluminum) Rolling, Drawing, Extruding and Alloying
331511	Iron Foundries
331514	Steel Foundries
33152	Non-Ferrous Metal Foundries
33211	Forging and Stamping
332314	Concrete Reinforcing Bar Manufacturing
332319	Other Plate Work and Fabricated Structural Product Manufacturing
332321	Metal Window and Door Manufacturing
332329	Other Ornamental and Architectural Metal Products Manufacturing
33241	Power Boiler and Heat Exchanger Manufacturing
33243	Metal Can, Box and Other Metal Container Manufacturing
332611	Spring (Heavy Gauge) Manufacturing
332619	Other Fabricated Wire Product Manufacturing (Gas Welding Rods only)
33271	Machine Shops
33281	Coating, Engraving, Heat Treating and Allied Activities
33291	Metal Valve Manufacturing
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing

NAICS* Code	Categories of industrial and commercial activities
333611	Turbine and Turbine Generator Set Unit Manufacturing
335311	Power, Distribution and Specialty Transformers Manufacturing
335312	Motor and Generator Manufacturing
335315	Switchgear and Switchboard, and Relay and Industrial Control Apparatus Manufacturing
33591	Battery Manufacturing
33592	Communication and Energy Wire and Cable Manufacturing
33599	All Other Electrical Equipment and Component Manufacturing
3361	Motor Vehicle Manufacturing
33641	Aerospace Product and Parts Manufacturing
33651	Railroad Rolling Stock Manufacturing
336611	Ship Building and Repairing
41211	Petroleum Product Wholesaler-Distributors (Petroleum Products Station or Terminal governed by the Petroleum Products Regulation)
41531	Used Motor Vehicle Parts and Accessories Wholesaler-Distributors
41811	Recyclable Metal Wholesaler-Distributors
41839	Agricultural Chemical and Other Farm Supplies Wholesaler-Distributors
41841	Chemical (except Agricultural) and Allied Product Wholesaler-Distributors
4471	Gasoline Stations (including Self-Serve Facilities or Unattended Self-Serve Facilities and Gas Stations with no Vehicle Servicing)
48611	Pipeline Transportation of Crude Oil

NAICS* Code	Categories of industrial and commercial activities
48691	Pipeline Transportation of Refined Petroleum Products (except Natural Gas)
48699	All Other Pipeline Transportation (except Natural Gas)
488119	Other Airport Operations (except Air Traffic Control)
48819	Other Air Transport Support Activities
48821	Support Activities for Rail Transportation
48831	Port and Harbour Operations (Lighthouses, Wharves and Ports)
48832	Marine Cargo Handling
811199	All Other Automotive Repair and Maintenance (only Bus, Truck and Heavy Vehicle Fleets and Motor Vehicle Dealers)
	Motor Fuel Dispensing Outlets (Airport Outlets, Marine Outlets and User Outlets governed by section 274 of the Petroleum Products Regulation)
	Contaminated Soil or Dangerous Substance Treatment Centres
	Contaminated Soil or Dangerous Substance Transfer Centres
	Contaminated Soil or Dangerous Substance Burial Sites
	Snow Elimination Sites (governed by the Regulation respecting snow elimination sites)

* The numbers entered for each category of industrial and commercial activity referred to this Schedule correspond to the codes assigned by the North American Industry Classification System (NAICS). The description of those categories of activities contained in the document entitled "North American Industry Classification System 1997" and published by Statistics Canada (Catalogue no. 12-501-XPF, 1998, 953 pages, ISBN 0-660-95794-9) applies for the purposes of this Regulation.

SCHEDULE IV
(ss. 4, 10 and 12)

NAICS* Code	Categories of industrial and commercial activities
21111	Oil and Gas Extraction
21221	Iron Ore Mining (50,000 Tons or More of Ore Per Year)
21222	Gold and Silver Ore Mining (50,000 Tons or More of Ore Per Year)
21223	Copper, Nickel, Lead and Zinc Ore Mining (50,000 Tons or More of Ore Per Year)
21229	Other Metal Ore Mining (50,000 Tons or More of Ore Per Year)
212394	Asbestos Ore Mining (50,000 Tons or More of Ore Per Year)
221112	Electric Power Generation (from Fuel Oil or Diesel)
22133	Steam Supply (from Fuel Oil or Diesel)
31611	Leather and Hide Tanning and Finishing
321114	Wood Preservation
321216	Particle Board and Fibreboard Mills
321217	Waferboard Mills
32211	Pulp Mills
322121	Paper (except Newsprint) Mills
322122	Newsprint Mills
32213	Paperboard Mills
32411	Petroleum Refineries

NAICS* Code	Categories of industrial and commercial activities
324122	Asphalt Shingle and Coating Material Manufacturing
32419	Other Petroleum and Coal Products Manufacturing (except Asphaltic Concrete Manufacturers)
32511	Petrochemical Manufacturing
32512	Industrial Gas Manufacturing
32513	Synthetic Dye and Pigment Manufacturing
32518	Other Basic Inorganic Chemical Manufacturing
32519	Other Basic Organic Chemical Manufacturing
32521	Resin and Synthetic Rubber Manufacturing
32532	Pesticide and Other Agricultural Chemical Manufacturing
32551	Paint and Coating Manufacturing
32552	Adhesive Manufacturing
32591	Printing Ink Manufacturing
32592	Explosives Manufacturing
325999	All Other Miscellaneous Chemical Product Manufacturing
32621	Tire Manufacturing
33111	Iron and Steel Mills and Ferro-Alloy Manufacturing
33121	Iron and Steel Pipes and Tubes Manufacturing from Purchased Steel

NAICS* Code	Categories of industrial and commercial activities
331221	Cold-Rolled Steel Shape Manufacturing
331313	Primary Production of Alumina and Aluminum
33141	Non-Ferrous Metal (except Aluminum) Smelting and Refining
331511	Iron Foundries
331514	Steel Foundries
33152	Non-Ferrous Metal Foundries
332619	Other Fabricated Wire Product Manufacturing (Gas Welding Rods only)
33281	Coating, Engraving, Heat Treating and Allied Activities
33591	Battery Manufacturing
41211	Petroleum Product Wholesaler-Distributors (Petroleum Products Station or Terminal governed by the Petroleum Products Regulation)
488119	Other Airport Operations (except Air Traffic Control)
	Contaminated Soil or Dangerous Substance Treatment Centres

SCHEDULE V
(ss. 4, 5 and 8)

Contaminants	Limit values µg/L
METALS AND METALLOIDS	
Antimony* (Sb)	6
Arsenic* (As)	25
Silver (Ag)	100
Barium* (Ba)	1000
Boron* (B)	5000
Cadmium* (Cd)	5
Total Chromium* (Cr)	50
Copper (Cu)	1000
Manganese (Mn)	50
Mercury* (Hg)	1
Molybdenum (Mo)	70
Nickel (Ni)	20
Lead* (Pb)	10
Selenium* (Se)	10
Uranium* (U)	20
Zinc (Zn)	5000
OTHER INORGANIC COMPOUNDS	
Bromates*	10
Chloramines*	3000
Cyanides*	200
Fluorides*	1500
Nitrates + Nitrites (expressed in N)*	10,000
Nitrites* (NO ₂ ⁻)	1000
Sulfides (H ₂ S)	50

* The numbers entered for each category of industrial and commercial activity referred to in this Schedule correspond to the codes assigned by the North American Industry Classification System (NAICS). The description of those categories of activities contained in the document entitled "North American Industry Classification System 1997" and published by Statistics Canada (Catalogue no. 12-501-XPF, 1998, 953 pages, ISBN 0-660-95794-9) applies for the purposes of this Regulation.

Contaminants	Limit values µg/L
VOLATILE MONOCYCLIC AROMATIC HYDROCARBONS	
Benzene*	5
1,2-Dichlorobenzene*	200
1,4-Dichlorobenzene*	5
Ethylbenzene	2.4
Monochlorobenzene*	80
Styrene	20
Toluene	24
Xylenes	300
VOLATILE CHLORINATED ALIPHATIC HYDROCARBONS	
Vinyl chloride*	2
1,2-Dichloroethane*	5
1,1-Dichloroethylene*	14
1,2-Dichloroethylene (cis and trans)	50
1,2-Dichloropropane	5
1,3-Dichloropropylene (cis and trans)	2
Dichloromethane*	50
Tetrachloroethylene*	30
Carbon tetrachloride*	5
1,1,1-Trichloroethane	200
1,1,2-Trichloroethane	5
Trichloroethylene*	50
CHLOROBENZENES	
Hexachlorobenzene	0.1
Trichlorobenzenes (total)	20

Contaminants	Limit values µg/L
NON-CHLORINATED PHENOLIC COMPOUNDS	
Phenol index	2
CHLORINATED PHENOLIC COMPOUNDS	
2,4-Dichlorophenol*	900
Pentachlorophenol* (PCP)	60
2,3,4,6-Tetrachlorophenol*	100
2,4,6-Trichlorophenol*	5
POLYCYCLIC AROMATIC HYDROCARBONS	
Benzo (a) pyrene*	0.01
POLYCHLORINATED BIPHENYLS (PCB)	
Summation of the congeners	0.5
PESTICIDES	
Aldicarb and its metabolites*	9
Aldrin and dieldrin*	0.7
Atrazine and its metabolites*	5
Azinphos-methyl*	20
Bendiocarb*	40
Bromoxynil*	5
Carbaryl*	90
Carbofuran*	90
Chlorpyrifos*	90
Cyanazine*	10
Diazinon*	20
Dicamba*	120
2,4-dichlorophenoxyacetic acid (2,4-D)*	100
Diclofop-methyl*	9
Dimethoate*	20

Contaminants	Limit values µg/L
Dinoseb*	10
Diquat*	70
Diuron*	150
Glyphosate*	280
Malathion*	190
Methoxychlor*	900
Metolachlor*	50
Metribuzin*	80
Paraquat (in dichlorides)*	10
Parathion*	50
Phorate*	2
Picloram*	190
Simazine*	10
Terbufos*	1
Trifluralin*	45
OTHER ORGANIC SUBSTANCES	
Nitritotriacetic acid (NTA)*	400
Formaldehyde	900
Total trihalomethanes * (chloroform, bromodichloromethane, chlorodibromomethane and bromoform)	80

5640

Gouvernement du Québec

O.C. 219-2003, 26 February 2003

An Act respecting childcare centres and childcare services
(R.S.Q., c. C-8.2)

Reduced contributions
— **Amendments**

Regulation to amend the Regulation respecting reduced contributions

WHEREAS paragraphs 10.2, 21 and 24 of section 73 of the Act respecting childcare centres and childcare service (R.S.Q., c. C-8.2) authorize the Government to make regulations, for all or part of the territory of Québec, on the matters set forth therein;

WHEREAS the Government made the Regulation respecting reduced contributions by Order in Council 1071-97 dated 20 August 1997;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting reduced contributions was published in Part 2 of the *Gazette officielle du Québec* of 11 December 2002, with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS that 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting reduced contributions, attached hereto, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

* Those substances correspond to the substances taken into account for the purposes of the Regulation respecting the quality of drinking water made by Order in Council 647-2001 dated 30 May 2001 (2001, *G.O.* 2, 2641), amended by the regulation made by Order in Council 301-2002 dated 20 March 2002 (2002, *G.O.* 2, 1669).

Regulation to amend the Regulation respecting reduced contributions*

An Act respecting childcare centres and childcare services
(R.S.Q., c. C-8.2, s. 73, pars. 10.2, 21 and 24)

1. Section 5 of the Regulation respecting reduced contributions is amended

(1) by substituting the following for paragraphs 2 and 3:

“(2) the parent is a permanent resident within the meaning of the Immigration and Refugee Protection Act (S.C. 2001, c. 27);

(3) the parent’s stay in Québec is intended primarily for work purposes, and the parent holds a work permit issued under the Immigration and Refugee Protection Act or is exempted from holding such a permit under that Act;”;

(2) by substituting the following for paragraphs 5 and 6:

“(5) the parent is a person recognized in Canada by a court of competent jurisdiction as a refugee or protected person within the meaning of the Immigration and Refugee Protection Act and holds a selection certificate issued under section 3.1 of the Act respecting immigration to Québec;

(6) the parent is a person who has been granted protection by the Minister under the Immigration and Refugee Protection Act and holds the selection certificate referred to in paragraph 5;

(7) the parent is a person who holds a temporary resident permit issued under section 24 of the Immigration and Refugee Protection Act in view of the granting of permanent residence and holds the selection certificate referred to in paragraph 5; or

(8) the parent is a person who is authorized to file in Canada an application for permanent residence under the Immigration and Refugee Protection Act and the Immigration and Refugee Protection Regulations and holds the selection certificate referred to in paragraph 5.”.

2. Section 6 is amended by substituting the following for subparagraph 2 of the first paragraph:

“(2) two snacks for a child receiving childcare during the hours scheduled for snacks;

(2.1) a noon meal or an evening meal for a child receiving childcare during the hours scheduled for those meals, or breakfast in any other case; and”.

3. Section 13 is amended by substituting the following for the first paragraph:

“**13.** A foreign national referred to in paragraphs 2 to 8 of section 5 must, in addition, depending on the category to which he or she belongs, provide

(1) a copy of the landing card, the permanent resident card or the confirmation of permanent residence issued by the Canadian immigration authorities;

(2) a copy of the work permit issued by the Canadian immigration authorities stating the name of the workplace and employer’s name or, if the foreign national is exempted from holding such a permit, a copy of the document attesting to the foreign national’s right to legally be in Canada;

(3) a copy of a letter issued by the Minister of Education attesting that the foreign national is receiving a scholarship referred to in paragraph 4 of section 5, and a copy of the certificate of acceptance issued pursuant to section 3.2 of the Act respecting immigration to Québec;

(4) a copy of the letter issued by the competent authority of Canada establishing that the person is a refugee or a protected person within the meaning of the Immigration and Refugee Protection Act, and a copy of the selection certificate issued pursuant to section 3.1 of the Act respecting immigration to Québec;

(5) a copy of the temporary resident permit whose coding establishes that it was issued in view of the granting of permanent residence and a copy of the selection certificate referred to in paragraph 4; or

(6) a copy of the letter issued by the Canadian immigration authorities establishing that the person may apply in Canada for permanent residence and a copy of the selection certificate referred to in paragraph 4.”.

* The Regulation respecting reduced contributions, made by Order in Council 1071-97 dated 20 August 1997 (1997, G.O. 2, 4392), was last amended by Order in Council 826-99 dated 7 July 1999 (1999, G.O. 2, 2065). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

4. The following is substituted for section 24:

“**24.** If the parent is granted the reduced contribution or, if applicable, the exemption from payment, the childcare provider must, in addition, indicate on the attendance card provided for in section 99 of the Regulation respecting childcare centres and in section 49 of the Regulation respecting day care centres, the type of service, among the types established in section 1, received by the child for each day the child is present.”.

5. Section 25 is amended by inserting “, 6.1” after “6”.

6. This Regulation comes into force on 1 April 2003.

5636

Gouvernement du Québec

O.C. 228-2003, 26 February 2003

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

Service of a claim for a liquidated and payable debt and execution by bailiffs and advocates of a small claims judgment claimable from the debtor
— **Tariff of fees**

Tariff of fees for the service of a claim for a liquidated and payable debt and for the execution by bailiffs and advocates of a small claims judgment claimable from the debtor

WHEREAS, under article 993 of the Code of Civil Procedure (R.S.Q., c. C-25), replaced by section 148 of chapter 7 of the Statutes of 2002, the costs of the clerk or the person designated by the Minister of Justice or the fees of the bailiff or advocate paid by the creditor for the execution of the judgment may be claimed from the debtor, within the limits set out in the tariffs prescribed for that purpose; the debt is payable immediately;

WHEREAS paragraph *a* of article 997 of the Code of Civil Procedure (R.S.Q., c. C-25), replaced by section 148 of chapter 7 of the Statutes of 2002, provides that the Government may make a regulation establishing a tariff of bailiff and advocate fees that may be claimed from the debtor;

WHEREAS section 84 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1), amended by section 172 of chapter 7 of the Statutes of 2002, provides that compulsory execution of a decision on an application concerning only a debt referred to in section 73 of the Act is effected in accordance with articles 991 to 994 of the Code of Civil Procedure;

WHEREAS, in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Tariff of fees of bailiffs and advocates for a small claim was published on page 5606 of Part 2 of the *Gazette officielle du Québec* of 23 October 2002 with a notice that it could be made by the Government upon the expiry of 20 days following that publication;

WHEREAS it is expedient to make the Tariff with amendments;

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

THAT the Tariff of fees for the service of a claim for a liquidated and payable debt and for the execution by bailiffs and advocates of a small claims judgment claimable from the debtor, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Tariff of fees for the service of a claim for a liquidated and payable debt and for the execution by bailiffs and advocates of a small claims judgment claimable from the debtor

Code of Civil Procedure
(R.S.Q., c. C-25, a. 997, par. *a*; 2002, c. 7, ss. 148 and 172)

1. In addition to the amounts prescribed pursuant to the regulation made under section 13 of the Court Bailiffs Act (R.S.Q., c. H-4.1), a bailiff is entitled to a fee of \$20.00 for the performance of the duties referred to in article 966 of the Code of Civil Procedure (R.S.Q., c. C-25), replaced by section 148 of chapter 7 of the Statutes of 2002.

2. Bailiff and advocate fees paid by the creditor for the execution of a judgment rendered pursuant to the provisions of Book VIII of the Code or a decision of the Régie du logement relating to a claim solely for the recovery of a debt referred to in section 73 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1), may be claimed from the debtor under article 993 of the Code of Civil Procedure, replaced by section 148 of chapter 7 of the Statutes of 2002, for an amount corresponding to 25% of the amount of the judgment to be executed, up to a maximum of \$100.00.

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

5637

Gouvernement du Québec

O.C. 233-2003, 26 February 2003

Professional Code
(R.S.Q., c. C-26; 2002, c. 33)

Pre-hospital emergency services — Professional activities that may be engaged in

Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), amended by section 5 of chapter 33 of the Statutes of 2002, the Bureau of a professional order may, by regulation, determine among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS the Bureau of the Collège des médecins du Québec adopted the Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services;

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

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 27 November 2002, with a notice that it would be submitted to the Government, which could approve it, with or without amendment, upon the expiry of 45 days following that publication, and inviting any person having comments to make to send them, before the expiry of that 45-day period, to the Chair of the Office des professions du Québec;

WHEREAS the Chair of the Office des professions du Québec received comments following the publication of the Regulation;

WHEREAS the Office examined the Regulation and has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services, the text of which is attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services

Professional Code
(R.S.Q., c. C-26, s. 94, par. *h*; 2002, c. 33, s. 5)

DIVISION I GENERAL PROVISIONS

1. The purpose of this Regulation is to determine, from among the professional activities that physicians may engage in, the professional activities that may be engaged in by a first responder, an ambulance technician and an ambulance technician trained in advanced pre-hospital services within the framework of pre-hospital emergency services in accordance with the terms and conditions determined in the Regulation.

2. In this Regulation,

(1) “first responder” means a person whose name is on the list of first responders drawn up by a regional health and social services board within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or by Corporation d’urgences-santé ;

(2) “ambulance technician” means

(a) a person who holds an attestation of college studies in ambulance technician training to whom a valid identity card and a compliance certificate have been issued by a regional board or by Corporation d’urgences-santé ;

(b) a person to whom a valid identity card and a compliance certificate is issued by a regional board or by Corporation d’urgences-santé between 1 April 2000 and 1 April 2003 ;

(3) “ambulance technician trained in advanced pre-hospital services” means an ambulance technician who acts on behalf of Corporation d’urgences-santé and who, on 1 April 2002, had successfully completed the specific training recognized by Corporation d’urgences-santé and approved by the Collège des médecins du Québec ;

(4) “collective medical prescription” means a prescription that is given to a person by a physician, outside a centre operated by an institution within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), which covers, in particular, the medications, treatments, examinations and care to be dispensed to the categories of patients determined in the prescription, the circumstances in which they may be dispensed and any possible contraindications, and that is given according to the protocol to which it refers ; and

(5) “protocol” means the description of the procedures, methods or restrictions that must be observed.

3. For a professional activity provided for in this Regulation to be engaged in elsewhere than in a centre operated by an institution, the physician having written the collective medical prescription or the physician acting as national medical director of pre-hospital emergency services must first submit a draft protocol for the activity to the Collège des médecins du Québec for approval.

4. The professional activities referred to in this Regulation shall only be engaged in within the scope of a collective medical prescription.

DIVISION II
PROFESSIONAL ACTIVITIES THAT MAY BE
ENGAGED IN BY FIRST RESPONDERS

5. A first responder may

(1) use the semi-automatic defibrillator for cardiopulmonary resuscitation ; and

(2) administer adrenalin in the case of an acute anaphylactic reaction.

A first responder must, however, use an auto-injection device to engage in the activity referred to in subparagraph 2.

DIVISION III
PROFESSIONAL ACTIVITIES THAT MAY BE
ENGAGED IN BY AMBULANCE TECHNICIANS

6. In addition to the activities referred to in the first paragraph of section 5, an ambulance technician may

(1) insert a Combitube into an adult person experiencing cardiopulmonary arrest or who has an impaired state of consciousness with a respiratory rate of fewer than 8 breaths per minute ; and

(2) administer sublingually, orally, intranasally, subcutaneously or intramuscularly or by inhalation the necessary medications to a person with a health problem requiring an emergency intervention.

DIVISION IV
PROFESSIONAL ACTIVITIES THAT MAY BE
ENGAGED IN BY AMBULANCE TECHNICIANS
TRAINED IN ADVANCED PRE-HOSPITAL
SERVICES

7. In addition to the activities referred to in the first paragraph of section 5 and in section 6, an ambulance technician trained in advanced pre-hospital services may, in the presence of a physician attending the patient,

(1) perform endotracheal intubation on an adult person suffering from cardiopulmonary arrest or who has an impaired state of consciousness with a respiratory rate of fewer than 8 breaths per minute ;

(2) administer intravenously or endotracheally the necessary medications to an adult person with acute arrhythmia ;

(3) administer glucose intravenously to a person identified as diabetic whose state of consciousness is impaired due to hypoglycaemia ; and

(4) perform direct laryngoscopy on any person over one year of age whose airway is obstructed by a foreign body, to remove that foreign body.

8. From 1 October 2003 and after a notice has been filed by the Collège des médecins du Québec with Corporation d'urgences-santé attesting that, on the basis of the data gathered that pertain to the application of section 7, the presence of a physician attending the patient is no longer required for the protection of the public, the ambulance technician trained in advanced pre-hospital services may continue engaging in the activities described in that section, so long as he or she has access to medical support.

The notice of the Collège and the effective date after which the presence of a physician attending the patient is no longer required must also be communicated to the Office des professions du Québec, to the national medical director of pre-hospital emergency services and to the hospital centres in the regions of Montréal and Laval.

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

5638

Gouvernement du Québec

O.C. 234-2003, 26 February 2003

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

Chartered administrators — Code of ethics

Code of ethics of chartered administrators

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des administrateurs agréés du Québec must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession;

WHEREAS the Bureau of the Ordre des administrateurs agréés du Québec has adopted the Code of ethics of chartered administrators to replace the Code of ethics of chartered administrators (R.R.Q., 1981, c. C-26, r.10) and the Regulation respecting advertising by chartered administrators (R.R.Q., 1981, c. C-26, r.17);

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before its adoption by the Bureau;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 23 September 1998 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following this publication;

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

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Code of ethics of chartered administrators, the text of which appears below, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Code of ethics of chartered administrators

Professional Code
(R.S.Q., c. C-26, s. 87)

CHAPTER I GENERAL

1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties that must be discharged by all members of the Ordre des administrateurs agréés du Québec, particularly in the performance of a professional service contract entrusted by a client.

More specifically, it determines acts that are derogatory to the dignity of the profession, provisions intended to preserve the secrecy of confidential information that becomes known by a member of the Order in the practice of the profession, terms and conditions governing the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code, as well as conditions, obligations and prohibitions respecting advertising by members of the Order.

2. Chartered administrators shall see that their employees or mandataries know the provisions of this Code, the Professional Code and the regulations made under the latter Code and ensure that they comply with them.

CHAPTER II

DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

3. Chartered administrators shall not utter words, publish writings or commit acts which are contrary to law, nor may they advise, recommend or induce anyone to do so.

4. Chartered administrators shall support every measure likely to improve the quality and availability of professional services in the field in which they practise.

5. In the practice of the profession, chartered administrators must bear in mind all the foreseeable consequences which their research, work or interventions may have on society.

6. Chartered administrators shall promote measures of education and information in the field in which they practise. They shall also, as far as possible, perform the necessary acts to ensure such education and information.

CHAPTER III

DUTIES AND OBLIGATIONS TOWARDS CLIENTS

DIVISION I

GENERAL

7. Before accepting to act or to intervene for a client, chartered administrators shall bear in mind the extent of their proficiency, knowledge, professional experience, as well as the means available. Chartered administrators shall not, in particular, undertake work for which they are not sufficiently prepared without obtaining the necessary assistance and without informing their client.

8. Chartered administrators shall at all times respect the client's right to consult another chartered administrator, a member of another professional order or any other competent person with whom they must, where necessary, work in close cooperation.

Chartered administrators shall inform the client as soon as they realize that it would be in the client's interest to seek the services of another professional regarding an important aspect of the case.

Chartered administrators may not act or intervene if another professional or another competent person, such as another chartered administrator, is already involved in the case, unless they inform both that person and the client.

9. In addition to the provisions of section 54 of the Professional Code, chartered administrators shall not practise under conditions or in states likely to impair the quality of their services and the dignity of the profession.

10. Chartered administrators shall not interfere in the personal affairs of their clients in matters that do not fall within their competence.

11. Chartered administrators shall, in the practice of their profession, identify themselves in relation to the client as chartered administrators. They shall, in particular, sign and make known their capacity as chartered administrators on any report or document produced in the practice of their profession.

DIVISION II

INTEGRITY AND OBJECTIVITY

12. Chartered administrators shall discharge professional duties with integrity and act in the best interest of the client.

13. Chartered administrators shall avoid any misrepresentation with respect to their level of competence or the efficiency of their own services and of those generally provided by the members of the profession.

If the interest of the client so requires, the chartered administrator shall, with the latter's authorization, consult a colleague, a member of another professional corporation or another competent person, or send the client to one of those persons.

14. Chartered administrators shall inform the client as soon as possible of the cost, the extent and the terms and conditions of their intervention. The chartered administrator shall obtain the client's consent and ensure that the client understands the objectives and extent of the services involved and the billing method used.

15. Chartered administrators shall set out in a complete and objective manner to the client the nature and scope of the problem as they see it on the basis of all the facts brought to their attention.

16. Chartered administrators who consider that the client's interest requires a change in the original mandate shall so notify the client no matter the possible consequences on the duration of the mandate and obtain the client's consent before giving an opinion or advice.

17. Chartered administrators shall refrain from expressing opinions or giving advice that is contradictory or incomplete. To that end, they must endeavour to gain full knowledge of the facts before expressing an opinion or giving advice.

18. In the performance of their duties, chartered administrators shall maintain their independence of mind in relation to their client and ensure that their interventions, opinions and advice are based on an objective analysis of the facts.

19. Chartered administrators shall inform the client as soon as possible of any event likely to have, or that has had, a significant impact on their professional services.

20. Chartered administrators shall take reasonable care of the property entrusted to them by clients and they may not lend or use it for purposes other than those for which it was entrusted to them. Upon request by a client, they shall return the property to the client without delay or give it to the person designated by the client.

21. Chartered administrators shall submit to the client any offer received for the client in the practice of the profession.

22. Chartered administrators may not use any subterfuge, trick, pretension, declaration or other misleading means intended to induce a person to require their professional services, whether or not that person has required their services.

23. Chartered administrators may not use or provide third parties with procedures, techniques, information, data, documents or other property that are not their own without the express authorization of the owner, administrator or other authorized representative or authorized holder.

24. Chartered administrators may not withhold money, securities, documents or property belonging to a client or another person, unless authorized by law to do so or with the client's written permission.

DIVISION III AVAILABILITY AND DILIGENCE

25. In the practice of the profession, chartered administrators shall display reasonable availability and diligence.

26. In addition to opinions and advice, chartered administrators shall provide the client with any explanation necessary to the understanding and application of the services rendered to the client.

27. Chartered administrators shall render an account to the client when so requested by the latter and display reasonable diligence and availability in that respect.

28. Chartered administrators shall display objectivity and impartiality when persons other than clients ask them for information.

29. Unless they have a compelling reason for doing so, chartered administrators may not cease or refuse to act for the account of a client.

The following shall, in particular, constitute compelling reasons :

(1) loss of trust between the chartered administrator and the client ;

(2) lack of cooperation on the client's part ;

(3) the fact that the chartered administrator is in a real or apparent situation of conflict of interest or in a situation such that their professional independence could be questioned ;

(4) the fact of being incited by the client to perform illegal, unfair or fraudulent acts ;

(5) refusal by the client to pay expenses or fees due to the chartered administrator ; and

(6) the fact that the foreseeable consequences of the work, interventions or research are such as to go against or be detrimental to society.

30. Before ceasing to exercise their functions for the account of a client, chartered administrators shall so inform the client within a time that is reasonable in the circumstances and ensure that no prejudice is caused to the client as a result.

DIVISION IV LIABILITY

31. Chartered administrators may not, in the practice of the profession, elude or attempt to elude their liability.

32. Chartered administrators may not in any way claim or make believe that the benefits that may result from their services are guaranteed.

DIVISION V INDEPENDENCE AND IMPARTIALITY

33. Chartered administrators shall subordinate their personal interest to those of their clients.

34. Chartered administrators shall ignore any intervention by a third party which could influence the performance of their professional duties to the detriment of the client.

35. Chartered administrators may not act under such conditions that their objectivity, professional independence or integrity could be questioned. They shall at all times avoid any situation likely to place them in a conflict of interest.

In particular, without limiting the generality of the foregoing, chartered administrators are in a conflict of interest

(1) when in such a situation that they might tend to favour certain interests over those of their client or where their judgment and loyalty towards the latter might be unfavourably affected; or

(2) when in such a situation that they could derive from it a direct or indirect, real or possible, personal benefit, in addition to the remuneration agreed upon.

36. As soon as they ascertain that they are likely to be in a situation of conflict of interest, chartered administrators shall notify the client thereof and, as soon as possible, rectify the situation by asking the client's authorization before pursuing their intervention or their contract for professional services. Failing such authorization, they shall terminate the intervention or contract.

37. Generally speaking, chartered administrators may act only for their client in a single case. If their professional duties require a different course of action, they shall inform their client and the third party, specify the nature of their responsibilities as chartered administrators and keep them informed that they will cease to act if the situation becomes irreconcilable or incompatible with the provisions of this Code, the Professional Code or the regulations made under the latter Code.

38. Chartered administrators may share their fees with another person only to the extent that such sharing corresponds to a distribution of services, responsibility, tasks, assignments or subcontracts entrusted to that person, provided that such sharing is not prohibited by law and that the client has been informed of it.

39. Chartered administrators shall not receive, pay, offer to pay or undertake to pay a benefit, rebate or commission if the benefit, rebate or commission is charged to the client in addition to the remuneration agreed upon.

40. For a given service, chartered administrators must accept fees from one source only, unless explicitly agreed upon otherwise among all the parties concerned. Chartered administrators shall accept the payment of their fees only from the client or the client's representative, unless the client gives different instructions.

DIVISION VI STANDARDS OF PROFESSIONAL PRACTICE

41. Chartered administrators shall act in accordance with accepted professional standards and generally recognized administration and management principles.

In addition, when acting as certified management advisors (CMC), they shall act in accordance with the rules and principles established in the various aspects of that practice and know and apply the advisory process, which includes the contact with the client, the exploratory assessment, the service offer, the wording of the contract, the organization of the intervention, the state of the situation, the preparation of recommendations, assistance to implementing them, the assessment of the intervention and the closing of the intervention.

DIVISION VII PROFESSIONAL SECRECY

42. Chartered administrators must respect the secrecy of confidential information obtained in the practice of the profession.

43. Chartered administrators shall avoid any indiscreet conversation about a client or the services rendered to a client.

44. Chartered administrators shall not disclose personal or nominative information concerning their clients without their written authorization and they shall take reasonable measures to avoid such information being disclosed by their partners or employees.

45. Chartered administrators shall not use confidential information to the detriment of the client in order to obtain directly or indirectly a benefit for themselves or for third persons.

46. Chartered administrators may be released from professional secrecy only upon the written authorization of the client or when so ordered by law.

DIVISION VIII **ACCESSIBILITY OF RECORDS**

47. Chartered administrators may require that a request or right referred to in section 48, 51 or 55 be made or exercised at their professional domicile during regular business hours.

§1. Terms and conditions governing the exercise of the right of access provided for in section 60.5 of the Professional Code

48. In addition to the special rules prescribed by law, chartered administrators shall, within 30 days following receipt, follow up on any request made by a client with a view to examining documents concerning the client in any record established in the client's respect or to obtaining a copy thereof.

49. Access to the information in a record shall be free of charge. However, chartered administrators may require reasonable charges from a client who makes a request referred to in section 48 so long as the charges do not exceed the cost for reproducing or transcribing the documents or the cost for transmitting a copy of them.

A chartered administrator who requires such charges shall inform the client of the approximate amount payable before proceeding with the transcription, reproduction or transmission of the documents or copies requested.

50. Chartered administrators who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuse to give a client access to the information contained in a record established in the client's respect shall inform the client in writing of the reasons for refusal. The notice shall describe the nature of any serious harm that is likely to be caused to the client or a third person.

§2. Terms and conditions governing the exercise of the right of correction provided for in section 60.6 of the Professional Code

51. In addition to the special rules prescribed by law, chartered administrators shall, within 30 days following receipt, follow up on any request made by a client with a view to

(1) causing to be corrected, in a document concerning the client and contained in any record established in the client's respect, information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected;

(2) causing to be deleted any information that is outdated or not justified by the object of the record established in the client's respect; or

(3) filing in the record established in the client's respect comments that the client has prepared in writing.

52. Chartered administrators who grant a request referred to in section 56 shall issue to the client, free of charge, a copy of the document or part thereof where information has been corrected or deleted or, as the case may be, a certificate attesting that the written comments prepared by the client have been filed in the record.

53. Upon written request by a client, chartered administrators shall, free of charge, send a copy of the corrected information or a certificate attesting that information has been deleted or, as the case may be, that written comments have been filed in the record to any person from whom the chartered administrator received the information involved, as well as to any person to whom the information has been transmitted.

54. Chartered administrators who hold information that is the subject of a request for access or correction shall, if they deny the request, keep the information for the time needed by the person involved to exhaust all legal recourses.

§3. Obligations for chartered administrators to release documents

55. Chartered administrators shall promptly follow up on any written request by a client who wishes to recover a document that the client had entrusted to the chartered administrator.

The chartered administrator shall mention in the client's record, the reasons, if any, supporting the client's request.

DIVISION IX **DETERMINATION AND PAYMENT OF FEES**

56. Chartered administrators shall charge and accept fair and reasonable fees.

57. Chartered administrators shall charge fees that are warranted by the circumstances and that correspond to the services rendered. In determining their fees, chartered administrators must in particular take the following factors into account:

- (1) the time devoted to the professional service;
- (2) the complexity and importance of the service;
- (3) the carrying out of unusual services or services requiring exceptional competence or celerity;
- (4) their experience;
- (5) the result obtained in a matter involving particular difficulties having an uncertain outcome; and
- (6) the scope of the responsibility assumed.

58. Chartered administrators shall ensure that the client is informed in advance of the approximate cost of the services, of the remuneration and payment methods and of the scope of the work.

59. Chartered administrators shall provide the client with all the explanations necessary to the understanding and justification of their statement of fees and the method of payment.

60. Chartered administrators may collect interest on outstanding accounts only after notifying the client. The interest thus charged must be at a reasonable rate.

61. Before having recourse to legal proceedings, chartered administrators must have exhausted all the other means available for obtaining payment of their fees.

62. Chartered administrators shall refrain from taking their fees out of the funds they hold for a client, unless the client consents expressly thereto in writing and has received a statement of fees beforehand.

63. Chartered administrators who entrust the collection of their fees to another person must ensure that that person will act with tact and moderation.

CHAPTER IV DUTIES TOWARDS THE PROFESSION

DIVISION I RELATIONS WITH THE ORDER AND COLLEAGUES

64. Chartered administrators shall at all times act in such a way as not to discredit the profession, the Order or their colleagues.

65. Chartered administrators shall not make false representations with regard to their competence, abilities, rights or powers.

66. Upon request by the Bureau, chartered administrators shall, to the extent of their capacities, participate in a council for the arbitration of accounts, a committee on discipline, a professional inspection committee, a committee on a sector of professional activity, a regional committee or any other committee. Chartered administrators may request an exemption for good reasons.

67. Chartered administrators shall promptly answer all requests and correspondence addressed to them by the syndic, the assistant syndic, an inspector, an investigator or a member of the professional inspection committee.

68. Chartered administrators shall not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards a colleague. The chartered administrator shall not, in particular, take credit for work done by a colleague.

69. With the client's authorization, a chartered administrator consulted by a colleague or another professional about a record on the client shall cooperate and provide the colleague or professional with the relevant information in the most complete way possible.

70. Chartered administrators shall refrain from making remarks that undermine the credit, integrity and reputation of a colleague.

DIVISION II CONTRIBUTION TO THE ADVANCEMENT OF THE PROFESSION

71. Chartered administrators shall, to the extent of their capacities, contribute to the development of the profession through the exchange of their knowledge and experience with their colleagues and by their participation in tutorship or professional development activities that require their cooperation.

72. Chartered administrators shall seek to improve their knowledge in the fields related to their professional activity by taking part in seminars, courses, symposiums or other similar sessions and by professional readings.

DIVISION III DEROGATORY ACTS

73. In addition to the acts referred to in the Professional Code or that may be determined pursuant to subparagraph 1 of the second paragraph of section 152 of that Code, the following acts are derogatory to the dignity of the profession of chartered administrator:

(1) inducing someone insistently or in a pressing, unreasonable, undue or repeated manner to have recourse to the chartered administrator's professional services ;

(2) communicating with the plaintiff without the prior written permission of the syndic or assistant syndic once informed of an investigation into the chartered administrator's professional conduct or a complaint has been served on the chartered administrator ;

(3) continuing to act on behalf of a client where once aware that the client is acting fraudulently ;

(4) advising or encouraging someone to commit an illegal, fraudulent or reprehensible act ;

(5) not informing the syndic or assistant syndic within a reasonable time after personally becoming aware of a derogatory act committed by another chartered administrator ;

(6) refusing or neglecting to fulfill the requirements of the syndic or assistant syndic ;

(7) charging fees to a client for interviews, communications or correspondence with the syndic or assistant syndic following requests made by them for information or explanations about a matter concerning the chartered administrator ;

(8) charging fees for professional acts that were not performed or providing a receipt or another document that falsely indicates that services have been rendered ;

(9) not informing the client as soon as the chartered administrator realizes there is a possible conflict of interest ;

(10) not informing the client when the chartered administrator is no longer capable of performing the work or intervention accepted or entrusted ; and

(11) continuing to act in violation of a provision of this Code, the Professional Code, a regulation made under the latter Code or a resolution of the Bureau.

CHAPTER V CONDITIONS, OBLIGATIONS AND PROHIBITIONS RESPECTING ADVERTISING

DIVISION I GENERAL

74. Chartered administrators may not, by any means whatsoever, engage in or allow the use of advertising that is false, deceptive, incomplete or liable to be misleading.

75. Chartered administrators may not claim to possess specific qualities or skills, in particular with regard to their level of competence or the scope or efficacy of their services, unless they can substantiate such claim.

76. Chartered administrators may not use advertising practices likely to denigrate or discredit a colleague.

77. Chartered administrators who advertise prices, rates, fees, commissions or other remuneration methods shall avoid giving the advertisement a profit-seeking or unreasonably commercial character. In particular, chartered administrators shall

(1) establish fixed prices, rates, fees, commissions or other remuneration methods ;

(2) specify the nature and extent of services included in the prices, tariffs, fees, commissions or other remuneration methods ;

(3) indicate whether expenses are included in the prices, tariffs, fees, commissions or other remuneration methods ;

(4) indicate whether additional services might be required for which an additional sum could be charged.

The particulars and indications shall be such as to reasonably inform a person so that an enlightened choice may be made among the professional services offered and the related remuneration.

78. The prices, tariffs, fees, commissions or other remuneration methods announced in such advertisement shall remain in force for at least 90 days following the last broadcast or publication.

79. Chartered administrators shall keep a complete copy of any advertisement in its original form for five years following the date of the last broadcast or publication. Upon request, that copy shall be handed over to the syndic or assistant syndic.

80. Chartered administrators may not, in their advertising, use or allow the use of an endorsement or statement of gratitude concerning them, except distinctions, awards for excellence and other prizes given by the Order or a body recognized by the Bureau, or underlining a contribution or an achievement the honour of which is shared by all the profession.

DIVISION II GRAPHIC SYMBOL OF THE ORDER

81. The Ordre des administrateurs agréés du Québec is represented by a graphic symbol complying with the original held by the secretary of the Order.

82. Chartered administrators who reproduce or allow the reproduction of the graphic symbol of the Order for advertising purposes shall ensure that the symbol conforms to the original held by the secretary of the Order.

83. Chartered administrators who use the graphic symbol of the Order in advertising placed in printed or televised media shall include the following notice in the advertisement:

“This advertisement is not an advertisement of the Ordre des administrateurs agréés du Québec and does not commit its liability.”.

DIVISION III PARTNERSHIPS OF CHARTERED ADMINISTRATORS

84. The name, as well as an appellation, designation or qualification of a partnership of chartered administrators may not include the designation “chartered administrators” or the initials “Adm. A”, “C. Adm.” or “C.M.C.” unless all partners are members of the Order. The addition of the words “and associates” or another similar designation may not be used unless the number of partners in the partnership is greater than the number of names appearing in the partnership’s name.

85. The name of a chartered administrator who leaves a partnership shall be withdrawn from the name of that partnership within one year of the chartered administrator’s departure, unless a notice that the name will be kept is given to the secretary of the Order within the same time.

However, the notice may not provide for a time period longer than one year.

86. This Code replaces the Code of ethics of chartered administrators (R.R.Q., 1981, c. C-26, r.10) and the Regulation respecting advertising by chartered administrators (R.R.Q., 1981, c. C-26, r.17).

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

5639

Gouvernement du Québec

O.C. 236-2003, 26 February 2003

An Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2)

Management Delegation Program for Lands in the Domain in the State in Regional Parks

WHEREAS, in accordance with article 688 of the Municipal Code of Québec (R.S.Q., c. C-27.1), amended by section 102 of chapter 37 and section 19 of chapter 68 of the Statutes of 2002, the regional county municipalities (RCM) may determine by by-law the location of a regional park on their territory;

WHEREAS, under that same article, for lands in the domain of the State, such a by-law has no effect as to third parties so long as the RCM has not entered into an agreement with the party that has authority over the land allowing the RCM to operate the park;

WHEREAS, under section 17.13 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2), the Minister may, with the approval of the Government, prepare programs for the development of lands in the domain of the State that are under the Minister’s authority or the forest resources in the domain of the State to encourage regional development or implement any other government policy;

WHEREAS, under the third paragraph of section 17.14 of that Act, the Minister may, for the purpose of the programs, entrust the management of such lands in the domain of the State to a legal person which may then exercise the powers and responsibilities determined by the Minister according to the program;

WHEREAS, under the fourth paragraph of section 17.14, the Minister may, to the extent required to implement a program and according to the terms and conditions set out in the program, determine which powers under section 71 of the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) may be exercised by a municipality under by-laws;

WHEREAS, under articles 14.11 to 14.12.2 of the Municipal Code of Québec, every municipality may participate in a program prepared by the Minister of Natural Resources and the municipality has the necessary powers to meet the commitments and assume the responsibilities arising from the program with regards to any designated land in the domain of the State;

WHEREAS it is expedient to approve the Program that authorizes the Minister of Natural Resources to delegate to RCMs the management for lands in the domain of the State in regional parks;

WHEREAS it is expedient to entrust the administration of the program to the Minister of Natural Resources;

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

THAT the Management Delegation Program for Lands in the Domain of the State in Regional Parks, attached to this Order in Council, be approved;

THAT the administration of the program be entrusted to the Minister of Natural Resources.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

MANAGEMENT DELEGATION PROGRAM FOR LANDS IN THE DOMAIN OF THE STATE IN REGIONAL PARKS

1. OBJECTS OF THE PROGRAM

To facilitate the development of lands in the domain of the State situated in regional parks through management by the RCMs.

To authorize the Minister to delegate to the RCMs the management of land rights in the domain of the State within the main recreational zone and in localized sites in the extensive recreational zone of a regional park.

To encourage regional development through management by the RCMs of land management revenues from lands in the domain of the State that were delegated in connection with a regional park.

2. DEFINITIONS

For the purposes of this Program, unless the context indicates a different meaning,

(a) “management delegation agreement” means an instrument whereby the Minister of Natural Resources entrusts, subject to certain conditions, management powers and responsibilities over part of the lands in the domain of the State to an RCM;

(b) “general agreement” means an instrument between an RCM and government departments or bodies whereby the parties undertake to fulfil the obligations set out in the agreement in establishing and operating a regional park;

(c) “Minister” means the Minister of Natural Resources;

(d) “RCM” means a regional county municipality;

(e) “regional park” means an area set aside by an RCM for a park pursuant to article 688 of the Municipal Code of Québec (R.S.Q., c. C-27.1), amended by section 102 of chapter 37 and section 19 of chapter 68 of the Statutes of 2002;

(f) “development and management plan” means a planning document for the entire territory of a regional park determining the land uses and setting forth the tourism and recreational development policies and objectives, including mention of the provisions of paragraphs 1, 2 and 3 of article 688.2 of the Municipal Code of Québec, the main and extensive recreational zones and the local tourism and recreational sites;

(g) “Program” means this Program, established under Division II.2 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2);

(h) “local tourism and recreational site” means a limited area, located in the extensive recreational zone and identified on the development and management plan of a regional park, characterized by a specific planned tourism and recreational layout, infrastructure or activity; where the site is located on lands in the domain of the State, a land right may be issued in respect of the site under the Act respecting lands in the domain of the State (R.S.Q., c. T-8.1), amended by section 52 of chapter 68 of the Statutes of 2002 and its regulations, or under a management delegation under this Program;

(i) “extensive recreational zone” means a portion of the territory of a regional park identified on the park’s development and management plan, characterized by planned extensive tourism and recreational activities;

(j) “main recreational zone” means a portion of the territory of a regional park identified on the park’s development and management plan, characterized by planned main tourism and recreational layouts, infrastructures and activities.

3. ELIGIBILITY CONDITIONS

To be eligible under the Program, an RCM must

(1) have signed a general agreement for the operation a regional park with the government departments and bodies concerned;

(2) have passed a resolution stating it has become a party to the management delegation agreement for lands in the domain of the State in the regional park and accepts all the terms, undertakings, obligations and conditions set out in the agreement; and

(3) have created, by by-law, a fund for the development of lands in the domain of the State situated in the regional park under articles 688.7 to 688.9 of the Municipal Code of Québec.

4. APPLICATION

This Program applies to the lands in the domain of the State identified in the general agreement as a regional park that are under the authority of the Minister and in respect of which the powers and responsibilities delegated by the Minister may be exercised.

The Program does not apply to

(1) waters corresponding to the bed of lakes and watercourses up to the normal high-water mark, including hydraulic forces;

(2) lands in the domain of the State that have been submerged as a result of the construction and maintenance of a dam or any works related to the dam and necessary for its operation;

(3) any right-of-way of a road or highway under the management of the Minister of Transport, including but not limited to its infrastructures and all works necessary or incidental to their layout and management; and

(4) any other land identified by the Minister; or

(5) the habitats of threatened or vulnerable species of flora that have been designated or are to be designated, under the authority of the Minister of the Environment, and that are situated in the territory of a regional park.

Where land is required for purposes of public utility or public interest or for any other purpose pursuant to an Order in Council, the Minister may, subject to the sending of a notice, withdraw the land from the application of the Program.

5. LAND MANAGEMENT DELEGATION

For the purposes of the Program, the Minister may enter into a management delegation agreement to delegate to an RCM the management of lands in the domain of the State situated in the main recreational zone and in local sites in the extensive recreational zone of a regional park that must be identified in a schedule to the management delegation agreement.

On that land, the RCM may exercise the powers and responsibilities under the Act respecting lands in the domain of the State and its regulations, and in so doing may

(1) manage land rights already issued. For that purpose, the RCM must manage and respect rights granted until they expire, renew rights and revoke them if the holder fails to comply with the obligations;

(2) grant and manage new land rights in accordance with the development and management plan of the regional park, renew and monitor the rights, modify them with the consent of the parties involved and revoke them if the holder fails to comply with the obligations;

(3) manage buildings, improvements and movable property situated on the lands under the delegation and, as required, dispose of them in accordance with the applicable regulatory provisions, except those used in forest management;

(4) sell lands, grant rights by emphyteutic contract and transfer land by gratuitous title for public utility in accordance with the applicable regulatory provisions. To be able to grant those rights, however, the RCM must first obtain the consent of the Minister who shall favour the maintenance of the integrity of public lands and rights already granted;

(5) grant servitudes and any other right in accordance with the development and management plan of the regional park;

(6) grant temporary occupation licences and visitor's licences;

(7) collect and withhold all land revenues from the management of lands under the delegation, including fees payable under the Act respecting lands in the domain of the State and its regulations;

(8) correct any deed of alienation granted by the RCM and waive or amend, in accordance with sections 35.1 and 40 the Act respecting lands in the domain of the State, any restrictive clause in a deed of alienation granted by the RCM or amend the purposes stipulated in the deed;

(9) authorize the construction of roads other than forest and mining roads, in accordance with section 55 of the Act respecting lands in the domain of the State;

(10) control the use and occupation of the territory by dealing with unlawful occupations and uses, including but not limited to illicit dumps and illegal barriers, under the Act respecting lands in the domain of the State, in accordance with formal rules and terms that respect the principle retained by the Government to the effect that no privilege may be granted to a person unlawfully occupying or using land in the domain of the State, and

by dealing with precarious occupation pursuant to the Regulation respecting the regularization of certain kinds of occupation of lands in the domain of the State made under the Act respecting lands in the domain of the State by Order in Council 233-89 dated 22 February 1989, amended by Order in Council 90-2003 dated 29 January 2003;

(11) institute on its own behalf any penal proceeding for an offence committed on the land under a management delegation and provided for in a provision of the Act respecting lands in the domain of the State and its regulations or in any by-law adopted by the RCM;

(12) exercise any recourse and any power assigned to the Minister by sections 60 to 66 of the Act respecting lands in the domain of the State. In the case, however, of a cancellation on the ground of public interest under section 65 of that Act, the RCM must first obtain the Minister's authorization; and

(13) have the boundary between the domain of the State and the private domain determined and sign the related documents as the owner in the case of cadastral operations, boundary marking or a motion for judicial recognition of the right of ownership in lands in the domain of the State under the management delegation. Any land survey must be carried out in accordance with section 17 of the Act respecting lands in the domain of the State.

6. EXCLUSIONS

The powers delegated by the Minister under this Program do not affect the management of forest, mining, water and other resources under the Forest Act (R.S.Q., c. F-4.1), amended by the Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec (2002, c. 25) and by section 52 of chapter 68 of the Statutes of 2002, the Mining Act (R.S.Q., c. M-13.1), the Watercourses Act (R.S.Q., c. R-13), amended by section 52 of chapter 68 of the Statutes of 2002, or any other Act.

A delegation under this Program does not apply to land in respect of which a delegation was made within the framework of another program to delegate management of lands in the domain of the State to regional county municipalities.

The Minister shall continue to exercise the land management powers and responsibilities that have not been delegated and shall undertake to consult the RCM before issuing land rights.

Delegated powers and responsibilities do not authorize an RCM to make a transaction with any department of the federal government, its bodies or other mandataries.

7. GENERAL TERMS AND CONDITIONS

An RCM entrusted by the Minister under this Program with the management of lands in the domain of the State must, for each of the following elements, comply with the terms and conditions attached:

(1) Acts and regulations: subject to the provisions in section 6, the RCM must comply with the Act respecting lands in the domain of the State and its regulations;

(2) Native peoples: respect governmental aims and policies concerning Native affairs and consult the Minister when dealing with a Native file;

(3) land rights granted by the State: respect, until their expiry, rights granted by the State as provided in the title issued, renew the rights unless the holders of the right are in default and ensure that, in the exercise of the powers and responsibilities delegated under the Program, the exercise of a right granted or to be granted by the State is in no way restricted;

(4) land rights related to vacation sites: respect the development objectives for vacation sites set out in the "Guide de développement de la villégiature sur les terres du domaine public" prepared in April 1994 and in the "Plan régional de développement de la villégiature" or in any replacement document;

(5) rules and procedures: adopt operating rules and administrative procedures to ensure that rights to be granted and lands to be alienated in the territory concerned will be granted and alienated in a manner that is fair for all persons concerned and in observance of the specific principles and objectives defined in the management delegation agreement; and

(6) administrative procedures for land rights management: observe the terms and conditions specified by the Minister in the management delegation agreement as regards land rights management, including bookkeeping and the transmission of the information required to update governmental systems and land information registers.

8. ADMINISTRATION AND REVENUES

The RCM shall collect the rent, charges and administration fees payable under the Act respecting lands in the domain of the State and its regulations, beginning on the date on which the management delegation agreement is signed. However, any sum collected by or owing to the Government of Québec on the day on which the management delegation agreement is signed shall remain under its ownership, without adjustment.

Except for the fees payable for registration in the Terrier which must be remitted to the Minister, the RCM must pay into the development fund it has established all revenues from the alienation, management and development of the lands to which the Program applies. The sums paid into the fund must be used for activities and interventions that develop the regional park.

The administration and management of the lands in the domain of the State under a delegation are the responsibility of the RCM, without financial compensation from the Government.

9. EVALUATION AND FOLLOW-UP

The RCM must prepare and submit to the Minister an annual report on 31 March of its management delegation activities in relation to the lands in the domain of the State. The report must be submitted with a statement of revenue and expenditure from the land management delegation on a form furnished by the Minister.

10. GENERAL LIABILITY

An RCM exercising powers and responsibilities under this Program acts on its own behalf and the action or acts it takes or performs in no way subjects the Government to any liability.

11. FINAL

The effective transfer of the powers and responsibilities under this Program to an RCM shall be the subject of a management delegation agreement that becomes effective on the date of its signature, subject to any special provisions contained in the agreement that relate to the exercise of those powers and responsibilities.

The management delegation agreement ceases to have effect on the thirtieth day following the expiry of the general agreement on the operation of the regional park.

The Minister may terminate the management delegation agreement if the RCM fails to comply with the conditions and provisions governing the exercise of the delegation.

The Minister or the RCM may terminate the management delegation agreement on notice of 60 days sent to the other party.

The Minister re-assumes sole responsibility for the management of the lands in the domain of the State under delegation when the land management delegation terminates.

Upon the Minister re-assuming responsibility for the management of the lands in the domain of the State that were under delegation, the RCM must send to the Minister such information as the Minister may require including land management books and records maintained by the RCM. The RCM must also hand over to the Minister all records previously entrusted to it by the Minister.

5642

Gouvernement du Québec

O.C. 244-2003, 26 February 2003

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

Regulation — Amendment

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

WHEREAS, under subparagraph *b* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29), the Government may, after consultation with the Régie de l'assurance maladie du Québec or upon its recommendation, make regulations to determine among the services referred to in section 3 of the Act those which are not to be considered as insured services, and how often some of the services referred to in subparagraph *c* of the first paragraph or in the second paragraph of section 3 may be rendered in order to remain insured services;

WHEREAS, under subparagraph *b.1* of the first paragraph of section 69 of the Act, the Government may also, after consultation with the Board or upon its recommendation, make regulations to prescribe the cases, conditions or circumstances in which the services referred to in section 3 are not considered insured services for all insured persons or those insured persons it indicates;

WHEREAS the Government made the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1), and it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the application of the Health Insurance Act was published in Part 2 of the *Gazette officielle du Québec* of 13 November 2002 with a notice that the Regulation could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the Régie de l'assurance maladie du Québec was consulted regarding the amendments;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the application of the Health Insurance Act, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Health Insurance Act*

Health Insurance Act
(R.S.Q., c. A-29, s. 69, 1st par., subpars. *b* and *b.1*)

1. Schedule D to the Regulation respecting the application of the Health Insurance Act is amended by adding the following at the end:

“7. The Centre local de services communautaires du Marigot, region 13.”

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

5645

Gouvernement du Québec

O.C. 315-2003, 26 February 2003

An Act respecting labour relations, vocational training and manpower management in the construction industry
(R.S.Q., c. R-20)

Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Act respecting labour relations, vocational training and manpower management in the construction industry

WHEREAS, under the second paragraph of subparagraph *f* of the first paragraph of section 1 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20), the word “construction” includes the installation, repair and maintenance of machinery and equipment, but solely in the cases determined by regulation;

WHEREAS, under section 20 of that Act, the Government may by regulation determine the cases referred to in the second paragraph of subparagraph *f*;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation to amend the Regulation respecting the application of the Act respecting labour relations, vocational training and manpower management in the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 13 November 2002 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the Minister of State for Human Resources and Labour and Minister of Labour has examined the comments received;

WHEREAS it is expedient to make the Regulation with amendments;

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

* The Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1) was last amended by the regulation made by Order in Council 527-2002 dated 1 May 2002 (2002, *G.O.* 2, 2325). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

THAT the Regulation to amend the Regulation respecting the application of the Act respecting labour relations, vocational training and manpower management in the construction industry, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Act respecting labour relations, vocational training and manpower management in the construction industry*

An Act respecting labour relations, vocational training and manpower management in the construction industry
(R.S.Q., c. R-20, s. 1, 1st par., subpar. *f*, and s. 20)

1. Section 1 of the Regulation respecting the application of the Act respecting labour relations, vocational training and manpower management in the construction industry is amended

(1) by striking out the words “as well as the installation, erection, repair and maintenance of production machinery” in the second sentence of the first paragraph of paragraph *b*;

(2) by deleting the third and fourth paragraphs of paragraph *b*;

(3) by substituting the following for the sixth paragraph of paragraph *b*:

“The installation, repair and maintenance of production machinery are included in the word “construction” when they are carried out by construction employees in the employ of professional employers.

The installation of production machinery on the job site itself and vicinity during the construction phase of an electric power plant and related works involving such construction are also included in the word “construction”.

* The Regulation respecting the application of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.R.Q., 1981, c. R-20, r.1) was last amended by the regulation made by Order in Council 16-96 dated 10 January 1996 (1996, *G.O.* 2, 507). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

In addition, any part of the installation or repair of production machinery that is carried out on the job site itself and vicinity in the industrial sector or in the civil engineering and roads sector that requires the use of professional expertise mainly from the construction industry is also included in the word “construction” where,

(a) in the case of an installation, the work is part of a project for the initial construction or structural alteration of a building, industrial complex or civil engineering work;

(b) in the case of an installation or repair, the work is carried out on a production unit or line shut down for that purpose during regular operating hours, or is preparatory to such work, and it is anticipated that the work will involve at least 40 construction employees; and

(c) in the case of an installation or repair, the work is carried out in an establishment where all production has stopped, and it is anticipated that the work will involve at least 40 construction employees.

The work referred to in the sixth paragraph is, however, not included in the word “construction” where

(a) a decree made under section 2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) applies in respect of the work;

(b) the work is carried out by regular employees of the user of the machinery or of an enterprise at least 40% of which is owned by the user;

(c) the work is carried out by regular employees of the machinery manufacturer, of the machinery manufacturer’s successor or of a person whose main activity is to carry out such work, which is exclusively entrusted to that person by the manufacturer or the machinery manufacturer’s successor; or

(d) the work is carried out by regular employees of an employer, other than a professional employer, where that employer regularly carries out work in an establishment of the user of the machinery pursuant to a repair or maintenance contract, subject, however, to the number of employees not exceeding the number that the employer usually assigns to those activities in the establishment.”.

2. The amendments made by section 1 do not apply to work covered by tenders submitted or contracts entered into before the date of coming into force of this Regulation.

Such work remains governed by the provisions of section 1 of the Regulation respecting the application of the Act respecting labour relations, vocational training and manpower management in the construction industry as they read before being revoked, amended or replaced by section 1 of this Regulation.

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

5647

Gouvernement du Québec

O.C. 357-2003, 5 March 2003

An Act respecting lotteries, publicity contests and amusement machines
(R.S.Q., c. L-6)

CONCERNING the suspension of the issue of site operator's licences for video lottery machines

WHEREAS, under section 138 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), the Minister of Public Security is responsible for the administration of that Act;

WHEREAS, under section 2 of the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., c. R-6.1), the Régie des alcools, des courses et des jeux is responsible for the carrying out of the Act respecting lotteries, publicity contests and amusement machines;

WHEREAS, under subsection 1 of section 23 of the Act respecting the Régie des alcools, des courses et des jeux and of section 34 of the Act respecting lotteries, publicity contests and amusement machines, the Régie issues site operator's licences for video lottery machines;

WHEREAS, under section 50.0.1 of the Act respecting lotteries, publicity contests and amusement machines, the Régie may, in plenary session, if the public interest so requires, suspend the issue of licences for all or part of the territory of Québec for the period, not exceeding one year, determined by the Régie and may indicate the licence applications that are exempted from its application;

WHEREAS, the Régie, in plenary session on 27 February 2003, decided, in the public interest, to suspend the issue of site operator's licences for video lottery machines for all of the territory of Québec for the period from 15 March 2003 until 14 March 2004 and to exempt certain types of licence applications from its application;

WHEREAS, under the third paragraph of section 50.0.1 of the Act respecting lotteries, publicity contests and amusement machines, a suspension measure must be submitted to the Government for approval and shall take effect on the date of its publication in the *Gazette officielle du Québec* or on any later date mentioned therein;

WHEREAS it is expedient to approve this suspension measure;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Public Security:

THAT the suspension measure concerning the issue of site operator's licences for video lottery machines, as made by the Régie des alcools, des courses et des jeux in plenary session on 27 February 2003, and attached hereto, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Decision – Number 5 (2002-2003)

CONCERNING the suspension of the issue of site operator's licences for video lottery machines for the period from 15 March 2003 until 14 March 2004

WHEREAS the Government created a Table de concertation interministérielle sur les jeux de hasard et d'argent in December 2000 in order to identify actions to more effectively manage the social and economic effects of gaming;

WHEREAS the Table's work gave rise, in the fall of 2002, to the presentation of the Plan d'action gouvernemental sur le jeu pathologique;

WHEREAS the Plan d'action gouvernemental provides for the implementation of concerted means of action to prevent, reduce and treat problems associated with games of chance and gambling;

WHEREAS the Plan d'action gouvernemental calls on various government departments and public bodies according to their respective field of responsibilities;

WHEREAS the Régie is the body responsible for regulating video lottery machines and for the issuance of licences for such lottery machines;

WHEREAS, under section 50.0.1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), the Régie may, in plenary session, if the public interest so requires, suspend the issue of licences for all or part of the territory of Québec for the period, not exceeding one year, determined by the Régie;

WHEREAS a suspension measure taken under that section 50.0.1 may be imposed in respect of licence applications filed before the suspension measure becomes effective and in respect of which the Régie has not made a decision;

WHEREAS a suspension measure may indicate types of licence applications that are exempted from its application;

WHEREAS a suspension measure must be submitted to the Government for approval and shall take effect on the date of its publication in the *Gazette officielle du Québec* or on any later date mentioned therein;

WHEREAS preventive, coherent and protective actions are required to implement the measures recommended in the Plan d'action gouvernemental;

WHEREAS in a decision dated 12 March 2002, the Régie, in plenary session, suspended the issue of site operator's licences for video lottery machines for the period from 15 March 2002 to 14 March 2003;

WHEREAS it is necessary, in order to pursue the above-mentioned objectives, for the Régie to suspend once again the issue of site operator's licences;

NOW THEREFORE, the Régie, in plenary session on 27 February 2003, has decided to suspend the issue of site operator's licences for video lottery machines for all of the territory of Québec for the period from 15 March 2003 to 14 March 2004.

The suspension measure is imposed in respect of site operator's licence applications received after 15 March 2003 as well as those received before 16 March 2003 and in respect of which the Régie has not made a decision.

The suspension measure does not prevent the renewal of a site operator's licence.

The suspension measure does not prevent the Régie from issuing a new site operator's license, in respect of an establishment for which a license is in force, insofar as such issue does not increase the number of sites where lottery machines are operated, when the new license is requested:

1° due to the death of the license holder, by the succession liquidator or by the specific legatee or the heir of the holder or a person designated by them;

2° by a trustee, a liquidator, a sequestrator or a trustee in bankruptcy who temporarily administers the establishment;

3° due to the alienation of the establishment, its lease or its assumption of possession further to the exercise of any taking in payment or the execution of a similar agreement;

4° by the license holder if, due to exceptional circumstances and for reasons beyond his control, the holder must refit or change the site of operation for a liquor permit attached to that license.

CHARLES CÔTÉ,
The Chairman of the Régie

5653

Gouvernement du Québec

O.C. 363-2003, 5 March 2003

An Act respecting transportation services by taxi
(R.S.Q., c. S-6.01)

Taxi Transportation — Amendments

Regulation to amend the Taxi Transportation Regulation

WHEREAS, under subparagraphs 1 to 3, 5 to 9 and 17 of the first paragraph and the second paragraph of section 88 and the third paragraph of section 89 of the Act respecting transportation services by taxi (R.S.Q., c. S-6.01), amended respectively by sections 15 and 16 of chapter 49 of the Statutes of 2002, the Government may make regulations on the matters set out therein;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as prescribed by section 8 of that Act if 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 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:

— the provisions of the Regulation to amend the Taxi Transportation Regulation, attached to this Order in Council, must come into force as soon as possible to allow the Commission des transports du Québec to hear, as soon as possible, legal persons that have already applied for the issue of a taxi owner's permit, and also to avoid holders of taxi owner's permits having to replace an automobile that could be maintained in service under certain transitional provisions set out in the amending Regulation;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation to amend the Taxi Transportation Regulation, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Taxi Transportation Regulation*

An Act respecting transportation services by taxi (R.S.Q., c. S-6.01, s. 88, 1st par., subpars. 1 to 3, 5 to 9, 17 and 2nd par., s. 89, 3rd par.; 2002, c. 49, ss. 15 and 16)

1. Section 1 of the Taxi Transportation Regulation is amended

(1) by substituting “and the second paragraph of section 11” for “, the second paragraph of section 11 and the second paragraph of section 19” in the part preceding subparagraph 1 of the first paragraph; and

(2) by substituting “or, as the case may be, a positive search certificate within the meaning of the second paragraph of section 21.1” for “for the purposes of the first and third paragraphs of section 18 of the Act respecting transportation services by taxi” in subparagraph 3 of the first paragraph.

2. The following is inserted after section 1:

“**1.1.** In addition to the conditions provided for in the first paragraph of section 8 and the second paragraph of section 11 of the Act, a person or a partnership must meet the following conditions to obtain a taxi owner's permit from the Commission:

(1) have the knowledge or experience required to operate a taxi transportation business;

(2) be registered in the register of sole proprietorships, partnerships and legal persons instituted under section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(3) file an inventory of human and material resources for the purposes of establishing the applicant's ability to administer such a business;

(4) submit budget estimates covering a period of at least 12 months, so that the profitability of the business may be evaluated;

(5) pay a fee of \$250 to the Commission; and

(6) provide in respect of its officers and principal shareholder a positive or negative search certificate within the meaning of the second paragraph of section 21.1.

Where a municipal or supramunicipal authority levies a fee in addition to that referred to in subparagraph 5 of the first paragraph, the fee payable for obtaining a taxi owner's permit on its territory is decreased to \$25.”

3. Section 4 is amended by substituting the words “or, as the case may be, a positive search certificate within the meaning of the second paragraph of section 21.1” for “for the purposes of subparagraphs 2 to 4 of the first paragraph of section 26 of the Act respecting transportation services by taxi” in subparagraph 5 of the first paragraph.

4. Section 9 is amended

(1) by substituting “or, as the case may be, a positive search certificate within the meaning of the second paragraph of section 21.1” for “for the purposes of the first and third paragraphs of section 18 of the Act respecting transportation services by taxi” in subparagraph 3 of the second paragraph; and

* The Taxi Transportation Regulation, made by Order in Council 690-2002 dated 5 June 2002 (2002, G.O. 2, 2602), was amended by the regulations made by Orders in Council 784-2002 dated 19 June 2002 (2002, G.O. 2, 3258) and 949-2002 dated 21 August 2002 (2002, G.O. 2, 4508).

(2) by substituting “or, as the case may be, a positive search certificate within the meaning of the second paragraph of section 21.1” for “for the purposes of the first and third paragraphs of section 18 and subparagraphs 2 to 4 of the first paragraph of section 26 of the Act” in the third paragraph.

5. Section 11 is amended by substituting the words “1973, unless they are for transportation services required by disabled persons using an accessible vehicle or unless the person is a hypothecary creditor” for “1973 or unless they are for transportation services required by disabled persons using an accessible vehicle”.

6. The following is inserted after section 12:

“**12.1.** Sections 11 and 12 do not apply to holders of taxi owner’s permits issued since 15 November 2000.”.

7. The following is inserted after section 21:

**“DIVISION III.1
POSITIVE OR NEGATIVE SEARCH CERTIFICATE**

21.1. A police force in Québec shall issue, within 60 days of receiving a written application to that effect, a positive or negative search certificate, within the meaning of the second paragraph, to any person, including an officer or principal shareholder, who

(1) applies to the Commission for the issue, assignment or transfer of a taxi owner’s permit;

(2) gives notice to the Commission of an acquisition of interest or of a change in the control of a taxi transportation business; or

(3) applies to the Société or to an authorized municipal or supramunicipal authority for the issue of a taxi driver’s permit.

In this Regulation,

(1) “positive search certificate” means a certificate attesting that the data banks accessible to the police force contain information making it possible to ascertain the existence of an impediment referred to in the second paragraph of section 11, the first paragraph and subparagraphs 1 and 2 of the third paragraph of section 18, the first paragraph of section 25 and subparagraphs 2, 3 and 4 of the first paragraph of section 26 of the Act, including an indictment;

(2) “negative search certificate” means a document showing the absence of an impediment referred to in paragraph 1 of this paragraph.

21.2. A police force in Québec shall also issue a certificate referred to in section 21.1 to any person who was given the order by the Commission under the third paragraph of section 82 of the Act to file such a certificate in the course of an inquiry about the person or when an administrative measure is taken against the person.

21.3. A certificate referred to in section 21.1 must bear the signature of a person authorized to complete it on behalf of the police force in Québec, the contact information of that police force, an identification number and the date on which it is was produced. The certificate must contain the name, date of birth and address of the applicant and specify, with respect to the investigation provided for in section 31.2 of the Act, the nature of any indictment or conviction for a criminal or indictable offence that constitutes an impediment.”.

8. The following is inserted after section 25:

“**25.1.** Despite subparagraph 1 of the first paragraph of section 22, the holder of a taxi owner’s permit referred to in sections 22 to 25 may continue, until 31 March of a given year, to use a taxi, a limousine or a “de grand luxe” limousine that has attained the age limit of 10 years.”.

9. The following is inserted in DIVISION V after section 27:

“**27.1.** The holder of a taxi owner’s permit must have in his or her possession, as of 1 April 2004, a document attesting that the training course required under section 26 or 27 was successfully completed, or a certificate issued by the Société attesting that the permit holder is deemed to have passed such an examination under the second paragraph of section 27 of the Act.

The foregoing also applies, as of 1 January 2005, to the holder of a taxi driver’s permit referred to in section 80.”.

10. Section 75 is amended

(1) by substituting “27.1” for “28”; and

(2) by substituting “section 54, the second paragraph of section 55, sections” for “or sections 54;”.

11. Section 78 is amended

(1) by substituting “1 January 2005” for “30 June 2004”;

(2) by striking out “on 30 June 2002”; and

(3) by substituting “, until it is replaced, a taxi whose wheelbase is between 246 and 260 centimetres if it complies with the provisions of this Regulation” for “until 30 June 2004, a taxi whose wheelbase is between 246 and 260 centimetres”.

12. The date “1 September 2003” is substituted for “30 June 2003” in section 82.

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

However, subparagraph 3 of the first paragraph of section 1 of the Taxi Transportation Regulation amended by paragraph 2 of section 1, subparagraph 6 of section 1.1 of that Regulation introduced by section 2, subparagraph 5 of the first paragraph of section 4 of that Regulation amended by section 3, subparagraph 3 of the second paragraph of section 9 of that Regulation amended by paragraph 1 of section 4, and the third paragraph of section 9 of that Regulation amended by paragraph 2 of section 4, come into force on 1 September 2003.

5649

Gouvernement du Québec

Agreement

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

AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION BY MAIL

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF BOISCHATEL, a legal person established in the public interest, having its head office at 9, côte de l'Église, Province of Québec, represented here by the mayor, Yves Germain, and the clerk or secretary-treasurer, Michel Lefebvre, under a resolution bearing number 2002-252, hereinafter called

THE MUNICIPALITY

AND

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

THE CHIEF ELECTORAL OFFICER

AND

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

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 2002-252, passed at its meeting of 3 September 2002, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow use of the mail for the general election held on 3 November of the year 2002 in the MUNICIPALITY;

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

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

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

The agreement has the effect of law.

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

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

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

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

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

WHEREAS the council of the MUNICIPALITY passed, at its meeting of 3 September of the year 2002, resolution No. 2002-253 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

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

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. INTERPRETATION

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

2.1 “Envelope ENV-1”

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

2.2 “Envelope ENV-2”

The envelope bearing the name and address of the returning officer and used to receive Envelope ENV-1 as well as a photocopy of one of the identification documents provided for in section 213.1 of the Act respecting elections and referendums in municipalities, as amended by section 4.29 of this agreement, and the declaration form of the elector or of the person giving assistance.

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

A document with the following wording:

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

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

2.4 “Instructions to the Elector”

The information provided to the elector on how to vote.

3. ELECTIONS

3.1 For the purposes of the general election of 3 November of the year 2002 in the municipality, voting will be carried out by mail.

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

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

4.1 Election Officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended:

(1) by inserting the words “clerk of the counting station,” after the words “poll clerk,”;

(2) by deleting the words “member of an identity verification panel, officer in charge of information and order,”.

4.2 Deputy Returning Officer and Poll Clerk, Deputy Returning Officer and Clerk of the Counting Station

The following is substituted for section 76 of the Act:

“76. The returning officer shall appoint a deputy returning officer and a poll clerk.

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

4.3 Duties of Deputy Returning Officer and Deputy Returning Officer of the Counting Station

The following are substituted for section 80 of the Act:

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

- (1) receive the envelopes of the electors;
- (2) verify if the photocopy of the elector’s identification provided for in section 213.1 of the Act respecting elections and referendums in municipalities, as amended by section 4.29 of this agreement, is attached and if his signature appears thereon;
- (3) verify, where the elector has asked for assistance, if the identification of the person giving assistance provided for in section 213.1 of the Act respecting elections and referendums in municipalities, as amended by section 4.29 of this agreement, is attached and if his signature appears thereon;
- (4) if the declaration of the elector is not signed or the photocopy of the identification is missing, contact the elector to obtain it or them;
- (5) if the declaration of the person giving assistance is not signed or if the photocopy of the identification is missing, contact that person to obtain it or them;
- (6) compare the signatures on the photocopy of the identification and on the declaration of the elector;
- (7) if the elector has asked for assistance, compare the signatures on the photocopy of the identification of the person giving assistance and on that person’s declaration;
- (8) if the signatures are the same, place Envelope ENV-1 containing the ballot paper(s) in the ballot box corresponding to the elector’s voting subdivision.

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

- (1) see to the arrangement of the counting station;
- (2) see that the votes are counted properly and maintain order at the counting station;
- (3) proceed with the counting of the votes;
- (4) ensure the secrecy of the vote;
- (5) transmit the results of the vote and all the election materials to the returning officer.”.

4.4 Functions of Poll Clerk and Clerk of Counting Station

The following are substituted for section 81 of the Act:

“**81.** The poll clerk shall, in particular,

- (1) assist the deputy returning officer in the latter’s duties;
- (2) indicate on the list of electors that the elector has voted;
- (3) enter the information in the poll book.

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

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

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

“**81.1.** The deputy returning officer and the poll clerk shall verify the identity of electors.”.

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

The following is substituted for section 90.5 of the Act:

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

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

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

4.7 Representatives of Candidates

The following is substituted for section 92 of the Act:

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

4.8 Poll Runner

The following is substituted for section 96 of the Act:

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

4.9 Power of Attorney of Representative or Poll Runner

Section 98 of the Act is amended:

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

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

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

4.10 Notice of Election

The following is substituted for section 99 of the Act:

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

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

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

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

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

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

(6) the name of the election clerk;

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

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

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

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

4.11 Notice of Poll

The following is substituted for section 171:

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

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

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

(3) the address of each candidate;

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

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

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

(7) the day, place and time when the votes will be counted;

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

(9) the day and time when all the polling stations will be open.”.

4.12 Sending of Ballot Papers by Returning Officer

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

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

(1) a ballot paper for the office of mayor and one or more ballot papers for the office(s) of councillor. The ballot papers must be a different colour for the office of mayor and for that of councillor. The ballot papers shall bear the initials of the returning officer. The returning officer may permit a facsimile of his initials to be engraved, lithographed or printed;

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

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

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

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

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

4.13 Repeals - Reminder and Advance Poll

Sections 173 to 185 of the Act are repealed.

4.14 Polling Stations

The following are substituted for section 186 of the Act:

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

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

Sections 187 and 188 on the Act are repealed.

4.15 Use of Premises Free of Charge

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

4.16 Arrangement of Counting Stations

The following is substituted for section 190 of the Act:

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

4.17 Polling Booth

The following is substituted for section 191;

“191. A polling station shall have one polling booth.”.

4.18 Repeal – Counterfoil and Stub of Ballot Paper

Section 195 of the Act is repealed.

4.19 Reverse of Ballot Paper

The following is substituted for section 197 of the Act:

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

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

(2) the name of the municipality;

(3) the date of the poll;

(4) the name and address of the printer.

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

4.20 Withdrawal of Candidate

The following is substituted for section 198 of the Act:

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

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

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

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

4.21 Material Necessary for Voting

The following is substituted for section 200 of the Act:

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

4.22 Ballot Box

The following is substituted for section 201 of the Act:

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

4.23 Delivery of Materials to Deputy Returning Officer

The following is substituted for section 204 of the Act:

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

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

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

4.24 Formalities Prior to the Opening of Polling Station

The following are substituted for sections 205 to 209:

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

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

POLLING PROCEEDINGS

4.25 Polling Period

The following is substituted for section 210 of the Act:

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

4.26 Delay or Interruption

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

4.27 Electors on the Premises of a Polling Station

The following is substituted for section 212:

"**212.** Any electors on the premises of a polling station at the end of the polling period who have not received the ballot papers and who have not been able to vote may nevertheless exercise their right to vote.

The deputy returning officer shall declare the polling closed after they have voted.

For the purposes of the first paragraph, the premises of a polling station extend as far as the end of the waiting line of electors entitled to vote at the polling station, as it stands at the end of the polling period."

4.28 Repeal – Employee's Leave

Section 213 of the Act is repealed.

4.29 Identification of Electors

The following is substituted for section 213.1:

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

4.30 Absence of Document Identifying Elector and of Declaration of Elector or of Person Giving Assistance

The following are substituted for section 213.2 of the Act:

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

213.2.1. Where an elector returns his envelope containing the ballot papers to the deputy returning officer at the polling station other than by mail with none of the identification provided for in section 213.2, that elector must, if he wishes to be admitted to vote, have himself identified as follows:

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

(2) sign the sworn statement provided for that purpose in the identity verification register kept by the deputy returning officer and the poll clerk;

(3) meet either of the following conditions:

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

(b) be accompanied by a person who

i. identifies himself in accordance with section 213.1;

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

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

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

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

4.31 Information in an Identification Document

The following is substituted for section 213.3 of the Act:

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

4.32 Certificate of Identity

The following is substituted for section 213.4 of the Act:

“**213.4.** The poll clerk shall enter in the poll book that the elector has identified himself in accordance with the Act.”.

4.33 Voting by Mail

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

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

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

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

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

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

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

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

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

216. The elector may send Envelope ENV-2 by mail. He may also deposit it at the polling office.

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

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

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

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

In that case, the deputy returning officer shall verify on the list of electors if that elector has already voted. He shall then deliver an envelope containing the ballot papers bearing the returning officer's initials to the elector and, if the elector wishes to vote at the polling station, he must do so in accordance with sections 214 or 215.

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

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

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

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

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

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

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

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

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

223. An elector who has inadvertently marked or spoiled his ballot paper may contact the deputy returning officer to obtain a new one in exchange for the spoiled ballot paper. An indication thereof shall be entered in the poll book.

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

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

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

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

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

(1) the date of the poll and the name of the municipality ;

(2) the number of electors who have sent Envelope ENV-1;

(3) the number of Envelopes ENV-1 cancelled per polling subdivision;

(4) the number of documents returned to the returning officer under section 217.

The deputy returning officer shall give all the election materials to the returning officer.”.

COMPILATION OF RESULTS AND ADDITION OF VOTES

4.34 Establishment of a Counting Station

The following are substituted for section 228.1 of the Act:

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

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

4.35 Counting of Votes

The following is substituted for section 229 of the Act:

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

The representatives assigned to the counting station may attend.

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

4.36 Entries in Poll Book

The following is substituted for section 230 of the Act:

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

(1) the date of the poll, the name of the municipality and the number of the counting station;

(2) the name of the persons designated by the returning officer to count the votes;

(3) the name of the representatives present when the votes are counted.”.

4.37 Compiling Sheet

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

4.38 Opening of Ballot Box and Envelopes ENV-1 and Counting of Votes

The following are substituted for section 232 of the Act:

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

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

4.39 Rejected Ballot Papers

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

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

(1) has not been furnished by the returning officer;

(2) has not been marked;

(3) has been marked in favour of more than one candidate;

(4) has been marked in favour of a person who is not a candidate;

(5) has been marked elsewhere than in one of the circles;

(6) bears a mark by which the elector can be identified;

(7) bears fanciful or injurious entries.

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

4.40 Repeal – Ballot Paper Stub Not Detached

Section 235 of the Act is repealed.

4.41 Objection in Respect of Validity

The following is substituted for section 237:

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

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

4.42 Statement of Votes

The following is substituted for section 238:

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

(1) the total number of electors who have voted, which must correspond to the number of envelopes placed in the ballot box;

(2) the number of ballot papers in favour of each candidate;

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

The statement must be drawn up separately for each office for which a poll was held at the polling station.

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

4.43 Copy for Representative

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

4.44 Separate Envelopes

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

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

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

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

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

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

4.45 Closing of Ballot Box

The following is substituted for section 243 of the Act:

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

4.46 Addition of Votes

The following is substituted for section 245 of the Act:

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

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

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

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

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

4.47 Summary Counting of Votes

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

RECOUNT OR RE-ADDITION OF VOTES

4.48 Application for recount

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

4.49 Secrecy of Voting

The following is substituted for section 280 of the Act:

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

4.50 Assistance to an Elector

The following is substituted for section 281 of the Act:

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

4.51 Publicity and Partisan Work

The following is substituted for section 283 of the Act:

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

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

4.52 Offences

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

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

4.53 Alteration or Imitation of Initials

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

4.54 Leave to Vote

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

5. DURATION AND APPLICATION OF AGREEMENT

The returning officer is responsible for the application of this agreement and, consequently, for the proper testing of the new method of voting for the regular election held on 3 November of the year 2002 and for subsequent polls until 31 December 2010.

6. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the regular election held on 3 November of the year 2002.

That fact shall be entered in the assessment report.

7. ASSESSMENT REPORT

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

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

— the conduct of the poll;

— the cost of using voting by mail :

– the cost of adapting election procedures ;

– non-recurrent costs likely to be amortized ;

– a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and, where applicable, the planned costs for the tradition regular election held on 3 November of the year 2002 ;

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

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

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

9. EFFECT OF THE AGREEMENT

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

AGREEMENT SIGNED IN THREE COPIES

In Boischatel, on this 1st day of the month of October of the year 2002.

THE MUNICIPALITY OF BOISCHATEL

By: _____
YVES GERMAIN, *Mayor*

MICHEL LEFEBVRE,
Clerk or Secretary-Treasurer

In Québec, on this 4th day of the month of October of the year 2002

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 10th day of the month of October of the year 2002.

THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL

By: _____
JEAN PRONOVOST, *Deputy Minister*

SCHEDULE

MODEL FOR BALLOT PAPER

Rolland DANSEREAU ●

Claudette DENIS ●
Political Affiliation

Initial of
Returning Officer

Municipality of Matteau
Election for Office of Mayor
3 November 2002
MAXIME TREMBLAY, Printer
117, rue Notre-Dame Est
Montréal (Québec)

Gouvernement du Québec

Agreement

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

AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION USING COMPUTERIZED POLLING STATIONS AND “ACCU-VOTE ES 2000 ” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF L'ASSOMPTION, a legal person established in the public interest, having its head office at 399 Dorval Street, L'Assomption, Province of Québec, represented by the mayor, Mr. Lionel Martel, and the clerk or secretary-treasurer, Mtre. Jacques Leblond, lawyer, under resolution number 2003-02-0093, hereinafter called

THE MUNICIPALITY

AND

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

THE CHIEF ELECTORAL OFFICER

AND

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

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution no 2003-02-0093, passed at its meeting of February 4, 2003, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the partial election of April 6, 2003, in the MUNICIPALITY;

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

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

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

The agreement has the effect of law.

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

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a partial election on April 6, 2003 and, could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

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

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

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

WHEREAS the council of the MUNICIPALITY passed, at its meeting of February 4, 2003, resolution no 2003-02-0093 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

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

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. INTERPRETATION

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

2.1 “Computerized polling station” means an apparatus consisting of the following devices:

— a computer with the list of electors for the polling place stored in its memory (the computers at the same polling place are linked together);

— a card reader for cards with bar codes;

— one or more printers per polling place for printing the list of electors who voted during the advance poll or on polling day.

2.2 “Electronic ballot box” means an apparatus containing a vote tabulator, a memory card, a printer, a cardboard or, where necessary, plastic recipient for ballot papers and a modem, where necessary.

2.3 “Vote tabulator” means a device that uses an optical scanner to detect a mark made in a circle on a ballot paper by an elector.

2.4 “Memory card” means a memory device that computes and records the marks made by an elector for each of the candidates whose names are printed on the ballot paper and the number of rejected ballot papers according to the subdivisions of the vote tabulator program.

2.5 “Recipient for ballot papers” means a box into which the ballot paper cards fall.

2.6 Where applicable, “transfer box” means the box in which the ballot paper cards are placed when a plastic recipient is used for the electronic ballot box.

2.7 “Ballot paper card” means the card on which the ballot paper or papers are printed.

2.8 “Refused card” means a ballot paper card the insertion of which into the tabulator is refused.

2.9 “Confidentiality sleeve” means a sleeve designed to receive the ballot paper card.

3. ELECTION

3.1 For the purposes of the partial election of April 6, 2003 in the municipality, a sufficient number of Accu-Vote ES 2000 model electronic ballot boxes will be used.

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

4. SECURITY MECHANISMS

4.1 Computerized polling stations

The list of electors for a polling place must correspond to the list of electors for that polling place as drawn up and revised by the returning officer. Access to the computers at a polling place must be secured by a password.

4.2 Electronic ballot boxes

The electronic ballot boxes used must include the following security mechanisms:

(1) a report displaying a total of “zero” must be automatically produced by an electronic ballot box upon being turned on on the first day of advance polling and on polling day;

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

(3) the electronic ballot box must not be placed in “end of election” mode while the poll is still under way;

(4) the compilation of results must not be affected by any type of interference once the electronic ballot box has been placed in “election” mode;

(5) each electronic ballot box must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the electronic ballot boxes are connected to a generator;

(6) if a ballot box is defective, the memory card may be removed and transferred immediately into another electronic ballot box in order to allow the procedure to continue.

5. PROGRAMMING

Each memory card used is specially programmed either by the firm Cognicase inc., or by the returning officer under the supervision of the firm Cognicase inc., to recognize and tally ballot papers in accordance with this agreement.

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

6.1 Election officers

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

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

The following is substituted for section 76 of the Act :

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

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

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

The following is substituted for section 80 of the Act :

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

- (1) see to the installation and preparation of the electronic ballot box ;
- (2) ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box ;
- (3) facilitate the exercise of the right to vote and ensure that voting is secret ;
- (4) ensure that the electronic ballot box functions correctly ;

(5) print out the results compiled by the electronic ballot box at the closing of the poll

(6) complete an overall statement of votes from the partial statements and the results compiled by the electronic ballot box

(7) give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box, the overall statement and the partial statement or statements of votes

(8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card

(9) advise the returning officer immediately of any defect in the memory card or the electronic ballot box.

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

- (1) assist the senior deputy returning officer in the latter’s duties
- (2) receive any elector referred by the senior deputy returning officer ;
- (3) verify the polling booths in the polling place ;
- (4) get the pencils and confidentiality sleeves back from the senior deputy returning officer and redistribute them to each deputy returning officer.

80.2. The deputy returning officer shall, in particular,

- (1) see to the arrangement of the polling station ;
- (2) ensure that the polling is properly conducted and maintain order in the polling station ;
- (3) facilitate the exercise of the right to vote and ensure that voting is secret ;
- (4) receive proof of identity from electors ;
- (5) give the electors a ballot paper card, a confidentiality sleeve and a pencil to exercise their right to vote ;
- (6) receive from electors any ballot paper cards that are refused by the tabulator and give them another ballot paper card, and record the occurrence in the poll book ;

(7) note on the screen “has voted” next to the names of electors to whom he has given a ballot paper card.”.

6.4 Duties of the poll clerk

The following is substituted for section 81 of the Act:

“**81.** The poll clerk shall, in particular,

(1) enter in the poll book the particulars relating to the conduct of the polling;

(2) note on the paper list of electors “has voted” next to the names of electors to whom the deputy returning officer gives ballot paper cards;

(3) assist the deputy returning officer.”.

6.5 Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance

The following is substituted for section 90.5 of the Act:

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

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs and Greater Montréal of the decision he intends to make.

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

6.6 Notice of election

The following is added after paragraph 7 of section 99 of the Act:

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

6.7 Polling subdivisions

The following is substituted for section 104 of the Act:

“**104.** The returning officer shall divide the list of electors into polling subdivisions.

The polling subdivisions shall have a number of electors determined by the returning officer. That number shall not be greater than 750 electors.”.

6.8 Verification of computerised polling stations and electronic ballot box

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

“§1.1 Verification of computerized polling stations

173.1. The returning officer shall, at a time considered to be expedient but at the latest before the polling stations open on the first day of advance polling or before the polling stations open on polling day, in cooperation with the firm’s representative and, if necessary, the representatives of the candidates, for all polling places, ensure that all computers contain the list of electors for that place. In particular, the returning officer shall perform the following tests:

(1) searching for an elector using the card with the bar code;

(2) searching for an elector using the keyboard, typing either the elector’s name or address;

(3) indicating to the computer that a certain number of electors have voted and ensuring that each computer in the polling place displays “has voted” for the electors concerned;

(4) printing out the list of electors who have voted, in a non-cumulative way, by elector number and polling subdivision, and ensuring that the results are consistent with the data entered in the computer.

§1.2 Verification of electronic ballot box

173.2. The returning officer shall, at least five days before the first day fixed for the advance poll and at least three days before the day fixed for the polling, test the electronic ballot box to ensure that the vote tabulator accurately detects the mark made on a ballot paper and that it tallies the number of votes cast accurately and precisely, in the presence of a representative of the firm Cognicase inc. and the representatives of the candidates.

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

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

(1) he shall mark the memory card with the returning officer's initials and insert it into the electronic ballot box;

(2) he shall insert into the electronic ballot box a pre-determined number of ballot paper cards, previously marked and tallied manually. The ballot paper cards shall include

(a) a sufficient and pre-determined number of ballot papers correctly marked to indicate a vote for each of the candidates;

(b) a sufficient and pre-determined number of ballot papers that are not correctly marked;

(c) a sufficient and pre-determined number of ballot papers marked to indicate a vote for more than one candidate for the same office;

(d) a sufficient and pre-determined number of blank ballot papers;

(3) he shall place the electronic ballot box in "end of election" mode and ensure that the results compiled by the electronic ballot box are consistent with the manually-compiled results;

(4) once the test has been successfully completed, he shall reset the memory card to zero and seal it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(5) he shall place the tabulator in the travel case and place a seal on it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(6) where an error is detected, the returning officer shall determine with certitude the cause of the error, make the necessary corrections and proceed with a fur-

ther test, and shall repeat the operation until the optical scanner of the vote tabulator accurately detects the mark made on a ballot paper and until a perfect compilation of results is obtained. Any error or discrepancy observed shall be noted in the test report;

(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm Cognicase inc.".

6.9 Mobile polling station

The said Act is amended by inserting the following sections after section 175:

"175.1. The electors shall indicate their vote on the same type of ballot paper as that used in an advance polling station. After marking the ballot paper, each elector shall insert it in the confidentiality sleeve and place it in the ballot box provided for that purpose. At the close of the mobile poll, the deputy returning officer and the mobile poll clerk shall seal the ballot box and affix their initials to it.

175.2. The deputy returning officer shall, before the opening of the advance polling station, give the senior deputy returning officer the ballot box containing the ballot papers from the mobile polling station.

The senior deputy returning officer shall, in the presence of the assistant to the senior deputy returning officer, remove from the ballot box the confidentiality sleeves containing the ballot papers and insert the ballot papers, one by one, in the electronic ballot box."

6.10 Advance polling

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

"182. After the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:

(1) the number of ballot paper cards received from the returning officer;

(2) the number of electors who were given a ballot paper card;

(3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;

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

The deputy returning officer shall place in separate envelopes the spoiled, refused or cancelled ballot paper cards, the unused ballot paper cards, the forms, the poll book and the list of electors. The deputy returning officer shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except those containing the list of electors, shall be given to the senior deputy returning officer for deposit in a box reserved for that purpose.

182.1. The senior deputy returning officer, in the presence of the candidates or of their representative who wish to be present, shall seal the recipient for ballot papers, and then place the electronic ballot box in its travel case and place a seal the case. The senior deputy returning officer and the representatives who wish to do so shall note the number entered on the seal.

The senior deputy returning officer shall then give the recipient or recipients for ballot papers, the transfer box and the envelopes containing the list of electors to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the recipient or recipients for ballot papers until the results of the advance poll have been compiled and then for the time prescribed for the conservation of electoral documents.

183. Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the transfer box and give each deputy returning officer the poll books, the envelopes containing unused ballot paper cards and the forms. Each deputy returning officer shall open the envelopes and take possession of their contents. The spoiled, refused or cancelled ballot paper cards shall remain in the transfer boxes, which the senior deputy returning officer shall seal.

The senior deputy returning officer, before the persons present, shall remove the seal from the travel case of the tabulator.

The returning officer, or the person designated by the returning officer, shall give each deputy returning officer the list of electors of the grouped polling station or stations, where applicable.

At the close of the second day of advance polling, where applicable, the senior deputy returning officer, the deputy returning officer and the poll clerk shall perform the same actions as at the close of the first day of advance polling. In addition, the senior deputy returning

officer shall withdraw the memory card from the electronic ballot box, place it in an envelope, seal the envelope, place the envelope in the recipient for ballot papers, and seal the recipient.

The spoiled, refused or cancelled ballot paper cards from the second day shall be placed in separate sealed envelope by the deputy returning officer. They shall also be placed in a sealed transfer box.

The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seal.

185. From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall print out the results compiled by the electronic ballot box at an advance polling station, in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

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

6.11 Booths

The following is substituted for section 191 of the Act:

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

6.12 Ballot papers

The following is substituted for section 193 of the Act:

“**193.** With the exception of the entry stating the office to be filled, the ballot papers shall be printed by reversing process so that, on the obverse, the indications appear in white on a black background and the circles provided to receive the elector’s mark appear in white on an orange vertical strip.”.

Section 195 of the Act is revoked.

6.13 Identification of the candidates

Section 196 of the Act is amended

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

“**196.** The ballot paper card shall contain a ballot paper for the office of mayor and the ballot papers for the office or offices of councillor. Each ballot paper shall allow each candidate to be identified. It shall contain, on the obverse:”;

(2) by adding the following after subparagraph 3 of the first paragraph:

“(4) the offices in question and, where applicable, the number of the seat to be filled. The indications of the offices in question shall correspond to those contained in the nomination papers.”.

6.14 Ballot paper cards

The following is substituted for section 197 of the Act:

“**197.** The ballot paper cards shall contain on the obverse, as shown in the Schedule,

- (1) the name of the municipality;
- (2) the indication “municipal election” and the date of the poll;
- (3) the ballot papers;
- (4) the bar code.

The ballot paper cards shall contain, on the reverse, as shown in the Schedule,

- (1) a space intended to receive the initials of the deputy returning officer;
- (2) a space intended to receive the number of the polling subdivision;
- (3) the name and address of the printer;
- (4) the bar code.”.

6.15 Confidentiality sleeve

The Act is amended by inserting the following after section 197:

“**197.1.** The returning officer shall ensure that a sufficient number of confidentiality sleeves are available. Confidentiality sleeves shall be sufficiently opaque to ensure that no mark affixed on the ballot paper may be seen through them.”.

6.16 Withdrawal of a candidate

Section 198 of the Act is amended by adding the following paragraphs at the end:

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

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

6.17 Withdrawal of authorization or recognition

Section 199 of the Act is amended by adding the following paragraph at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the party or the ticket from which recognition has been withdrawn.”.

6.18 Number of electronic ballot boxes

The following is substituted for section 200 of the Act:

“**200.** The returning officer must ensure that there are as many electronic ballot boxes as polling places available and that a sufficient number of replacement electronic ballot boxes are available in the event of a breakdown or technical deficiency.

The returning officer shall ensure that a sufficient number of recipients for ballot paper cards and, where applicable, of transfert boxes are available for each electronic ballot box.”.

6.19 Provision of polling materials

Section 204 of the Act is amended by substituting the word “recipient” for the words “ballot box” in the second line of the first paragraph.

6.20 Examination of the electronic ballot box and polling materials

The following is substituted for section 207 of the Act:

“**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic ballot box for the polling place. The senior deputy returning officer shall ensure that the electronic ballot box displays a total of zero recorded ballot papers by verifying the printed report of the electronic ballot box.

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

The senior deputy returning officer shall examine the documents and materials provided by the returning officer.

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

The following is substituted for section 209 of the Act:

“**209.** Immediately before the hour fixed for the opening of the polling stations, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives of the candidates present, shall ensure that the recipient of the electronic ballot box is empty.

The recipient shall then be sealed by the senior deputy returning officer. The senior deputy returning officer and the representatives present who wish to do so shall affix their initials to the seal. The electronic ballot box shall be placed in such a way that it is in full view of the polling officers and the electors.”.

POLLING PROCEDURE

6.21 Presence at the polling station

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

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

6.22 Initialling of ballot papers

The following is substituted for section 221 of the Act:

“**221.** The deputy returning officer shall give the ballot paper card to which the elector is entitled to each elector admitted to vote, after initialling the ballot paper card in the space reserved for that purpose and entering the number of the polling subdivision. The deputy returning officer shall also give the elector a confidentiality sleeve and a pencil.

The deputy returning officer shall instruct the elector how to insert the ballot paper card in the confidentiality sleeve after having voted.”.

6.23 Voting

The following is substituted for section 222 of the Act:

“**222.** The elector shall enter the polling booth and, using the pencil given by the deputy returning officer, mark one of the circles on the ballot paper or papers opposite the indications pertaining to the candidates whom the elector wishes to elect to the offices of mayor, councillor or councillors.

The elector shall insert the ballot paper card, without folding it, into the confidentiality sleeve in such a way that the deputy returning officer’s initials can be seen.”.

6.24 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After marking the ballot paper or papers and inserting the ballot paper card in the confidentiality sleeve, the elector shall leave the polling booth and go to the electronic ballot box.

The elector shall allow the senior deputy returning officer to examine the initials of the deputy returning officer.

The elector or, at the elector’s request, the senior deputy returning officer shall insert the ballot paper card on the reverse side into the electronic ballot box without removing it from the confidentiality sleeve.”.

6.25 Automatic acceptance

The Act is amended by inserting the following after section 223:

“**223.1.** The electronic ballot box shall be programmed to accept automatically every ballot paper card that is inserted on the reverse side and that was given by the deputy returning officer to an elector.

223.2. If a ballot paper card becomes blocked in the recipient for ballot paper cards, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall open the recipient, restart the electronic ballot box, close it and seal the recipient again in their presence, before authorizing voting to resume.

The senior deputy returning officer must report to the returning officer the time during which voting was stopped. Mention of that fact shall be made in the poll book.

If a ballot paper card becomes blocked in the tabulator, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall unblock the tabulator and restart the electronic ballot box.”

6.26 Cancelled ballots

The following is substituted for section 224 of the Act:

“**224.** The senior deputy returning officer shall prevent the insertion into the electronic ballot box of any ballot paper card that is not initialled or that is initialled by a person other than the deputy returning officer of a polling station. The elector must return to the polling station.

The deputy returning officer of the polling station in question shall, if his initials are not on the ballot paper card, initial it before the persons present, provided that the ballot paper card is *prima facie* a ballot paper card given to the elector by the deputy returning officer that was not initialled by oversight or inadvertence. The elector shall return to insert the ballot paper card into the electronic ballot box.

If the ballot paper card has been initialled by a person other than the deputy returning officer, or if the ballot paper card is not a ballot paper card given to the elector by the deputy returning officer, the deputy returning officer of the polling station in question shall cancel the ballot paper card.

The occurrence shall be recorded in the poll book.”

6.27 Visually impaired person

Section 227 of the Act is amended:

(1) by substituting the following for the second and third paragraphs:

“The assistant to the senior deputy returning officer shall set up the template and the ballot paper card, give them to the elector, and indicate to the elector the order in which the candidates’ names appear on the ballot papers and the particulars entered under their names, where such is the case.

The senior deputy returning officer shall help the elector insert the ballot paper card into the electronic ballot box.”; and

(2) by striking out the fourth paragraph.

COMPILATION OF RESULTS AND ADDITION OF VOTES

6.28 Compilation of results

The following is substituted for sections 229 and 230 of the Act:

“**229.** After the closing of the poll, the senior deputy returning officer shall place the electronic ballot box in “end of election” mode and print out the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the polling place may be present.

The report on the compiled results shall indicate the total number of ballot paper cards, the number of rejected ballot papers and the number of valid votes for each office.

230. After the closing of the poll, the deputy returning officer of each polling station in the polling place shall complete the partial statement of votes according to section 238 and shall give a copy of it to the senior deputy returning officer.

The poll clerk of the polling station shall enter the following particulars in the poll book:

(1) the number of ballot paper cards received from the returning officer;

(2) the number of electors admitted to vote;

(3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;

(4) the names of the persons who have performed duties as election officers or representatives assigned to that station.”

The Act is amended by inserting the following after section 230:

“**230.1.** The senior deputy returning officer shall ensure, before the persons present, that the results entered on the printed report of the electronic ballot box and the total number of unused, spoiled, refused and cancelled ballot paper cards entered on the partial statement of votes of each deputy returning officer correspond to the total number of ballot paper cards issued by the returning officer.

230.2. Using the partial statement or statements of votes, the senior deputy returning officer shall complete an overall statement of votes in a sufficient number so that each representative assigned to a polling station or each candidate can have a copy of it.”.

6.29 Compiling sheet

Section 231 of the Act is revoked.

6.30 Counting of the votes

Section 232 of the Act is revoked.

6.31 Rejected ballot papers

The following is substituted for section 233 of the Act:

“**233.** The electronic ballot box shall be programmed in such a way as to reject any ballot paper that

- (1) has not been marked;
- (2) has been marked in favour of more than one candidate;
- (3) has been marked in favour of a person who is not a candidate.

For the purposes of the poll, the memory card shall be programmed in such a way as to ensure that the electronic ballot box processes and conserves all the ballot paper cards inserted, in other words both the cards containing valid ballot papers and those containing rejected ballot papers, except any ballot paper cards that have been refused.”.

6.32 Rejected ballot papers, procedural omission, valid ballot papers

Sections 233 to 236 of the Act, adapted as required, shall apply only in the case of a judicial recount.

6.33 Contested validity

The following is substituted for section 237 of the Act:

“**237.** The poll clerk, at the request of the senior deputy returning officer, shall enter in the poll book every objection raised by a representative present at the printing out of the results compiled by an electronic ballot box in respect of the validity of the results.”.

6.34 Partial statement of votes, overall statement of votes and copy given to representatives of candidates

The following is substituted for section 238 of the Act:

“**238.** The deputy returning officer shall draw up the partial statement of votes, setting out

- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box;
- (3) the number of unused ballot paper cards.

The deputy returning officer shall make two copies of the partial statement of votes, one of which must be given to the senior deputy returning officer.

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

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

Section 240 of the Act is revoked.

6.35 Separate, sealed and initialled envelopes given to the returning officer

The following is substituted for sections 241, 242 and 243 of the Act:

“**241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards that were not

inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of votes. Each deputy returning officer shall seal the envelopes, place them in a recipient, seal it, and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling station who wish to do so shall initial the seals.

242. After the results compiled by the electronic ballot box have been printed, in the presence of the candidates or representatives who wish to be present, the senior deputy returning officer:

— if the plastic recipient has been used for the electronic ballot box, place the ballot paper cards from the recipient of the electronic ballot box in a transfer box. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the transfer box. He shall seal and initial the transfer box and allow the representatives who wish to do so to initial it;

— if the cardboard recipient is used for the electronic ballot box, remove the cardboard recipient containing the ballot papers. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the cardboard recipient. He shall seal and initial the cardboard recipient and allow the representatives who wish to do so to initial it.

The senior deputy returning officer give the transfer boxes or the cardboard recipients to the returning officer or to the person designated by the returning officer.

243. The senior deputy returning officer shall place in an envelope a copy of the overall statement of votes stating the results of the election and the partial statements of votes. The senior deputy returning officer shall then seal and initial the envelope and give it to the returning officer.

The representatives assigned to the polling stations may initial the seal.”

Section 244 of the Act is revoked.

6.36 Addition of votes

The following is substituted for section 247 of the Act:

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

6.37 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

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

Where it is not possible to obtain an overall statement of votes, or the printed report on the results compiled by an electronic ballot box, the returning officer shall, in the presence of the senior deputy returning officer and the candidates concerned or their representatives if they so wish, print out the results using the memory card taken from the transfer box opened in the presence of the persons listed above.”

6.38 Placing in envelope

The following is substituted for section 249 of the Act:

“**249.** After printing and examining the results, the returning officer shall place them in an envelope together with the memory card.

The returning officer shall seal the envelope, put the envelope in the transfer box and then seal the box.

The returning officer, the candidates and the representatives present may initial the seals.”

6.39 New counting of the votes

The following is substituted for section 250 of the Act:

“**250.** Where it is not possible to print a new report on the results compiled using the memory card, the returning officer, on the date, at the time and at the place that he determines, in the presence of the candidates or their representatives who wish to be present, shall recover the ballot paper cards used for the office or offices concerned and shall insert them, one by one, in the opening of the electronic ballot box equipped with a new programmed memory card. He shall then print out the results compiled by the electronic ballot box.”

6.40 Notice to the Minister

Section 251 of the Act is amended by substituting the words “overall statement of votes, the report on the results compiled by the electronic ballot box and the ballot paper cards” for the words “statement of votes and the ballot papers” in the first line of the first paragraph.

6.41 Access to ballot papers

The following is substituted for section 261 of the Act:

“**261.** Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the returning officer or the person responsible for providing access to the documents held by the municipality may not issue copies of the ballot papers used, or allow any person to examine the ballot papers, without being required to do so by an order issued by a court or judge.”.

6.42 Application for a recount

Section 262 of the Act is amended by substituting the words “an electronic ballot box” for the words “a deputy returning officer, a poll clerk or the returning officer” in the first and second lines of the first paragraph.

7. EXAMINATION OF REJECTED BALLOT PAPERS

Within 120 days from the date on which an election is declared or contested, the returning officer must, at the request of the Chief Electoral Officer or the Minister, examine the rejected ballot papers to ascertain the grounds for rejection. The returning officer must verify the ballot paper cards contained in the recipients for ballot papers.

The returning officer must notify the candidates or their representatives that they may be present at the examination. The Chief Electoral Officer and the Minister shall be notified and they may delegate their representatives. The representative of the company that sold or rented out the electronic ballot boxes must attend the examination to explain the operation of the mechanism for rejecting ballot papers and to answer questions from the participants.

The programming parameters for rejecting ballot papers must be disclosed to the participants.

The examination of the rejected ballot papers shall in no way change the results of the poll or be used in a court to attempt to change the results of the poll.

A report on the examination must be drawn up by the returning officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of the related ballot paper. Any other relevant comment concerning the conduct of the poll must also be included.

Prior to the examination of the rejected ballot papers, the rejected ballot papers must be separated from the other ballot papers, using the electronic ballot box duly programmed by the representative of the firm, and a sufficient number of photocopies must be made for the participants present. The candidates or their representatives may be present during this operation.

8. DURATION AND APPLICATION OF AGREEMENT

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

9. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general elections or subsequent by-elections provided for in the agreement.

Mention of that fact shall be made in the assessment report.

10. ASSESSMENT REPORT

Within 120 days following the partial election held on April 6, 2003, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

- the preparations for the election (choice of the new method of voting, communications plan, etc.);
- the conduct of the advance poll and the poll;
- the cost of using the electronic voting system:
- the cost of adapting election procedures;
- non-recurrent costs likely to be amortized;

— a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the partial election on April 6, 2003 using traditional methods;

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

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

— the results obtained during the addition of the votes and the correspondence between the number of ballot paper cards issued to the deputy returning officers and the number of ballot paper cards returned used and unused;

— the examination of rejected ballot papers, if it has been completed.

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

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the partial election held on April 6, 2003 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

12. EFFECT OF THE AGREEMENT

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

AGREEMENT SIGNED IN THREE COPIES :

In L'Assomption, on this 5th day of the month of February of the year 2003

THE MUNICIPALITY OF L'ASSOMPTION

By: _____
LIONEL MARTEL, *Mayor*

JACQUES LEBLOND, *Clerk or Secretary-Treasurer*

In Québec, on this 19th day of the month of February of the year 2003

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 24th day of the month of February of the year 2003

THE MINISTER OF MUNICIPAL AFFAIRS
AND GREATER MONTRÉAL

By: _____
DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER HOLDER

MUNICIPALITY OF MATTEAU

Municipal Election - November 5, 2000

“SPÉCIMEN”

Mayor Office	
Marie BONENFANT	<input type="radio"/>
Jean-Charles BUREAU Appartenance politique	<input type="radio"/>
Pierre-A. LARRIVÉE	<input type="radio"/>

City Councillor District 1	
Luc GAUTHIER	<input type="radio"/>
Carl LUSSIER	<input type="radio"/>
Hélène ROCHETTE Appartenance politique	<input type="radio"/>
Sylvain SAINT-PIERRE	<input type="radio"/>

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**INITIALES DU
SCRUTATEUR**

[Empty box for section name]

SECTION DE VOTE

Imprimerie Atwater Inc.
3009, rue Notre-Dame Ouest
Montréal (Québec)
H4C 1N9

M.O., 2003**Order of the Minister of Transport dated
5 March 2003**

Highway Safety Code
(R.S.Q., c. C-24.2; 2002, c. 62)

Designation of the territory of a municipality as an area where making a right turn on a red light will be prohibited

THE MINISTER OF TRANSPORT,

CONSIDERING the second paragraph of section 359.1 of the Highway Safety Code (R.S.Q., c. C-24.2), replaced by section 4 of chapter 62 of the Statutes of 2002;

CONSIDERING the need to designate the territory of Ville de Montréal as an area where making a right turn on a red light is prohibited as of 13 April 2003;

ORDERS:

THAT the territory of Ville de Montréal be designated as an area where making a right turn on a red light will be prohibited as of 13 April 2003.

SERGE MÉNARD,
Minister of Transport

5651

M.O., 2003**Order 2152 of the Minister of Justice dated
21 February 2003**

Civil Code of Québec
(1991, c. 64; 2002, c. 6)

Rules respecting the solemnization of civil marriages and civil unions

WHEREAS, under article 376 of the Civil Code (1991, c. 64), amended by section 25 of chapter 6 of the Statutes of 2002, the Minister of Justice may prescribe rules for the solemnization of marriages;

WHEREAS, under article 521.3 of the Civil Code, enacted by section 27 of chapter 6 of the Statutes of 2002, the solemnization of a civil union is subject to the same rules, with the necessary modifications, as are applicable to the solemnization of a marriage, including the rules relating to prior publication;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft amendment of the Rules respecting the solemnization of civil marriages and civil unions was published in Part II of the *Gazette officielle du Québec* of 6 November 2002, with a notice that they could be made by the Minister of Justice upon the expiry of 45 days following that publication;

WHEREAS, following that publication, comments were received;

WHEREAS it is expedient to make the Rules respecting the solemnization of civil marriages and civil unions, taking the comments into account;

IT IS ORDERED, therefore:

THAT the Rules respecting the solemnization of civil marriages and civil unions, attached to this Order, be made.

Québec, February 21 2003

NORMAND JUTRAS,
Minister of Justice

**Rules respecting the solemnization
of civil marriages and civil unions**

Civil Code of Québec
(1991, c. 64, a. 376; 2002, c. 6, s. 25)

1. The publication of a civil marriage or a civil union shall be made using the form in Schedule I or Schedule II, as the case may be, which must be posted for 20 days before the date of the ceremony, at the place where the ceremony is to be held and at the courthouse nearest to that place.

2. Marriages and civil unions solemnized by a clerk or deputy clerk of the Superior Court or in a courthouse must be solemnized between 9:00 a.m. and 4:30 p.m. They may not be solemnized on

- (1) Sundays;
- (2) 1 and 2 January;
- (3) Good Friday;
- (4) Easter Monday;
- (5) 24 June, the National Holiday;

- (6) 1 July, the anniversary of Confederation;
- (7) the first Monday of September, Labour Day;
- (8) the second Monday of October;
- (9) 24, 25, 26 and 31 December;

(10) the day fixed by proclamation of the Governor General for the celebration of the birthday of the Sovereign; or

(11) any other day fixed by order of the Government as a public holiday or as a day of thanksgiving.

Marriages and civil unions solemnized by any other competent officiant under article 366 of the Civil Code elsewhere than in a courthouse must be solemnized between 9:00 a.m. and 10:00 p.m. and they may be solemnized on any day, including the days referred to in the first paragraph.

3. The clerk or deputy clerk of the Superior Court may solemnize a marriage or civil union in a courthouse or at the places referred to in sections 4 and 5.

Any other officiant may solemnize a marriage or civil union in a courthouse, in a place referred to in section 4 or in any other place agreed upon by the intended spouses. That place shall be in keeping with the solemn nature of the ceremony and be laid out for that purpose.

4. If one of the intended spouses is physically unable to move about, and that inability is attested to in a medical certificate, the ceremony may take place, with the permission of the officiant, at the place where that intended spouse is, provided that a request to that effect is submitted to the officiant before the posting of the notice of marriage or civil union or at the time of the application for a dispensation from publication of the notice.

5. If one of the intended spouses is confined in a correctional facility or penitentiary, the ceremony may take place at the correctional facility or penitentiary, provided that a request to that effect is submitted to the clerk or deputy clerk of the Superior Court before the posting of the notice of marriage or civil union or at the time of the application for a dispensation from publication of the notice.

6. If the ceremony takes place in a courthouse, the Québec flag must be displayed in the room in which the ceremony takes place.

7. A male clerk or deputy clerk of the Superior Court shall wear a black gown with a dark suit, a white shirt, and dark tie or a black gown, closed in front, with a raised neck opening and long sleeves. A female clerk or deputy clerk shall wear a black gown with a dark skirt and a white long-sleeved blouse or dark clothing.

Any other officiant is exempt from wearing the gown.

8. During the ceremony, the officiant shall address the intended spouses using the text in Schedule III or Schedule IV, as the case may be. If the officiant solemnizes more than one marriage or civil union at the same time, the appropriate text shall be read only once.

The text shall be read in French or in English, as determined by the intended spouses. If either spouse does not understand French or English, the officiant shall ask that the intended spouses provide the services of an interpreter at their expense.

9. The officiant shall then receive from the intended spouses a statement of their consent in the manner provided for in Schedule V or Schedule VI, as the case may be.

10. The officiant must keep, in an appropriate place, a copy of the notice of marriage or civil union, or of the dispensation from publication, where applicable, of the declaration of marriage or civil union, and a copy of the certificate of marriage or civil union, and of any other document that was used to certify the accuracy of the information provided by the spouses.

If the officiant is not a notary, a mayor, a member of a municipal or borough council or a municipal officer, the copy of the documents required in the first paragraph must be filed with the clerk of the Superior Court in the judicial district where the ceremony took place.

11. These Rules replace the Rules respecting the solemnization of civil marriages made by Ministerial Order 1440 of the Minister of Justice dated 6 July 1994.

However, if the intended spouses had already agreed with a clerk or deputy clerk of the Superior Court, before the date of coming into force of these Rules, that the solemnization of their marriage or civil union would take place at one of the places provided for in section 5.1 of the replaced Rules, the clerk or deputy clerk may solemnize the marriage or civil union at that place.

12. These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

SCHEDULE I

(s. 1)

NOTICE OF CIVIL MARRIAGE

A civil marriage will be solemnized by the clerk or deputy clerk of the Superior Court

or _____
(name and quality of officiant)

at _____
(address of the place and name of the municipality where the ceremony will take place)

in the judicial district of _____

on _____

between _____
(name and address of intended husband's domicile)

born on _____

at _____
(municipality, province or territory, country)

and _____
(name and address of intended wife's domicile)

born on _____

at _____
(municipality, province or territory, country)

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

Witness _____

Address _____

Declared before me at _____

this _____

(signature) (function, profession or quality)

This notice of marriage has been posted, this _____ day of _____, 20 ____, by me, _____, clerk or deputy clerk of the Superior Court in the judicial district of _____

or _____
(name and quality of officiant)

at _____
(address of the place and name of the municipality where the ceremony will take place and identification of the nearest courthouse)

signature (officiant)

SCHEDULE II

(s. 1)

NOTICE OF CIVIL UNION

A civil union will be solemnized by the clerk or deputy clerk of the Superior Court

or _____
(name and quality of officiant)

at _____
(address of the place and name of the municipality where the ceremony will take place)

in the judicial district of _____

on _____

between _____
(name and address of intended spouse's domicile)

born on _____

at _____
(municipality, province or territory, country)

and _____
(name and address of other intended spouse's domicile)

born on _____

at _____
(municipality, province or territory, country)

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

Witness _____

Address _____

Declared before me at _____

this _____

(signature) (function, profession or quality)

This notice of civil union has been posted, this _____ day of _____ 20 ____ by me _____, clerk or deputy clerk of the Superior Court in the judicial district of _____

or _____
(name and quality of officiant)

at _____
(address of the place and name of the municipality where the ceremony will take place and identification of the nearest courthouse)

signature (officiant)

SCHEDULE III

(s. 8)

FORM USED FOR A CIVIL MARRIAGE

(name of wife)

(name of husband)

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

Article 392. The spouses have the same rights and obligations in marriage.

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

They are bound to live together.

Article 393. In marriage, both spouses retain their respective names and exercise their civil rights under those names.

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

Article 395. The spouses choose the family residence together.

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

Article 396. The spouses contribute towards the expenses of the marriage in proportion to their respective means.

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

SCHEDULE IV

(s. 8)

FORM USED FOR A CIVIL UNION

(name of one spouse)

(name of other spouse)

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

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

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

They are bound to live together.

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

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

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

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

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

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

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

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

SCHEDULE V

(s. 9)

FORM USED FOR A CIVIL MARRIAGE

“ _____, do you take
(name of husband)

_____, here present,
(name of wife)
to be your wife?

Answer: “I do”.”

The intended husband declares: “I do.”

“ _____, do you take
(name of wife)

_____, here present,
(name of husband)
to be your husband?

Answer: “I do”.”

The intended wife declares: “I do”.

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

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

(name of husband)
and you _____
(name of wife)

united in the bonds of marriage.”.

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

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

SCHEDULE VI

(s. 9)

FORM USED FOR A CIVIL UNION

“ _____, do you take
(name of one spouse)

_____, here present,
(name of other spouse)
to be your spouse?

Answer: “I do”.”

The intended spouse declares: “I do”.

“ _____, do you take
(name of one spouse)

_____, here present,
(name of other spouse)

to be your spouse?

Answer: “I do”.”

The intended spouse declares: “I do”.

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

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

(name of one spouse)

and you _____
(name of other spouse)

united in the bonds of civil union.”.

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

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

Draft Regulations

Draft Regulation

An Act respecting municipal courts
(R.S.Q., c. C-72.01)

Municipal courts

— Judicial selection procedure

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft Regulation respecting the judicial selection procedure for municipal courts, the text of which appears below, may be made by the Government upon the expiry of a period of 45 days from this publication.

The draft Regulation sets out the rules for applying for judicial appointment to a municipal court; the rules on the establishment, composition, and appointment of members of a committee to select candidates for judicial appointment; and the selection criteria to be used by the committee for evaluating candidates.

The draft Regulation also revokes the Regulation respecting the procedure for the selection of persons for appointment as municipal judges made by Order in Council 915-89 dated 14 June 1989.

Up to now, study of the matter has revealed no impact on the public or on businesses.

Further information on the draft Regulation respecting the judicial selection procedure for municipal courts may be obtained by contacting Mtre Pierre Legendre, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1; by telephone at (418) 643-4090; or by fax at (418) 643-3877.

Any person who wishes to submit comments on the matter is asked to send them in writing before the expiry of the 45-day period to the Minister of Justice, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1.

NORMAND JUTRAS,
Minister of Justice

Regulation respecting the judicial selection procedure for municipal courts

An Act respecting municipal courts
(R.S.Q., c. C-72.01, ss. 34, 35 and 118)

DIVISION I

NOTICE OF JUDICIAL VACANCY

1. When a judicial appointment must be made to a municipal court, the Minister of Justice shall publish, *inter alia*, in the journal of the Barreau du Québec or in a daily newspaper of general circulation in Québec, a notice inviting interested persons to submit an application.

2. The notice must include the following information:

(1) the court on which there is a vacancy;

(2) the requirement that interested persons apply on the form appearing in Schedule A and provide the documents referred to in section 5;

(3) the application deadline, which must be between the 30th and 40th days following the date of publication of the notice; and

(4) the address of the coordinator designated by the Minister to whom applications must be sent.

3. The Minister is not required to have a new notice published so long as a list maintained pursuant to section 22 contains the names of candidates declared suitable for judicial appointment to the same municipal court for which the notice referred to in section 2 was published.

4. The coordinator shall forward the notice to the chief judge of the Court of Québec, to the associate chief judge of the Court of Québec responsible for municipal courts, to the Conseil de la magistrature, and to the Bâtonnier of the Province of Québec.

DIVISION II JUDICIAL CANDIDATES

5. Persons who wish to apply must, no later than the date indicated in the notice, submit to the coordinator the form appearing in Schedule A, duly completed, along with a recent photograph and a record of their entry on the Roll of the Order of Advocates.

Paper documents sent by mail are presumed received by the coordinator on the date of mailing. Technology-based documents are presumed received by the coordinator when they become accessible at the address of the coordinator, as provided in section 31 of the Act to establish a legal framework for information technology (R.S.Q., c. C-1.1).

6. Notwithstanding section 5, a municipal court judge may apply for a judicial position on another municipal court in writing expressing his or her interest in the position. The application must be sent to the coordinator within the time prescribed in the notice.

7. When an applicant's file is complete, the coordinator shall forward it to the chair of the selection committee established by the Minister and inform the applicant thereof. Any application that remains incomplete after the date indicated in the notice shall be returned to the applicant by the coordinator and the applicant is then deemed not to have applied.

DIVISION III ESTABLISHMENT OF A SELECTION COMMITTEE

8. Following publication of the notice, the Minister shall establish a selection committee and appoint the members.

9. The committee shall be composed of

(1) the associate chief judge of the Court of Québec responsible for municipal courts or a municipal judge, who shall be the chair;

(2) an advocate who has practised the profession for at least ten years, appointed after consultation with the Barreau du Québec; and

(3) a person who is neither a judge nor an advocate.

The Minister may, in accordance with the procedure set out in the first paragraph, appoint a substitute member to act in the place of a member who is absent or who disqualifies himself or herself.

10. A member of the selection committee must disqualify himself or herself with respect to an application

(1) if that member is or has been the applicant's spouse;

(2) if that member is related to the applicant by blood or marriage to the degree of first cousin inclusively; or

(3) if that member is or has been a partner, employer, immediate superior, or employee of the applicant in the last five years.

The applicant may bring a ground for disqualification of one of its members to the committee's attention.

11. Committee members must take the oath of discretion appearing in Schedule B.

12. A person may be appointed a member of more than one committee at the same time.

DIVISION IV EXPENSES AND ALLOWANCES OF COMMITTEE MEMBERS

13. Committee members receive fees of \$100 per half day for attending meetings, except the associate chief judge of the Court of Québec responsible for municipal courts, municipal judges under the authority of a president judge, and members who hold offices or positions in the public service or in a body or agency whose members are appointed by the Government.

14. Members are entitled to be reimbursed for expenses incurred to attend committee meetings, as provided in the order made under section 119 of the Courts of Justice Act (R.S.Q., c. T-16).

DIVISION V OPERATION OF THE COMMITTEE

15. The chair shall convene each candidate, except candidates referred to in section 6, to an interview with the committee.

The chair shall determine the date and place of interviews and shall inform the candidates thereof.

16. A candidate may withdraw an application at any time before the interview with the committee. The candidate must notify the coordinator in writing as soon as possible. The candidate is then deemed, for the purposes of section 21, not to have submitted an application. Immediately upon receiving the notice of withdrawal, the coordinator shall inform the chair.

Where a candidate, owing to exceptional circumstances, cannot attend the scheduled interview, the committee may, on the candidate's request, postpone the interview or remove his or her name from the list of candidates. A candidate whose name is removed is deemed, for the purposes of section 21, not to have submitted an application. The chair shall inform the coordinator and the candidate thereof.

If a candidate does not attend the scheduled interview without exceptional circumstances as grounds for postponing it, the committee shall remove the candidate's name from the list of candidates. A candidate whose name is removed may not reapply for appointment to the same municipal court during the 12 months following the date of publication of the notice to which the candidate had responded.

17. The committee shall interview candidates privately.

DIVISION VI SELECTION CRITERIA

18. To assess a candidate, the committee shall consider the following criteria :

- (1) the candidate's conception of the judicial office ;
- (2) the candidate's involvement in the community ;
- (3) the candidate's ability to adapt to social realities ;
- (4) recognition by the legal community of the candidate's qualifications and skills ; and
- (5) the candidate's skills, including
 - (a) personal and intellectual qualities, integrity, knowledge, and general experience ;
 - (b) extent of knowledge of the law ; and
 - (c) capacity for judgment, insight, level-headedness, ability to set priorities and to render a decision within a reasonable time, and quality of expression.

DIVISION VII REPORT OF THE COMMITTEE

19. At the end of the interviews, the committee shall draw up a report indicating the names of the candidates it considers suitable for judicial appointment and include the candidates referred to in section 6.

The chair shall send the report to the Minister and a copy to the coordinator.

20. A member may dissent from all or part of the committee's report.

21. The decision of the committee on a candidate's suitability for judicial appointment is valid for any judicial appointment to the same municipal court for which a notice is published within 12 months following the date of publication of the notice to which the candidate had responded.

No candidate, except candidates referred to in section 6, may reapply for appointment to the same municipal court during that period.

22. The coordinator shall establish and maintain a list of the candidates who have been declared suitable for judicial appointment.

The coordinator shall send the updated list to the Minister after receiving a report.

DIVISION VIII MISCELLANEOUS, TRANSITIONAL AND FINAL

23. If, after receiving a committee's report and considering the list of candidates declared suitable for judicial appointment, the Minister is of the opinion that, in the best interests of justice, an appointment cannot be recommended to the Government, the Minister may have another notice published as provided in Division I.

The committee that made a report following the first notice shall then convene the candidates who submit an application following the second notice and report to the Minister as provided in this Regulation.

24. The names of judicial candidates, committee reports, the lists of candidates declared suitable for judicial appointment, and the documents relating to applications are confidential. All documents shall be kept by the coordinator.

However, where the judicial vacancy for which a candidate applied has been filled, the coordinator shall write to the candidates who had been convened by the committee to inform them as to whether they have been declared suitable for judicial appointment and the period of validity of the committee's decision regarding them as provided in section 21.

The coordinator shall not disclose any other information contained in the report or related to the Minister's recommendation.

25. The coordinator shall take the oath of discretion appearing in Schedule B upon his or her designation.

26. The Regulation respecting the procedure for the selection of persons for appointment as municipal judges made by Order in Council 915-89 dated 14 June 1989 is revoked.

However, that Regulation continues to apply to the selection procedures in progress on the date of coming into force of this Regulation.

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

SCHEDULE A

(ss. 2 and 5)

APPLICATION FOR JUDICIAL APPOINTMENT TO A MUNICIPAL COURT

I. GENERAL

1. Indicate the court on which there is a vacancy.
2. Indicate the number of the notice of the judicial vacancy.
3. Surname :
4. Given name :
5. Date of birth :
6. Business address :
Telephone number :
Fax number :
E-mail address :
7. Residential address :
Telephone number :
Fax number :
E-mail address :
8. Where should your mail be sent ?
 Office Residence
9. Date on which you obtained your permit to practise the profession of advocate in Québec :
10. Since that date, have you always been entered on the Roll of the Order of Advocates ?
 yes no (specify)
11. In which section of the Bar are you currently entered ?
12. Are you or have you ever been a member of another professional order ?
 yes (specify) no

II. POST-COLLEGE STUDIES

§ UNIVERSITY

13. Name of institution :
14. Degree obtained :
15. Year degree obtained :

§ PROFESSIONAL TRAINING

16. Name of institution :
17. Year permit to practise obtained :

III. EMPLOYMENT AND PROFESSIONAL ACTIVITIES

18. Indicate the positions you held and the experience you acquired before obtaining an undergraduate degree in law that you consider relevant to judicial office.

19. Indicate all the positions you have held, including your current position, as well as the experience you have acquired since you obtained your undergraduate degree in law, whether or not the position or experience is related to the practice of the profession of advocate.

20. Are you currently performing adjudicative functions, for example in a judicial or administrative tribunal, government body or agency, or on a committee on discipline of a professional order ?

21. Indicate your legal activities or experience that you consider relevant to the exercise of judicial office.

22. Indicate your activities, experience, or involvement in other areas that you consider relevant to judicial office.

23. Explain the reasons for your interest in a judicial position.

IV. OTHER INFORMATION

24. Have you ever been summoned by a committee of the Bar entrusted with verifying your eligibility to practise the profession ?

25. Have you ever been disqualified from practising the profession of advocate under section 122 of the Act respecting the Barreau du Québec (R.S.Q., c. B-1) ?

26. Are you or have you ever been the subject of a penalty or a recommendation rendered by the Committee on Discipline of the Barreau du Québec, by the Professional Inspection Committee of Advocates, by a committee on discipline of another professional order, or by the Professions Tribunal ? (If so, indicate the nature of the penalty or recommendation and the reasons.)

27. Are you or have you ever been the subject of a penalty or a recommendation rendered outside Québec which, if it had been rendered in Québec, would have had the effect of a penalty or a recommendation rendered by a court or committee referred to in Question 26 ? (If so, indicate the nature of the penalty or recommendation and the reasons.)

28. Have you ever been found guilty of contempt of court ? (If so, explain and indicate the nature of the decision and the reasons.)

29. Have you ever been found guilty of a criminal offence or an indictable offence ? (If so, explain and specify the offence and the sentence given.)

30. If you have been found guilty of such an offence, were you granted a pardon ?

31. Are you a plaintiff or defendant in a pending suit before a court or committee referred to in Question 26 or 27 ? (If so, explain and indicate the file number.)

32. Are there currently one or more unexecuted judgments against you in any civil, criminal, matrimonial, or penal matter ? (If so, explain.)

33. Are you currently having or have you ever had any other problems with the law ? (If so, explain briefly.)

34. Are you or have you been in the last five years in serious financial difficulties that could compromise your impartiality if you were appointed as a judge ?

35. Do you have any physical or mental ailment that could prevent you from performing judicial duties ? (If so, explain.)

36. Do you have a dependency on drugs or alcohol ?

V. DOCUMENTS

The applicant must include with this form a recent photograph and a record of his or her entry on the Roll of the Order of Advocates.

VI. CONSENT

I declare that all the information provided in this form and the attached documents are complete and accurate. Any declaration made in this document that I know to be false or misleading or to contain inaccurate, misleading, or incomplete information renders my application null and void.

I authorize inquiries to be made concerning me of any disciplinary body, any professional order to which I belong or have belonged, and of police authorities. I also authorize consultations with persons or organizations that could be useful for the assessment of my application concerning the information provided in this form, the attached documents, and any other aspect of my application.

I undertake not to disclose anything about my interview with the selection committee.

I undertake to inform the coordinator designated by the Minister to implement the judicial selection procedure for municipal courts of any change likely to modify the information provided in this document during the period of validity of the committee's decision concerning my application.

Signed at _____ this _____
(day, month, year)

Signature

SCHEDULE B (ss. 11 and 25)

OATH OF DISCRETION

I declare under oath that I will not reveal or disclose anything that may come to my knowledge in the discharge of my duties, unless duly authorized to do so.

Name of declarant

Sworn before me

at _____

this _____

Person authorized to take oaths

5634

Draft Regulation

Courts of Justice Act
(R.S.Q., c. T-16)

Court of Québec

— Judicial selection procedure

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft Regulation respecting the judicial selection procedure for the Court of Québec, the text of which appears below, may be made by the Government upon the expiry of a period of 45 days from this publication.

The draft Regulation sets out the rules for applying for judicial appointment to the Court of Québec; the rules on the establishment, composition, and appointment of members of a committee to select candidates for judicial appointment; and the selection criteria to be used by the committee for evaluating candidates.

The draft Regulation also revokes the Regulation respecting the procedure for the selection of persons apt for appointment as judges (R.R.Q., 1981, c. T-16, r. 5).

Up to now, study of the matter has revealed no impact on the public or on businesses.

Further information on the draft Regulation respecting the judicial selection procedure for the Court of Québec may be obtained by contacting Mre Pierre Legendre, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1; by telephone at (418) 643-4090; or by fax at (418) 643-3877.

Any person who wishes to submit comments on the matter is asked to send them in writing before the expiry of the 45-day period to the Minister of Justice, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1.

NORMAND JUTRAS,
Minister of Justice

Regulation respecting the judicial selection procedure for the Court of Québec

Courts of Justice Act
(R.S.Q., c. T-16, s. 88)

DIVISION I

NOTICE OF JUDICIAL VACANCY

1. The chief judge of the Court of Québec shall inform the Minister of Justice of any judicial vacancy, indicating, where applicable, the main type of matters to be heard by the appointee.

If the vacancy is to be filled, the Minister shall publish, *inter alia*, in the journal of the Barreau du Québec or in a daily newspaper of general circulation in Québec, a notice inviting interested persons to submit an application.

2. The notice must include the following information:

(1) the main type of matters to be heard by the judge, if indicated by the chief judge;

(2) the place where the residence of the judge will be established;

(3) the requirement that interested persons apply on the form appearing in Schedule A and provide the documents referred to in section 5;

(4) the application deadline, which must be between the 30th and the 40th days following the date of publication of the notice; and

(5) the address of the coordinator designated by the Minister to whom applications must be sent.

3. The Minister is not required to have a new notice published so long as a list maintained pursuant to section 21 contains the names of candidates declared suitable for judicial appointment in the place where the judge must take up residence as provided in the notice referred to in section 2.

4. The coordinator shall forward the notice to the chief judge, to the Conseil de la magistrature, and to the Bâtonnier of the Province of Québec.

DIVISION II

JUDICIAL CANDIDATES

5. Persons who wish to apply must, no later than the date indicated in the notice, submit to the coordinator the form appearing in Schedule A, duly completed, along with a recent photograph and a record of their entry on the Roll of the Order of Advocates.

Paper documents sent by mail are presumed received by the coordinator on the date of mailing. Technology-based documents are presumed received by the coordinator when they become accessible at the address of the coordinator, as provided in section 31 of the Act to establish a legal framework for information technology (R.S.Q., c. C-1.1).

6. When an applicant's file is complete, the coordinator shall forward it to the chair of the selection committee established by the Minister and inform the applicant

thereof. Any application that remains incomplete after the date indicated in the notice shall be returned to the applicant by the coordinator and the applicant is then deemed not to have applied.

DIVISION III ESTABLISHMENT OF A SELECTION COMMITTEE

7. Following publication of the notice, the Minister shall establish a selection committee and appoint the members.

8. The committee shall be composed of

(1) a judge of the Court of Québec, appointed on the recommendation of the chief judge, who shall be the chair;

(2) an advocate who has practised the profession for at least ten years, appointed after consultation with the Barreau du Québec; and

(3) a person who is neither a judge nor an advocate.

The Minister may, in accordance with the procedure set out in the first paragraph, appoint a substitute member to act in the place of a member who is absent or who disqualifies himself or herself.

9. A member of the selection committee must disqualify himself or herself with respect to an application

(1) if that member is or has been the applicant's spouse;

(2) if that member is related to the applicant by blood or marriage to the degree of first cousin inclusively; or

(3) if that member is or has been a partner, employer, immediate superior, or employee of the applicant in the last five years.

The applicant may bring a ground for disqualification of one of its members to the committee's attention.

10. Committee members must take the oath of discretion appearing in Schedule B.

11. A person may be appointed a member of more than one committee at the same time.

DIVISION IV EXPENSES AND ALLOWANCES OF COMMITTEE MEMBERS

12. Committee members, except judges and members who hold offices or positions in the public service or in a body or agency whose members are appointed by the Government, receive fees of \$100 per half day for attending meetings.

13. Members are entitled to be reimbursed for expenses incurred to attend committee meetings, as provided in the order made under section 119 of the Courts of Justice Act (R.S.Q., c. T-16).

DIVISION V OPERATION OF THE COMMITTEE

14. The chair shall convene each candidate to an interview with the committee.

The chair shall determine the date and place of interviews and shall inform the candidates thereof.

15. A candidate may withdraw an application at any time before the interview with the committee. The candidate must notify the coordinator in writing as soon as possible. The candidate is then deemed, for the purposes of section 20, not to have submitted an application. Immediately upon receiving the notice of withdrawal, the coordinator shall inform the chair.

Where a candidate, owing to exceptional circumstances, cannot attend the scheduled interview, the committee may, on the candidate's request, postpone the interview or remove his or her name from the list of candidates. The candidate whose name is removed is deemed, for the purposes of section 20, not to have submitted an application. The chair shall inform the coordinator and the candidate thereof.

If a candidate does not attend the scheduled interview without exceptional circumstances as grounds for postponing it, the committee shall remove the candidate's name from the list of candidates. A candidate whose name is removed may not reapply for appointment to the Court of Québec during the 12 months following the date of publication of the notice to which the candidate had responded.

16. The committee shall interview candidates privately.

DIVISION VI SELECTION CRITERIA

17. To assess a candidate, the committee shall consider the following criteria:

- (1) the candidate's conception of the judicial office;
- (2) the candidate's involvement in the community;
- (3) the candidate's ability to adapt to social realities;
- (4) recognition by the legal community of the candidate's qualifications and skills; and
- (5) the candidate's skills, including
 - (a) personal and intellectual qualities, integrity, knowledge, and general experience;
 - (b) extent of knowledge of the law and experience in the areas of law in which the judicial duties will be performed; and
 - (c) capacity for judgment, insight, level-headedness, ability to set priorities and to render a decision within a reasonable time, and quality of expression.

DIVISION VII REPORT OF THE COMMITTEE

18. At the end of the interviews, the committee shall draw up a report indicating the names of the candidates it considers suitable for judicial appointment.

The chair shall send the report to the Minister and a copy to the coordinator.

19. A member may dissent from all or part of the committee's report.

20. The decision of the committee on a candidate's suitability for judicial appointment is valid for any judicial appointment to the Court of Québec for which a notice is published within 12 months following the date of publication of the notice to which the candidate had responded.

No candidate may reapply for appointment during that period.

21. The coordinator shall establish and maintain a list of the candidates who have been declared suitable for judicial appointment.

The coordinator shall send the updated list to the Minister after receiving a report.

DIVISION VIII MISCELLANEOUS, TRANSITIONAL AND FINAL

22. If, after receiving a committee's report and considering the list of candidates declared suitable for judicial appointment, the Minister is of the opinion that, in the best interests of justice, an appointment cannot be recommended to the Government, the Minister may have another notice published as provided in Division I.

The committee that made a report following the first notice shall then convene the candidates who submit an application following the second notice and report to the Minister as provided in this Regulation.

23. The names of judicial candidates, committee reports, the lists of candidates declared suitable for judicial appointment, and the documents relating to applications are confidential. All documents shall be kept by the coordinator.

However, where the judicial vacancy for which a candidate applied has been filled, the coordinator shall write to the candidates who had been convened by the committee to inform them as to whether they have been declared suitable for judicial appointment and the period of validity of the committee's decision regarding them as provided in section 20.

The coordinator shall not disclose any other information contained in the report or related to the Minister's recommendation.

24. The coordinator shall take the oath of discretion appearing in Schedule B upon his or her designation.

25. The Regulation respecting the procedure for the selection of persons apt for appointment as judges (R.R.Q., 1981, c. T-16, r. 5), amended by section 66 of chapter 21 of the Statutes of 1988, is revoked.

However, that Regulation continues to apply to the selection procedures in progress on the date of coming into force of this Regulation.

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

SCHEDULE A

(ss. 2 and 5)

**APPLICATION FOR JUDICIAL APPOINTMENT
TO THE COURT OF QUÉBEC****I. GENERAL**

1. Indicate the main type of matters to be heard by the appointed judge.

2. Indicate the number of the notice of the judicial vacancy and the place where the appointed judge's residence will be established.

3. Surname :

4. Given name :

5. Date of birth :

6. Business address :

Telephone number :

Fax number :

E-mail address :

7. Residential address :

Telephone number :

Fax number :

E-mail address :

8. Where should your mail be sent ?

Office

Residence

9. Date on which you obtained your permit to practise the profession of advocate in Québec :

10. Since that date, have you always been entered on the Roll of the Order of Advocates ?

yes

no (specify)

11. In which section of the Bar are you currently entered ?

12. Are you or have you ever been a member of another professional order ?

yes (specify)

no

II. POST-COLLEGE STUDIES§ *UNIVERSITY*

13. Name of institution :

14. Degree obtained :

15. Year degree obtained :

§ *PROFESSIONAL TRAINING*

16. Name of institution :

17. Year permit to practise obtained :

III. EMPLOYMENT AND PROFESSIONAL ACTIVITIES

18. Indicate the positions you held and the experience you acquired before obtaining an undergraduate degree in law that you consider relevant to judicial office.

19. Indicate all the positions you have held, including your current position, as well as the experience you have acquired since you obtained your undergraduate degree in law, whether or not the position or experience is related to the practice of the profession of advocate.

20. Are you currently performing adjudicative functions, for example in a judicial or administrative tribunal, government body or agency, or on a committee on discipline of a professional order ?

21. Indicate your legal activities or experience that you consider relevant to the exercise of judicial office.

22. Indicate your activities, experience, or involvement in other areas that you consider relevant to judicial office.

23. Explain the reasons for your interest in a judicial position.

IV. OTHER INFORMATION

24. Have you ever been summoned by a committee of the Bar entrusted with verifying your eligibility to practise the profession ?

25. Have you ever been disqualified from practising the profession of advocate under section 122 of the Act respecting the Barreau du Québec (R.S.Q., c. B-1) ?

26. Are you or have you ever been the subject of a penalty or a recommendation rendered by the Committee on Discipline of the Barreau du Québec, by the Professional Inspection Committee of Advocates, by a committee on discipline of another professional order, or by the Professions Tribunal ? (If so, indicate the nature of the penalty or recommendation and the reasons.)

27. Are you or have you ever been the subject of a penalty or a recommendation rendered outside Québec which, if it had been rendered in Québec, would have had the effect of a penalty or a recommendation rendered by a court or committee referred to in Question 26 ? (If so, indicate the nature of the penalty or recommendation and the reasons.)

28. Have you ever been found guilty of contempt of court ? (If so, explain and indicate the nature of the decision and the reasons.)

29. Have you ever been found guilty of a criminal offence or an indictable offence ? (If so, explain and specify the offence and the sentence given.)

30. If you have been found guilty of such an offence, were you granted a pardon ?

31. Are you a plaintiff or defendant in a pending suit before a court or committee referred to in Question 26 or 27 ? (If so, explain and indicate the file number.)

32. Are there currently one or more unexecuted judgments against you in any civil, criminal, matrimonial, or penal matter ? (If so, explain.)

33. Are you currently having or have you ever had any other problems with the law ? (If so, explain briefly.)

34. Are you or have you been in the last five years in serious financial difficulties that could compromise your impartiality if you were appointed as a judge ?

35. Do you have any physical or mental ailment that could prevent you from performing judicial duties ? (If so, explain.)

36. Do you have a dependency on drugs or alcohol ?

V. DOCUMENTS

The applicant must include with this form a recent photograph and a record of his or her entry on the Roll of the Order of Advocates.

VI. CONSENT

I declare that all the information provided in this form and the attached documents are complete and accurate. Any declaration made in this document that I know to be false or misleading or to contain inaccurate, misleading, or incomplete information renders my application null and void.

I authorize inquiries to be made concerning me of any disciplinary body, any professional order to which I belong or have belonged, and of police authorities. I also authorize consultations with persons or organizations that could be useful for the assessment of my application concerning the information provided in this form, the attached documents, and any other aspect of my application.

I undertake not to disclose anything about my interview with the selection committee.

I undertake to inform the coordinator designated by the Minister to implement the judicial selection procedure for the Court of Québec of any change likely to modify the information provided in this document during the period of validity of the committee's decision concerning my application.

Signed at _____ this _____
(day, month, year)

Signature

SCHEDULE B (ss. 10 and 24)

OATH OF DISCRETION

I declare under oath that I will not reveal or disclose anything that may come to my knowledge in the discharge of my duties, unless duly authorized to do so.

Name of declarant

Sworn before me

at _____

this _____

Person authorized to take oaths

Draft Regulation

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

Dental hygienists — Code of ethics — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Code of ethics of members of the Ordre des hygiénistes dentaires du Québec, made by the Bureau of the Ordre des hygiénistes dentaires du Québec, may be submitted to the Government for approval, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of the Regulation is to amend the Code of ethics of members of the Ordre des hygiénistes dentaires du Québec to introduce provisions stating the terms and conditions according to which a professional may communicate information that is protected by professional secrecy so as to prevent an act of violence.

These provisions are required by the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78). That Act permits the lifting of professional secrecy to prevent an act of violence, including a suicide, when the professional has grounds to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the communication must be limited to such information as is necessary to achieve the purposes for which the information is communicated, and the information may only be communicated to a person exposed to the danger, to that person's representative, or to the persons who can come to that person's rescue.

The Order expects the proposed amendments to have no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Dominique Derome, Secretary and Director General of the Ordre des hygiénistes dentaires du Québec, 1290, rue Saint-Denis, bureau 300, Montréal (Québec) H2X 3J7; telephone: (514) 284-7639 or 1 800 361-2996; fax: (514) 284-3147.

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

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

Regulation to amend the Code of ethics of members of the Ordre des hygiénistes dentaires du Québec *

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The Code of ethics of members of the Ordre des hygiénistes dentaires du Québec is amended by inserting the following subdivision after subdivision 6 of Division II:

“**§6.1.** *Lifting of professional secrecy to protect individuals*

32.1. In addition to the cases provided for in section 28, a dental hygienist may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the dental hygienist has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, the dental hygienist may only communicate the information to a person exposed to the danger or that person's representative, or to the persons who can come to that person's aid.

The dental hygienist may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

* The Code of ethics of members of the Ordre des hygiénistes dentaires du Québec, approved by Order in Council 686-97 dated 21 May 1997 (1997, G.O. 2, 2260), has not been amended since its approval.

If the interest of the person or persons exposed to the danger so requires, the dental hygienist shall consult a colleague, a member of another professional order, or any other qualified person, provided the consultation will not prejudicially delay the communication of the information.

32.2. A dental hygienist who, pursuant to section 32.1, communicates information protected by professional secrecy to prevent an act of violence shall

(1) enter the following particulars in the client's record, in a sealed envelope :

(a) the reasons supporting the decision to communicate the information, including the name of the person who caused the dental hygienist to communicate the information and the name of the person or group of persons exposed to a danger ; and

(b) the date, time and content of the communication, the mode of communication, and the name of the person to whom the information was given ; and

(2) within five days of the communication, send the syndic a notice regarding the communication that includes the reasons supporting the decision to communicate the information and the date and time it was communicated.”.

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

5631

Draft Regulation

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

Midwives

— Conciliation and arbitration of accounts

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the conciliation and arbitration procedure for the accounts of midwives, adopted by the Bureau of the Ordre des sages-femmes du Québec, may be submitted to the Government for approval, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of the Regulation is to establish a procedure for the conciliation and arbitration of accounts that will apply if a person has a dispute with a midwife concerning the amount of an account, even if the account has been paid in whole or in part.

The Regulation provides, in particular, for the establishment of a council of arbitration that may uphold, reduce or cancel the amount of an account in dispute and determine, where appropriate, the reimbursement or payment to which a party may be entitled.

According to the Order, the Regulation will have no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Raymonde Gagnon, President and Director General of the Ordre des sages-femmes du Québec, 430, rue Sainte-Hélène, bureau 405, Montréal (Québec) H2Y 2K7, telephone: (514) 286-1313 or 1 877 711-1313; fax: (514) 286-0008.

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. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions ; they may also be communicated to the professional order that adopted the Regulation as well as to the interested persons, departments or bodies.

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

Regulation respecting the conciliation and arbitration procedure for the accounts of midwives

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

DIVISION I GENERAL

1. The syndic of the Ordre des sages-femmes du Québec shall give a copy of this Regulation to any person who requests it and to the person who makes an application for conciliation.

In this Regulation, “syndic” includes the assistant syndic and the corresponding syndic of the Order, where applicable.

2. A person who has a dispute with a midwife concerning the amount of an account for professional services must apply for conciliation by the syndic, even if the account has been paid in whole or in part.

When such conciliation has not settled the dispute, the person may apply for arbitration.

3. A midwife may not institute proceedings in respect of an account

(1) before the expiry of the period granted for the application for conciliation in section 4;

(2) if there is an application for conciliation, before the expiry of the 30-day period provided for the application for arbitration in the first paragraph of section 9; and

(3) if there is an application for arbitration, until a decision is rendered by the council of arbitration.

Despite the preceding, a midwife may institute proceedings in respect of an account, with the authorization of the syndic, if the recovery of her fees could be jeopardized failing the institution of such proceedings.

DIVISION II CONCILIATION

4. An application for conciliation must be sent to the syndic within 45 days of receipt of the account by the person referred to in section 2.

When the payment of the account has been withdrawn or withheld by the midwife from the funds she holds or receives for or on behalf of the woman, the period runs from the day on which the latter becomes aware of the withdrawal or withholding.

An application for conciliation in respect of an account for which no payment, withdrawal or withholding has been carried out may be sent to the syndic after the expiry of the 45-day period, provided that it is sent before proceedings in respect of an account are served.

5. Upon receipt of an application for conciliation, the syndic shall send a copy of the application by registered or certified mail to the midwife.

6. The syndic shall proceed with the conciliation in the manner considered most appropriate.

7. Any agreement reached during conciliation must be in writing, signed by the person referred to in section 2 and the midwife, and filed with the secretary of the Order.

8. When conciliation does not lead to an agreement within 45 days of receipt of the application for conciliation, the syndic shall, within the 20 following days, send a conciliation report by registered or certified mail to the person referred to in section 2 and to the midwife.

The syndic’s conciliation report must pertain to, where applicable,

(1) the amount of the account in dispute;

(2) the amount that the person referred to in section 2 acknowledges owing;

(3) the amount that the midwife acknowledges having to refund or is willing to accept in settlement of the dispute; and

(4) the amount suggested by the syndic during conciliation as payment to the midwife or refund to the person referred to in section 2.

The syndic shall also send the person referred to in section 2 the form in Schedule I and indicate the procedure and deadline for submitting the dispute to arbitration.

DIVISION III ARBITRATION PROCEDURE

§1. Application for arbitration

9. When conciliation did not lead to an agreement, the person referred to in section 2 may, within 30 days of receipt of the conciliation report, apply for arbitration of the account by sending by registered or certified mail the duly completed form prescribed in Schedule I to the secretary of the Order.

The person referred to in section 2 shall enclose a copy of the conciliation report with the application and, where applicable, the deposit of the amount the person acknowledged owing in conciliation, as indicated in the syndic's report.

10. Upon receipt of the application for arbitration, the secretary of the Order shall notify the midwife concerned by certified or registered mail and, where applicable, enclose the amount deposited in accordance with the second paragraph of section 9.

In such a case, the arbitration shall pertain only to the amount still in dispute.

11. An application may only be withdrawn in writing and with the consent of the midwife.

12. A midwife who acknowledges owing a refund shall deposit the amount with the secretary of the Order, who shall then remit it to the person referred to in section 2.

In such a case, the arbitration shall pertain only to the amount still in dispute.

13. Any agreement reached between the person referred to in section 2 and the midwife after the application for arbitration has been filed must be in writing, signed by the parties, and filed with the secretary of the Order or, if the agreement is reached after a council of arbitration has been formed, the agreement shall be recorded in the arbitration award.

§2. Establishment of the council of arbitration

14. The council of arbitration shall be composed of three arbitrators when the amount in dispute is \$2,500 or more and of a single arbitrator when the amount is less than \$2,500.

15. The Bureau shall appoint the member or members of the council of arbitration from among the members of the Order and, if the council consists of three arbitrators, the Bureau shall appoint the chair.

16. The secretary of the Order shall inform in writing the arbitrators and the parties that a council has been formed.

17. Before acting, the member or members of the council of arbitration shall take the oath prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

18. An application for the recusation of an arbitrator may be made only on one of the grounds provided for in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25). It must be sent to the secretary of the Order, to the council of arbitration, and to the parties or their advocates within 10 days of receipt of the notice provided for in section 16 or 10 days after the cause for recusation becomes known.

The Bureau shall rule on such applications and, where required, shall see to the replacement of the recused arbitrator.

§3. Hearing

19. The council of arbitration shall set the date, time and place of the hearing and shall give the parties at least 10 days' notice by registered or certified mail.

20. The parties are entitled to be represented or assisted by an advocate.

21. The council of arbitration shall, with diligence, hear the parties, receive their evidence, or record their failure to appear; to that end, the council shall follow the rules of procedure and rules of evidence it considers appropriate.

22. The council of arbitration may order the parties to submit to it, within a specified time, a statement of their claims together with supporting documents.

23. The party requesting that the testimony be recorded shall assume the organization and cost thereof.

24. In the event of an arbitrator's death or inability to act, the remaining arbitrators shall see the matter to its completion. If that arbitrator is the chair of the council of arbitration, the Bureau shall designate one of the remaining two arbitrators to act as chair.

If the council of arbitration consists of a single arbitrator, that arbitrator shall be replaced by a new arbitrator and the dispute shall be reheard.

§4. Arbitration award

25. The council of arbitration shall issue its award within 45 days after completion of the hearing.

26. The award shall be rendered by a majority of the members of the council of arbitration. Failing a majority, the award shall be rendered by the chair.

In its award, the council of arbitration may confirm, reduce or cancel the account in dispute and may also determine, where applicable, the refund or payment to which a party may be entitled.

The award must be reasoned and signed by all the members; if a member refuses or is unable to sign, the others shall indicate that fact and the award shall have the same effect as though signed by all the members.

27. Each party shall bear the expenses it incurs for the arbitration.

28. In its award, the council of arbitration has full discretion to rule on the arbitration expenses, which are the expenses incurred by the Order for the arbitration. The total amount of the expenses to be borne by a party may not exceed 15% of the amount to which the arbitration pertains.

However, in any case where expenses are awarded, those expenses shall equal a minimum of \$50.

29. When an agreement is reached between the parties before the council of arbitration renders its decision or when the application for arbitration is withdrawn in writing, the council shall nonetheless award the arbitration expenses in accordance with section 28.

30. When the account in dispute is confirmed in whole or in part or when a refund is awarded, the council of arbitration may add interest and an indemnity as provided in articles 1618 and 1619 of the Civil Code of Québec, calculated from the date of the application for conciliation.

31. The arbitration award is final and binding on the parties. It is also subject to compulsory execution after having been homologated pursuant to the procedure provided for in articles 946.1 to 946.6 of the Code of Civil Procedure.

32. Within five days of its issue, the arbitration award shall be filed with the secretary of the Order who, within 10 days after it is filed, shall send a certified copy of the award to the parties or their advocates, to the syndic and to the Bureau.

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

SCHEDULE I

(ss. 8 and 9)

APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned _____

(name of woman)

(domicile)

declare that

1. _____
(name of member of the Order)

is claiming from me (or refuses to refund to me) a sum of money for professional services.

2. I have enclosed a copy of the conciliation report and, where applicable, a certified cheque to the member of the Ordre des sages-femmes du Québec representing the amount that I acknowledge owing and indicated in the conciliation report.

3. I am applying for arbitration of the account under the Regulation respecting the conciliation and arbitration procedure for the accounts of midwives.

4. I have received a copy of the Regulation mentioned above and have taken cognizance thereof.

5. I agree to abide by the procedure provided for in the Regulation and, where required, to pay to _____ the amount of the arbitration award.
(name of member)

5630

Draft Regulation

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

Nurses

— Professional act that may be performed by a person acting on behalf of Héma-Québec

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des infirmières et infirmiers du Québec, at its meeting held on February 20 and 21, 2003, adopted the "Regulation respecting a professional act that may be performed by a person acting on behalf of Héma-Québec".

The said regulation has been transmitted to the Office des professions du Québec for examination in accordance with section 95 of the Professional Code. Thereafter, it will be submitted, with the recommendation of the Office, to the Government which, in accordance with the same section, may approve it, with or without amendment, following the expiry of a period of 45 days from the publication of this notice.

The Ordre des infirmières et infirmiers du Québec advises that:

— this regulation proposes to determine, among the professional acts that may be performed by nurses, an act that may be performed by a person acting on behalf of Héma-Québec;

— in the civic interest and having regard for the protection of the public, the regulation provides that the said act is to be performed following training, in the context of operations forming part of a blood donor clinic and in the presence of a nurse at the location where the act is performed.

Further information may be obtained from Hélène d'Anjou, attorney, Ordre des infirmières et infirmiers du Québec, 4200, Dorchester Boulevard West, Montreal, Quebec, H3Z 1V4; telephone: (514) 935-2505, extension 319, fax: (514) 935-3147, e-mail: hdanjou@oiiq.org.

Persons wishing to submit comments on the text reproduced above are invited to forward them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, Place D'Youville, 10th floor, Quebec, Quebec, G1R 5Z3. These comments will be communicated by the Office to the Minister Responsible for the Administration of Legislation respecting the Professions; they may also be submitted to the professional order that adopted the regulation, i.e., the Ordre des infirmières et infirmiers du Québec, and to the persons, ministries and agencies concerned.

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

Regulation respecting a professional act that may be performed by a person acting on behalf of Héma-Québec

Professional Code
(R.S.Q., c. C-26, s. 94 h; 2002, c. 33, s. 5)

1. The purpose of this Regulation is to determine, among the professional acts that may be performed by nurses, an act that, on the terms and conditions prescribed herein, may be performed by a person acting on behalf of Héma-Québec.

2. A person acting on behalf of Héma-Québec may remove a needle that has been inserted in the arm of a donor for purposes of blood collection, on the following conditions:

(1) the person demonstrates, after following training provided by Héma-Québec, mastery of the knowledge and skill required to perform that act;

(2) the person performs that act in the context of operations forming part of a blood donor clinic;

(3) a nurse is present at the location where the act is performed and available to intervene with the donor within a short delay.

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

5652

Draft Regulation

Professional Code
(R.S.Q., c. C-26; 2001, c.78)

Pharmacists
— Code of ethics
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Code of ethics of pharmacists, adopted by the Bureau of the Ordre des pharmaciens du Québec, may be submitted to the Government for approval, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of this Regulation is to amend the Code of ethics of the members of pharmacists to introduce provisions stating the terms and conditions according to which a professional may communicate information that is protected by professional secrecy to prevent an act of violence.

These provisions are required by the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78). That Act permits the lifting of professional secrecy to prevent an act of violence, including a suicide, when the professional has grounds to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the communication must be limited to such information as is necessary to achieve the purposes for which the information is communicated, and the information may only be communicated to a person exposed to the danger, to that person's representative, or to the persons who can come to that person's aid.

The Ordre expects the proposed amendments to have no impact on businesses, in particular on small and medium-sized businesses.

Further information may be obtained by contacting Mr. Pierre Ducharme, secrétaire général of the Ordre des pharmaciens du Québec, 266, rue Notre-Dame Ouest, bureau 301, Montréal (Québec) H2Y 1T6; telephone (514) 284-9588 or 1-800 - 363-0324; fax: (514) 284-2285.

Any interested person having comments to make is asked to send them in writing, 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. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be communicated to the professional order that adopted the Regulation as well as to the interested persons, departments, bodies or agencies.

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

Regulation amending the Code of ethics of pharmacists*

Professional code
(R.S.Q., c. C-26, s.87; 2001, c. 78, s.6)

1. The Code of ethics of pharmacists is amended by insertion, after section 3.06.05, of the following sections:

“3.06.06. In addition to circumstances describes in article 3.06.02, the pharmacist may communicate information that is protected by professional secrecy, in order to prevent an act of violence, including a suicide, when he has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

In such a situation, the pharmacist may only communicate the information to the person or group of persons exposed to the danger or their representative, or to the persons who can come to that person's aid; he can only communicate such information as is necessary to achieve the purposes for which the information is communicated.

3.06.07. When he communicates an information protected by professional secrecy in accordance to article 3.06.06, the pharmacist must note in the patient's file the following information:

- (1) name of the person or persons in danger;
- (2) name and address of the person or group if persons who made the threats;
- (3) nature and circumstances of these threats;
- (4) name and address of the person or the organism to whom the information has been communicated; and
- (5) date and hour of the occurrences that lead to the communication.”.

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

5648

* The only amendment to the Code of ethics of pharmacist (R.S.Q., 1981, c. P-10, r.5) was made by the regulation that was approved by Order in Council n° 56-94 of January 10, (1994, G.O. 2, 83)

Draft Regulation

Animal Health Protection Act
(R.S.Q., c. P-42)

Dog owners — Registration

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the registration of certain dog owners, 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 determine, to the extent and on the terms and conditions fixed therein, the animal owners who must register with the Minister, the information to be kept and furnished by owners and the applicable registration fees.

To date, study of the matter has revealed no significant impact on businesses.

Further information may be obtained by contacting Dr Robert Clermont, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 11^e étage, Québec (Québec) G1R 4X6, tel. (418) 380-2100, fax: (418) 380-2169.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

MAXIME ARSENEAU,
Minister of Agriculture, Fisheries and Food

Regulation respecting the registration of certain dog owners

Animal Health Protection Act
(R.S.Q., c. P-42, s. 3.0.1; 2000, c. 40, s. 4)

1. Every owner of at least three dogs (*Canis familiaris*) kept at any given time in the year in a pet shop, a kennel where a commercial, breeding or charitable activity is carried on, a pound, a research laboratory, a shelter for animals or any other location for any commercial activity shall register with the Minister of Agriculture, Fisheries and Food.

For the purposes of the first paragraph, puppies under six months of age from a single litter of a dog referred to in that paragraph shall not be counted.

2. An owner who applies for registration shall complete and return the registration form provided by the Minister, with the following information :

(1) for a natural person, the person's name, address of domicile, telephone number and, where applicable, electronic mail address, internet site and fax number ;

(2) for a sole proprietorship, a partnership or a legal person, its name, the address and telephone number of its principal establishment, its registration number assigned under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45) and, where applicable, its electronic mail address, internet site and fax number ;

(3) any relevant detail making it possible to identify each location where the dogs are kept, including the establishment category, address and telephone number of each establishment and, if one of them is a dwelling house, the occupant's name and telephone number ; and

(4) the number of dogs in each location at the time the information is sent, the number of dogs that may be kept there on a daily basis and the number of dogs that may be kept on a yearly basis.

The owner shall attest to the truthfulness of the information entered on the registration form and sign the form.

The owner must inform the Minister within 30 days of any change in the information prescribed by subparagraphs 1 to 3 of the first paragraph.

Subparagraph 3 of the first paragraph does not apply to a shelter or charitable organization for dogs that are kept in a dwelling house for provisional adoption.

3. An owner who registers shall send to the Minister, together with the registration form, a postal money order or a certified cheque in the amount of \$30 payable to the Minister of Finance, the Economy and Research for the first location, plus \$5 for each additional location. When an owner informs the Minister of any new location to be included in the registration, the owner shall at the same time send a postal money order or a certified cheque in the amount of \$5 payable to the Minister of Finance, the Economy and Research for each new location. Those amounts are not refundable.

As of 1 April 2004, those amounts shall be increased on 1 April of each year according to the rate of increase in the general Consumer Price Index for Canada, as determined by Statistics Canada, for the period ending on 30 September of the preceding year. Those amounts shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister shall inform the public of the indexing calculated under the second paragraph through the *Gazette officielle du Québec* or by such other means as the Minister considers appropriate.

4. Within 30 days of receiving the registration form or an application for a change in the locations covered by the registration, with the prescribed costs, the Minister shall issue to the owner a registration certificate for each declared location where the animals are kept or for each new location declared, as the case may be. In addition to the information prescribed by subparagraph 3 of the first paragraph of section 2 concerning the location covered by the certificate, the expiry date of the owner's registration shall also appear on the certificate.

5. An owner shall keep and update the following documents in each location where the dogs are kept:

(1) the documents in support of any transfer of ownership of the dogs that specify in particular the date of the transfer, the names and addresses of the parties involved in the transfer, the nature thereof and that provide a description of the dogs including their sex, breed, age, colour and any other information enabling them to be identified;

(2) the registration certificate issued by the Minister; and

(3) in the case of a shelter or a charitable organization, a register containing the address of the dwelling house where the dogs are kept for provisional adoption, and the name and telephone number of its occupant.

The documents referred to in subparagraphs 1 and 3 of the first paragraph shall be kept in chronological order respectively in a state that facilitates consultation for at least three years after they are created. The documents referred to in the first paragraph must be available at all times for inspection at the request of an inspector.

6. Registration is valid for three years and shall be renewed in the manner provided for in sections 2 and 3, at least 60 days before the expiry date appearing on the registration certificate issued by the Minister.

7. Every dog owner referred to in section 1 on (*enter the date of coming into force of this Regulation*) shall register with the Minister no later than 90 days after that date.

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

5632

Draft Regulation

Courts of Justice Act
(R.S.Q., c. T-16)

An Act respecting municipal courts
(R.S.Q., c. C-72.01)

Municipal Courts

— Tariff of Courts Costs in Civil Matters and Court Office Fees

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the Tariff of Courts Costs in Civil Matters and Court Office Fees applicable before Municipal Courts, the text of which appears below, may be made by the Government upon the expiry of 20 days following this publication.

Under section 12 of that Act, the draft Regulation may be made at the expiry of a period shorter than the 45-day period provided for in section 11 of that Act by reason of the urgency due to the following circumstances:

— the Act to reform the Code of Civil Procedure (2002, c. 7) came into force on 1 January 2003 and the Tariff of court costs in civil matters and court office fees applicable before municipal courts other than the municipal courts of the cities of Laval, Montréal and Québec must be replaced to apply the tariff by class to actions instituted by means of the new proceeding introductive of suit and to revise the amounts in the tariff;

— the municipal courts of Laval, Montréal and Québec are now subject to all the provisions of the Act respecting municipal courts and they must be subjected to the Tariff of court costs in civil matters and court office fees applicable before municipal courts;

— in the absence of a new tariff, a citizen who is prosecuted in a civil matter before a municipal court is subject to a different tariff for comparable judicial services and that situation is likely to cause prejudices.

Further information on the draft Regulation may be obtained by contacting Mtre Marc Lahaie, Direction des services judiciaires, 1200, route de l'Église, 7^e étage, Sainte-Foy (Québec); tel. (418) 644-8316; fax: (418) 644-9968.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 20-day period, to the Minister of Justice, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1.

NORMAND JUTRAS,
Minister of Justice

Regulation respecting the Tariff of Courts Costs in Civil Matters and Court Office Fees applicable before Municipal Courts

An Act respecting municipal courts
(R.S.Q., c. C-72.01, ss. 77 and 118, par. 8)

Courts of Justice Act
(R.S.Q., c. T-16, s. 224)

- 1.** The Tariff of Courts Costs in Civil Matters and Court Office Fees^{*} applies to every municipal court for civil matters over which the court has jurisdiction.
- 2.** The costs and fees established by this Regulation apply to proceedings and documents filed and issued on or after the Regulation comes into force.
- 3.** This Regulation replaces the Tariff of court costs in civil matters and court office fees applicable before municipal courts other than the municipal courts of the cities of Laval, Montréal and Québec.
- 4.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

5635

^{*} The Tariff of Courts Costs in Civil Matters and Court Office Fees, made by Order in Council 256-95 dated 1 March 1995 (1995, *G.O.* 2, 918), was last amended by the regulations made by Orders in Council 916-2002 dated 21 August 2002 (2002, *G.O.* 2, 4551) and 1509-2002 dated 18 December 2002 (2002, *G.O.* 2, 6608).

Erratum

Gouvernement du Québec

O.C. 106-2003

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

Gazette officielle du Québec, Part 2, 12 February
2003, Vol. 135, No. 7

On page 935, the heading of the Order in Council
number 106-2003 should read:

“**O.C. 106-2003**, 6 February 2003”.

5654

Index Statutory Instruments

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

Regulations — Statutes	Page	Comments
Agreement concerning new methods of voting for an election by mail — Municipality of Boischatel (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	1189	N
Agreement concerning new methods of voting for an election using computerized polling stations and “Accu-Vote ES 2000” ballot boxes — Municipality of L’Assomption (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	1202	N
Amalgamation of Ville de Sept-Îles, Ville de Moisie and Municipalité de Gallix (An Act respecting municipal territorial organization, R.S.Q., c. O-9)	1243	Erratum
Animal Health Protection Act — Registration of certain dog owners (R.S.Q., c. P-42)	1240	Draft
Chartered administrators — Code of ethics (Professional Code, R.S.Q., c. C-26)	1171	N
Childcare centres and childcare services, An Act respecting... — Reduced contributions (R.S.Q., c. C-8.2)	1166	M
Civil Code of Québec — Rules respecting the solemnization of civil marriages and civil unions (1991, c. 64; 2002, c. 6)	1217	N
Code of Civil Procedure — Tariff of fees for the service of a claim for a liquidated and payable debt and for the execution by bailiffs and advocates of a small claims judgment claimable from the debtor (R.S.Q., c. C-25; 2002, c. 7)	1168	N
Court of Québec — Judicial selection procedure (Courts of Justice Act, R.S.Q., c. T-16)	1228	Draft
Courts of Justice Act — Court of Québec — Judicial selection procedure (R.S.Q., c. T-16)	1228	Draft
Courts of Justice Act — Municipal Courts — Tariff of courts costs in civil matters and court office fees (R.S.Q., c. T-16)	1241	Draft
Dental hygienists — Code of ethics (Professional Code, R.S.Q., c. C-26)	1233	Draft
Designation of the territory of a municipality as an area where making a right turn on a red light will be prohibited (Highway Safety Code, R.S.Q., c. C-24.2; 2002, c. 62)	1217	N
Elections and referendums in municipalities, An Act respecting... — Agreement concerning new methods of voting for an election by mail — Municipality of Boischatel (R.S.Q., c. E-2.2)	1189	N

Elections and referendums in municipalities, An Act respecting... — Agreement concerning new methods of voting for an election using computerized polling stations and “Accu-Vote ES 2000” ballot boxes — Municipality of L’Assomption	1202	N
(R.S.Q., c. E-2.2)		
Environment Quality Act — Land protection and rehabilitation	1153	N
(R.S.Q., c. Q-2; 2002, c. 11)		
Health Insurance Act — Regulation	1182	M
(R.S.Q., c. A-29)		
Highway Safety Code — Designation of the territory of a municipality as an area where making a right turn on a red light will be prohibited	1217	N
(R.S.Q., c. C-24.2; 2002, c. 62)		
Labour relations, vocational training and manpower management in the construction industry, An Act respecting the... — Regulation	1183	M
(R.S.Q., c. R-20)		
Land protection and rehabilitation	1153	N
(Environment Quality Act, R.S.Q., c. Q-2; 2002, c. 11)		
Lotteries, publicity contests and amusement machines, An Act respecting... — Suspension of the issue of site operator’s licences for video lottery machines	1185	N
(R.S.Q., c. L-6)		
Management delegation program for lands in the domain of the state in regional parks	1178	N
(An Act respecting the Ministère des Ressources naturelles, R.S.Q., c. M-25.2)		
Midwives — Conciliation and arbitration procedure for the accounts	1234	Draft
(Professional Code, R.S.Q., c. C-26)		
Ministère des Ressources naturelles, An Act respecting the... — Management delegation program for lands in the domain of the state in regional parks	1178	N
(R.S.Q., c. M-25.2)		
Municipal courts — Judicial selection procedure	1223	Draft
(An Act respecting municipal courts, R.S.Q., c. C-72.01)		
Municipal Courts — Tariff of courts costs in civil matters and court office fees	1241	Draft
(An Act respecting municipal courts, R.S.Q., c. C-72.01)		
Municipal Courts — Tariff of courts costs in civil matters and court office fees	1241	Draft
(Courts of Justice Act, R.S.Q., c. T-16)		
Municipal courts, An Act respecting... — Municipal courts — Judicial selection procedure	1223	Draft
(R.S.Q., c. C-72.01)		
Municipal courts, An Act respecting... — Municipal Courts — Tariff of courts costs in civil matters and court office fees	1241	Draft
(R.S.Q., c. 72.01)		
Municipal territorial organization, An Act respecting... — Amalgamation of Ville de Sept-Îles, Ville de Moisie and Municipalité de Gallix	1243	Erratum
(R.S.Q., c. O-9)		

Nurses — Professional act that may be performed by a person acting on behalf of Héma-Québec (Professional Code, R.S.Q., c. C-26)	1237	Draft
Pharmacists — Code of ethics (Professional Code, R.S.Q., c. C-26; 2001, c. 78)	1238	Draft
Poverty and social exclusion, An Act to combat... — Coming into force of the provisions (2002, c. 61)	1150	
Prescription drug insurance and other legislative provisions, An Act to amend the Act respecting... — Coming into force of certain provisions (2002, c. 27)	1149	
Prescription drug insurance and other legislative provisions, An Act to amend the Act respecting... — Coming into force of certain provisions (2002, c. 27)	1149	
Professional activities that may be engaged in within the framework of pre-hospital emergency services (Professional Code, R.S.Q., c. C-26; 2002, c. 33)	1169	N
Professional Code — Chartered administrators — Code of ethics (R.S.Q., c. C-26)	1171	N
Professional Code — Dental hygienists — Code of ethics (R.S.Q., c. C-26)	1233	Draft
Professional Code — Midwives — Conciliation and arbitration procedure for the accounts (R.S.Q., c. C-26)	1234	Draft
Professional Code — Nurses — Professional act that may be performed by a person acting on behalf of Héma-Québec (R.S.Q., c. C-26)	1237	Draft
Professional Code — Pharmacists — Code of ethics (R.S.Q., c. C-26; 2001, c. 78)	1238	Draft
Professional Code — Professional activities that may be engaged in within the framework of pre-hospital emergency services (R.S.Q., c. C-26; 2002, c. 33)	1169	N
Public Health Act — Coming into force of certain provisions (R.S.Q., c. S-2.2)	1150	
Reduced contributions (An Act respecting childcare centres and childcare services, R.S.Q., c. C-8.2)	1166	M
Registration of certain dog owners (Animal Health Protection Act, R.S.Q., c. P-42)	1240	Draft
Rules respecting the solemnization of civil marriages and civil unions (Civil Code of Québec, 1991, c. 64; 2002, c. 6)	1217	N
Suspension of the issue of site operator's licences for video lottery machines (An Act respecting lotteries, publicity contests and amusement machines, R.S.Q., c. L-6)	1185	N

Tariff of fees for the service of a claim for a liquidated and payable debt and for the execution by bailiffs and advocates of a small claims judgment claimable from the debtor	1168	N
(Code of Civil Procedure, R.S.Q., c. C-25; 2002, c. 7)		
Taxi transportation	1186	M
(An Act respecting transportation services by taxi, R.S.Q., c. S-6.01)		
Transportation services by taxi, An Act respecting... — Taxi transportation . . .	1186	M
(R.S.Q., c. S-6.01)		