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Coming into force of Acts

Gouvernement du Québec

O.C. 501-2003, 31 March 2003

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

— Coming into force of certain provisions

COMING INTO FORCE of certain 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, its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS by Order in Council 312-2003 dated 26 February 2003, the provisions of the Act to combat poverty and social exclusion, 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 came into force on 5 March 2003;

WHEREAS it is expedient to fix 1 April 2003 as the date of coming into force of the third paragraph of section 1, Chapter VI comprising sections 46 to 57, and section 67 of the Act to combat poverty and social exclusion;

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 1 April 2003 be fixed as the date of coming into force of the third paragraph of section 1, Chapter VI comprising sections 46 to 57, and section 67 of the Act to combat poverty and social exclusion (2002, c. 61).

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulations and other acts

Gouvernement du Québec

O.C. 484-2003, 31 March 2003

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

Program to delegate land and forest management on intramunicipal public lands to regional county municipalities in the Capitale-Nationale administrative region

WHEREAS the Government and the regional county municipalities (RCMs) in the Capitale-Nationale administrative region have, within the framework of the government policy on regional development, agreed to increase the contribution of public intramunicipal lands to the revitalization, consolidation and economic development of the region and the local populations;

WHEREAS one of the main measures proposed consists in delegating the management of intramunicipal public lands and certain forest resources thereon to the RCMs in the Capitale-Nationale region;

WHEREAS, in the case of the Côte-de-Beaupré RCM, the unorganized territory of Sault-au-Cochon has been recognized by the Minister of Natural Resources as satisfying all the conditions of the territory of application and must be interpreted as such;

WHEREAS the Government, as regards land management, made Order in Council 387-98 dated 25 March 1998, which concerns a program prepared by the Minister of Natural Resources under sections 17.13 and 17.14 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2) to delegate land and forest management on intramunicipal public lands to the RCMs in the Québec administrative region;

WHEREAS the Government, as regards land management, made Order in Council 388-98 dated 25 March 1998 under articles 10.5 to 10.8 of the Municipal Code of Québec, which concerns the signing of an agreement relating to the assumption of public forest management responsibilities by the Charlevoix RCM, as a pilot experience;

WHEREAS the Government, as regards land management, also made Order in Council 634-2000 dated 24 May 2000 under articles 10.5 to 10.8 of the Municipal Code of Québec, which concerns the signing of an agreement relating to the assumption of responsibilities

relating to the management of forests in the domain of the State by the Charlevoix-Est RCM, as a pilot experience;

WHEREAS the Charlevoix, Charlevoix-Est and Portneuf RCMs signed a territorial management agreement on 14 April 1998, 13 July 2000 and 17 April 2001, respectively, with the Minister of Natural Resources and the Minister of the Environment, pursuant to Orders in Council 387-98, 388-98 and 634-2000, and those management agreements must end five years after the date of their signing;

WHEREAS sections 17.13 to 17.16 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2) authorize the Minister, with the approval of the Government, to prepare programs for the development of lands in the domain of the State under the Minister's authority as well as the forest resources in the domain of the State, so as to encourage regional development;

WHEREAS the third paragraph of section 17.14 of that Act authorizes the Minister, for the purposes of such programs, to the extent of and in accordance with their terms and conditions, entrust the management of any land in the domain of the State that is under the Minister's authority and the property situated thereon or, in a forest reserve, the management of forest resources in the domain of the State, to a legal person, or entrust the management of the management permits for the harvest of firewood for domestic or commercial purposes, in a management unit, to a municipality; such legal person may in that case exercise the powers and responsibilities entrusted to it by the Minister that are defined in the program;

WHEREAS that paragraph provides that the program shall identify, among the provisions of the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1), amended by chapter 68 of the Statutes of 2002, or among those of Divisions I and II of Chapter II of Title I of the Forest Act (R.S.Q., c. F-4.1), amended by chapters 25 and 68 of the Statutes of 2002, as concerns the management permits referred to in paragraphs 1, 2 and 5 of section 10 and those referred to in paragraph 5 of section 24 or in section 24.0.1 of that Act, of Divisions III and IV of that chapter or of Division II of Chapter IV of Title I or of Title VI of the latter Act, the provisions whose application may be delegated to the legal person, as well as the powers and responsibilities vested in the Minister that may be exercised by the legal person;

WHEREAS, under the fourth paragraph of section 17.14 of the Act respecting the Ministère des Ressources naturelles, where the management of land or forest resources in the domain of the State is entrusted to a municipality by the Minister in accordance with the third paragraph of section 17.14 of that Act, the Minister may, to the extent necessary to implement a program and according to the terms and conditions specified in the program, determine, among the powers provided for in section 71 of the Act respecting the lands in the domain of the State or in sections 171, 171.1, amended by section 19 of chapter 25 of the Statutes of 2002, and 172 of the Forest Act, those that may be exercised by the municipality by means of regulations;

WHEREAS articles 14.12 and 14.12.2 of the Municipal Code of Québec authorize every municipality that participates in a program prepared by the Minister of Natural Resources to assume the responsibilities under the program as concerns not only public intramunicipal lands but also certain forest resources in the domain of the State;

WHEREAS it is expedient to approve the program to delegate land and forest management on intramunicipal public lands to regional county municipalities in the Capitale-Nationale administrative region;

WHEREAS it is expedient to entrust the administration of the program to the Minister of Natural Resources and that the planning segment of the program be managed by the Minister in cooperation with the other government departments and bodies concerned;

WHEREAS it is expedient for the program to apply to all the territory of the Capitale-Nationale administrative region, with the exception of the territory of the Charlevoix-Est and Portneuf RCMs where the program approved by Order in Council 387-98 and the pilot experience approved by Order in Council 634-2000 will continue to apply until the end of the territorial management agreements signed with those RCMs;

WHEREAS it is expedient for the program to apply in the territory of the Charlevoix-Est and Portneuf RCMs only at the end of their respective territorial management agreement or on the signing under the program of a new territorial management agreement;

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

THAT the program to delegate land and forest management on intramunicipal public lands to regional county municipalities in the Capitale-Nationale administrative region, annexed to this Order in Council, be approved;

THAT the administration of the program be entrusted to the Minister of Natural Resources, on the understanding that the planning segment be managed by the Minister in cooperation with the other government departments and bodies concerned; and

THAT the program apply in all the intramunicipal territory of the Capitale-Nationale administrative region and unorganized territory of Sault-au-Cochon situated in the Côte-de-Beaupré RCM, with the exception of the territory of the regional county municipalities of Charlevoix-Est and Portneuf where the program, approved by Order in Council 387-98 dated 25 March 1998, and the pilot experience, approved by Order in Council 634-2000 dated 24 May 2000, continue to apply until the end of the territorial management agreements or until the signing of a new territorial management agreement pursuant to the program approved under this Order in Council.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Program to delegate land and forest management on intramunicipal public lands to regional county municipalities in the Capitale-Nationale administrative region

An Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2, ss. 17.13 to 17.16)

1. OBJECT OF THE PROGRAM

To encourage regional development through development of public intramunicipal lands in the Capitale-Nationale administrative region by entrusting the management of the lands and certain forest resources thereon to the regional county municipalities (RCMs) in that administrative region.

2. DEFINITIONS

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

2.1 “territorial management agreement” means an instrument of delegation having multi-sector scope whereby the Government entrusts, subject to certain conditions, management powers and responsibilities to an RCM;

2.2 “Minister” means the Minister of Natural Resources;

2.3 “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);

2.4 “unorganized territory” means, for the Côte-de-Beaupré RCM, the unorganized territory of Sault-au-Cochon, which is held to be public intramunicipal land. The territory has been withdrawn from timber supply and forest management agreements for the purposes of the delegation program. The unorganized territory is unique because it is enclosed within municipalized territory; it is not attached to the larger expanses of public land.

3. ELIGIBILITY CONDITIONS

To be eligible under the Program, an RCM in the Capitale-Nationale administrative region must

3.1 have obtained a resolution from the Conseil régional de concertation et développement de la région de Québec recognizing that the delegation of certain management powers and responsibilities over certain portions of public intramunicipal land within the limits of the RCM is, in the collective interest, a new management approach conducive to increasing the contribution of the land concerned to regional and local development, and that the delegation proposal is consistent with the regional strategic plan of the Conseil régional de concertation et développement de la région de Québec;

3.2 have passed a resolution stating that it accepts all the terms, undertakings, obligations, conditions and modalities set out in the Program;

3.3 have created, by by-law, a development fund under articles 688.7 to 688.9 of the Municipal Code of Québec (R.S.Q., c. C-27.1);

3.4 have created, by resolution, a multi-resource committee to advise the RCM and that is representative of all interests associated with the preservation of natural habitats and the development and use of the land under the delegation. The votes on the committee must be apportioned in a balanced manner so as to avoid special interests or groups controlling the committee’s decisions.

4. APPLICATION

4.1 The public intramunicipal lands over which the powers and responsibilities delegated under the Program may be exercised are all the lots, parts of lots and every other part of the domain of the State, including buildings, improvements and movables situated thereon as well as certain forest resources thereon, situated in the Capitale-Nationale administrative region and located within the limits of the municipalized territory of the region that are under the authority of the Minister.

4.2 The following are expressly excluded from that application:

(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;

(4) any other land identified by the Minister;

(5) lands situated within common areas under timber supply and forest management agreements or forest management agreements on the signing of the territorial management agreement, including lands located in such areas in respect of which a sugar bush permit, summer resort leases or any other right could be issued;

(6) lands on which exclusive public utility proposals have been planned for the short term by the Government of Québec; and

(7) lands on which the Minister or the Government of Québec has granted rights in favour of the Government of Canada or any of its departments or bodies.

The ecological reserves and 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 on the lots delegated to the RCMs in the Capitale-Nationale region are included in the calculation of the area of the territory to which the Program applies, even though no power or responsibility is delegated to the RCMs.

The exceptional forest ecosystems that have been classified or are to be classified, under the authority of the Minister of Natural Resources, and that are situated on the lots delegated to the RCMs in the Capitale-Nationale region are included in the calculation of the area of the territory to which the Program applies, even though no power or responsibility is delegated to the RCMs.

4.3 Where land under the responsibility of an RCM is required for purposes of public utility or public interest or for any other purpose pursuant to an Order in Council, or where land has been mistakenly identified as forming part of public intramunicipal lands, the Minister may, subject to the sending of a notice, withdraw the land from the application of the Program.

Such a withdrawal by the Minister may give rise to payment of fair compensation for improvements made to the land by the RCM at its expense, without the assistance of the development fund or any other governmental financial assistance program since the date of the signing of the territorial management agreement, and for damage actually sustained, without other compensation or indemnity for loss of profit or anticipated revenue.

5. DELEGATED POWERS AND RESPONSIBILITIES

For the purposes of the Program, the Minister may delegate to an RCM the powers and responsibilities relating to land planning and management and forest management referred to in sections 5.1, 5.2 and 5.3. The delegation is subject to the terms and conditions set out in sections 6.1, 6.2 and 7.

The powers and responsibilities so delegated to the RCM must be exercised over all the lands identified by the Minister in a list annexed to the territorial management agreement.

In addition to those lands, the Minister may, following transmission of a notice, subject any other public intramunicipal land under the Minister's authority to the delegation.

5.1 Planning

In matters of planning, the Minister shall delegate to the RCM the responsibility for preparing an integrated territorial development plan, having a minimum five-year perspective, for the public lands (public intramunicipal lands and their natural resources) to which the territorial management agreement signed by the RCM applies. The plan must be prepared by the RCM within the time fixed by the Minister and take into account the concerns of the population and users of the land and its resources. The RCM must forward its plan to the Minister for an opinion before any consultation is held. The RCM must review the integrated territorial development plan, modify it when appropriate, ensure it is adhered to and integrate it into the RCM's development plan.

The Minister may intervene to facilitate a consensus solution and to enable the plan to be adopted should the RCM not succeed in reaching a consensus on the development of the plan. Where necessary, the Minister may impose an arbitration mechanism.

5.1.1 The integrated territorial development plan must

(1) identify land uses, without modifying land uses allocated to priority interest lands identified by the Government in the public land use plan (PATP);

(2) contain harmonization modalities and framework land use integration rules;

(3) take into account the government land development policies and the special concerns of the government transmitted during preparation of the plan; and

(4) take into account the regional strategic plan of the Conseil régional de concertation et développement de la région de Québec.

5.2 Land management

For the purposes of the Program, the Minister shall entrust public intramunicipal land management to an RCM exercising the powers and responsibilities under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1), amended by chapter 68 of the Statutes of 2002, and its regulations. Accordingly, the RCM is to

(1) manage land rights already issued other than water resource leases. For that purpose, the RCM must manage and respect rights granted until they expire, renew rights and revoke them if the holder does not comply with the obligations;

(2) grant and manage new land rights other than water resource leases, 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 movables situated on the lands under the delegation and, as required, dispose of them in accordance with the applicable regulatory provisions;

(4) sell lands, grant rights by emphyteutic contract and transfer land by gratuitous title for public utility in accordance with the applicable regulatory provisions. The RCM must first obtain the Minister's consent before granting those rights;

(5) grant servitudes and any other right;

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

(7) collect and withhold all revenues, including fees relating to the management of the lands under the delegation;

(8) renounce, for a cadastral renovation, the Minister's right of ownership in favour of the occupant of the land, in accordance with section 40.1 of the Act respecting the lands in the domain of the State and in accordance with the criteria established in that respect by the Minister;

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

(10) acquire by mutual consent (gift, purchase, exchange), for the benefit of the domain of the State, lands, buildings, improvements and movables in private ownership. The RCM must first obtain the Minister's consent before making such a transaction;

(11) publish a declaration stating that land forms part of the domain of the State, in accordance with section 19 of the Act respecting the lands in the domain of the State;

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

(13) 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 the 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 the 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;

(14) institute on its own behalf any penal proceeding for an offence committed on the land under the management delegation and provided for in a provision of the Act respecting the lands in the domain of the State and its regulations or in any by-law adopted by the RCM pursuant to section 6;

(15) exercise any recourse and any power assigned to the Minister by sections 60 to 66 of the Act respecting the lands in the domain of the State; and

(16) 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 by the RCM in accordance with the Minister's instructions issued pursuant to section 17 of the Act respecting the lands in the domain of the State.

5.3 Forest management

For the purposes of the Program, the Minister shall entrust forest management on public intramunicipal lands to an RCM which must exercise the powers and responsibilities defined in Divisions I, II, III and IV of Chapter II and Division II of Chapter IV of Title I and Title VI of the Forest Act (R.S.Q., c. F-4.1), amended by chapter 6 of the Statutes of 2001 and chapters 25 and 68 of the Statutes of 2002, in relation to the forests in the domain of the State and applicable forest reserves, described as follows, to the extent provided for by law:

(1) the granting of forest management permits in the following classes:

— for the harvest of firewood for domestic or commercial purposes;

— for sugar bush management for acericultural purposes;

— for a wildlife, recreational or agricultural development project;

— for the supply of wood processing plants, to a holder of a forest management contract entitled thereto under Division II of Chapter IV of Title I of the Forest Act;

(2) the management of forest reserves, respecting the annual allowable cut, and the marketing of timber harvested on the territory under the contract;

(3) the making of forest management contracts. The RCM must require holders of forest management contracts to prepare forest management plans in the form and having the content, with the necessary modifications, set out in sections 52, 53 and 59.1 of the Forest Act;

(4) the overseeing of the preparation of the general forest management plans required of a holder of a forest management contract, and in particular

— the determination of the annual allowable cut on the territory of any forest management contract granted by the delegatee and the areas intended for forest production according to the method and basis of calculation described in the forest management manual published by the Minister; and

— the assigning of forest protection and forest development objectives to the territory under any forest management contract, after consultation of the departments concerned and the regional authorities.

The annual allowable cut, forest yields and protection and development objectives are assigned to the territory under a forest management contract to be included in the general plan relating thereto and taken into account in preparing forest management strategies;

(5) the approval of the general forest management plans and annual management plans prepared by the holders of forest management contracts;

(6) the granting of management permits for the construction or improvement of forest roads and the issuance of authorizations regarding the width of the right-of-way and the destination of the timber harvested in connection with the construction or improvement of roads other than forest roads;

(7) the possibility of restricting or prohibiting access to forest roads for reasons of public interest, particularly in the case of fire, during the thaw period, or for safety reasons;

(8) the application of standards of forest management, in accordance with the Regulation respecting management standards of forest management for forests in the domain of the State, made by Order in Council 498-96 dated 24 April 1996 and amended in the English text by Order in Council 1406-98 dated 28 October 1998, and by Order in Council 647-2001 dated 30 May 2001, or the prescribing of standards different from those prescribed by government regulation, or that depart from such standards, in accordance with sections 25.2 to 25.3.1 of the Forest Act;

(9) the collection of fees payable by holders of authorizations, permits or rights issued by the RCMs;

(10) the overseeing and monitoring of forest management, in accordance with the Forest Act and its regulations. The RCM must inform the Minister of any offence it is aware of against the Forest Act and its regulations and forward in that regard a substantiated file to the Minister containing technical exhibits and documentation describing the offence (maps, area measurements and tree counts);

(11) the overseeing of the scaling of timber harvested, in accordance with the regulatory standards determined by the Government. The RCM must also use the computer scaling procedure to transmit the data to the Ministère des Ressources naturelles;

(12) the verification of data and information in the annual reports filed by the holders of forest management contracts, in accordance with sections 70.1 to 70.4 of the Forest Act; and

(13) the holding of the public consultations required pursuant to the consultation policy prepared in accordance with section 211 of the Forest Act, applicable to the territory under the territorial management agreement or the territory of forest management contracts, that deal with matters falling within the scope of the delegated responsibilities.

The Minister shall continue to assume the powers and responsibilities that have not been delegated under the agreement.

In the exercise of its powers and responsibilities, the RCM undertakes to

(1) adopt no provision that would add restrictions facilitating the use of the resource at the local level to the detriment of proposals showing greater potential for employment and future development;

(2) adhere to the forest protection organizations recognized by the Minister and assume their protection costs. The RCM's contributions to the organizations are applicable to the territory for which the RCM has not made a forest management contract. Where it makes such a forest management contract, the RCM must require the holder to adhere to the forest protection organizations and to pay the holder's share of the protection costs;

(3) prepare, for approval by the Minister and for any territory or part thereof managed by the RCM, a forest management plan that includes calculation of forest production and a program of forest management activities;

(4) consult the Société de la faune et des parcs du Québec, the Ministère de l'Environnement and the Ministère des Ressources naturelles on forest protection and forest development objectives assignable to the lands under the territorial management agreement and on the forest management plans prepared by the holders of forest management contracts, according to the terms and conditions agreed on by the parties; and

(5) where the RCM makes a forest management contract with a holder, direct that the holder's contribution be paid directly into the forestry fund on the basis of the volume authorized under the annual management permit. The RCM undertakes in such a case to forward the forest management contracts once signed and any later amendments to the Ministère des Ressources naturelles for registration. The RCM also undertakes to communicate to the department the volume authorized under the management permit of each forest management contract holder on 1 April, 1 July, 1 October and 1 January.

The RCM agrees to the Minister clarifying, where needed, the scope of the powers and responsibilities relating to forest management.

6. REGULATORY POWERS

For the purposes of the Program, the Minister shall determine that an RCM may exercise, through by-laws adopted under paragraph 5 of article 14.12 of the Municipal Code of Québec and subject to the conditions set out in section 6.1, the powers provided for in subparagraphs 3 and 7 to 11 of the first paragraph and the second paragraph of section 71 of the Act respecting the lands in the domain of the State and, subject to the conditions set out in section 6.2, the powers provided for in sections 171, 171.1, amended by section 19 of chapter 25 of the Statutes of 2002, and 172 of the Forest Act.

6.1 Conditions for the exercise of regulatory powers in respect of land

The by-laws of the RCM, which come into force in accordance with the rules prescribed by the Municipal Code of Québec, must first be submitted to the Minister for approval, so that the Minister may verify, among other things, their conformity with governmental principles and objectives, and regional coherence. More particularly, the RCM must adhere to the following principles:

(1) ensure that public intramunicipal lands remain accessible to the population, in particular by allowing unrestricted access;

(2) ensure public access to the waters in the domain of the State is maintained;

(3) set fee rates on the basis of market value; and

(4) grant no privilege to a person illegally occupying or using land in the domain of the State otherwise than to regularize precarious occupation meeting the criteria for title under the Regulation respecting the regularization of certain kinds of occupation of lands in the domain of the State.

In addition, any regulation regarding administration fees may concern only the cases already provided for in the regulation made under the Act respecting the lands in the domain of the State.

6.2 Conditions of exercise of the regulatory powers in respect of forests

The by-laws of the RCM, which come into force in accordance with the rules prescribed by the Municipal Code of Québec, must first be submitted to the Minister for approval, so that the Minister may verify, among other things, their conformity with governmental principles and objectives, and regional coherence. More particularly, the RCM's regulation must pursue the objectives pursued by government regulation and contain standards that are equivalent or more stringent.

7. GENERAL TERMS AND CONDITIONS IN RESPECT OF LAND

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

Access to the domain of the State: the RCM must maintain access to the domain of the State and public access to the waters in the domain of the State;

Alienation of land: the consent of the Minister for the alienation of land may be transmitted within the framework of the integrated development plan described in section 5.1, or by a specific notice in the case of proposals not provided for in that plan;

Land survey: any land survey on public lands or affecting boundaries on public lands, including boundary marking, in particular such marking required for an alienation, must be carried out in accordance with section 17 of the Act respecting the lands in the domain of the State and with the Minister's instructions;

Native peoples: respect government aims and policies concerning Native affairs and consult the Minister when dealing with a Native file;

Multi-resource committee: the RCM must ensure the representation required under section 3.4 is maintained on the committee. The RCM must request the committee give written opinions on the following matters: the integrated territorial development plan the RCM is responsible for preparing, the use of development funds and, when necessary, the taking into consideration of the integrated territorial development plan in relation to any other development plan;

Land management costs and fees: all the costs and fees related to land management are borne by the RCM, the acquirer, the applicant or the holder of the right, as the case may be. Costs or fees payable for land survey on lands in the domain of the State, for cadastral immatriculation and boundary marking and for the publication of rights for any transaction effected by the RCM are included in land management costs and fees;

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;

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 de la région de Québec" prepared in 1993, or in any replacement document;

State and content of public intramunicipal lands: in the exercise of delegated powers and responsibilities, the RCM accepts lands as they are described, designated or surveyed at the time the territorial management agreement is signed; no guarantee is given by the Minister as to their state and content;

Rules and procedures: the operating rules and administrative procedures adopted by the RCM must 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 consistent with the specific principles and objectives defined in the territorial management agreement.

7.2 The RCM undertakes to furnish the following reports:

- (1) an annual report on activities, to be submitted on 31 March in the form furnished by the department;
- (2) an annual financial report, to be submitted on 31 March in the form furnished by the department; and
- (3) a five-year assessment report on results obtained, in particular as regards impacts, to be submitted to the Minister six (6) months before each five-year term expires. The assessment is to be based on anticipated results which are to be identified jointly with the department. The RCM and the department shall agree in the first year

of application of the territorial management agreement on the manner in which the five-year assessment report is to be produced. The RCM must inform the population of the main points in the report, in the manner the RCM considers appropriate.

7.3 The administration and management of the public intramunicipal lands and certain forest resources under delegation are the responsibility of the RCM, without financial compensation from the Government.

7.4 The RCM shall collect and withhold the revenues from the management of the public intramunicipal lands and certain forest resources under delegation, including administration costs, beginning on the date on which the territorial management agreement is signed. However, any sum collected by or owing to the Government on the day on which the territorial management agreement is signed, and shall pay the revenues into the development fund provided for in the agreement. However, any collected by or owing to the Government on the day on which the territorial management agreement is signed shall remain the property of the Government, without adjustment.

7.5 The Minister shall register alienations of land and grants of rights in land made by the RCM in the Terrier or in any other register the Minister designates, and shall issue written attestations of the information contained therein; the RCM shall collect all payable fees and costs, including accrued interest, and remit the whole to the Minister in accordance with the terms and procedure defined in the territorial management agreement. Where the Minister has implemented a formal mechanism enabling the RCM to register land rights directly in the official register, the Minister shall contact the RCM to adjust the terms and procedure to that effect in the territorial management agreement.

7.6 The Minister shall register the forest management contracts made by the RCM in the forest registry.

7.7 An RCM exercising powers and responsibilities under this Program acts on its own behalf.

Subject to the special provisions contained in section 6, the RCM must respect the Act respecting the lands in the domain of the State and the Forest Act, as well as their regulations.

8. FINAL

8.1 The territorial management agreement on planning and land and forest management has a five-year renewable term.

The Minister re-assumes sole responsibility for the management of the public intramunicipal lands and their forest resources the Minister has delegated, upon the expiry of the land and forest management delegation.

In addition, the Minister may terminate the delegation if the RCM fails to comply with the conditions and provisions governing the exercise of the delegation.

8.2 Upon the Minister re-assuming responsibility for the management of the public intramunicipal lands and their forest resources that were under delegation, the RCM must send to the Minister such information as the Minister may require including land and forest resource 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.

8.3 Any contestation from a holder of a right granted by the RCM that is attributable to differences in the management practices of the RCM and those of the Minister shall be brought to the attention of the Minister.

5706

Gouvernement du Québec

O.C. 508-2003, 31 March 2003

Highway Safety Code
(R.S.Q., c. C-24.2)

Accident reports — Amendment

Regulation to amend the Regulation respecting accident reports

WHEREAS, under paragraph 5 of section 620 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may by regulation determine the form, content and mode of transmission of the report that a peace officer must transmit to the Société de l'assurance automobile du Québec;

WHEREAS, by Order in Council 708-99 dated 16 June 1999, the Government made the Regulation respecting accident reports;

WHEREAS, under section 11 of the Act to amend the Highway Safety Code and the Act respecting the Ministère du Revenu (2002, c. 62), a regulation made before 1 April 2003 under paragraph 5 of section 620 of

the Highway Safety Code is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS, under section 18 of the Regulations Act, a regulation may come into force between the date of its publication in the *Gazette officielle du Québec* 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 section 18 of that Act, the reason justifying such coming into force must be published with the regulation;

WHEREAS, in the opinion of the Government, the urgency owing to the following circumstances justifies such coming into force:

— the accident report must be amended on the coming into force on 13 April 2003 of the provision authorizing right turns on a red light so as to enable the compiling of statistics for right turn on red accidents;

WHEREAS it is expedient to amend the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport;

THAT the Regulation to amend the Regulation respecting accident reports, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting accident reports*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 620, par. 5)

1. The following is substituted for Schedule I to the Regulation respecting accident reports:

* The Regulation respecting accident reports, made by Order in Council 708-99 dated 16 June 1999 (1999, *G.O.* 2, 1685), has not been amended.

SCHEDULE I



RAPPORT D'ACCIDENT DE VÉHICULES ROUTIERS

* Spécifier dans « Autres commentaires »

SECTION 1

SENS DES VÉHICULES AVANT L'IMPACT

MOUVEMENT DES VÉHICULES

11. Circulait tout droit
12. Tourna à droite sans feu rouge
13. Tourna à gauche
14. Partait dans circulation
15. Roulerissait ou arrêté
19. Arrivé dans circulation
17. Stationnait
18. Stationné légalement
19. Stationné illégalement
20. Quitta stationnement en bordure
21. Rebut

22. Sortait / Entrait dans circulation
23. Sortait / Entrait dans voie rapide
24. Dépassait par la gauche
25. Dépassait par la droite
26. Changement de voie
27. Effectuait demi-tour
28. Évita un obstacle sur la chaussée
29. En panne
30. Mouvement inconnu
31. Tourna à droite au feu rouge
99. Autre *

GENRE D'ACCIDENT

Véhicule routier
Collisions avec
11. Véhicule routier
12. Piéton
13. Train
14. Non-motrice
15. Animal
16. Obstacle temporaire

Objet fixe
17. Lampadaire / Poteau utilitaire
18. Arbre
19. Garde-fou / Glissière de sécurité
20. Piliers (Pant / Tunnel)
21. Amortisseur d'impact

29. Autre *

Sans collision
61. Capotage
62. Saldresson
63. Feu / Explosion
64. Quitté la chaussée
99. Autre sans collision *

ÉTAT DE LA SURFACE

1- Sèche
2- Mouillée
3- Enneigée
4- Glacée
5- Boueuse
6- Huileuse
9- Autre *

TEMPS

0- Verglas
1- Clair
2- Couvert
4- Neige / grêle
5- Escouillard / brume
6- Averse
7- Vent fort
8- Poudrière / tempête de neige
9- Autre *

ÉCLAIREMENT

JOUR
1- Clair
2- Demi-obscurité

NUIT
3- Chemin éclairé
4- Chemin non éclairé

TYPE DE VÉHICULE

41. Automobile
42. Camion léger
43. Camion
44. Tracteur routier
45. Véhicule servant au transport de matières dangereuses
46. Véhicule-citadelle
47. Véhicule d'équipement
48. Autobus
49. Autobus scolaire

50. Minibus
51. Taxi
52. Véhicule d'urgence
53. Motocyclette
54. Cycloporteur
55. Véhicule de loisir
56. Moto-rigolo
57. Bicyclette
99. Autre *

SECTION 2

ENVIRONNEMENT

1. Ecole
2. Résidentiel
3. Affaires / Commercial
4. Industriel / Manufacturier
5. Rural
6. Forestier
7. Récréatif / Parc / Camping

CATÉGORIE DE ROUTE

1- Route numérotée
2- Rue
3- Chemin
4- Route
5- Chemin forestier / manier
6- Terrain de stationnement
9- Autre *

CEINTURE DE SÉCURITÉ

1- Aucune 2- Non utilisée 3- Utilisée 4- Mal utilisée

FONCTION

1- Conducteur
2 à 7- Passager
8- Accroché au véhicule
9- Piéton

ÉTAT DE LA VICTIME

1- Morte
2- Blessures graves
3- Blessures mineures
4- Aucune blessure apparente

VÉHICULE OCCUPÉ
Numéro de la partie

SEXE
M / F

NUMÉRO D'ASSURANCE MALADIE

LOCALISATION

21. Chaussée intersection
22. Chaussée entre intersection
23. Terrain plat/canal
24. Cote commerciale
25. Terrain ou chemin privé
26. Passage à niveau
27. Tunnel / Viaduc / pont
28- Trottoir
29. Accotement
99. Autre *

ASPECT DE LA CHAUSSÉE

1- Plane / droite 2- Plane / courbe 3- En pente / droite 4- En pente / courbe

NATURE DE LA CHAUSSÉE

1- Asphalte 2- Béton 3- Gravier 4- Terre 99- Autre *

ÉTAT DE LA CHAUSSÉE

1- En bon état 2- En construction 3- En réparation 4- Trou / ornière / cahot 9- Autre *

SIGNALISATION

11. Aucune
12. Feu de circulation
13. Feu rouge clignotant
14. Feu jaune clignotant
15. Feu vert prioritaire
16. Feu d'écoliers
17. Feu pour piétons
18. Signal « STOP »
19. Signal « CÉDEZ »
20. Policier / Brigadier / Signaleur

21. Passage à niveau (feu / barrière)
22. Signalisation d'obstacle
23. Feux clignotants d'autobus d'écoliers
99- Autre *

VISIBILITÉ

11- Bonne
12- Réduite par :
13- Arbre / haie / clôture
14- Remblai
15- Véhicule
16- Plans déboissés
17- Éblouissement autre que phares
18- Solée / verglas / neige sur voiture
19- Vapeur / fumée / poussière
20- Temps
99- Autre *

MOUVEMENT DES PIÉTONS

11. Traversait conformément au signal
12. Traversait à l'encontre du signal
13. Traversait sans signal, chaussée marquée
14. Traversait sans signal, chaussée non marquée
15. Traversait en diagonale
16. Marchait en bordure, sens de la circulation
17. Marchait en bordure, contraire à la circulation
18. Faissai de l'autobus
19. Sortait avant / arrière véhicule stationné
20. Entrait monté / descendant, autobus d'écoliers
21. Montait / descendant, accolé autobus d'écoliers
22. Poussait / travaillait sur véhicule
23. Travaillait sur la chaussée
24. Jouait sur la chaussée
25. Hors de la chaussée
99- Autre *

NE RIEN INSCRIRE DANS CES CHAMPS

M.O., 2003**Order of the Minister for Relations with the
Citizens and Immigration dated 24 March 2003**

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2)

Prescribed forms to give an undertaking

THE MINISTER FOR RELATIONS WITH THE CITIZENS
AND IMMIGRATION,

CONSIDERING section 3.1.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), which provides that an undertaking to assist a foreign national in settling in Québec shall be subscribed to on the form prescribed by the Minister;

CONSIDERING the Minister's Order dates 13 June 2002 concerning five prescribed forms to give an undertaking and an additional document published in the *Gazette officielle du Québec* of 26 June 2002;

CONSIDERING it is expedient to replace four of those forms to give an undertaking and the additional document by the following:

- Sponsor's Individual Record – Collective Sponsorship – Group;
- Undertaking – On-site applicant – Québec resident;
- Undertaking – Family Class;
- Undertaking – Independent Immigrant Class – Legal Person;
- Undertaking – Collective Sponsorship – Legal Person.

ORDERS:

THAT the four forms to give an undertaking and the additional document prescribed by Minister's Order dated 13 June 2002 be replaced by those attached to this Order effective 14 April 2003.

ANDRÉ BOULERICE,
*Minister for Relations with the
Citizens and Immigration,*

Relations
avec les citoyens
et Immigration



Sponsor's Individual Record
Collective Sponsorship – Group

Official use only

Individual Reference No: _____
File No: _____

The information required in this form is necessary to process your application. Any omission or refusal to answer may result in its rejection or cause delays in the processing of your file. For further information, you may also refer to the Act respecting immigration to Québec (R.S.Q., c. I-0.2) and the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r. 2).

IDENTIFICATION OF SPONSOR

Family name at birth: _____

First name: _____ Date of birth _____
year / month / day

Sex: F M Civil status: Single Married De facto spouse Divorced Other (specify) _____

Status: Canadian citizen Permanent resident Other (specify) _____

DECLARATIONS (Please check the appropriate box.)

yes no I am domiciled in Québec.

yes no I am subject to a removal order from Canada (deportation order).

yes no I am detained in a prison or penitentiary.

yes no I have been convicted, in or outside Canada, of murder or an offence listed in Schedule I or II to the Corrections and Conditional Release Act (refer to the instruction sheet).

yes no I am a Canadian citizen and I am subject to a procedure for revocation of my citizenship.

yes no I have been subject to a recourse for non-payment of support in the last five years.

yes no If yes, I have repaid all outstanding amounts.

yes no I have sponsored someone before.

yes no If yes, I have complied with the financial obligations related to the undertaking.

SIGNATURE OF SPONSOR

Access to the information provided is restricted to the persons authorized under the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1). That information may be used for research or evaluation purposes. The department may verify directly or have a third party verify the accuracy of the information provided and release information obtained within the scope of this application to Canadian immigration authorities and Québec public bodies if such information is necessary for the carrying out of an Act in Québec. The department may request from any other department or public agency information relating to the sponsors' addresses.

I declare that the information contained in this document is complete and accurate.

In witness whereof, I have signed at _____

on _____
year / month / day

Name _____ Signature of sponsor _____

Relations
avec les citoyens
et Immigration



UNDERTAKING

On-site applicant
Québec resident

Official use only

Individual Reference No: _____

File No: _____

The information required in this form is necessary to process your application. Any omission or refusal to answer may result in its rejection or cause delays in the processing of your file. For further information, you may also refer to the Act respecting immigration to Québec (R.S.Q., c. I-0.2) and the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r. 2).

IDENTIFICATION OF SPONSORS

A - Identification of sponsor

Family name at birth: _____

First name: _____

Sex: F M

Date of birth: _____
year / month / day

Social Insurance Number: _____

Civil status: Single Married De facto spouse
Separated Divorced Widowed

Status: Canadian citizen Permanent resident
Applicant in Québec

Address: _____

Telephone No.: _____ Fax No.: _____

B - Identification of co-signer spouse (where applicable)

(This part should be filled out, if necessary, by the spouse or de facto spouse of a Canadian citizen or permanent resident)

Family name at birth: _____

First name: _____

Sex: F M

Date of birth: _____
year / month / day

Social Insurance Number: _____

Relationship with the sponsor: Married De facto spouse

Status: Canadian citizen Permanent resident

Other specify: _____

IDENTIFICATION OF THE PRINCIPAL SPONSORED PERSON AND FAMILY MEMBERS

To fill out the following sections, please refer to the instruction sheet.

	FAMILY NAME (at birth) and FIRST NAME	RELATIONSHIP with the sponsor	SEX	DATE OF BIRTH year / month / day	ADDRESS	TERM OF THE UNDERTAKING
A	Principal sponsored person:					
B	Family members of the principal sponsored person who are accompanying or following that person:					
1						
2						
3						
4						
5						
6						
C	Family members of the principal sponsored person who are not accompanying that person and who are not covered by the undertaking:					
1						
2						



UNDERTAKING
Family Class

Official use only
Individual Reference No: _____
File No: _____

The information required in this form is necessary to process your application. Any omission or refusal to answer may result in its rejection or cause delays in the processing of your file. Please refer to the *Sponsor's Guide* to fill out the form. For further information, you may also refer to the Act respecting immigration to Québec (R.S.Q., c. I-0.2) and the Regulation respecting the selection of foreign nationals (R.R.Q., c. M-23.1, r. 2).

IDENTIFICATION OF SPONSORS	
<p>A - Identification of sponsor</p> <p>Family name at birth: _____</p> <p>First name: _____</p> <p>Sex: F <input type="checkbox"/> M <input type="checkbox"/> Date of birth: _____ year / month / day</p> <p>Status: Permanent resident <input type="checkbox"/> Canadian citizen <input type="checkbox"/></p> <p>Civil status: _____</p> <p>Social Insurance Number: _____</p> <p>Address: _____</p> <p>Telephone No.: _____ Fax No.: _____</p>	<p>B - Identification of co-signer spouse (where applicable)</p> <p><small>After having referred to the Sponsor's Guide, a sponsor's spouse or de facto spouse may decide to participate in the undertaking. In that case, this person must fill out the "Declarations" section of this form and sign the undertaking. For further information, call our assistance centre at the number indicated on the back of the guide.</small></p> <p>Family name at birth: _____</p> <p>First name: _____</p> <p>Sex: F <input type="checkbox"/> M <input type="checkbox"/> Date of birth: _____ year / month / day</p> <p>Status: Permanent resident <input type="checkbox"/> Canadian citizen <input type="checkbox"/></p> <p>Social Insurance Number: _____</p> <p>Relationship with the sponsor: Married <input type="checkbox"/> De facto spouse <input type="checkbox"/></p>

IDENTIFICATION OF THE PRINCIPAL SPONSORED PERSON AND FAMILY MEMBERS

To fill out the following sections, please refer to the Sponsor's Guide.

	FAMILY NAME at birth and FIRST NAME	RELATIONSHIP with the sponsor	SEX	DATE OF BIRTH year / month / day	ADDRESS	TERM OF THE UNDERTAKING*
A	Principal sponsored person:					
B	Family members of the principal sponsored person who are accompanying or following that person:					
1						
2						
3						
4						
5						
6						
C	Family members of the principal sponsored person who are not accompanying that person and who are not covered by the undertaking:					
1						
2						
3						

* The undertaking is valid for three years for the spouse, de facto spouse and marital partner, and ten years for other sponsored persons. In the case of a minor child, the undertaking is valid for ten years or until he or she is of full age (18 years old), whichever is the longer period. The undertaking comes into force from the moment the sponsored person is admitted as a permanent resident or under a temporary entry permit.



UNDERTAKING
Independent Immigrants Class
Legal Person

Official use only	
Individual Reference No:	_____
File No:	_____

The information required in this form is necessary to process your application. Any omission or refusal to answer may result in its rejection or cause delays in the processing of your file. For further information, you may also refer to the Act respecting immigration to Québec (R.S.Q., c. I-0.2) and the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r. 2).

IDENTIFICATION OF LEGAL PERSON

Name: _____

Address: _____

Telephone No.: _____ Fax No.: _____ E-mail: _____

Person authorized by the Board of Directors to sign this undertaking

Family name, first name and occupation: _____

Mailing address if different from above: _____

Telephone No.: _____ Fax No.: _____

IDENTIFICATION OF THE PRINCIPAL SPONSORED PERSON AND FAMILY MEMBERS

To fill out this section, please refer to the instruction sheet.

	FAMILY NAME (at birth) and FIRST NAME	RELATIONSHIP with the principal sponsored person	SEX	DATE OF BIRTH year / month / day	ADDRESS
A	Principal sponsored person:				
B	Family members of the principal sponsored person who are accompanying or following that person:				
1					
2					
3					
4					
5					
6					
C	Family members of the principal sponsored person who are not accompanying that person and who are not covered by the undertaking:				
1					
2					
D	Expected locality of settlement of the sponsored person and family members:				



UNDERTAKING
Collective Sponsorship
Legal Person

Official use only	
Individual Reference No:	_____
File No:	_____

The information required in this form is necessary to process your application. Any omission or refusal to answer may result in its rejection or cause delays in the processing of your file. For further information, you may also refer to the Act respecting immigration to Québec (R.S.Q., c. I-0.2) and the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r. 2).

IDENTIFICATION OF LEGAL PERSON

Name: _____

Address: _____

Telephone No.: _____ Fax No.: _____ E-mail: _____

Person authorized by the Board of Directors to sign this undertaking

Family name, first name and occupation: _____

Mailing address if different from above: _____

Telephone No.: _____ Fax No.: _____

IDENTIFICATION OF THE PRINCIPAL SPONSORED PERSON AND FAMILY MEMBERS

To fill out this section, please refer to the instruction sheet.

	FAMILY NAME (at birth) and FIRST NAME	RELATIONSHIP with the principal sponsored person	SEX	DATE OF BIRTH year / month / day	ADDRESS
A	Principal sponsored person:				
B	Accompanying members of the principal sponsored person's family:				
1					
2					
3					
4					
5					
C	Family members of the principal sponsored person who are not accompanying that person but who are covered by the undertaking:				
1					
2					
3					
D	Family members of the principal sponsored person who are not accompanying that person and who are not covered by the undertaking:				
1					
2					
E	Expected locality of settlement of the sponsored person and family members:				
F	Do the sponsored persons have close relatives (child, spouse, father or mother) residing in Québec? If yes, indicate the relationship:				

M.O., 2003

**Order of the Minister of the Environment dated
18 March 2003**

CONCERNING the temporary protection status assigned to various territories as a proposed biodiversity reserve or aquatic reserve

WHEREAS, under section 27 of the Natural Heritage Conservation Act (2002, c. 74), for the purpose of protecting land to be established as a new protected area, the Minister of the Environment shall, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape;

WHEREAS, under section 28 of the Act, the setting aside of a land under section 27 is valid for a period of not more than four years, which may be renewed or extended, without the term of the setting aside exceeding six years, unless so authorized by the Government;

CONSIDERING that, by reason of the ecological value these territories and watercourses represent, the Minister of the Environment has been authorized by the Government to assign temporary protection status as a proposed biodiversity reserve or aquatic reserve, as applicable, to the ten (10) territories mentioned in the appendix, and that the plans of those areas and the conservation plan proposed for each of them have been approved, as it appears in Orders in Council 109-2003 and 110-2003 of February 6, 2003;

THEREFORE, the Minister of the Environment orders that:

1° the seven (7) areas mentioned in appendix I be granted the status of proposed biodiversity reserve, the respective plan of those areas and their conservation plan for the duration of the temporary protection granted being the ones approved by the Government;

2° the three (3) areas mentioned in appendix II be granted the status of proposed aquatic area, the respective plan of those areas and their conservation plan for the duration of the temporary protection granted being the ones approved by the Government;

3° these status, which have been granted for a period of four years, will take effect, for each of those areas, on the date on which the notice of their setting aside is published in the *Gazette officielle du Québec*.

Québec, 18 March 2003

ANDRÉ BOISCLAIR,
Minister of the Environment

**APPENDIX I
PROPOSED BIODIVERSITY RESERVES**

Proposed Pasteur lake biodiversity reserve
Proposed Boatswain bay biodiversity reserve
Proposed Ministikawatin peninsula biodiversity reserve
Proposed Missisicabi plain biodiversity reserve
Proposed Muskuuchii hills biodiversity reserve
Proposed Vaudray and Joannès lakes biodiversity reserve
Proposed Sabourin lake biodiversity reserve

**APPENDIX II
PROPOSED AQUATIC RESERVES**

Proposed Ashuapmushuan river aquatic reserve
Proposed Moisie river aquatic reserve
Proposed north Harricana river aquatic reserve

5708

M.O., 2003

**Order of the Minister responsible for the Act
respecting immigration to Québec dated
24 March 2003**

Immigration Act
(R.S.Q., c. I-0.2)

Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals

THE MINISTER FOR RELATIONS WITH THE CITIZENS
AND IMMIGRATION,

CONSIDERING that, under section 3.4 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Minister may, by regulation, establish the weighting of selection criteria for foreign nationals;

CONSIDERING that, under that section, the Minister may determine that the regulation applies to applications that are being processed, or to applications filed after a particular date that are being processed, or to those that have not yet reached a particular stage on the date of coming into force of the regulation;

CONSIDERING the provisions of the Regulation to amend the Regulation respecting the selection of foreign nationals made by Order in Council 351-2003 dated 5 March 2003, which come into force on 14 April 2003 and amend Schedule A to that Regulation;

CONSIDERING that, under that section, a regulation made by the Minister is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1) and, notwithstanding section 17 of that Act, may come into force on the date of its publication in the *Gazette officielle du Québec*, or on any later date fixed in the regulation;

CONSIDERING that the Regulation respecting the weighting applicable to the selection of foreign nationals made by Order dated 9 September 1996 (1996, *G.O.* 2, 4029);

CONSIDERING that it is expedient to further amend the Regulation;

ORDERS:

THAT the Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals, attached to this Order, be made.

ANDRÉ BOULERICE,
*Minister for Relations with
the Citizens and Immigration*

Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals*

Immigration Act
(R.S.Q., c. I-0.2, s. 3.4)

1. The Regulation respecting the weighting applicable to the selection of foreign nationals is amended in Schedule I by substituting the following for the “Weighting” column in respect of the “3. Experience” factor:

“		
(a)	From 0 to less than six months of experience, if the candidate has completed or will complete in Québec, within 12 months of the filing of the application for a selection certificate, the studies leading to the diploma, issued by an educational institution in Québec, referred to in criterion 1.1, paragraph <i>d, g, h, i</i> or <i>j</i>	1
(b)	6 months	1
(c)	1 year	2
(d)	1 year and a half	3
(e)	2 years	4
(f)	2 years and a half	5
(g)	3 years	6
(h)	3 years and a half	7
(i)	4 years	8
(j)	4 years and a half	9
(k)	5 years and more	10
	”	”

2. Schedule II is amended by substituting the following for the “Weighting” column in respect of the “2. Experience” factor:

(a)	From 0 to less than six months of experience, if the candidate has completed or will complete in Québec, within 12 months of the filing of the application for a selection certificate, the studies leading to the diploma, issued by an educational institution in Québec, referred to in criterion 1.1, paragraph <i>d, g, h, i</i> or <i>j</i>	1
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* For previous amendments to the Regulation respecting the weighting applicable to the selection of foreign nationals, made by Minister’s Order dated 9 September 1996 (1996, *G.O.* 2, 4029), refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

(b) 6 months	1
(c) 1 year	2
(d) 1 year and a half	3
(e) 2 years	4
(f) 2 years and a half	5
(g) 3 years	5
(h) 3 years and a half	5
(i) 4 years	5
(j) 4 years and a half	5
(k) 5 years and more	5 ”.

3. This Regulation comes into force on 14 April 2003.

5700

Draft Regulations

Draft Regulation

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

Activities engaged in and described in sections 39.7 and 39.8 of the Professional Code

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 activities engaged in and described in sections 39.7 and 39.8 of the Professional Code, adopted by the Office des professions du Québec, may be submitted to the Government for approval, with or without amendment, upon the expiry of 45 days following this publication.

The draft Regulation determines that non-professionals acting on behalf of a rehabilitation centre for mentally impaired persons may, on certain conditions, provide invasive care involved in assistance with activities of daily living and administer certain medications to those persons.

The Office expects the new measures to have no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Michel Paquette, Direction des affaires juridiques, or Line Poitras, Direction de la recherche et de la coordination, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; telephone: 643-6912 or 1 800 643-6912; fax: (418) 643-0973.

Any 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 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 forwarded to the interested persons, departments or bodies.

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

Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code

Professional Code
(R.S.Q., C-26, s. 39.9; 2002, c. 33, s. 4)

1. The persons acting on behalf of a rehabilitation centre for mentally impaired persons referred to in paragraph 1 of section 86 of the Act respecting health services and social services (R.S.Q., c. S-4.2) may engage in the activities described in sections 39.7 and 39.8 of the Professional Code (R.S.Q., c. C-26), enacted by section 4 of chapter 33 of the Statutes of 2002, when the persons are providing adjustment, rehabilitation and social integration services to a user of the centre.

2. The activities may be engaged in at any place they are required, in particular within the scope of the residential program or socio-occupational program administered by the centre.

3. A person acting on behalf of a centre may engage in the activities referred to in section 1 on the following conditions :

(1) the person learns how to provide invasive care involved in assistance with activities of daily living and how to administer medication with a professional authorized by law to engage in those professional activities;

(2) the person is supervised the first time he or she engages in one of those activities by a professional authorized to engage in that activity or by any other person who has been acting on behalf of a centre for at least six months;

(3) the person complies with the rules of care in force in the centre; and

(4) the person has access at all times to a professional authorized to engage in those activities.

A person who, on 30 January 2003, engaged in the activities referred to in section 1 on behalf of a centre is not required to fulfil the conditions set out in subparagraphs 1 and 2 of the first paragraph.

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

5705

Draft Regulation

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

Occupational therapists

— 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 occupational therapists, adopted by the Bureau of the Ordre des ergothérapeutes 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 draft Regulation is to amend the Code of ethics of occupational therapists 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 Order 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 Christiane-L. Charbonneau, Director General and Secretary, 2021, avenue Union, bureau 920, Montréal (Québec) H3A 2S9, telephone: (514) 844-5778 or 1 800 265-5778; fax: (514) 844-0478.

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 any interested persons, departments, bodies or agencies.

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

Regulation to amend the Code of ethics of occupational therapists*

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

1. The Code of ethics of occupational therapists is amended by inserting the following after section 3.06.06:

“**3.06.07.** In addition to the cases provided for in section 3.06.02, an occupational therapist may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the occupational therapist 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 occupational therapist 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 occupational therapist may only communicate such information as is necessary to achieve the purposes for which the information is communicated, in particular the identity of the person in danger, the identity, address and telephone number of the person uttering threats as well as the nature of those threats, and the circumstances in which they were uttered.

3.06.08. An occupational therapist who, pursuant to section 3.06.07, communicates information must enter the following particulars in the client's record:

* The Code of ethics of occupational therapists (R.R.Q., 1981, c. C-26, r.78) was amended only once by the Regulation approved by Order in Council 1015-98 dated 5 August 1998 (1998, *G.O.* 2, 3677).

(1) the identity of the person or group of persons exposed to the danger, the identified danger and the act of violence that the information intended to prevent; and

(2) the identity of the person to whom the information was given, specifying, as the case may be, if a person or persons were exposed to the danger, the identity of their representative or the persons who can come to that person's aid, the date and time of the communication, the information that was communicated and the mode of communication.”.

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

5707

Draft Regulation

Securities Act
(R.S.Q., c. V-1.1)

Securities — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Securities Regulation, the text of which appears below, 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 draft Regulation is to amend the Securities Regulation so as to harmonize it with the other amendments that will be made to the Regulation by the Commission des valeurs mobilières du Québec pursuant to section 331.1 of the Securities Act, those amendments not being subject to the application of certain provisions of the Regulations Act.

Further information may be obtained by contacting Maurice Lalancette, Directeur, Réglementation et suivi du secteur financier, ministère des Finances, de l'Économie et de la Recherche, 800, place D'Youville, 17^e étage, Québec (Québec) G1R 3P4. Telephone: (418) 646-7420; fax: (418) 646-5744.

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 Finance, the Economy and Research, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec) G1R 5L3.

PAULINE MAROIS,
*Minister of Finance, the Economy
and Research*

Regulation to amend the Securities Regulation *

Securities Act
(R.S.Q., c. V-1.1, s. 331, 1st par., subpar. 9)

1. Section 271.2 of the Securities Regulation is amended

(1) by substituting “may avail itself of the simplified prospectus regime” for “satisfies the conditions prescribed in section 164, 165 or 166” in paragraph 1;

(2) by striking out “, but which is required to file the annual information form prescribed in section 159” in paragraph 3;

(3) by striking out paragraph 5;

(4) by substituting “4” for “5” in paragraph 6;

(5) by substituting “statement of material change” for “copy of the press release” in paragraph 9.

2. Section 271.6 is amended by substituting “or a regulation” for “, the Regulation or a policy statement” in paragraph 1.

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

5688

* The Securities Regulation, made by Order in Council 660-83 dated 30 March 1983 (1983, *G.O.* 2, 1269), was last amended by the regulations approved by Orders in Council 1247-2001 dated 17 October 2001 (2001, *G.O.* 2, 5760) and 52-2003 dated 22 January 2003 (2003, *G.O.* 2, 856). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

Decisions

Decision, 20 March 2003

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer — Application of sections 3 and 340

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the application of sections 3 and 340

WHEREAS order-in-council number 370-2003, issued on March 12, 2003, enjoined the Chief Electoral Officer to hold general elections in Québec on April 14, 2003;

WHEREAS section 3 of the Election Act (R.S.Q., c. E-3.3) provides that electors who leave their domiciles temporarily to ensure their own safety or the safety of their children may avail themselves of the said section;

WHEREAS the said section grants such electors the right to choose to be considered as being domiciled at the place in which they are residing for the purposes stipulated above, rather than at the place of their domicile;

WHEREAS section 340 of the Election Act was amended on December 20, 2001 (Act to amend the Election Act and the Referendum Act (2001, c. 72)) in order to provide that the returning officer or his assistant may issue an authorization to vote, in the form prescribed by regulation, to any elector who has left his domicile to ensure his safety or the safety of his children, and who wishes to avail himself of the provisions of section 3;

WHEREAS section 9 of the Voting Regulation (1989, G.O. 2, 1975) prescribes the form to be used by the returning officer or his assistant when issuing an authorization to vote to an elector, in accordance with section 340 of the Election Act;

WHEREAS the prescribed form cannot be used as it currently stands for electors who have left their domiciles to ensure their safety or the safety of their children, because the address of the elector's domicile must be entered;

WHEREAS the address of the domicile of an elector contemplated by sections 3 and 340 of the Election Act must remain confidential for obvious reasons of safety;

WHEREAS section 9 of the Voting Regulation could not be amended prior to the order-in-council enjoining the Chief Electoral Officer to hold general elections in Québec on April 14, 2003;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt the provisions of section 9 of the Voting Regulation in order to provide that the address of the domicile of an elector who has left his domicile for his own safety or the safety of his children need not appear on the authorization to vote.

For the purposes of this decision, section 9 of the Voting Regulation reads as follows:

“9. An elector whose name does not appear on the copy of the list of electors used at the polling station although it is on the revised list of electors in the possession of the returning officer or whose name was the object of an entry or correction duly accepted by the Board of Revisors, or who has left his domicile to ensure his safety or the safety of his children and wishes to avail himself of the provisions of section 3 of the Election Act, may obtain an authorization to vote in Form 50, attached hereto, from the Returning Officer or his assistant. In the latter case, the address of the elector's domicile shall not appear.”

This decision shall take effect on the date of the order enjoining the Chief Electoral Officer to hold general elections in Québec.

Québec, 20 March 2003

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

Decision, 1 April 2003

Decision varying the Québec Fishery Regulations, 1990, SOR/90-214 dated March 29, 1990; SOR/2002-51 dated January 23, 2001

Pursuant to subsection 4(1) of the Québec Fishery Regulations, 1990, SOR/90-214 dated March 29, 1990, replaced by section 3 of the Regulation amending the Québec Fishery Regulations, 1990, SOR/2002-51 dated January 23, 2001, the Société de la faune et des parcs du Québec may vary close times, fishing quotas or limits on the size or weight of fish applicable to sport fishing that are fixed in respect of an area under these Regulations so that the variation applies in respect of that area or any portion of that area;

Pursuant to section 1 of the Regulation respecting the application of the Québec Fishery Regulations, 1990, by the Société de la faune et des parcs du Québec, adopted by resolution No. 01-35 of March 28, 2001 of the board of directors of the Société, the Director of Wildlife Territories and Regulations of the Société may, pursuant to section 4 of the Québec Fishery Regulations, 1990, vary close times, fishing quotas or limits on the size or weight of fish applicable to sport fishing that are fixed in respect of an area under these Regulations so that the variation applies in respect of that area or any portion of that area;

CONSIDERING that there is reason to vary the limits on the size established in paragraph 40c of the Québec Fishery Regulations, 1990, SOR/90-214 dated March 29, 1990

I HAVE RENDERED THE FOLLOWING DECISION:

The limit on the size for lake trout mentioned in paragraph 40c of the Regulations is varied as follows:

40 (c) i. a lake trout 35 cm or more but not more than 50 cm in length taken from the waters set out in any of Schedules I to VI, unless the waters are within a wildlife reserve;

ii. a lake trout measuring less than 40 cm in length taken from the waters set out in any of Schedules IX and XI or in any Parts I to V of Schedules X, XII to XV and XVIII, unless the waters are within a wildlife reserve or are referred to in subparagraph *iii*;

iii. a lake trout measuring less than 50 cm in length taken from the following waters:

A) Archambault, Blanc (46°19'52"N., 74°12'51"O.) and Ouareau lakes (Zone 9). The Ouareau river between lakes Blanc and Ouareau (46°18'54"N., 74°11'20"O.);

B) De l'Argile, Blue Sea, Du Cerf, Dumont, Gagnon (Preston and Gagnon township), Heney, Nominuingue, Pemichangan, Petit lac du Cerf, Saint-Germain (46°14' N., 75°30' O.), des Trente et un Milles lakes and Poisson Blanc reservoir (Zone 10);

C) Tremblant lake (Zone 11);

D) Branssat (Forant and Rochefort townships), Duval (Anjou and Brie townships) and Lynch (Forant and Rochefort townships) lakes (Zone 12);

E) Audouin, Grindstone, Hunter, Kipawa, Matchi-Manitou and MacLachlin lakes (Zone 13);

F) Cousineau (47°01'N., 73°59'O.), Culotte (47°09'N., 74°02'O.), Devenyns, Kempt (47°26'N., 74°16'O.), Légaré (46°58'N., 73°57'O.), Maskinongé, Opwaiak, Saint-Joseph, Troyes and Villiers (47°08'N., 74°02'O.) lakes (Zone 15).

The Société de la faune et des parcs du Québec give notice of it to the persons affected or likely to be affected by publishing annually the brochure Sportfishing in Québec – Main regulations, and by publishing a notice in the *Gazette officielle du Québec*.

This decision comes into force on April 1, 2003.

Québec, 1 April 2003

NICOLE PERREAULT,
*Director of Wildlife Territories
and Regulations*

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

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