

**Gazette**  
officielle  
<sup>DU</sup>**Québec**

Part

**2**

**No. 31**

30 July 2003

**Laws and Regulations**

Volume 135

**Summary**

Table of Contents  
Acts 2003  
Regulations and other acts  
Draft Regulations  
Treasury Board  
Decisions  
Municipal Affairs  
Transport  
Parliamentary Committees  
Index

Legal deposit – 1st Quarter 1968  
Bibliothèque nationale du Québec  
© Éditeur officiel du Québec, 2003

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.



## Table of Contents

Page

---

### Acts 2003

List of Bills sanctioned (16 July 2003) .....	2219
-----------------------------------------------	------

### Regulations and other acts

752-2003 Professional activity that may be engaged in by persons acting on behalf of Héma-Québec ....	2221
756-2003 Public Health Act — Regulation .....	2222
786-2003 Road vehicle registration (Amend.) — International Registration Plan .....	2225
798-2003 Comité paritaire des agents de sécurité — Attendance allowance and travelling expenses of the members .....	2232
799-2003 Collective agreement decrees, An Act respecting... — Security guards (Amend.) .....	2233
800-2003 Solid waste removal — Montréal region (Amend.) .....	2236
801-2003 Non-structural metalwork industry — Montréal region (Amend.) .....	2237
802-2003 Cartage industry — Québec (Amend.) .....	2239
Agreement concerning new methods of voting using “PERFAS-MV” ballot boxes — Ville de Sainte-Agathe-des-Monts .....	2241

### Draft Regulations

Conservation and development of wildlife, An Act respecting... — Development of wildlife — Scale of fees and duties (Amend.) .....	2255
Professional Code — Chartered accountants — Code of ethics .....	2255
Professional Code — Notaries — Diplomas giving access to permits .....	2257
Professional Code — Professional technologists — Code of ethics .....	2258
Professional Code — Town planners — Code of ethics .....	2260
Wildlife sanctuaries (Amend.) .....	2261

### Treasury Board

200048 Government and Public Employees Retirement Plan, An Act respecting the... — Application of title IV.2 (Amend.) .....	2265
--------------------------------------------------------------------------------------------------------------------------------	------

### Decisions

Office of the National Assembly — Contracts of the Chief Electoral Officer — Contracts of the Commission de la représentation adopted under the Election Act .....	2271
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------	------

---

**Municipal Affairs**

---

740-2003	Rectification of the territorial boundaries of Ville de Lavaltrie and validation of acts performed by the municipality .....	2283
----------	------------------------------------------------------------------------------------------------------------------------------	------

**Transport**

---

788-2003	Roads under the management of the Minister of Transport .....	2285
----------	---------------------------------------------------------------	------

**Parliamentary Committees**

---

Bill 9, An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities — Committee on planning — General consultation .....	2289
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------

---

**PROVINCE OF QUÉBEC**

1st SESSION

37th LEGISLATURE

QUÉBEC, 16 JULY 2003

---

**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 16 July 2003*

This day, at forty-six minutes past six o'clock in the evening, the Honourable the Administrator of Québec was pleased to sanction the following bills:

- 1 An Act to amend various legislative provisions concerning municipal affairs (*modified title*)
- 16 Appropriation Act No. 1, 2003-2004

To these bills the Royal assent was affixed by the Honourable the Administrator of Québec.



## Regulations and other acts

Gouvernement du Québec

### **O.C. 752-2003, 16 July 2003**

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

#### **Héma-Québec — Professional activity that may be engaged in by persons**

Regulation respecting a professional activity that may be engaged in by persons acting on behalf of Héma-Québec

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 Ordre des infirmières et infirmiers du Québec adopted the Regulation respecting a professional activity that may be engaged in by persons acting on behalf of Héma-Québec;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made 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 submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of 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 12 March 2003, with a notice that it would be submitted to the Government which could approve it with or without amendment, on the expiry of 45 days following that publication and inviting any person having comments to make to forward them before the expiry of that period to the Chair of the Office des professions du Québec;

WHEREAS the Chair of the Office received no comments following that publication;

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

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 Regulation respecting a professional activity that may be engaged in by persons acting on behalf of Héma-Québec, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### **Regulation respecting a professional activity that may be engaged in by persons acting on behalf of Héma-Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94, par. *h*; 2002, c. 33, s. 5, par. 2)

**1.** The purpose of this Regulation is to determine, from among the professional activities that may be engaged in by nurses, an activity that may be engaged in by a person acting on behalf of Héma-Québec, on the terms and conditions the Regulation determines.

**2.** A person acting on behalf of Héma-Québec may remove a needle from the arm of a blood donor in connection with a blood donor clinic, if

(1) the person holds a certificate issued by Héma-Québec attesting that the person has the knowledge and skills required to engage in that activity;

(2) the person engages in that activity in connection with blood donor clinics; and

(3) a nurse is on the premises, available to make a timely intervention on behalf of a blood donor.

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

Gouvernement du Québec

**O.C. 756-2003**, 16 July 2003

Public Health Act  
(R.S.Q., c. S-2.2)

**Regulation**

Regulation under the Public Health Act

WHEREAS, under paragraph 1 of section 137 of the Public Health Act (R.S.Q., c. S-2.2), the Government shall, by regulation, determine the conditions that must be met by a person claiming compensation following a vaccination and the list of vaccines for which compensation may be paid;

WHEREAS, under paragraph 2 of the same section of the Public Health Act, the Government shall, by regulation, establish a list of criteria the Minister of Health and Social Services must comply with in drawing up, by regulation, a list of intoxications, infections or diseases under section 79 or 83 of that Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation under the Public Health Act was published in Part 2 of the *Gazette officielle du Québec* on 30 April 2003 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the draft Regulation with amendments;

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

THAT the Regulation under the Public Health Act, attached to this Order in Council, be made.

*Le greffier du Conseil exécutif,*  
ANDRÉ DICAIRE

---

**Regulation under the Public Health Act**

Public Health Act  
(R.S.Q., c. S-2.2, s. 137, pars. 1 and 2)

**DIVISION I**

**LIST OF CRITERIA FOR THE PURPOSES OF SECTIONS 79 AND 83 OF THE PUBLIC HEALTH ACT**

**1.** The following sections establish the criteria that the Minister of Health and Social Services must observe when drawing up, by regulation, a list of intoxications, infections and diseases pursuant to sections 79 and 83 of the Public Health Act.

**2.** With respect to the list drawn up pursuant to section 79 of the Act, the intoxications, infections and diseases that may be included for reporting to public health authorities must satisfy the following criteria:

(1) they present a risk for the occurrence of new cases in the population, either because the disease or infection is contagious, or because the origin of the intoxication, infection or disease may lie in a source of contamination or exposure in the environment of the person affected;

(2) they are medically recognized as a threat to the health of the population, as defined in section 2 of the Act, that may result in serious health problems in the persons affected;

(3) they require vigilance on the part of public health authorities or an epidemiological investigation; and

(4) public health or other authorities have the power to take action in their respect to prevent new cases, to control an outbreak or to limit the magnitude of an epidemic, through the use of medical or other means.

**3.** With respect to the list drawn up under section 83 of the Act, the diseases and infections for which treatment is mandatory for any person affected must satisfy the following six criteria:

(1) present a risk of contagion through person-to-person contact;



(2) present a high risk of contagion through the air-borne route;

(3) be characterized as chronic, contagious diseases or infections if not treated;

(4) be recognized as serious diseases or infections for the individuals affected, in terms of lethality or morbidity, in the short or long-term;

(5) respond to medical treatment with demonstrated efficacy to eliminate or significantly reduce the contagion; and

(6) respond to no means of treatment other than the treatment to reduce the risk of contagion, apart from the isolation of the person affected.

#### **DIVISION II** **CONDITIONS RESPECTING COMPENSATION** **FOR VICTIMS OF VACCINATION**

**4.** For the purposes of section 71 of the Act, the conditions apply to vaccination, by inoculation with a vaccine or immunoglobulins, against any of the following diseases or infections:

- botulism
- cholera
- pertussis
- travellers' diarrhea
- diphtheria
- European tick-borne encephalitis
- Japanese encephalitis
- yellow fever
- viral hepatitis A
- viral hepatitis B
- *Hæmophilus influenzae* Type b infections
- meningococcal infections
- pneumococcal infections
- influenza
- Lyme disease
- Anthrax
- mumps
- plague
- poliomyelitis
- rabies
- measles
- rubella
- tetanus
- tuberculosis
- typhoid
- chickenpox
- smallpox
- respiratory syncytial virus

**5.** A person claiming compensation must submit a claim in writing to the Minister indicating

(1) the surname, given name, date of birth and address of the victim, as well as the victim's health insurance number;

(2) where the person is acting as the representative of the victim or as a person entitled to a death benefit, his or her own surname, given name, address and capacity;

(3) the name or nature of the immunizing product giving rise to the claim, the place where the vaccination was carried out, the surname and given name of the person who carried out the vaccination if known to the claimant, and the date of vaccination of the victim or of the person vaccinated from whom the victim believes the disease or infection was contracted;

(4) the date of the first manifestation of symptoms of bodily injury; and

(5) the date of death in the case of a claim for a death benefit.

**6.** The claimant must sign the claim which must be accompanied by a medical certificate stating the bodily injury sustained by the victim and assessing the causal link between the bodily injury and the vaccination.

Where the claimant is acting as the representative of the victim, the claimant must also attach to the claim proof of his or her entitlement to act in that capacity.

In the case of an application for a death benefit, the claimant must also attach to the claim the death certificate and proof of his or her entitlement to claim a death benefit.

**7.** The claimant must, in addition, provide the Minister, or the Société de l'assurance automobile du Québec if the Minister has entered into an agreement with that body for the purposes of this Division, with the particulars required for the application of the Automobile Insurance Act (R.S.Q., c. A-25) and its regulations for the purposes of calculation of the compensation.

Where the claimant does not provide the particulars required under the first paragraph, the claimant must give the Minister or the Société de l'assurance automobile du Québec the authorization necessary to obtain the particulars from third persons concerned.

**8.** The claimant must provide the Minister with proof of any fact establishing his or her entitlement to compensation.

The Minister may accept any form of proof the Minister considers useful for the purposes of justice.

The Minister may also require the submission of any document, book, paper or writing the Minister considers necessary.

**9.** An application for compensation is duly filed with the Minister if it is filed at one of the Minister's offices in Québec or Montréal or is mailed to one of those offices within the time prescribed by section 73 of the Act.

**10.** Upon receipt of an application for compensation, the Minister shall send an acknowledgement to the claimant.

**11.** An application for compensation may be withdrawn or amended at any time by means of a notice in writing signed by the claimant.

**12.** Any application submitted under this Division shall be studied by an evaluation committee made up of three members, except in the cases referred to in the second and third paragraphs of section 22.

The committee shall consist of a physician appointed by the Minister and of a physician appointed by the claimant; it shall be chaired by a third physician appointed by the first two.

Where a member of the committee is absent or unable to act before the committee has made its recommendations to the Minister, the member shall be replaced as soon as possible in the manner provided for in the second paragraph.

**13.** The Minister shall assume the cost of the services rendered by the members of the evaluation committee and by any persons added to the committee when required, and the cost of any services rendered by any expert physician consulted by the committee.

**14.** The committee's functions shall be

(1) to study the cases submitted to it and assess the injury sustained in each case;

(2) to evaluate if there is a probable causal link between the injury sustained by the victim and the vaccination;

(3) to evaluate, with the assistance of the Société de l'assurance automobile du Québec, the compensation, if any, to be paid pursuant to the Automobile Insurance Act and its regulations; and

(4) to make recommendations to the Minister on the matters referred to in paragraphs 1 to 3.

**15.** The committee or one of its members may examine the victim.

The examination must be performed taking into consideration the victim's clinical history, including

(1) a statement of relevant antecedents;

(2) physical and mental disorders and their development;

(3) intercurrent difficulties and illnesses; and

(4) drug history.

The examination must include a physical examination with particular emphasis on the system affected by the vaccination.

**16.** From indications obtained by examination of the victim and from any other relevant indication, the committee or the committee member who performed the examination must

(1) make a diagnosis; and

(2) determine the victim's disability and the percentage of permanent impairment of the victim's physical or mental integrity resulting from the vaccination, having regard to the provisions of the Automobile Insurance Act pursuant to which the victim is paid compensation.

The committee or the committee member must also mention any special considerations that could affect the disability and the nature and duration of any proposed treatment.

**17.** Where the victim's disability cannot be determined in a definitive manner, a provisional determination must be made.

Where the committee determines a provisional disability, it shall fix a date or time when it will meet again to make a final recommendation on the application.

Sections 14 to 16 and 19 to 24 apply in such a case, with the necessary modifications.

No reimbursement may be claimed by virtue of the fact that the definitive disability of the victim is less than his or her provisional disability.

**18.** Sections 15 to 17 do not apply to a claim for a death benefit.

**19.** The committee must, in addition, request the opinion of an expert physician where, in the opinion of a member of the committee, the opinion is required for medical evaluation of the victim or to establish the probability of the causal link between the injury sustained and the vaccination.

**20.** The committee must give the victim or claimant the opportunity to provide any relevant information or documents to complete his or her file.

**21.** The recommendations of the committee must be adopted by a majority vote and reasons must be given.

Any dissenting member may attach his or her own recommendations and reasons to the majority recommendations.

**22.** The Minister shall give a decision in writing, after studying the recommendations of the committee and of any dissenting member.

Where an application appears, however, on its face, to be prescribed or inadmissible for a reason other than a reason of a medical nature, the Minister may render a decision without the application having been studied by an evaluation committee.

The same applies where the Minister must render a new decision or an additional decision on a claim and the decision does not involve any reason of a medical nature.

**23.** The Minister shall send the decision to the claimant by mail and shall send a copy to the members of the committee.

The decision has effect from the date of mailing.

**24.** Any compensation unpaid at the time of the victim's death shall be paid to the victim's estate.

**25.** Where the prescription period provided for in the Act expires on a day on which the Minister's offices are not open, the time period is extended to the next working day, and the application for compensation may be validly made on that day.

**26.** No proceeding under this Division may be considered void and disallowed for defect of form or procedural irregularity.

**27.** If there is an interruption in postal service, the Minister may accept or use any other method of filing or service.

**28.** The Minister may enter into an agreement with the Société de l'assurance automobile du Québec respecting the application of this Division, in particular respecting payment by the Société of the compensation provided for in this Division and reimbursement by the Minister of the cost of the compensation and the administrative costs related thereto.

**29.** Sections 4 to 28 replace Chapter X of the Regulation respecting the application of the Public Health Protection Act (R.R.Q., 1981, c. P-35, r.1).

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

5837

Gouvernement du Québec

**O.C. 786-2003, 16 July 2003**

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

**International Registration Plan  
Road vehicle registration  
— Amendments**

International Registration Plan and Regulation to amend the Regulation respecting road vehicle registration

WHEREAS the International Registration Plan is an agreement among Canadian provinces and American states for the registration of vehicles travelling in at least one jurisdiction, province or state other than their base jurisdiction;

WHEREAS, under the agreement, the holder of registration does not have to pay fees in full to each jurisdiction in whose territory the holder's vehicles travel since that obligation is replaced by an apportioned registration system based on the number of kilometres travelled in the territory of the different jurisdictions;

WHEREAS participation in the agreement is subject, among other requirements, to the filing of an application with International Registration Plan, Inc., a legal person responsible for the application of the agreement, and to the unanimous consent of the parties to the agreement;

WHEREAS, under section 629 of the Highway Safety Code (R.S.Q., c. C-24.2), the Minister of Transport or the Société de l'assurance automobile du Québec may, according to law, enter into an agreement with any government, department, or body respecting any matter referred to in the Code;

WHEREAS on 28 May 1999, the Société de l'assurance automobile du Québec filed an application with International Registration Plan, Inc. for membership in the International Registration Plan, which was accepted on 29 September 1999;

WHEREAS the International Registration Plan is exempt from the application of the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30) and the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1) under Order in Council 951-2000 dated 26 July 2000;

WHEREAS, under section 631 of the Highway Safety Code, the Government may, by regulation, adopt the necessary measures to give effect to an agreement under section 629 of the Code;

WHEREAS the Regulation to amend the Regulation respecting road vehicle registration was made by Order in Council 951-2000 dated 26 July 2000 to give effect to the International Registration Plan;

WHEREAS it is expedient to again amend the Regulation respecting road vehicle registration to give effect to the International Registration Plan;

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

THAT the Regulation to amend the Regulation respecting road vehicle registration, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting road vehicle registration\*

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 631)

**1.** Section 2 of the Regulation respecting road vehicle registration is amended by adding the following after the first paragraph:

“For the purposes of this Regulation,

“administrative authority” means the District of Columbia or a state of the United States or province or territory of Canada that is a member of the International Registration Plan; (*autorité administrative*)

“fleet of road vehicles” means one or more road vehicles; (*parc de véhicules routiers*)

“operational records” means documents substantiating the content of the apportioned registration application; (*dossier d'exploitation*)

“owner-operator” means a lessor who leases the road vehicle with the services of a driver to a carrier. (*sous-traitant*”).

**2.** Section 2.2 is amended

(1) by replacing “a Canadian province or an American state” in the text preceding paragraph 1 by “an administrative authority”;

(2) by inserting “of road vehicles” after “fleet” in paragraph 6.

**3.** Section 2.3 is amended

(1) by striking out “or a combination of road vehicles” in the text preceding paragraph 1 and by replacing “a Canadian province or by an American state is deemed” by “an administrative authority is presumed to be”;

(2) by replacing “province or state” in paragraph 3 by “administrative authority”.

\* The Regulation respecting road vehicle registration, made by Order in Council 1420-91 dated 16 October 1991 (1991, *G.O.* 2, 4111), was last amended by the regulation made by Order in Council 451-2003 dated 21 March 2003 (2003, *G.O.* 2, 1364). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

**4.** Section 3.1 is amended

(1) by replacing “fleet number” in paragraph 4 by “number of the fleet of road vehicles”;

(2) by replacing “rental company” in paragraph 6 by “legal person or the partnership renting vehicles” and by replacing “company” by “legal person or partnership”;

(3) by replacing paragraph 11 by the following:

“(11) the list of administrative authorities in which the road vehicle is apportioned according to gross vehicle weight or number of axles indicated for each administrative authority; the weight is indicated in kilograms for provinces and territories and in pounds for states and the District of Columbia.”.

**5.** Section 60.1 is replaced by the following:

“**60.1.** Despite section 3 of the Highway Safety Code, the holder of an apportioned registration of a road vehicle is liable for any offence attributable to the owner of the vehicle under the Code.

However, if an owner-operator is registered on the IRP registration certificate, the owner-operator is liable for any offence attributable to the owner of the vehicle under the Code, except offences under Title I.”.

**6.** Section 60.4 is replaced by the following:

“**60.4.** The Société shall deny apportioned registration of a road vehicle and any operation related thereto if the applicant

(1) is unable to establish ownership as owner or joint owner of the vehicle, that the vehicle is the property of the partnership of which the applicant is a partner, or consent from the owner to register the vehicle or to apply for any operation related to the registration; or

(2) refuses or fails to provide, at the request of the Société or the person authorized by the Minister of Revenue pursuant to section 38 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), information or a document relating to the operational records of any fleet of road vehicles under apportioned registration in the applicant’s name or for which the applicant is applying for apportioned registration.”.

**7.** Section 60.9 is amended by replacing “in at least one other Canadian province or American state” in the text preceding subparagraph 1 by “in the territory of at least one other administrative authority”.

**8.** Section 60.10 is replaced by the following:

“**60.10.** The owner or carrier of a road vehicle may apply for apportioned registration of the vehicle provided that an established place of business is owned or leased in Québec where at least one of the vehicles of the owner or carrier accrues kilometres.

In addition, the establishment must be designated by a street number or road location, be open at least from 9:00 a.m. to 4:00 p.m., Monday to Friday, and have located within it at least

(1) a telephone whose number is listed in a telephone book under the name of the applicant;

(2) a person in charge of the owner’s fleet of road vehicles; and

(3) the operational records of the fleet of vehicles unless they can be made available for audit in another location; if the audit must be carried out in the territory of another administrative authority where the operational records are preserved, the holder of the apportioned registration shall reimburse the Minister of Revenue for travel and living expenses incurred for the audit of the operational records.”.

**9.** Section 60.11 is amended

(1) by replacing “Canadian provinces and American states” in subparagraph 4 by “administrative authorities”;

(2) by replacing “in each Canadian province and American state” in subparagraph 5 by “in the territory of each administrative authority”;

(3) by replacing “fleet operation” in subparagraph 6 by “operation of the fleet of road vehicles”.

**10.** Section 60.13 is amended

(1) by inserting “road” before “vehicles” in the text preceding paragraph 1 and by replacing “Canadian province and each American state” by “administrative authority”;

(2) by replacing paragraph 1 by the following:

“(1) by dividing the number of kilometres travelled by the vehicles in the territory of the administrative authority concerned by the number of kilometres travelled in the territory of all the administrative authorities during the preceding year;”;

(3) by replacing “province or state in question” in paragraph 2 by “administrative authority concerned”.

**11.** Section 60.17 is amended by replacing “Canadian provinces and American states” in the third paragraph by “administrative authorities”.

**12.** Section 60.19 is amended by replacing “Canadian provinces or American states eliminated” by “territory of the administrative authorities where the holder’s road vehicles cease to travel”.

**13.** Section 60.20 is amended

(1) by replacing “a Canadian province or an American state” by “an administrative authority”;

(2) by replacing “that territory” by “the territory of the administrative authority concerned”;

(3) by replacing “province or state” by “administrative authority”.

**14.** Section 60.21 is amended

(1) by replacing “a Canadian province or in an American state” in the text preceding paragraph 1 by “the territory of an administrative authority”;

(2) by replacing “that province or state” in paragraph 2 by “the administrative authority” and by replacing “province or state” by “territory of the administrative authority”.

**15.** Section 60.22 is amended

(1) by replacing “a Canadian province or in an American state” in the text preceding paragraph 1 by “the territory of an administrative authority”;

(2) by replacing “any province or state” in paragraph 1 by “the territory of any administrative authority”;

(3) by replacing “for a province or state” in paragraph 2 by “in the territory of an administrative authority” and by replacing “that province or state” by “the territory of the administrative authority”;

(4) by replacing “for a province or state” in paragraph 3 by “in the territory of an administrative authority”, by replacing “that province or state” by “the territory of the administrative authority” and by replacing “all the provinces and states” by “the territory of all the administrative authorities”.

**16.** Section 60.24 is amended by replacing “a Canadian province or an American state” by “an administrative authority”.

**17.** Section 60.25 is amended

(1) by replacing “all the Canadian provinces and American states” in the first paragraph by “the territory of all the administrative authorities” and by replacing “each province or state” by “the territory of each administrative authority”;

(2) by replacing “a province or state” in the second paragraph by “the territory of an administrative authority” and by replacing “that province or state” by “the territory of the administrative authority”.

**18.** Section 60.26 is amended

(1) by adding “of road vehicles” at the end of the first paragraph;

(2) by deleting the second paragraph.

**19.** Section 60.28 is amended by inserting “of road vehicles” after “fleet” in the first and second paragraphs.

**20.** Section 60.30 is amended

(1) by inserting “the services of” after “without” in the first paragraph and by replacing “Canadian province or an American state” by “other administrative authority”;

(2) by inserting “of road vehicles” after “fleet” in the second and third paragraphs.

**21.** Section 60.31 is amended by replacing “province or state” in paragraph 1 by “territory of the administrative authority”.

**22.** Section 60.32 is amended by replacing “all the provinces and states” in paragraph 1 by “the territory of all the administrative authorities”.

**23.** Section 60.33 is amended by replacing “all the provinces and states” in paragraph 1 by “the territory of all the administrative authorities”.

**24.** Section 60.35 is amended by inserting “of road vehicles” after “fleet” wherever it appears.

**25.** Section 60.36 is amended by replacing “provinces and states in question” by “administrative authorities concerned”.

**26.** Section 60.37 is amended

- (1) by inserting “road” before “vehicles”;
- (2) by inserting “de” after “cours” in the French text.

**27.** The following is inserted after section 60.38:

“**60.38.1.** The holder of an apportioned registration must maintain operational records for the apportioned fleet of road vehicles that contain

(1) documents supporting the total distance travelled in the territory of each administrative authority concerned and the total number of kilometres travelled, including fuel reports, trip sheets and drivers’ daily logs as well as documents concerning trips, such as gas receipts, bills of lading and delivery slips; and

(2) the individual fleet vehicle distance record, unless the on-board recording device is used in conjunction with an information technology system designed to produce, at the request of a person authorized by the Minister of Revenue, a distance record of each trip for each fleet vehicle.

**60.38.2.** An individual road vehicle distance record for a trip must contain the following information:

- (1) date of departure and date of arrival;
- (2) trip origin and destination;
- (3) route of travel;
- (4) beginning and ending odometer or hubodometer reading of the trip;
- (5) distance travelled in the territory of each administrative authority and total distance travelled;
- (6) vehicle identification number, except in the case of a trailer, or power unit number in the case of a combination of road vehicles;
- (7) trip stops;
- (8) road vehicle fleet number;
- (9) name of the holder of the apportioned registration; and
- (10) driver’s name and identification code.”.

**28.** Section 60.39 is replaced by the following:

“**60.39.** The holder of an apportioned registration must preserve the operational records of the apportioned fleet of road vehicles for five years from 1 July preceding the current registration year. The holder must also make operational records available to the person authorized by the Minister of Revenue for auditing purposes at that person’s request.”.

**29.** Section 60.40 is amended by replacing “another Canadian province or American state” by “an administrative authority other than Québec”.

**30.** The following is inserted after section 60.40:

“**60.41.** The distance accounting system of the holder of an apportioned registration must account for the information required under this Division to calculate the number of kilometres of road vehicle trips and substantiate the data in the apportioned registration application. Supporting documents must contain the information required to identify all the trips made by the vehicles. In addition, the distance accounting system must allow the production of summaries for each vehicle and for the territory of each administrative authority concerned.

**60.42.** The holder of an apportioned registration may, for operational records keeping purposes, use handwritten trip reports, an on-board recording device or a combination of the two, or use an on-board recording device in conjunction with an information technology system. To complement the data gathering methods or to verify the data collected, the holder may use road vehicle monitoring devices, such as those which transmit or may be interrogated as to vehicle location or travel.

**60.43.** The holder of an apportioned registration may not use an on-board recording device or such a device in conjunction with an information technology system unless

- (1) the holder obtains a certificate from the manufacturer certifying that the device has been sufficiently tested to meet the requirements of paragraphs 2 to 11;
- (2) the on-board recording device and associated support systems do not permit altering of the information collected;
- (3) the editing of copies of the original information collected is identified and the edited and original data are recorded and retained;

(4) the on-board recording device warns the driver visually or audibly that the device has ceased to function;

(5) the recording device time and date stamps all data recorded;

(6) the recording device does not allow data to be overwritten before the data has been extracted;

(7) the recording device warns the driver visually or audibly that the device's memory is full and can no longer record data;

(8) the recording device automatically updates a life-to-date odometer when the vehicle is placed in motion or the operator enters the current vehicle odometer reading when the on-board recording device is connected to the vehicle;

(9) the recording device provides a method for the driver to confirm that driver-entered data is correct;

(10) the recording device collects the following data on each trip:

(a) date of departure and date of arrival;

(b) trip origin and destination;

(c) route of travel;

(d) beginning and ending odometer or hubodometer reading of the trip;

(e) total distance travelled;

(f) distance travelled in the territory of each administrative authority;

(g) power unit number or vehicle identification number; and

(h) trip stops; and

(11) the recording device collects the following data:

(a) road vehicle fleet number;

(b) name of the holder of the apportioned registration;

(c) trailer number; and

(d) driver's name and identification code.

**60.44.** The trip reports printed by the on-board recording device used alone must be preserved by the holder of an apportioned registration for auditing purposes. The holder must, on the basis of the reports, prepare trip summaries for each road vehicle and for the fleet of road vehicles showing the kilometres travelled in the territory of each administrative authority.

Where the recording device is used in conjunction with an information technology system, the holder of an apportioned registration is required to comply with the requirements set out in the first paragraph unless the system is capable of producing the following reports at the request of a person authorized by the Minister of Revenue:

(1) for each trip, an individual vehicle distance record report that includes the information required by section 60.38.2;

(2) a report indicating when the on-board recording device was last calibrated and the calibration method used;

(3) an exception report identifying all edited data, omissions of required data, system failures, non-continuous life-to-date odometer readings, travel to territories of non-contiguous administrative authorities and trips where the location of the beginning trip is not the location of the previous trip;

(4) a monthly, quarterly, and annual summary of vehicle trips by vehicle number indicating the total distance travelled in the territory of each administrative authority; and

(5) monthly, quarterly, and annual summaries of all trips for each fleet indicating the total distance travelled in the territory of each administrative authority.

**60.45.** For the purposes of this Division, all distances travelled by a loaded, empty, deadhead or bobtail road vehicle and the distances travelled by a vehicle for which a trip permit has been issued must be recorded.

**60.46.** The holder of the apportioned registration of the road vehicle must recalibrate the on-board recording device when tire size changes, the vehicle drive-train is modified or any other modification is made to the vehicle which affects the accuracy of the device. The holder must also maintain and calibrate the device in accordance with the manufacturer's specifications.

In addition, the holder must maintain and preserve a calibration record for five years from 1 July preceding the current registration year.



**60.47.** The holder of an apportioned registration must ensure that the drivers of the road vehicles registered in the holder's name

(1) have been trained in the use of the information technology system;

(2) note any failure of the on-board recording device and prepare manual trip reports until the device is again operational.

**60.48.** The holder of an apportioned registration must retain a back-up copy of the electronic files related to the holder's operational records for five years from 1 July preceding the current registration year.

**60.49.** Each administrative authority may carry out operational records audits of a fleet of road vehicles apportioned in that authority or whose vehicles have travelled in the territory of the authority.

**60.50.** At least 30 days prior to conducting an audit, the auditor authorized by the Minister of Revenue shall advise the holder of the apportioned registration of the registration years to be audited, the audit date and the holder's obligation to make the operational records available for the audit.

**60.51.** After the audit, the auditor authorized by the Minister of Revenue shall assess the findings with the holder of the apportioned registration. The auditor shall communicate the preliminary audit findings, the post-audit process, information on the reporting procedures, rights of appeal, and any remarks and recommendations for improving operational records keeping.

Failure to inform the holder is not effective against the Société if it is impossible for the auditor authorized by the Minister of Revenue to meet the holder. The reasons shall be recorded in the audit report.

**60.52.** Where the auditor authorized by the Minister of Revenue determines that operational records are inadequate, the auditor shall give a notice to the holder of the apportioned registration enjoining the holder to comply with the provisions of this Division within 30 days after receiving the notice and stating that failure to comply may result in the payment of registration fees in addition to the fees payable pursuant to this Regulation at the time of registration and in the payment of costs for expenses incurred by the Société for the operational records audit and the management of the registration record resulting from the audit.

**60.53.** After assessing the responsibility of the holder of an apportioned registration for payment of the registration fees, the Société may require the holder to pay the fees and costs for expenses incurred by the Société for the operational records audit and the management of the registration record resulting from the audit

(1) if the holder does not make operational records available to the auditor authorized by the Minister of Revenue within 30 days after receiving a written request to that effect; or

(2) if the holder fails to maintain operational records in accordance with the provisions of this Division more than 30 days after receiving a notice from the auditor authorized by the Minister of Revenue to the effect that the operational records are inadequate.

After the assessment, the Société may require payment in full of the Québec registration fees if it is impossible for the Société to determine the amount of the fees payable. The Société may also not take into consideration any credit calculated in respect of an administrative authority concerned.

The assessment is based on the information provided by the holder, the information collected by the Société and the auditor authorized by the Minister of Revenue as well as the information the Société has on operations of fleets of road vehicles similar to the holder's fleet.

**60.54.** The Société shall transmit the findings of the audit and give an account of the audit conducted and its impact on the amount of the registration fees to the holder of an apportioned registration and to the administrative authorities where road vehicles in the fleet are apportioned or in whose territory road vehicles in the fleet have accrued kilometres. A copy of the findings shall be kept in the audit file.

The findings shall include

(1) name and address of the holder of the apportioned registration;

(2) IRP file number and number of the fleet of road vehicles;

(3) registration years audited;

(4) number of apportioned vehicles;

(5) according to the apportioned registration application and the audit results, total distance travelled;

(6) according to the apportioned registration application and the audit results, distance travelled in the territory of each administrative authority, percentage that the distance represents in relation to the total distance travelled and percent changes for each administrative authority;

(7) net fees payable, fees to be reimbursed or credits to be given for each administrative authority;

(8) audit methods used, findings, remarks and recommendations of the auditor authorized by the Minister of Revenue, including a description of the types of records audited and audit methods used;

(9) identification of any vehicle withdrawn from the fleet for which registration fees payable have been taken into account in the Société's assessment; and

(10) date of audit findings and name of auditor authorized by the Minister of Revenue.

The audit findings must also indicate whether the distance accounting system of the holder of the apportioned registration is satisfactory as regards the consistency with which the system meets the standards set out in this Division.

**60.55.** The holder of an apportioned registration may, within 30 days after receiving the audit findings, apply in writing to the Société for a review.

**60.56.** An administrative authority in which apportioned vehicles in the fleet of road vehicles of the registration holder are registered or in whose territory such road vehicles have accrued kilometres may, within 45 days after receiving the audit findings, notify the Société and the holder of any error and the administrative authority's intent to re-examine the holder's operational records.

**60.57.** Re-examination must be based on the same sample period as the period used for the audit. It must be carried out within a reasonable time with the cooperation of the Société and the Minister of Revenue.

The Société shall notify the administrative authorities that a re-examination will be held.

The findings of a re-examination must be reconciled with the original audit findings.

**60.58.** The Société shall transmit to the holder of an apportioned registration and the administrative authorities in which apportioned fleet road vehicles are registered or in whose territory such road vehicles have accrued kilometres, the revised audit findings in accordance with section 60.54."

**31.** Section 165.2 is replaced by the following:

"**165.2.** The cases of reimbursement determined in this Chapter also apply to the holder of an apportioned registration of a road vehicle but only as regards the portion of the fees paid by the holder to travel in Québec.

The reimbursement of the portion of the fees paid to travel in the territory of another administrative authority is determined by the administrative authority of the territory.

**165.3.** Despite section 165.2 and the second paragraph of section 180, the holder of an apportioned registration of a road vehicle is entitled to reimbursement of a portion of the fees paid to travel in Québec and in the territory of another administrative authority if the findings of the Société in the audit of the holder's operational records indicate an overpayment of fees. The amount of the reimbursement is the amount determined in the audit findings."

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

5844

Gouvernement du Québec

### **O.C. 798-2003, 16 July 2003**

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

#### **Comité paritaire des agents de sécurité — Attendance allowance and travelling expenses of the members**

Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire des agents de sécurité

WHEREAS, under paragraph 1 of section 22 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), a parity committee may, by regulation approved with or without amendment by the Government, determine the amount of the attendance allowance to which its members are entitled in addition to their actual travelling expenses;

WHEREAS the Regulation respecting the attendance fees of the Comité paritaire des agents de sécurité in the Montréal region was approved by Order in Council No. 2928-81 dated 20 October 1981;

WHEREAS it is expedient to replace this Regulation ;

WHEREAS the Comité paritaire des agents de sécurité adopted the “Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire des agents de sécurité” at its meeting held on 13 February 2003 ;

WHEREAS, under paragraph *l* of section 22 of the Act respecting collective agreement decrees, the Regulation must be approved with or without amendment by the Government ;

WHEREAS it is expedient to approve the Regulation with amendments ;

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

THAT the Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire des agents de sécurité, attached hereto, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

---

## **Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire des agents de sécurité**

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 22, par. *l*)

- 1.** The Comité paritaire des agents de sécurité shall pay an attendance allowance to its members equal to \$100 per day to attend the meetings of the committee or one of its subcommittees.
- 2.** The parity committee shall reimburse its members for the actual travelling expenses incurred to attend meetings of the committee or one of its subcommittees.
- 3.** This Regulation replaces the Regulation respecting the attendance fees of the Comité paritaire des agents de sécurité in the Montréal region, approved by Order in Council No. 2928-81 dated 20 October 1981.
- 4.** This Regulation comes into force on the date of its approval by the Government.

5843

Gouvernement du Québec

## **O.C. 799-2003, 16 July 2003**

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

### **Security guards — Amendments**

CONCERNING the Decree to amend the Decree respecting security guards

WHEREAS the Government made the Decree respecting security guards (R.R.Q., 1981, c. D-2, r.1) ;

WHEREAS the contracting parties within the meaning of the Decree have filed an application with the Minister of Labour so that amendments may be made to the Decree ;

WHEREAS sections 2 and 6.1 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) authorize the Government to amend a collective agreement decree ;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft Decree of amendments was published in Part 2 of the *Gazette officielle du Québec* of 22 January 2003 and, on the same date, in two French language newspapers and an English language newspaper, with a notice that it could be made by the Government upon the expiry of 45 days following that publication ;

WHEREAS it is expedient to make that draft Decree with amendments ;

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

THAT the Decree to amend the Decree respecting security guards, attached hereto, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

---

## Decree to amend the Decree respecting security guards\*

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

**1.** The first “Whereas” of the Decree respecting security guards is amended by striking out the name “L’Union des agents de sécurité du Québec” in the list of names of contracting parties of the second part.

**2.** Section 1.01 is amended:

(1) by substituting the following for paragraph 3:

“(3) “spouses” means either of two persons who:

(a) are married or in a civil union and cohabiting;

(b) being of opposite sex or the same sex are living together in a de facto union and are the father and mother of the same child;

(c) are of opposite sex or the same sex and have been living together in a de facto union for one year or more;”;

(2) by inserting the words “violation notices or” after the word “issue” in paragraph 5;

(3) by substituting, at the end of paragraph 5, “who is authorized to issue violation notices or violation reports of offence or tickets related to parking violations or violations related to any other Act” for “whose duty is to issue tickets related to parking, parking meters or to the Act respecting the protection of non-smokers in certain public places (R.S.Q., c. P-38.01)”;

(4) by adding the words “or whose duties include the care or transportation of adult inmates” at the end of paragraph 6;

(5) by substituting “120 days” for “90 calendar days” in paragraph 16;

(6) by substituting the following for subparagraph c of paragraph 17:

“(c) to work during a sports, cultural, economic or social activity for a period not exceeding four consecutive weeks.”;

(7) by substituting the following for paragraph 18:

\* The Decree respecting security guards (R.R.Q., 1981, c. D-2, r.1) was last amended by the Regulation made by Order in Council No. 1566-98 dated 16 December 1998 (1998, G.O. 2, 4811). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003

“(18) “week”: a period of seven consecutive days extending from midnight at the beginning of a given day to midnight at the end of the seventh day; from 30 July 2003, the employer must inform the parity committee in writing, within 15 days, of the day his or her workweek begins. That choice remains in force for the term provided for in section 9.01, but may be modified upon 60 days’ written notice by the employer to the parity committee;”;

(8) by inserting the following after paragraph 18:

“(18.1) “day”: a space of time of 24 hours extending from midnight to midnight;”;

(9) by substituting the following for subparagraph c of paragraph 20:

“(c) issue, when authorized, violation notices and violation reports related to parking or other violations provided for in any other Act;”.

**3.** The following is substituted for section 3.01:

“**3.01.** For the purpose of calculating overtime hours, the standard workweek is 40 hours.

For the sole purpose of calculating the standard workweek, a shift belongs to the day on which it starts or ends or from midnight to midnight, according to the choice of the employer. The employer must inform the parity committee in writing of his or her choice at least 15 days before implementing the shift; only one change will be permitted before 1 July 2007.”.

**4.** Section 3.02 is abrogated.

**5.** Section 3.04 is amended by striking out “, as well as the distance premium granted by the employer”.

**6.** Section 3.08 is amended by inserting the word “absolutely” before the word “null” in the third paragraph of section 3.08.

**7.** Section 3.11 is amended by adding the following after the first paragraph:

“An employer who does not give notice as prescribed in the first paragraph must pay a monetary compensation equal to the average weekly wage received by the employee during his or her period of continuous service, not to exceed the six months immediately preceding the employee’s departure for layoff.”.

**8.** Section 4.02 is amended by adding the words “to the financial institution chosen by the employee” at the end of the first paragraph.

**9.** Section 4.07 is amended:

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

	<b>“As of 2003 07 30</b>	<b>As of 2004 06 27</b>	<b>As of 2005 06 26</b>	<b>As of 2006 06 25</b>	<b>As of 2007 07 01</b>
Class A employee	\$12.00	\$12.25	\$12.55	\$12.85	\$13.15;
Class B employee	\$12.25	\$12.50	\$12.80	\$13.10	\$13.40.
<b>Premiums :</b>					
P1* - P4*	\$0.30	\$0.30	\$0.30	\$0.30	\$0.30;
P2*	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50;
P3*	\$1.25	\$1.25	\$1.25	\$1.25	\$1.25;
P5*	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50;
P6*	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50;
P7*	\$1.75	\$1.75	\$1.75	\$1.75	\$1.75.

\*More than one premium at the same time may be applicable.

Class B employees responsible for directing or supervising one or more Class B employees receive \$0.25 per hour more than the hourly rate provided in the first paragraph for Class B employees.”;

(2) by substituting the amount “\$0.15” for the amount “\$0.10” in the third paragraph.

**10.** Section 4.15 is amended by substituting the following for the first sentence:

“Only the premiums provided for in the Decree are permitted.”.

**11.** Section 5.01 is amended by substituting “15 days following 30 July 2003” for “30 calendar days following 30 December 1998” in the third paragraph.

**12.** Section 5.02 is amended by substituting the word “The” for the words “As of 1 January 1999, the” in the second sentence.

**13.** The following is substituted for section 5.08:

“**5.08.** Upon 30 days’ prior written request by the employee to the employer, the employee may convert into cash any week of leave exceeding the first two weeks of leave for each year.

Where this is the case, the monetary compensation for the leave is paid to the employee at the same time as his or her compensation related to the annual leave.”.

**14.** Section 6.05 is amended by striking out the word “calendar” wherever it occurs in subparagraphs 3, 5 and 6 of the first paragraph.

**15.** Section 7.01 is amended:

(1) by striking out “spouse, his child or the child of his spouse, his” in the second sentence of paragraph 1;

(2) by substituting “1, 2 and 7” for “1 and 2” in paragraph 3;

(3) by adding the words “or day of the de facto union” at the end of the first sentence of paragraph 4;

(4) by inserting the words “or day of the de facto union” after the words “wedding day” in the second sentence of paragraph 4;

(5) by striking out the word “calendar” in the second paragraph of paragraph 5;

(6) by substituting the figure “10” for the figure “5” in the first sentence of the first paragraph of paragraph 6;

(7) by adding the following after paragraph 6:

“(7) On the death of his or her spouse, of one of his or her children or of the child of his or her spouse, an employee is entitled to five days of leave with pay including the day of the funeral and the four days preceding or following, provided that the employee usually works on these days. The employee may also be absent for an additional day on that occasion, but without pay. An additional day without pay is also granted to the employee to perform any other function related to the death.”.

**16.** Section 7.02 is amended:

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

“To be entitled to the payment of his or her accumulated leave for sickness or accident, as established by the employer on 31 October of each year, the regular A-01 employee must be in the employ of his or her employer on 31 October; however, where there is a change in employer and the regular A-01 employee is hired on his or her workplace by the new employer, the accumulated leave for sickness or accident is paid by his or her former employer at the time of the employee’s departure. A regular A-01 employee who is still in the employ of his or her employer on 31 October is paid the amount accumulated no later than the following 10 December.”;

(2) by striking out the fifth paragraph.

**17.** Section 7.03 is amended by substituting the words “two sick days” for the words “one sick day” in the third sentence.

**18.** Section 7.05 is revoked.

**19.** Section 8.01 is amended:

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

“At the time of a strike, a lock-out or any other limited duration contract not exceeding 60 days, an employee who must use his or her automobile to reach a work location outside a 40-kilometre radius from his or her employer’s office receives a compensation of \$0.35 for each kilometer traveled. The employer may choose to provide transportation at his or her own expense.”;

(2) by substituting the amount \$0.35” for the amount “\$0.30” in the second paragraph.

**20.** The following is substituted for section 8.03:

“**8.03.** Where an employee acts as a juror, he or she must inform his or her employer as soon as he or she receives his or her subpoena; the employer repays the difference between the employee’s costs as a juror and the employee’s wage.

Where an employee acts as a witness in relation with the performance of his or her functions, he or she must inform the employer as soon as he or she receives the subpoena; the employer pays the employee his or her wages as if the employee were at work.”.

**21.** The following is substituted for section 9.01:

“**9.01.** This Decree remains in force until 1 July 2007. It is then renewed automatically from year to year, unless one of the contracting parties opposes it by sending written notice to the Minister of Labour and to the other contracting party during the month of March of the year 2007 or during the month of March of any subsequent year.”.

**22.** This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*, except for section 3.02 enacted by section 4 of this Decree which comes into force on 2 May 2004.

5842

Gouvernement du Québec

### O.C. 800-2003, 16 July 2003

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

#### Solid waste removal

##### — Montréal

##### — Amendments

CONCERNING the Decree to amend the Decree respecting solid waste removal in the Montréal region

WHEREAS the Government made the Decree respecting solid waste removal in the Montréal region (R.R.Q., 1981, c. D-2, r.29);

WHEREAS the contracting parties within the meaning of the Decree have filed an application with the Minister of Labour so that amendments may be made to the Decree;

WHEREAS sections 2 and 6.1 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) authorize the Government to amend a collective agreement decree;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft Decree of amendments was published in Part 2 of the *Gazette officielle du Québec* of 15 January 2003 and, on the same date, in one French language newspaper and an English language newspaper, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make that draft Decree without amendment;

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

THAT the Decree to amend the Decree respecting solid waste removal in the Montréal region, attached hereto, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## Decree to amend the Decree respecting solid waste removal in the Montréal region \*

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

**1.** The Decree respecting solid waste removal in the Montréal region is amended by substituting the following for section 6.01:

“**6.01.** The minimum hourly wage is the following:

	<b>As of 2003 07 30</b>
<b>1.</b> Full-time employee:	
(a) Driver:	
i. self-loading truck	\$17.30
ii. side-loading truck	\$18.19
iii. other vehicle	\$17.09;
(b) Helper	\$16.77;
<b>2.</b> Part-time employee:	
(a) Truck driver, any category	\$16.51;
(b) Helper	\$16.23.”

\* The last amendments to the Decree respecting solid waste removal in the Montréal region (R.R.Q., 1981, c. D-2, r.29) were made by the Regulation made under Order in Council No. 1282-2002 dated 30 October 2002 (2002, *G.O.* 2, 5844). For previous amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

**2.** The following is substituted for section 7.07:

“**7.07.** This Division does not apply to the employer whose employees governed by this Decree benefit from a social security plan with provisions that are as advantageous for the employees.”.

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

5841

Gouvernement du Québec

## O.C. 801-2003, 16 July 2003

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

### Non-structural metalwork industry

— Montréal  
— Amendments

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

WHEREAS the Government made the Decree respecting the non-structural metalwork industry in the Montréal region (R.R.Q., 1981, c. D-2, r.35);

WHEREAS the contracting parties within the meaning of the Decree have filed an application with the Minister of Labour so that amendments may be made to the Decree;

WHEREAS sections 2 and 6.1 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) authorize the Government to amend a collective agreement decree;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft Decree of amendments was published in Part 2 of the *Gazette officielle du Québec* of 27 November 2002 and, on the same date, in one French language newspaper and an English language newspaper, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make that draft Decree with amendments;

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

THAT the Decree to amend the Decree respecting respecting the non-structural metalwork industry in the Montréal region, attached hereto, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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

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

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

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

<b>Classifications</b>	<b>As of 2003 07 30</b>	<b>As of 2004 05 30</b>	<b>As of 2005 05 30</b>	<b>As of 2006 05 30</b>
(a) specialized brake press operator and mechanic	\$19.47	\$19.86	\$20.26	\$20.66;
(b) fitter and blacksmith	\$17.77	\$18.12	\$18.49	\$18.86;
(c) brake press operator, blade shear operator, buffer	\$17.47	\$17.82	\$18.18	\$18.54;
(d) trailer-truck driver	\$16.92	\$17.26	\$17.61	\$17.96;
(e) production worker A	\$16.66	\$16.99	\$17.33	\$17.68;
(f) truck driver	\$16.66	\$16.99	\$17.33	\$17.68;
(g) production worker B and painter	\$11.75	\$11.99	\$12.22	\$12.47;
(h) labourer:				
- less than 4 000 hours	\$8.74	\$8.92	\$9.09	\$9.28;
- more than 4 000 hours	\$9.83	\$10.03	\$10.23	\$10.43.”.

\* The Decree respecting the non-structural metalwork industry in the Montréal region (R.R.Q., 1981, c. D-2, r.35) was last amended by the Regulation made by Order in Council No.1346-2000 dated 15 November 2000 (2000, G.O. 2, 5357). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.



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

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

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

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

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

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

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

“**14.01.** The employer shall contribute to the social security plan, for each hour worked by his employees, the sum of \$0.55 as of 30 July 2003, \$0.61 as of 30 July 2004, \$0.67 as of 30 July 2005 and \$0.76 as of 30 May 2006.

**14.02.** The employer shall deduct from the pay of each of his employees, for each hour worked, the sum of \$0.55 as of 30 July 2003, \$0.61 as of 30 July 2004, \$0.67 as of 30 July 2005 and \$0.76 as of 30 May 2006.”.

**5.** The following is substituted for section 14.06:

“**14.06.** The employer pays into the employee’s pension fund, for each hour worked, the sum of \$0.70 as of 30 July 2003, \$0.75 as of 30 July 2004, \$0.80 as of 30 July 2005 and \$0.85 as of 30 May 2006, in accordance with section 14.03.”.

**6.** The following is substituted for section 17.01:

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

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

Gouvernement du Québec

## O.C. 802-2003, 16 July 2003

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

### Cartage industry

#### — Québec

#### — Amendments

CONCERNING the Decree to amend the Decree respecting the cartage industry in the Québec region

WHEREAS the Government made the Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r.7);

WHEREAS the contracting parties within the meaning of that Decree submitted to the Minister of Labour, on different dates, two applications for amendments to be made to the Decree;

WHEREAS sections 2 and 6.1 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) authorize the Government to amend a collective agreement decree;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, a first draft of the amendment decree was published in Part 2 of the *Gazette officielle du Québec* of 20 November 2002 and, on the same date, in a French language newspaper and an English language newspaper, with a notice that it could be made by the Government upon the expiry of the 45 days following that publication;

WHEREAS, in accordance with the same sections of those Acts, the second draft of the amendment decree was published in Part 2 of the *Gazette officielle du Québec* of 19 February 2003 and, on the same date, in a French language newspaper and an English language newspaper, and on 20 February 2003, in another French language newspaper, and on 23 February 2003, in another French language newspaper, with a notice that it could be made by the Government upon the expiry of the 45 days following that publication;

WHEREAS it is expedient to regroup those draft decrees;

WHEREAS it is expedient to make one draft decree without amendment;

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

THAT the Decree to amend the Decree respecting the cartage industry in the Québec region, attached hereto, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## Decree to amend the Decree respecting the cartage industry in the Québec region \*

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

**1.** The following is substituted for section 7.01 of the Decree respecting the cartage industry in the Québec region:

“**7.01** The following minimum hourly rate is effective as of 30 July 2003, for each of the employment categories determined below:

Employment Category	Hiring Rate	After 3 Months	After 6 Months	After 12 Months	After 18 Months	After 24 Months
(1) Helper	\$8.00	\$8.40	\$8.80	\$9.25	\$9.75	\$10.00;
(2) Labourer	\$8.00	\$8.40	\$8.80	\$9.25	\$9.75	\$10.00;
(3) Assistant-mechanic	\$9.50	\$9.80	\$10.25	\$10.75	\$11.50	\$12.00;
(4) Driver	\$9.00	\$9.40	\$9.80	\$10.20	\$10.60	\$11.00;
(5) Road-train driver	\$10.00	\$10.30	\$10.80	\$11.20	\$11.60	\$12.00;
(6) Truck driver	\$9.25	\$9.55	\$9.85	\$10.10	\$10.60	\$11.10;
(7) Tractor semi-trailer driver	\$10.00	\$10.30	\$10.80	\$11.20	\$11.60	\$12.00;
(8) Tank-truck driver	\$9.75	\$10.05	\$10.55	\$10.95	\$11.35	\$11.75;
(9) Tank-trailer driver	\$10.25	\$10.55	\$11.05	\$11.45	\$11.85	\$12.25;
(10) Float driver	\$10.25	\$10.55	\$11.05	\$11.45	\$11.85	\$12.25;

\* The Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r.7) was last amended by the Regulation made by Order in Council No. 580-2001 dated 16 May 2001 (2001, G.O. 2, 2307). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

Employment Category	Hiring Rate	After 3 Months	After 6 Months	After 12 Months	After 18 Months	After 24 Months
(11) Loading machinery operator	\$9.50	\$9.80	\$10.10	\$10.50	\$10.80	\$11.25;
(12) Dockman	\$8.00	\$8.40	\$8.80	\$9.25	\$9.75	\$10.00;
(13) Mechanic	\$10.25	\$10.55	\$11.05	\$11.45	\$11.85	\$12.25;
(14) Packer	\$8.00	\$8.40	\$8.80	\$9.25	\$9.75	\$10.00;
(15) Snow removal vehicle driver	\$9.25	\$9.55	\$9.85	\$10.10	\$10.60	\$11.10;
(16) Welder	\$10.25	\$10.55	\$11.05	\$11.45	\$11.85	\$12.25”.

**2.** The following is substituted for section 7.02:

“**7.02.** The minimum hourly rate of office clerks is the following as of 30 July 2003:

Hiring Rate	After 6 Months	After 12 Months	After 18 Months	After 24 Months
\$8.00	\$8.50	\$9.00	\$9.50	\$10.00”.

**3.** Section 7.03 is amended by substituting the following for paragraphs 2 and 3:

“(2) the driver shall receive for each kilometre travelled, as of 30 July 2003:

Hiring Rate	After 6 Months	After 12 Months	After 18 Months	After 24 Months
\$0.13	\$0.14	\$0.15	\$0.16	\$0.17;

“(3) the helper shall receive for each kilometre travelled, as of 30 July 2003:

Hiring Rate	After 6 Months	After 12 Months	After 18 Months	After 24 Months
\$0.10	\$0.11	\$0.12	\$0.13	\$0.14”.

**4.** Section 8.06 is amended:

(1) by substituting the amount “\$30.00” for the amount “\$20.00” in paragraph 1;

(2) by substituting the amount “\$8.00” for the amount “\$5.00” in paragraph 2.

**5.** Section 26.01 is amended by substituting, in the second and third sentences of the second paragraph, the amount “\$17.50” for the amount “\$10.50.”

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

5840

Gouvernement du Québec

## Agreement

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

### AGREEMENT CONCERNING NEW METHODS OF VOTING USING “PERFAS-MV” BALLOT BOXES

#### AGREEMENT ENTERED INTO

#### BETWEEN

The VILLE DE SAINTE-AGATHE-DES-MONTS, a legal person established in the public interest, having its head office at 50, rue Saint-Joseph, Sainte-Agathe-des-Monts, Province of Québec, represented by the mayor, Mr. Pierre Circé, and the clerk, Mr. Benoit Fugère, under a resolution bearing number 2003-06-266, 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 Jean-Marc Fournier, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION, 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. 2003-06-266., passed at its meeting of June 17th, 2003, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of November 2nd, 2003 in the MUNICIPALITY;

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

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

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

The agreement has the effect of law.

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

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions for the general election held on November 2nd, 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 general 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 June 17, 2003, resolution No.2003-06-266 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

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

Therefore, the parties agree to the following:

## 1. PREAMBLE

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

## 2. INTERPRETATION

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

2.1 “electronic voting system” means an apparatus consisting of the following devices:

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

— a reader of electronic voting cards;

— one or more printers;

— one or more autonomous voting terminals;

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

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

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

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

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

### 3. ELECTION

3.1 For the purposes of the general election of November 2nd, 2003 in the municipality, a sufficient number of “PERFAS-MV” model electronic voting systems will be used.

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

### 4. SECURITY MECHANISMS

Each electronic voting system must include the following security mechanisms:

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

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

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

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

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

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

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

### 5. PROGRAMMING

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

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

#### 6.1 Election officers

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

#### 6.2 Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk

The following is substituted for section 76 of the Act:

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

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

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

The following is substituted for section 80 of the Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

**80.2.** The deputy returning officer shall, in particular,

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

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

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

(4) receive proof of identity from electors;

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

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

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

### 6.4 Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance

The following is substituted for section 90.5 of the Act:

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

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs, Sports and Recreation of the decision he intends to make.

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

## 6.5 Notice of election

The following is added after paragraph 7 of section 99:

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

## 6.6 Polling subdivisions

The following is substituted for section 104 of the Act:

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

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

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

## 6.7 Verification of electronic voting systems

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

### “§1.1 *Verification of electronic voting systems*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 6.8 Advance polling

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

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

- (1) the number of electors who were given an electronic voting card;
- (2) the total number of votes recorded on each terminal, as transmitted by the senior deputy returning officer;
- (3) the names of the persons who performed duties as election officers or as representatives.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

### 6.9 Revocation

Sections 186 and 187 of the Act are revoked.

### 6.10 Polling place

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

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

### 6.11 Booths

The following is substituted for section 191 of the Act:

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

### 6.12 Ballot papers and electronic voting cards

The following is substituted for section 192 of the Act:

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

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

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

### 6.13 Identification of the candidates

The following is substituted for section 196 of the Act:

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

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

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

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

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

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

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

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

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

### 6.14 Reverse of ballot paper

Section 197 is revoked.

### 6.15 Withdrawal of a candidate

The following is substituted for section 198 of the Act:

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

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

### 6.16 Withdrawal of authorization or recognition

The following is substituted for section 199 of the Act:

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

### 6.17 Number of voting terminals

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

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

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

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

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

### 6.18 Provision of polling materials

The following is substituted for section 204 of the Act:

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

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

(2) a poll book;

(3) electronic voting cards;

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

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

### 6.19 Examination of polling materials and documents

The following is substituted for section 207 of the Act:

“**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic voting system for the polling place. The senior deputy returning officer shall ensure that the system computer displays a total of zero electors having voted, and that each voting terminal displays a total of zero recorded votes, by verifying the printed reports from those devices.

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

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

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

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

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

## POLLING PROCEDURE

### 6.20 Presence at the polling station

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

“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the 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.”.

### 6.21 Electronic voting cards

The following is substituted for section 221 of the Act:

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

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

### 6.22 Voting

The following is substituted for section 222 of the Act:

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

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

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

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

### 6.23 Following the vote

The following is substituted for section 223 of the Act:

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

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

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

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

### 6.24 Cancelled and spoiled ballot papers

Sections 224 and 225 of the Act are revoked.

### 6.25 Assistance for electors

The following is substituted for section 226 of the Act:

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

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

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

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

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

#### 6.26 **Transfer of information to electronic voting cards**

The following is substituted for section 228 of the Act:

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

#### 6.27 **Compilation of results and tallying of votes**

The following is substituted for section 229 of the Act:

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

- (1) placing the election terminals of the polling place in “end of election” mode;
- (2) recording the results of each voting terminal;
- (3) printing out the results compiled by each voting terminal.

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

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

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

#### 6.28 **Entries in poll book**

The following is substituted for section 230 of the Act:

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

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

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

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

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

#### 6.29 **Compiling sheet**

Section 231 of the Act is revoked.

#### 6.30 **Counting of the votes**

Section 232 of the Act is revoked.

#### 6.31 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

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

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

Sections 234 to 237 of the Act are revoked.

#### 6.32 **Partial statement of votes and copy for representatives**

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

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

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

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

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

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

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

### 6.33 Separate envelopes

The following is substituted for section 241 of the Act:

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

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

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

### 6.34 Seals

The following is substituted for section 242 of the Act:

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

(1) the small envelopes prepared pursuant to paragraph 1 of section 241;

(2) the envelopes provided for in section 230.1;

(3) the card used in the polling place to place the terminals in “election” mode and “end of election” mode;

(4) the electronic voting cards.

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

### 6.35 Placing in ballot box

Section 243 of the Act is revoked.

### 6.36 Delivery to returning officer

The following is substituted for section 244 of the Act:

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

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

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

### 6.37 Addition of votes

The following is substituted for section 247 of the Act:

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

### 6.38 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

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

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

### 6.39 Placing in envelope

The following is substituted for section 249 of the Act:

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

#### 6.40 New counting of the votes

Section 250 of the Act is revoked.

#### 6.41 Notice to the Minister

The following is substituted for section 251 of the Act:

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

#### 6.42 Access to voting papers

Section 261 of the Act is revoked.

#### 6.43 Application for a recount or re-addition

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

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

#### 6.44 Notice to candidates

The following is substituted for section 267 of the Act:

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

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

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

The following is substituted for section 268 of the Act:

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

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

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

#### 6.46 Repeal

Section 269 is revoked.

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

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

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

#### 6.48 Custody of items and documents, and verification

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

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

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

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

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

## 7. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before November 2nd, 2009.

## 8. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general election to be held on November 2nd, 2003 and of any subsequent election provided for in the agreement. Mention of that fact shall be made in the assessment report.

## 9. ASSESSMENT REPORT

Within 120 days following the general election held on November 2nd, 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 addressing, in particular, the following issues:

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

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system:

– the cost of adapting election procedures;

– non-recurrent costs likely to be amortized;

– a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the general election on November 2nd, 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 votes cast and the number of electors admitted to vote.

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

The Act respecting elections and referendums in municipalities shall apply to the general election held on November 2nd, 2003 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

## 11. EFFECT OF AGREEMENT

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

### AGREEMENT SIGNED IN THREE COPIES :

In Sainte-Agathe-des-Monts, this 18th day of June 2003

VILLE DE SAINTE-AGATHE-DES-MONTS

By: \_\_\_\_\_  
PIERRE CIRCÉ, *Mayor*

\_\_\_\_\_  
BENOIT FUGÈRE, *Clerk*

In Québec, on this 23th day of June 2003

THE CHIEF ELECTORAL OFFICER

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

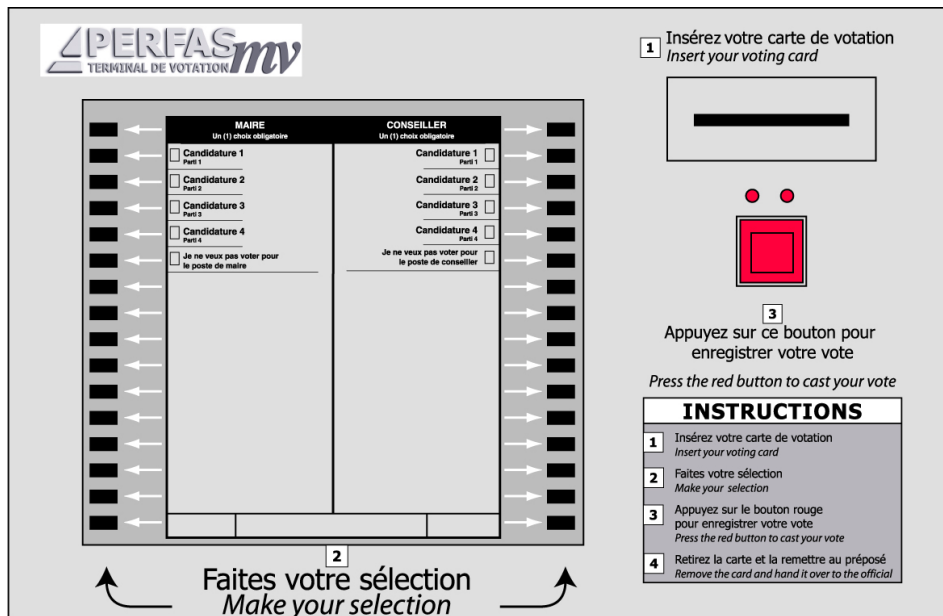
In Québec, on this 3th day of July 2003

THE MINISTER OF MUNICIPAL AFFAIRS,  
SPORTS AND RECREATION

\_\_\_\_\_  
DENYS JEAN, *Deputy Minister*

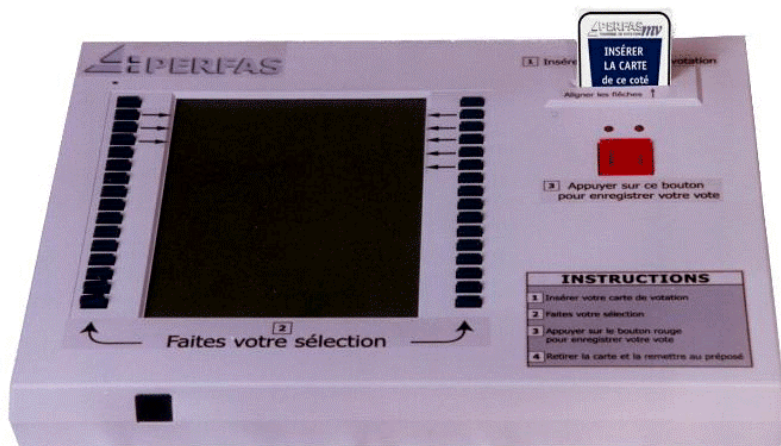
## SCHEDULE I

### BALLOT PAPER



## SCHEDULE II

### VOTING TERMINAL





## Draft Regulations

### Draft Regulation

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

#### Development of wildlife — Scale of fees and duties — 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 Regulation respecting the scale of fees and duties related to the development of wildlife, attached hereto, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation proposes an amendment to ensure consistency with the Regulation to amend the Regulation respecting wildlife sanctuaries which established two fishing sectors in the Rivière-Sainte-Anne Wildlife Sanctuary.

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 for Forests, Wildlife and Parks, 5700, 4<sup>e</sup> Avenue Ouest, bureau A-308, Charlesbourg (Québec) G1H 6R1.

SAM HAMAD, <i>Minister of Natural Resources, Wildlife and Parks</i>	PIERRE CORBEIL, <i>Minister for Forests, Wildlife and Parks</i>
----------------------------------------------------------------------------	------------------------------------------------------------------------

### Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife\*

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 121, par. 1)

**1.** Schedule V to the Regulation respecting the scale of fees and duties related to the development of wildlife is amended by inserting the following in Column II of section 8 above “resident”:

\* The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908) was last amended by the regulation made by Order in Council 1239-2002 dated 16 October 2002 (2002, *G.O.* 2, 5639). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

### “Sector 2

The territory shown on the plan under the heading “Sector 2” in Schedule VII.1 to the Regulation respecting wildlife sanctuaries.”.

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

5849

### Draft Regulation

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

#### Chartered accountants — Code of Ethics — 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 Bureau of the Ordre des comptables agréés du Québec has adopted the Regulation to amend the Code of Ethics of Chartered Accountants.

This Regulation, the text of which appears below, will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. It will then be submitted, with the recommendation of the Office, to the government which may approve it 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 Chartered Accountants to include provisions setting out the terms and conditions under which a professional may release information that is protected by professional secrecy in order to prevent an act of violence.

These provisions are required to satisfy the requirements of the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78). This Act effectively lifts the obligation of professional secrecy in order to prevent an act of violence, including a suicide, where the professional has reason 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 the person or persons who are exposed to the danger, to their representative or to persons who can come to their aid.

Amendments were also made to address a number of recommendations from the report of the Commission des droits de la personne et des droits de la jeunesse on the exploitation of the elderly to include an express provision precluding reprisals against a person who requested the holding of an inquiry into the professional conduct or competence of a member.

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 M<sup>c</sup> Christiane Brizard, lawyer, Director of Legal Affairs, Ordre des comptables agréés du Québec, 680, rue Sherbrooke Ouest, 18<sup>e</sup> étage, Montréal (Québec) H3A 2S3.

Any interested person having comments to make on this Regulation is requested to send them, before the expiry of the 45-day period mentioned above, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. These comments will be forwarded by the Office to the minister responsible for the administration of legislation respecting the professions. They may also be forwarded to the professional order that has adopted the Regulation, i.e. the Ordre des comptables agréés du Québec, 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 Chartered Accountants\*

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

**1.** The Code of Ethics of Chartered Accountants is amended by adding the following sentence at the end of section 48: “In addition, the member is released from his obligation of professional secrecy in the case and in accordance with the terms and conditions set out in section 48.1.”.

**2.** The said Code is amended by adding the following after section 48:

“**48.1** A member who, pursuant to the third paragraph of section 60.4 of the Professional Code, communicates information protected by professional secrecy in order to prevent an act of violence shall:

(1) communicate the information without delay;

(2) use a method of communication that ensures the confidentiality of the information under the circumstances;

(3) record the following information in the client's file as soon as possible:

(a) the purpose of the communication;

(b) the date on which the information was released;

(c) the method of communication used;

(d) the name of the person or persons to whom the information was communicated;

(e) the reasons for deciding to communicate the information to such person or persons.”.

**3.** The said Code is amended by adding the following after section 60:

“**60.1** A member who is informed that an inquiry is being held or who has been served notice of a complaint into his professional conduct or competence shall not directly or indirectly harass, intimidate or threaten the person who requested the holding of the inquiry, or any other person involved in the events relating to the inquiry or complaint.”.

---

\* The Code of Ethics of Chartered Accountants, approved by Order of Council 58-2003 dated 22 January 2003 (2003, G.O. 2, 968), has not been amended since its approval.

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

5838

## Draft Regulation

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

### Notaries

#### — Diplomas giving access to permits — 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 Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend section 1.18 to update the list of diplomas that give access to the permit issued by the Chambre des notaires du Québec.

The first amendment proposed concerns the Baccalauréat en droit awarded by the Université du Québec à Montréal that the Chambre des notaires proposes to add to the list of diplomas giving access to the permit of the Order as a consequence of changes made to the program since the fall of 2001.

Another proposed amendment is further to the consultation held pursuant to subparagraph 7 of the third paragraph of section 12 of the Professional Code (R.S.Q., c. C-26). That consultation has shown that the persons who meet the requirements of the program leading to the Diplôme de droit notarial from the Université de Montréal are able, on certain conditions, pursue their studies at the level of the Maîtrise en droit (option notariat) at the Université de Montréal. Those persons will not obtain the diploma in notarial law, even though they meet the requirements, but will be awarded the above-mentioned master's degree. Accordingly, the Maîtrise en droit (option notariat) from the Université de Montréal is to be designated as a diploma giving access to the permit issued by the Chambre des notaires.

The draft Regulation also proposes to change the structure of section 1.18 to distinguish between establishments that offer the Diplôme de droit notarial and those that do not.

As regards other technical amendments, the licences awarded by the universities of Sherbrooke and Montréal are to be designated as "baccalauréats", and the Licence en droit of the University of Ottawa is to be a Licence en droit civil.

According to the Order, the amendments will have no impact on businesses, including small and medium-sized businesses.

The draft Regulation will be submitted for an opinion to the Office des professions du Québec and the Order. The opinion received from the Order will be sent to the Minister responsible for the administration of legislation respecting the professions by the Office, along with its own opinion, following the results of its consultation with the teaching establishment and other bodies concerned.

Further information may be obtained by contacting Nathalie Provost, Direction des services juridiques, Chambre des notaires du Québec, Tour de la Bourse, 800, Place-Victoria, bureau 700, case postale 162, Montréal (Québec) H4Z 1L8; telephone: (514) 879-1793 or 1 800 263-1793; fax: (514) 879-1923.

Any 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<sup>e</sup> étage, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order concerned and to interested persons, departments and bodies.

MARC BELLEMARE,  
*Minister responsible for the administration  
of legislation respecting the professions*

---

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

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

**1.** The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is amended by replacing section 1.18 by the following:

“**1.18.** The following diplomas awarded by the teaching establishments designated below give access to the permit issued by the Chambre des notaires du Québec:

- (1) Diplôme de droit notarial from Université Laval;
- (2) Diplôme de droit notarial from the Université de Montréal;
- (3) Diplôme de droit notarial from the Université de Sherbrooke;
- (4) Diplôme de droit notarial from the University of Ottawa;
- (5) Maîtrise en droit (option notariat) from the Université de Montréal.

A diploma referred to in the first paragraph must have been issued after one of the following undergraduate degrees awarded by the teaching establishments designated below has been obtained:

- (1) Baccalauréat en droit from Université Laval;
- (2) Baccalauréat en droit from the Université de Montréal;
- (3) Baccalauréat en droit from the Université de Sherbrooke;
- (4) Bachelor of Civil Law from McGill University;

\* The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulation made by Order in Council 1419-2002 dated 4 December 2002 (2002, *G.O.* 2, 6487). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

(5) Licence en droit civil from the University of Ottawa;

(6) Baccalauréat en droit from the Université du Québec à Montréal.”.

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

5847

## Draft Regulation

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

### Professional technologists

— 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 for professional technologists, adopted by the Bureau of the Ordre des technologues professionnels 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 technologues professionnels du Québec to introduce provisions stating the terms and conditions according to which a professional may communicate information that is protected by professional secrecy in order to prevent an act of violence.

Those 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, where the professional has 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 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 and to the persons who can come to that person's aid.

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 Denis Beauchamp, Director General and Secretary, Ordre des technologues professionnels du Québec, 1265, rue Berri, bureau 720, Montréal (Québec) H2L 4X4; telephone: (514) 845-3247 or 1 800 561-3459; fax: (514) 845-3643; email: techno@otpq.qc.ca

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<sup>e</sup> 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 for professional technologists\*

Professional Code  
(R.S.Q., c. C-26, s. 87, 2nd par.)

**1.** The Code of ethics of professional technologists is amended by adding the following sentence at the end of section 40: "A professional technologist is also released from professional secrecy in accordance with the terms and conditions provided for in Division VI.1."

**2.** The following is inserted after Division VI:

### "DIVISION VI.1 LIFTING OF PROFESSIONAL SECRECY TO PROTECT INDIVIDUALS

**43.1.** A professional technologist may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the professional technologist 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 professional technologist may only communicate the information to a person exposed to the danger or that person's representative, and to the persons who can come to that person's aid.

The professional technologist may only communicate such information as is necessary to achieve the purposes for which the information is communicated, namely the protection of persons.

The information may be communicated orally or in writing, provided that the chosen means allows for quick communication of the information so as to ensure the protection of persons.

**43.2.** A professional technologist who, pursuant to section 43.1, communicates information protected by professional secrecy to prevent an act of violence shall enter the following particulars in the client's record as soon as possible:

(1) the date and time of the communication and the identity of the person or persons to whom the information was communicated;

(2) the means of communication used;

(3) the information that was communicated and the date and circumstances in which the information was brought to the attention of the professional technologist;

(4) the professional technologist's reasons for believing that an imminent danger of death or serious injury threatens a person or an identifiable group of persons.

**43.3.** A professional technologist shall, without delay, inform the syndic of the Order in writing of the communication of such information, by providing the syndic with the information referred to in section 43.2."

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

5854

\* The Code of ethics of professional technologists, approved by Order in Council 2442-85 dated 27 November 1985 (1985, *G.O.* 2, 4311), was last amended by the regulation approved by Order in Council 61-94 dated 10 January 1994 (1994, *G.O.* 2, 703). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

## Draft Regulation

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

### Town planners — Code of ethics — 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 Code of ethics of the members of the Ordre des urbanistes du Québec, made by the Bureau of the Ordre professionnel des urbanistes 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 the members of the Ordre des urbanistes 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.

Those 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, where 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, including small and medium-sized businesses.

Further information may be obtained by contacting Odette Michaud, administrative management director, telephone (514) 849-1177; fax: (514) 849-7176.

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<sup>e</sup> 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,  
*Chair of the Office  
des professions du Québec*

## Regulation to amend the Code of ethics of the members of the Ordre des urbanistes du Québec\*

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

**1.** The Code of ethics of the members of the Ordre des urbanistes du Québec is amended by inserting the following after subdivision 6 of Division III:

*“§6.1. Lifting of professional secrecy to protect individuals*

**33.1.** A town planner may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the town planner 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 town planner may only communicate the information 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 town planner may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

If it is necessary in the best interests of the person or persons exposed to the danger, the town planner shall consult another member of the order, a member of another professional order, or any other qualified person, provided the consultation will not prejudicially delay the communication of the information.

\* The Code of ethics of the members of the Ordre des urbanistes du Québec, approved by Order in Council 917-99 dated 18 August 1999 (1999, G.O. 2, 2822), has not been amended since it was approved.

**33.2.** A town planner shall enter the following particulars in the client's record as soon as possible:

(1) the date and time of the communication;

(2) the reasons supporting the decision to communicate the information, including the act of violence to be prevented, the name of the person who caused the town planner to communicate the information and the name of the person or group of persons exposed to the danger; and

(3) the content of the communication, the mode of communication, and the name of the person to whom the information was given.”.

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

5835

## Draft Regulation

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

### Wildlife sanctuaries

#### — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting wildlife sanctuaries, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to clarify certain provisions to facilitate their application, to reduce certain restrictions on users and to establish two fishing sectors in the Rivière-Sainte-Anne wildlife sanctuary.

Accordingly, the draft Regulation

— defines the concept of “stay”;

— exempts a person accompanying certain holders of a trapping licence from the requirement to obtain a right of access pass to stay in a wildlife sanctuary;

— replaces the prohibition “be in possession of a firearm” by “carry a firearm” in sectors reserved exclusively for bows or crossbows;

— allows a person taking part in an activity organized by the manager of a wildlife sanctuary, or a person who has to cross the territory of a wildlife sanctuary to access another territory or private property, to travel in the restricted access hunting sectors of the wildlife sanctuary;

— allows a person in the performance of his or her duties as well as the holder of a permit for the harvest of firewood for domestic purposes to travel in the wildlife sanctuary using an all-terrain vehicle;

— establishes two fishing sectors in the Rivière-Sainte-Anne wildlife sanctuary.

To date, study of the matter shows a positive impact for users since there will be fewer restrictions when they access or stay in a wildlife sanctuary.

Further information may be obtained by contacting

Michel Jean

Société de la faune et des parcs du Québec  
Direction des territoires fauniques et de la réglementation  
675, boulevard René-Lévesque Est, 11<sup>e</sup> étage, boîte 96  
Québec (Québec) G1R 5V7

Telephone: (418) 521-3880, ext. 4095

Fax: (418) 646-5179

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 for Forests, Wildlife and Parks, 5700, 4<sup>e</sup> Avenue Ouest, Bureau A-308, Charlesbourg (Québec) G1H 6R1.

SAM HAMAD,  
*Minister of Natural Resources,*  
*Wildlife and Parks*

PIERRE CORBEIL,  
*Minister for Forests,*  
*Wildlife and Parks*

## Regulation to amend the Regulation respecting wildlife sanctuaries\*

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 121, pars. 1 to 5)

**1.** Section 4 of the Regulation respecting wildlife sanctuaries is amended by adding the following paragraphs:

“The first paragraph does not apply to a person who, to carry on a trapping-related activity, accompanies a professional trapping licence holder who is the lessee of exclusive trapping rights in the wildlife sanctuary or accompanies holders of assistant trapper’s licences who are associated with the professional trapping licence holder.

For the purpose of this section, the expression “stay in a wildlife sanctuary” means to be anywhere in a wildlife sanctuary to sleep, between 10:00 p.m. and 8:00 a.m.”.

**2.** Section 6 is revoked.

**3.** Section 7 is amended by inserting “or sector 1 of the Rivière-Sainte-Anne wildlife sanctuary shown on the plan in Schedule VII.1” after “Schedule IV”.

**4.** Section 9 is replaced by the following:

“Persons referred to in sections 4, 5 and 7 must comply with the dates, times and places indicated in the right of access pass; in addition, such persons must place the right of access pass on the dashboard of their vehicle in such a way that it may be read from the outside or keep it with them and produce it at the request of a wildlife protection officer, wildlife protection assistant or area warden.”.

**5.** Section 16 is amended by replacing “be in possession of a firearm” by “carry a firearm”.

**6.** Section 17 is amended

(1) by striking out “for hunting” in the first paragraph;

(2) by replacing the second paragraph by the following:

“(2) a professional trapping licence holder who is the lessee of exclusive trapping rights in the wildlife sanctuary, as well as holders of assistant trapper’s licences who are associated with the professional trapping licence holder, to travel to their trapping grounds and to engage in a trapping-related activity;”;

(3) by adding the following:

“(4) a person who takes part in an activity organized under a contract entered into in accordance with the second paragraph of section 118 of the Act respecting the conservation and development of wildlife, in the territory of the wildlife sanctuary; and

(5) a person who has to cross the territory of the wildlife sanctuary to access another territory or private property and to return from that territory or property.”.

**7.** Section 21 is amended by inserting the following after subparagraph 5 of the first paragraph:

“(5.1) paragraph 2 of section 8; or”.

**8.** Section 22 is amended by replacing “at the end of his stay” in the first paragraph by “when leaving the wildlife sanctuary”.

**9.** Section 26 is amended

(1) by replacing “by snowmobile or all-terrain vehicle in a wildlife sanctuary” in the part preceding paragraph 1 by “in a wildlife sanctuary using an off-highway vehicle referred to in paragraph 1 or 2 of section 1 of the Act respecting off-highway vehicles (R.S.Q., c. V-1.2)”;

(2) by replacing “he holds a right of access pass for hunting in” in paragraph 1 by “the person holds a right of access pass for”;

(3) by inserting “identified,” after “trails” in paragraph 2 and by replacing “he” in paragraphs 2 and 3 by “the person”;

(4) by replacing paragraph 4 by the following:

“(4) the person is a professional trapping licence holder who is the lessee of exclusive trapping rights in the wildlife sanctuary or the holder of an assistant trapper’s licence who is associated with the professional trapping licence holder, and travels to his or her trapping grounds to engage in a trapping-related activity, as well as the person accompanying them;”;

\* The Regulation respecting wildlife sanctuaries, made by Order in Council 859-99 dated 28 July 1999 (1999, *G.O.* 2, 2432), was last amended by the regulation made by Order in Council 158-2002 dated 20 February 2002 (2002, *G.O.* 2, 1493). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.



(5) by adding the following :

“(5) the person carries out work in the performance of duties; or

(6) the person travels to or from a territorial unit situated in the wildlife sanctuary in respect of which the person is the holder of a forest management permit for the “harvest of firewood for domestic purposes” issued under the Forest Act (R.S.Q., c. F-4.1) to harvest wood.”.

**10.** Schedule II is amended by adding the following in Column II of section 8:

“(1) **Sector 1:**

The territory shown on the plan under this heading in Schedule VII.1.

(2) **Sector 2:**

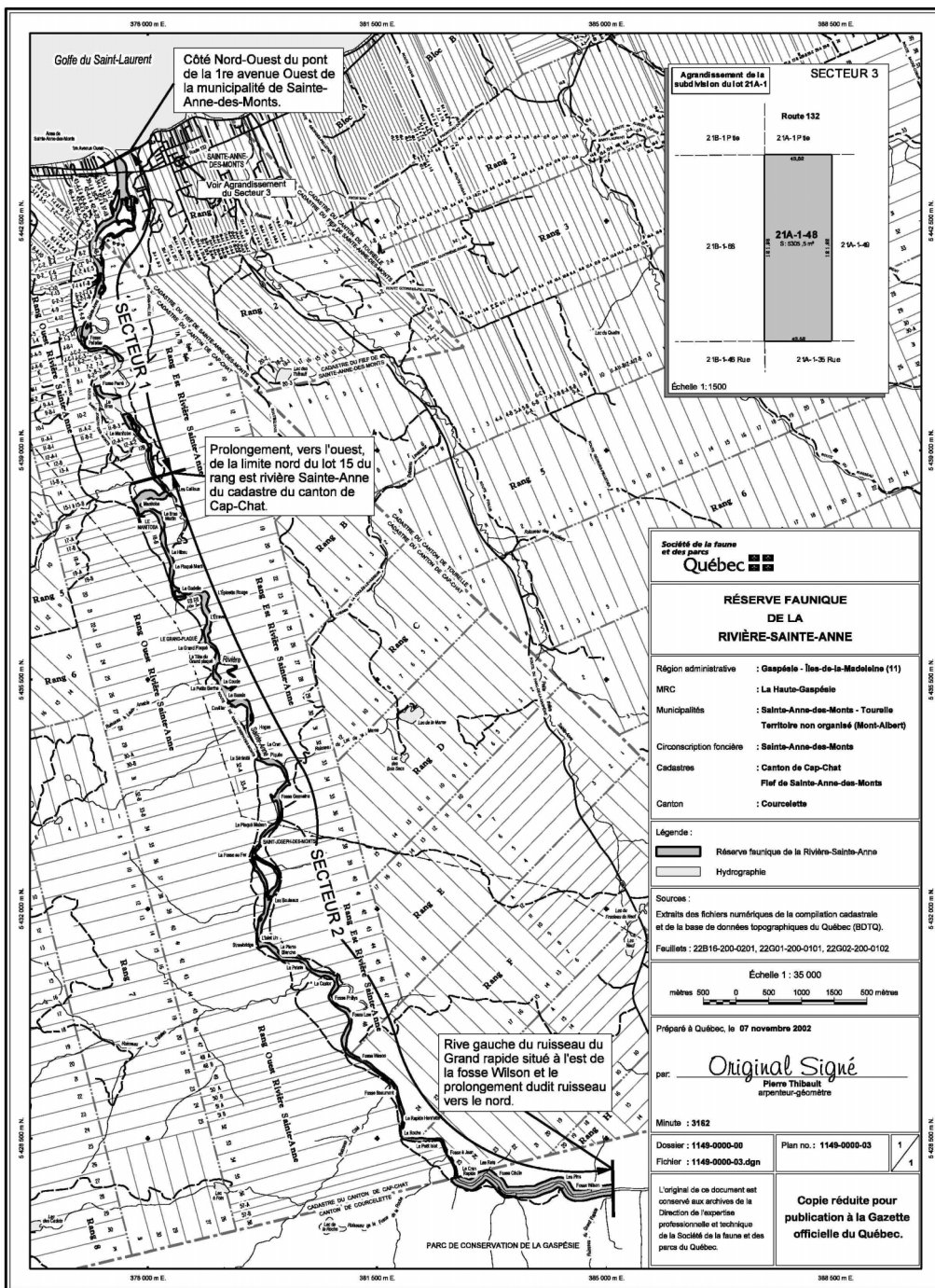
The territory shown on the plan under this heading in Schedule VII.1.”.

**11.** The Regulation is amended by inserting Schedule VII.1, attached hereto, after Schedule VII.

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

SCHEDULE VII.1

RIVIÈRE-SAINTE-ANNE WILDLIFE SANCTUARY



---

## Treasury Board

---

Gouvernement du Québec

### **T.B. 200048, 15 July 2003**

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10; 2002, c. 30)

#### **Application of Title IV.2 of the Act — Amendments**

Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under subparagraph 1 of the first paragraph of section 215.13 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may, by regulation, determine the manner in which a person's pensionable salary, credited service and employee and employer contributions, together with the terms and conditions governing the payment of those contributions, are calculated for the purposes of the pension plan following the application of certain provisions of a person's conditions of employment;

WHEREAS, under paragraph 2 of section 215.13 of the Act, the Government may, by regulation, determine the measures to allow the transfer of the actuarial value of the benefits of a person entitled to a deferred pension;

WHEREAS, under paragraph 6 of section 215.13 of the Act, the Government may, by regulation, determine in respect of a person whose employer under the plan has not deducted from the pensionable salary an annual amount provided for in the pension plan whereas the person was an employee to whom the pension plan applied, the terms and conditions of payment of the necessary sums by the person, the person's spouse or successors and, as the case may be, the applicable rate of interest; the Government may prescribe the terms and conditions applicable to the redemption of a period of service prior to the period during which the person was a member of the plan. The government may also determine, notwithstanding sections 187 to 191.1 of the Act, the terms and conditions of payment of the contributory amounts by the employers, and the employers exempted from such payment;

WHEREAS, under the first paragraph of section 215.17 of the Act, regulations under Title IV.2 shall be made by the Government after the Commission administrative des régimes de retraite et d'assurances has consulted with the pension committees referred to in sections 164 and 173.1 of the Act;

WHEREAS, under the second paragraph of that section, the regulations may have effect a maximum of 12 months before they are made;

WHEREAS the pension committees have been consulted;

WHEREAS the Government made the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan by Order in Council 690-96 dated 12 June 1996, and its subsequent amendments;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor shall, after consulting with the Minister of Finance, exercise the powers assigned to the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except for certain powers;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES :

THAT the Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, attached hereto, is made.

ALAIN PARENTEAU,  
*Clerk of the Conseil du trésor*

---

## **Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan\***

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10, s. 215.13, pars. 2 and 6 and s. 215.17; 2002, c. 30, s. 65)

**1.** Section 4.1 of the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan is amended by adding the following at the end:

“The first paragraph also applies in respect of the Pension Plan of Management Personnel effective, however, from 1 January 2001.”

**2.** Section 5 is amended

(1) by inserting “or, after 31 December 2000, ceases to be a member of the Pension Plan of Management Personnel” after “Civil Service Superannuation Plan” in the part of the first paragraph before subparagraph 1;

(2) by inserting the following subparagraph after subparagraph 1 of the third paragraph:

“(1.1) contributions to the Pension Plan of Management Personnel include the amounts referred to in section 73 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), and in establishing the total of such contributions, the second paragraph of section 77 and section 79 of that Act are taken into account. In addition, where section 140 of that Act applies, the contributions and the actuarial value of the pension relating to the years and parts of a year of service credited under sections 126, 130 and 139 of that Act are excluded;”;

(3) by inserting “or by Schedule VII to the Act respecting the Pension Plan of Management Personnel according to the plan concerned” after “Retirement Plan” in the fourth paragraph;

(4) by inserting the following after the fourth paragraph:

“In the case of the Government and Public Employees Retirement Plan and the Pension Plan of Management Personnel, the 210-day period provided for in the first and second paragraphs applies from the date on which the person ceased to be a member of either of the plans for the last time.”

**3.** Section 6 is amended by adding the following at the end:

“The first paragraph also applies to any person who has obtained a pension credit under the Act respecting the Government and Public Employees Retirement Plan and who is referred to in section 3.2 of that Act.”

**4.** Section 8 is amended

(1) by inserting the following after the first paragraph:

“For the purposes of the first paragraph, where a person was a member of the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel before the date of the transfer and holds or again holds pensionable employment under either of those plans, the years or parts of a year of service that were credited before the transfer are credited to the pension plan of which the person is a member after that date and the rate of interest is determined pursuant to Schedule VI to the Act respecting the Government and Public Employees Retirement Plan or Schedule VII to the Act respecting the Pension Plan of Management Personnel according to the plan of which the person is a member.”;

(2) by replacing “first and second” in the third paragraph by “first, second and third”;

(3) by replacing “the first, second or third paragraph” in the fourth paragraph by “this section”;

(4) by adding the following at the end of the fourth paragraph:

“Where a person holds or again holds pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, the amount paid to the Commission shall be deposited into the pension fund concerned at the Caisse. Where applicable, the fourth paragraph of section 178 of the Act respecting the Pension Plan of Management Personnel applies, with the necessary modifications.”

\* The Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 690-96 dated 12 June 1996 (1996, *G.O.* 2, 2759), was last amended by C.T. 195745 dated 21 December 2000 (2001, *G.O.* 2, 461). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

**5.** The following is inserted after section 8:

“**8.1.** Sections 6, 7 and 8 apply, with the necessary modifications, to any employee who is a member of the Pension Plan of Management Personnel who has obtained a pension credit under the Teachers Pension Plan or the Civil Service Superannuation Plan, having regard to section 28.5.12 of the Act respecting the Teachers Pension Plan and section 99.17.7 of the Act respecting the Civil Service Superannuation Plan, as the case may be.”

**6.** Section 9 is amended by inserting “or, after 31 December 2000, ceases to be a member of the Pension Plan of Management Personnel” after “Civil Service Superannuation Plan”.

**7.** The following is added after section 15:

**“DIVISION V**  
**PENSION PLAN OF MANAGEMENT PERSONNEL**

**15.1.** The annual amount of a deferred pension under the Pension Plan of Management Personnel, payment of which is anticipated under this Chapter, shall be established as follows:

(1) by computing the pension in the same manner as the pension granted under that plan, irrespective of the limit provided for in subparagraph 2 of the first paragraph of section 51 of the Act respecting the Pension Plan of Management Personnel;

(2) by indexing annually the pension obtained under subparagraph 1 by the rate of increase in the Pension Index determined by the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), from 1 January following the date on which the employee ceases to be a member of the plan until 1 January of the year in which the employee retires. However, the part of the pension that applies to the years of service credited after 31 December 1991 may not, on the date of the person’s retirement, exceed the amount obtained by adding the following amounts:

(a) the amount obtained by multiplying the upper limit for the benefits determined, applicable for the year in which the person retires and established under the Income Tax Act, by the number of years of service credited after 31 December 1991; and

(b) the amount obtained by computing the reduction provided for in section 57 of the Act respecting the Pension Plan of Management Personnel, counting only the years of service credited after 31 December 1991;

(3) by reducing the amount obtained under subparagraph 2, during the pension payment period, by  $\frac{1}{4}$  of 1% per month, computed for each month between the date of the employee’s retirement and the date of the employee’s sixty-fifth birthday;

(4) by reducing the amount obtained under subparagraph 3 by the amount obtained under the first paragraph of section 57 of that Act, with the latter amount being indexed in the manner prescribed in subparagraph 2 and reduced in the manner prescribed in subparagraph 3; and

(5) by applying the second paragraph of section 76 of that Act to the amount obtained under subparagraph 4, on the date of the employee’s retirement, using the actuarial assumptions and methods provided for in Schedule III.

Where an employee makes the election provided for in section 63 of that Act, the pension obtained under the first paragraph shall be reduced by 2%.

**15.2.** The adjustment on 1 January following the date of the employee’s retirement as a result of the indexing prescribed in section 115 of that Act shall be made proportionately to the number of days for which the pension was paid during the year in which the employee retired in relation to the total number of days in that year.

**15.3.** Where the provisions of that Act pertaining to a pensioner’s return to work apply to the pension of an employee who anticipated payment thereof under this Chapter, that pension shall, for the purposes of section 155 of that Act, be recomputed as follows:

(1) by recomputing the pension in accordance with the provisions of the Pension Plan of Management Personnel to take into account the pensioner’s pensionable salary and the years of service credited for the period during which the pension ceases to be paid;

(2) by reducing the amount obtained under paragraph 1, during the pension payment period, by the percentage of actuarial reduction that applied to the pension on the date of retirement; and

(3) by reducing the amount obtained under paragraph 2 by the amount obtained under the first paragraph of section 57 of that Act, with the latter amount being reduced by the percentage referred to in paragraph 2.”

**8.** Chapter IV is revoked.

**9.** The following is added after section 38:

**“CHAPTER VI  
SPECIAL PROVISIONS CONCERNING CERTAIN  
CONTRIBUTIONS AND CONTRIBUTORY  
AMOUNTS**

**38.1.** A person may be credited, in whole or in part, with the years of service accumulated as an employee of one of the employers designated in Schedule V in respect of which that employer has not withheld from the pensionable salary the annual amount provided for in the pension plans referred to in paragraphs 1 and 3 to 5 of Schedule I. To that end, the person shall pay an amount corresponding to the value of the contributions not withheld, in accordance with the terms and conditions determined in this Chapter.

For the purposes of the first paragraph, the person must, on 16 June 2000, satisfy one of the following conditions:

- (1) be a member of one of the plans referred to in the first paragraph;
- (2) be a pensioner under one of those plans; or
- (3) have ceased to be a member of one of those plans.

In addition, the years of service may be credited to the plan only to the extent that they have not otherwise been credited or counted.

**38.2.** An employee referred to in subparagraph 1 of the second paragraph of section 38.1 may be credited, in whole or in part, with the years of service in respect of which the annual amount has not been withheld, if the employee makes an application to that effect within 12 months of receiving the notice from the Commission informing the employee of the right to elect to have the provisions of this Chapter apply. In the case of an employee who, on 16 June 2000, is working for the same employer as the employer referred to in the first paragraph of section 38.1, the years of service shall be credited except on contrary notice from the employee received by the Commission before the date of the employee's retirement.

The amount referred to in section 38.1 shall be paid in a lump sum, by instalments spread out before the retirement date, or as a set-off on the amount of the pension.

If the employee ceases to be a member of the pension plan before being eligible for the pension and requests a refund of his or her contributions, the contributions referred to in the first paragraph are presumed paid for the purposes of establishing the rights arising out of the pension plan. However, the value of those contributions is not included in the amount refunded if the employee has not paid the cost. This rule also applies where a person elects to have the provisions of Chapter II apply, with the necessary modifications.

Where the 12-month period provided for in the first paragraph extends beyond 16 June 2005, the application must be received by the Commission at the latest by that date.

**38.3.** If the employee referred to in section 38.2 dies, the contributions not withheld are presumed paid to determine the spouse's entitlement to a pension.

If an employee who dies is not eligible for a pension, the third paragraph of section 38.2 applies for the purpose of establishing the rights of the spouse or, where there is no spouse, of the successors.

**38.4.** A person referred to in subparagraph 2 or 3 of the second paragraph of section 38.1 may also be credited, in whole or in part, with the years of service in respect of which the annual amount has not been withheld, if the person makes an application to that effect within 12 months of receiving a notice from the Commission informing the person of his or her right to have the provisions of this Chapter apply. The amount referred to in the first paragraph of section 38.1 shall be paid in a lump sum or, where applicable, as a set-off on the amount of the pension.

The 12-month period provided for in the first paragraph applies in accordance with the fourth paragraph of section 38.2.

In the case of a person referred to in subparagraph 3 of the second paragraph of section 38.1, the amount referred to in the first paragraph bears interest, compounded annually, from the expiry of the 12-month period provided for in the first paragraph, at the rate provided for, for each period, in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan. However, interest ceases to be computed from the date on which the person again becomes a member of the Government and Public Employees Retirement Plan or of the Pension Plan of Management Personnel. In that case, section 38.2 applies.

**38.5.** A person who elects to have section 38.2 or 38.4 apply may also be credited, in whole or in part, with the years of service during which the Act respecting the Government and Public Employees Pension Plan did not apply to the person while that person held casual employment, in accordance with section 115.1 of that Act. Section 115.1, as it read on 31 May 2001, applies, except that the interest payable begins to accrue on the date on which the person became a member of the plan after the period of service the person is having credited. The amount required of the person may be paid by instalments or as a set-off on the amount of the person's pension and, in those cases, section 115.2 of that Act applies.

To benefit from the application of the first paragraph, the person must make an application to the Commission within the period provided for in section 38.2 or 38.4, as the case may be.

**38.6.** Where the years of service are credited in part only, they are credited in proportion to the amount paid by the person. In that case, the most recent service is credited first.

**38.7.** For the purposes of this Chapter, set-off on the sums owing by the person is effected on the amount of pension or arrears payable to the person by the withholding of an amount corresponding to 10% of the amount of pension or arrears, as the case may be.

The provisions of the Act that concern set-off apply, having regard to the first paragraph.

**38.8.** For the purposes of Chapter II of this Regulation and the provisions of the pension plan concerned, the contributions referred to in this Chapter are deemed to be received by the Commission at the mid-point of the year in which the instalments are made or from the date on which they are paid as a lump sum.

**38.9.** A person who has elected to have this Chapter apply may not so elect again.

**38.10.** The terms and conditions that apply under the pension plan concerned to the cost of redemption paid by instalments also apply to any amount owing under this Chapter that is paid by instalments.

**38.11.** The adjustment of the amount of a pension resulting from the application of this Chapter has effect from 16 June 2000 or, where the date of retirement is after that date, from the date of retirement.

**38.12.** The employers referred to in Schedule VI must pay to the Commission any contributory amount they should have paid under the applicable pension plan. However, no interest is payable.

**38.13.** In no case may the application of the provisions of this Chapter exceed the limits authorized under the Income Tax Act (R.S.C. 1985, c. 1 (5th Supplement)).

**38.14.** This Chapter applies, with the necessary modifications, to any person to whom the Pension Plan of Management Personnel applies after 31 December 2000. For the purposes of the third paragraph of section 38.4, however, the rate of interest is the rate determined pursuant to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) and for the purposes of section 38.5, the references to sections 115.1 and 115.2 of the Act respecting the Government and Public Employees Retirement Plan are references to sections 146 and 147 of the Act respecting the Pension Plan of Management Personnel.

**38.15.** The years or parts of a year referred to in sections 38.2 and 38.4 are considered to have been redeemed for the purposes of the provisions concerning the partition of benefits accrued under the pension plan concerned.”.

**10.** Schedule I to the Regulation is amended by inserting the following after paragraph 5:

“**5.1.** the Pension Plan of Management Personnel (2001, c. 31);”.

**11.** The following schedules are inserted after Schedule IV:

“**SCHEDULE V**  
(s. 38.1)

#### DESIGNATED EMPLOYERS

(1) Académie des jeunes filles Beth Tziril for the period from 1 July 1995 to 31 December 1998;

(2) Académie Laurentienne (1986) inc. for the period from 1 July 1988 to 30 June 1990;

(3) Académie Sainte-Thérèse for the period from 1 July 1985 to 30 June 1989;

(4) Collège de secrétariat moderne inc. for the period from 1 July 1985 to 31 December 1997;

(5) Clinique juridique populaire de Hull for the period from 1 July 1975 to 31 December 1987;

(6) École Chrétienne Emmanuel for the period from 1 July 1984 to 31 December 1998;

(7) École Demosthène for the period from 1 July 1983 to 1 September 1988;

(8) Écoles Musulmanes de Montréal for the period from 1 July 1987 to 31 December 1998;

(9) École Pasteur for the period from 1 July 1983 to 1 September 1988;

(10) Services communautaires juridiques Pointe St-Charles et Petite Bourgogne for the period from 1 July 1975 to 1 January 1995;

(11) Syndicat de l'enseignement de Champlain for the period from 18 October 1974 to 31 December 1995.

## **SCHEDULE VI**

(s. 38.9)

**EMPLOYERS REQUIRED TO PAY TO THE  
COMMISSION ANY CONTRIBUTORY  
AMOUNT THEY SHOULD HAVE PAID"**

**12.** This Regulation comes into force on the date it is made.

5850



## Decisions

---

### Decision 1155-2, 15 July 2003

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

CONCERNING the Regulation respecting contracts of the Chief Electoral Officer and the Regulation respecting contracts of the Commission de la représentation adopted under the Election Act

WHEREAS, in Decision 0622-2 dated 20 October 1993, the Office of the National Assembly approved the Regulation respecting contracts of the Chief Electoral Officer and the Regulation respecting contracts of the Commission de la représentation;

WHEREAS the Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies has been in force since 1 October 2000 under Order in Council 961-2000 dated 16 August 2000;

WHEREAS that Regulation does not apply to the Chief Electoral Officer or the Commission de la représentation;

WHEREAS sections 488.1 and 540.1 of the Election Act (R.S.Q., c. E-3.3) provide that the Chief Electoral Officer and the Commission de la représentation may, by regulation, determine the terms of the contracts they are authorized to conclude;

WHEREAS the same sections of that Act provide that the regulations come into force on the date of their approval by the Office of the National Assembly and that they shall be published in the *Gazette officielle du Québec*;

WHEREAS the Chief Electoral Officer adopted the Regulation respecting contracts of the Chief Electoral Officer on 10 June 2003 and the Commission de la représentation adopted the Regulation respecting contracts of the Commission de la représentation on 26 February 2003;

WHEREAS it is expedient that the Office of the National Assembly approve those regulations;

IT IS THE DECISION OF THE OFFICE

THAT the Regulation respecting contracts of the Chief Electoral Officer and the Regulation respecting contracts of the Commission de la représentation, attached hereto, are approved;

THAT this Decision replaces Decision 0622-2 dated 20 October 1993;

THAT this Decision and the Regulation respecting contracts of the Chief Electoral Officer and the Regulation respecting contracts of the Commission de la représentation attached hereto shall be published in the *Gazette officielle du Québec*.

MICHEL BISSONNET,  
*Président of the National Assembly*

---

### Regulation respecting contracts of the Chief Electoral Officer

Election Act  
(R.S.Q., c. E-3.3, s. 488.1)

#### CHAPTER I GENERAL

#### DIVISION I SCOPE

**1.** This Regulation applies to the following contracts entered into by the Chief Electoral Officer:

(1) supply contracts, that is, contracts for the purchase or lease of movable property, which may include the cost of installing, operating or maintaining that property;

(2) construction contracts, that is, contracts entered into for construction work within the meaning of the Building Act (R.S.Q., c. B-1.1) for which the supplier must hold the licence required under Chapter IV of that Act; and

(3) service contracts, including contracts of enterprise or for services within the meaning of the Civil Code, damage insurance contracts and carriage contracts, but excluding construction contracts and contracts referred to in the Politique d'intégration des arts à l'architecture et à l'environnement des bâtiments et des sites gouvernementaux (O.C. 955-96); and

(4) contracts to lease immovables, other than occupation agreements between the Chief Electoral Officer and the Société immobilière du Québec, by which the right to occupy an immovable is acquired for a certain time in return for rent.

**2.** This Regulation does not apply to the following contracts:

(1) contracts under a cooperation agreement financed in whole or in part by an international cooperation organization if the agreement contains contract rules; and

(2) contracts entered into in an emergency situation where the safety of persons or property is in jeopardy, except for section 64.

## DIVISION II DEFINITIONS

**3.** In this Regulation,

“amount of the contract” means the total financial commitment under a contract, including renewals or, in the case of an open contract, the estimated amount of the expenditure that may result therefrom; (*montant du contrat*)

“auxiliary services contract” means a contract for services other than professional services; (*contrat de services auxiliaires*)

“bid” means a tender submitted by a supplier consisting solely in a price for carrying out a contract; (*soumission*)

“call for tenders” means a procedure calling for competitive tendering by several suppliers, inviting them to submit bids or tenders for services with a view to obtaining a contract; (*appel d’offres*)

“central register” means the central register of Government suppliers as established under section 62 of the Public Administration Act (R.S.Q., c. A-6.01); (*fichier*)

“estimated amount of the contract” means the total estimated expenditure for the contract except in the case of a contract with a term of at least one year, renewable for a determined period, where it means the estimated expenditure for the initial contract excluding the estimated expenditure for contract renewal; however, in the case of a service contract for an advertising campaign, the estimated amount of the contract shall not include media placement costs; (*montant estimé du contrat*)

“mixed contract” means a contract involving at least two of the following: the supply of goods, the supply of services and construction work; (*contrat mixte*)

“open contract” means a contract whose purpose is to meet the future needs of a group of users, in which the Chief Electoral Officer undertakes to procure certain goods or services or to carry out construction work at predetermined prices or according to a predetermined method of setting prices, on specific terms and conditions, for a specific period and as required; (*contrat ouvert*)

“place of business” means a place where a supplier conducts activities on a permanent basis, which is clearly identified by the supplier’s name and is open during regular business hours; (*établissement*)

“price” means a fixed price, a unit price, a rate, a percentage or a combination thereof; (*prix*)

“professional services contract” means a contract for services to be carried out by professionals or under their responsibility, it being understood that professionals are persons who hold an undergraduate university degree recognized by the Minister of Education or the equivalent and, in the case of an exclusive profession, are members of a professional order governed by the Professional Code (R.S.Q., c. C-26); (*contrat de services professionnels*)

“rate” means the amount established on an hourly, daily, weekly or monthly basis for goods, services or persons assigned to the carrying out of a contract; (*taux*)

“region” means an administrative region of Québec established under Order in Council 2000-87; (*région*)

“standing offer” means a bid or a tender for services submitted by a supplier with a view to obtaining specific supply or service contracts at predetermined prices or according to a predetermined method of setting prices, on specific terms and conditions, for a specific period and as required, involving either an obligation to deliver the goods or services required whenever a user so requests, or an obligation to deliver them insofar as they are available; (*offre permanente*)

“supplier” means any legal or natural person or partnership, except a public body within the meaning of section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), a department or body of another government, a band council, a fund for the benefit of confined persons established under section 22.0.1 of the Act respecting correctional services (R.S.Q., c. S-4.01) or a non-profit legal person that is not an adapted work centre; (*fournisseur*)

“tender for services” means a proposal or an application submitted by a supplier with a view to obtaining a contract; (*offre de services*)

“travel services” means services involving the issue of an airline passenger ticket and may include advice on the organization of a trip, hotel reservations, car rental, and the reservation, issue or delivery of ground transportation tickets; (*services relatifs aux voyages*)

“unsolicited offer” means an offer of professional services submitted by a supplier, on the supplier’s own initiative, in order to meet or try to meet a need of the Chief Electoral Officer. (*proposition non sollicitée*)

## CHAPTER II CONTRACT CONDITIONS

### DIVISION I SUPPLIER’S OBLIGATIONS

#### §1. *Affirmative action program*

**4.** Where the amount of a supply or service contract is \$100,000 or more, or where the amount of a supply or service subcontract to a supply or service contract is \$100,000 or more, the contract or subcontract may not be entered into with a Québec supplier or subcontractor whose business employs more than 100 persons unless the supplier or subcontractor has made a commitment to implement an affirmative action program that complies with the Charter of human rights and freedoms (R.S.Q., c. C-12) and holds an attestation to that effect issued by the Minister responsible for Government Administration.

If such a contract or subcontract is to be entered into with a supplier or subcontractor outside Québec but within Canada whose business employs more than 100 persons, the supplier or subcontractor shall provide an attestation to the effect that the supplier or subcontractor has already made a commitment, if any, to implement an employment equity program of the province or territory concerned or to implement a federal employment equity program.

The Chief Electoral Officer shall award no other contract to a supplier or a subcontractor whose attestation has been revoked until such time as the supplier or subcontractor is issued a new attestation.

#### §2. *Quality assurance*

**5.** A contract, except where referred to in paragraphs 5, 7 and 13 of section 8, may not be entered into with a supplier or a group of businesses acting as a supplier unless that supplier or the business in that group that is to carry out the contract holds a registration certificate

issued by a registrar accredited by the Standards Council of Canada or by an accrediting body recognized by it, according to which it has a quality assurance system that covers the goods and services or construction work in question and complies with the ISO standard listed in Schedule I to the Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies (2000, 35 G.O. 2, 4377) in the following cases:

(1) where the main object of the contract is the supply of goods or services pertaining to a specialty and for an estimated amount listed in section 1 of that schedule; or

(2) where the contract is a construction contract that, in whole or in part, pertains to a specialty listed in section 3 of that schedule and the estimated amount for the part of the contract pertaining to that specialty is listed in that section.

The definitions of the specialties in that schedule correspond to those used for the registration of suppliers in the central register for the specialties where such registration is possible.

**6.** Notwithstanding section 5, a call for tenders may be extended to all suppliers concerned, whether or not they hold an ISO registration certificate, in the following cases:

(1) where the territory considered in the call for tenders does not allow healthy competition as not enough suppliers in the territory hold an ISO registration certificate in a specialty listed in Schedule I of the Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies; or

(2) where the contract is for printing services.

In such cases, when tenders are submitted by suppliers holding an ISO registration certificate listed in Schedule I of the Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies, the lowest tender or the tender for services with the highest score is determined after subtracting up to 10% from the tender submitted by each such supplier. The percentage fixed for this purpose by the Chief Electoral Officer must be specified in the tender documents.

### DIVISION II CALL FOR TENDERS

**7.** Subject to section 8, a contract may not be entered into unless a call for tenders was issued, except where the amount of the contract is less than

- (1) \$5,000 for a supply contract;
- (2) \$10,000 for an auxiliary services contract; and
- (3) \$25,000 for a construction contract or a professional services contract.

**8.** A call for tenders is not required in any of the following cases:

(1) where a contract is awarded to one of the suppliers on the list of suppliers whose standing offers have been accepted;

(2) where a contract is awarded to a contracting party other than a supplier within the meaning of section 3;

(3) where the name of only one supplier is requested or obtained from the central register;

(4) where, after an extensive and documented search, only one supplier with a place of business in Québec was found to meet the requirements and to have the qualifications necessary to carry out the contract or there are no qualified suppliers in the territory in question;

(5) where entering into a contract with a supplier other than the supplier having supplied movable property, a service or construction work could void existing guarantees on the movable property, service or work;

(6) where because of the cost of transportation of construction materials or because a supplier holds a copyright or right of ownership providing a significant advantage over other potential suppliers, there can be no competition since only one supplier is able to submit a tender at an economically attractive price;

(7) where a contract is awarded to the only possible supplier by reason of an exclusive right such as a copyright or a right based on a licence or a patent, or by reason of the artistic or museological value of the goods or services to be supplied;

(8) where a contract is awarded under a co-production agreement in the cultural field and such agreement provides for specific contract conditions and financial participation by a co-producer who is not subject to this Regulation;

(9) where the contract is for less than \$25,000 and is for the furnishings of the private office used by the Chief Electoral Officer in the performance of his or her duties;

(10) where the contract is for the purchase of movable property intended for resale to the public;

(11) where the contract is for the purchase of books, works of art or documents deposited in accordance with Chapter II.1 of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., c. B-2.2);

(12) where a construction contract or auxiliary services contract is given to a public utility firm referred to in section 98 of the Charter of the French language (R.S.Q., c. C-11) within the scope of its activities;

(13) where the contract is for legal, financial or banking services;

(14) where the contract is a service contract for the hiring of a labour relations investigator, conciliator, negotiator or arbitrator, or of an expert court witness;

(15) where a professional services contract is given to the designer of the original construction plans and specifications for adaptation, alteration or supervision work and the original plans and specifications are used again;

(16) where a professional services contract is given to the designer of the plans and specifications for the supervision of work;

(17) where a professional services contract is given to the designer of the plans and specifications or to the person who supervised the work for the defense of the Chief Electoral Officer's interests with respect to a claim submitted to the ordinary courts of law or to an arbitration procedure;

(18) where a service contract relating to training activities or consulting services is awarded to a private educational institution dispensing the educational services referred to in paragraphs 4 and 8 of section 1 of the Act respecting private education (R.S.Q., c. E-9.1);

(19) where a professional services contract relating to study or research activities is awarded to an educational institution at the university level referred to in section 1 of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1);

(20) where the contract is related to a formal event and is for accommodation, restaurant, hall rental or cruise services;

(21) where the contract is for auxiliary services and is subject to a set rate prescribed under an Act or approved by the Government or by the Conseil du trésor;

(22) where the contract is for less than \$100,000 and is a travel services contract under which section 18 applies;

(23) where the contract is for repairing motor vehicles or heavy equipment;

(24) where the goods to be purchased under the contract have already been the object of a leasing contract, and the payments are totally or partially credited to the purchase;

(25) where the Chief Electoral Officer makes the media placement directly;

(26) where the contract concerns the leasing of an immovable the estimated amount of which is less than \$75,000 and the duration of which does not exceed 1 year;

(27) where the contract is for the renewal of a leasing contract; or

(28) where the contract is for construction work on an immovable or part of an immovable leased by the Chief Electoral Officer and for related professional services, and the contract is to be performed by the lessor of the immovable.

**9.** Where the Chief Electoral Officer is of the opinion that, due to the special requirements or time limits involved, the call for tenders procedure prescribed in this Regulation would compromise the carrying out of an electoral activity provided for by law and for which the Chief Electoral Officer is responsible, the Chief Electoral Officer may

(1) extend an invitation to tender for the awarding of a contract; or

(2) exempt the awarding of a contract from the call for tenders procedure.

Notwithstanding sections 10 and 11, only the Chief Electoral Officer may sign a contract or authorize a call for tenders under this section.

### **DIVISION III** **AUTHORIZATION REQUIRED**

**10.** Every contract referred to in this Regulation must be signed by the Chief Electoral Officer or by a person authorized to sign on behalf of the Chief Electoral Officer.

**11.** A call for tenders must be authorized by the Chief Electoral Officer or by the Chief Electoral Officer's representative authorized for that purpose in the following cases:

(1) where the call for tenders provides that a supplier must hold a registration certificate that complies with an ISO standard attesting that the supplier has a quality control system the scope of which is different from that provided for in sections 5 and 6;

(2) where tenders for services are solicited with a view to awarding a supply or construction contract or an auxiliary services contract;

(3) where the call for tenders for services provides for a remuneration based on a rate and estimated at \$100,000 or more, except in the case of a contract subject to a set rate prescribed under an Act or approved by the Government or by the Conseil du trésor, if the estimated amount of the contract is less than \$500,000; or

(4) where standing offers are solicited and the applicable conditions do not stipulate that specific contracts must be awarded, among the selected suppliers, to the supplier who, given the cost of transportation related to the delivery of the goods or services and, where applicable, their availability, submitted the lowest price or the best quality/price ratio.

**12.** A contract must be authorized by the Chief Electoral Officer or by the Chief Electoral Officer's representative authorized for that purpose in the following cases:

(1) where the term of the contract or of the solicited standing offers is more than three years;

(2) where only one compliant tender is deemed acceptable by the selection committee following the review of the tenders for services received;

(3) where a call for tenders was not issued and the contract awarded to a contracting party other than a supplier does not include a clause whereby up to 10% of the amount of the contract may be used to remunerate activities subcontracted out; or

(4) where the contract is for an amount of \$25 000 or more and only one compliant tender has been received.

### **CHAPTER III** **SPECIFIC RULES FOR CERTAIN CONTRACTS**

#### **DIVISION I** **CONSTRUCTION CONTRACTS**

**13.** Where it is decided after tenders are opened that a contract is not to be awarded following a public call for tenders, the lowest compliant tenderer shall receive as compensation and final settlement for expenses incurred the amount of

(1) \$2,000, where the estimated amount of the contract is equal to or greater than \$500,000 but less than \$1,000,000; or

(2) \$5,000, where the estimated amount of the contract is equal to or greater than \$1,000,000.

**14.** Acceptance of the work by the Chief Electoral Officer shall be made by means of a notice of acceptance with or without reservation.

**15.** Once the supplier's contract has been partially completed, the Chief Electoral Officer may accept, in accordance with sections 16 and 17, any completed portion of the work provided that the supplier consents thereto and guarantees free and safe access to the portions put into use.

**16.** A notice of acceptance with reservation is a document signed by the representative authorized for that purpose by the Chief Electoral Officer, certifying that most of the work has been completed, that the remaining work could not be completed owing to contingencies beyond the supplier's control and that the value of work to be corrected, other than work to be completed, is equal to or less than 0.5% of the amount of the contract.

The notice shall be sent with a list of the work to be completed or corrected, as the case may be.

**17.** A notice of acceptance without reservation is a document signed by the representative authorized for that purpose by the Chief Electoral Officer, certifying that the work is ready for its intended use and that, where applicable, all the work on the list attached to the notice of acceptance with reservation has been completed or corrected, as the case may be.

## DIVISION II TRAVEL SERVICES CONTRACTS

**18.** Any travel services contract for an amount less than \$100,000 shall be awarded to a supplier located in the region of the Communauté métropolitaine de Québec and selected by the Chief Electoral Officer from among the suppliers in the central register for the specialty concerned.

## DIVISION III MIXED CONTRACTS

**19.** Subject to sections 20 to 22, a mixed contract must be entered into in accordance with the rules applicable to the object representing the greatest part of the estimated amount of the contract.

If the contract includes the cost of installing, operating or maintaining property, those costs shall be considered as elements included in the part relating to supply.

**20.** Sections 43 and 44 do not apply to a mixed construction and services contract.

**21.** A contract that includes both the purchase of services and the carrying out of construction work must be entered into for a fixed price. It may however stipulate, if need be, a unit price, rate or percentage.

**22.** Where a call for tenders is required with a view to awarding a mixed construction and services contract, tenders shall be solicited through a call for tenders for services.

## DIVISION IV STANDING OFFERS

**23.** The Chief Electoral Officer may only solicit standing offers for the purpose of drawing up a list of suppliers to meet the needs of a group of users.

**24.** The Chief Electoral Officer may not draw up a list of suppliers where, following a public call for tenders, there is only one compliant standing offer. However, the Chief Electoral Officer may award that supplier an open contract, if the supplier accepts it.

## DIVISION V UNSOLICITED OFFERS

**25.** Where the Chief Electoral Officer receives an unsolicited offer, the Chief Electoral Officer must

(1) make sure that it does not correspond to a project the Chief Electoral Officer or another department or body has already started, that it falls within the scope of the Chief Electoral Officer's mission and that it could directly help achieve one of the Chief Electoral Officer's objectives; and

(2) evaluate its quality particularly in view of its feasibility, profitability and timeliness.

**26.** After evaluating an unsolicited offer, the Chief Electoral Officer shall notify the supplier as to whether the offer is admissible or not and, if not, shall give the reasons therefor.

**27.** Where the unsolicited offer is determined to be admissible by the Chief Electoral Officer, the procedure is as follows:

(1) if the unsolicited offer is not detailed enough to enable potential suppliers to offer to carry it out at a fixed price, the Chief Electoral Officer shall, without issuing a call for tenders, award the supplier who submitted the offer a contract for the purpose of clarifying the offer, provided that the contract is for less than \$100,000 and the supplier guarantees that the ensuing offer will be detailed enough to be carried out at a fixed price; and

(2) if the offer is or becomes detailed enough to enable potential suppliers to offer to carry it out at a fixed price, the Chief Electoral Officer shall hold a call for tenders for services.

Notwithstanding section 44, the call for tenders referred to in subparagraph 2 of the first paragraph must require that suppliers submit a fixed price with a view to obtaining the contract. The lowest compliant offer shall be determined after subtracting 7% from the price tendered by the supplier who submitted the unsolicited offer determined to be admissible, provided that the supplier did not have to clarify the offer pursuant to subparagraph 1 of the first paragraph.

**28.** An unsolicited offer determined to be admissible may not be submitted again by a supplier to another department or body, unless the Chief Electoral Officer informs the supplier that the offer will not be carried out.

## CHAPTER IV TYPES OF CALLS FOR TENDERS

### DIVISION I PRINCIPLE

**29.** Where a call for tenders is required, it must be either a public call for tenders or an invitation to tender.

### DIVISION II APPLICATION

#### §1. *Public call for tenders*

**30.** A public call for tenders shall be issued where the estimated amount of the contract is \$25,000 or more.

**31.** A public call for tenders may be issued in the following cases:

(1) where the estimated amount of the supply or auxiliary services contract is less than \$25,000;

(2) where no compliant bid or compliant and acceptable tender for services has been received following an invitation for tender; or

(3) where the negotiation allowed by section 60 does not lead to the signing of a contract.

#### §2. *Invitation to tender*

**32.** Subject to section 31, an invitation to tender shall be issued in the following cases:

(1) where the estimated amount of the supply or auxiliary services contract is less than \$25,000; or

(2) where the contract is related to a specialty in the central register, except in the case specified in paragraph 3 of section 8.

**33.** Subject to the second paragraph, where the Chief Electoral Officer issues an invitation to tender, the Chief Electoral Officer shall address it to a minimum of three suppliers who have a place of business in Québec or, failing that, to the only two suppliers who have a place of business in Québec.

Where an invitation to tender is issued and the specialty and level corresponding to the estimated amount of the contract are provided for in the central register, the invited suppliers shall be suppliers whose names are obtained from the central register.

**34.** Notwithstanding sections 35 and 36, where a call for bids is issued for a contract the estimated amount of which is less than \$25,000, the invitations and tenders may be made verbally, in which case a written report of all acts performed shall be kept.

### DIVISION III ELIGIBILITY AND COMPLIANCE OF TENDERS

**35.** The Chief Electoral Officer shall indicate, in the tender documents, the eligibility requirements for tenders and the conditions for the awarding of contracts, the rules for the receipt, opening, compliance and evaluation of tenders, including the evaluation criteria and the weighting applicable in accordance with section 47 and, where applicable, the use of the preferential margin fixed in section 6 or in the second paragraph of section 27.

If the purpose of the call for tenders is to draw up a list of suppliers from whom standing offers will be accepted, the tender documents shall also specify the terms and conditions for the inclusion of a supplier on that list and the contract awarding procedures.

In addition, the Chief Electoral Officer shall state therein that the Chief Electoral Officer does not undertake to accept any of the tenders received.

**36.** The rules relating to the compliance of tenders shall specify the irregularities that will entail automatic rejection of a tender, in particular where

- (1) a required document is missing;
- (2) a required signature by an authorized person is missing;
- (3) an erasure of or a correction to the tendered or proposed price is not initialed by the authorized person, where applicable;
- (4) the tender is conditional or restrictive; or
- (5) the place and deadline for receiving tenders have not been complied with.

**37.** Only tenders submitted by suppliers having the required qualifications, authorizations, permits, licences and registrations and having a place of business in Québec shall be considered by the Chief Electoral Officer.

**38.** The Chief Electoral Officer may refuse to consider the tender of a supplier for whom the Chief Electoral Officer produced, in the two years preceding the date of opening of tenders, an unsatisfactory performance report, which evaluation was upheld pursuant to section 73, if the nature of the contract in question is the same.

In addition, the Chief Electoral Officer may refuse to consider the tender of a supplier who previously omitted to follow up a tender submitted to the Chief Electoral Officer or a contract entered into in the two years preceding the date of opening of tenders, except if the Chief Electoral Officer enforced owing to that omission a guarantee the Chief Electoral Officer had required.

#### **DIVISION IV** PUBLICATION OF PUBLIC CALLS FOR TENDERS

**39.** A public call for tenders is made by means of a notice circulated in an electronic tendering system.

**40.** The notice shall include information concerning the goods, services or construction work required and it shall state the conditions applicable to the receipt of tenders and the conditions set out in section 37.

The notice must, where applicable, specify that the Chief Electoral Officer may refuse to consider a tender pursuant to section 38.

#### **DIVISION V** TENDER DEADLINES

**41.** The deadline for receiving tenders shall be calculated from the date the call for tenders is first published.

**42.** Any addenda shall be forwarded to the suppliers to whom tender documents have been provided. If the addenda is likely to affect the amount of the bids, it must be forwarded at least seven days before the tender deadline. The deadline shall be extended by as many days as necessary to observe the seven-day notice.

#### **CHAPTER V** SOLICITING OF TENDERS, EVALUATION OF TENDERS AND AWARDING OF CONTRACTS

##### **DIVISION I** SOLICITING OF TENDERS

**43.** Tenders shall be solicited by a call for bids or by a call for tenders for services in the following cases:

- (1) where a call for tenders is required to award a contract; or
- (2) where a list of suppliers is to be drawn up with a view to awarding contracts based on standing offers accepted from those suppliers.

**44.** A price must be solicited where a call for tenders for services is issued.

Notwithstanding the first paragraph, the solicitation of a price is not required in the following cases:

- (1) where a services contract is to be awarded for the carrying out of an advertising campaign; or
- (2) where there is a set rate prescribed under an Act or approved by the Government or by the Conseil du trésor.

Notwithstanding the first and second paragraphs, a price may not be solicited in the case of a professional services contract in the field of architecture, engineering or soil and materials engineering.



## DIVISION II EVALUATION OF TENDERS FOR SERVICES

### §1. *Selection committee*

**45.** The evaluation of tenders for services shall be made by a selection committee composed of a secretary and of at least three members appointed by the Chief Electoral Officer or the Chief Electoral Officer's representative authorized for that purpose, including at least one member independent of the Chief Electoral Officer. In addition, the Chief Electoral Officer shall ensure the rotation of the persons designated to sit on such committees.

### §2. *Selection procedure*

**46.** Members of the selection committee shall evaluate the quality of compliant tenders for services by means of a chart developed by the Chief Electoral Officer.

**47.** The chart shall comprise a minimum of four criteria allowing the evaluation of tenders for services.

Each criterion must be weighted on the basis of its importance for the carrying out of the contract. The total weighting of the criteria must be equal to 20 and no criterion may have a weighting greater than 6.

**48.** Tenders shall be evaluated according to the established criteria without the tendered price, where required, being known by the members of the selection committee. The price shall be tendered under separate cover.

**49.** Each tender for services shall be evaluated individually and each criterion shall receive a mark between zero and five; a three shall be granted where the evaluation is deemed satisfactory.

**50.** The final score granted to a tender for services shall be the total of the marks obtained in respect of each of the criteria, which shall be determined by the product resulting from the multiplication of the mark given by the selection committee by the weighting established.

A minimum score of 60% may be required in respect of any criterion or group of criteria identified in the tender documents. In that case, a tender for services that does not reach that minimum is considered unacceptable.

**51.** Where the call for tenders for services does not solicit a price, the selection committee shall determine the supplier who has obtained the highest score.

**52.** Where the call for tenders for services solicits a price, the selection committee shall only retain the tenders for services considered acceptable. An acceptable tender for services is one that obtains at least 70 points out of 100 in the evaluation of the quality criterion, the committee restricting its evaluation to the five tenders having obtained the highest scores.

Notwithstanding the foregoing, where the number of tenders for services retained pursuant to the first paragraph is less than three, any tender for services that obtains at least 60 points out of 100 is also considered acceptable, the committee restricting its evaluation to those having obtained the highest scores in order to select five tenders in all.

**53.** The supplier whose tender for services is acceptable as to quality pursuant to section 52 having tendered the lowest price or the price deemed the lowest under the second paragraph of section 27, in terms of the approximate total price, where applicable, shall be awarded 100 points for the price criterion. The other suppliers whose tenders for services are acceptable shall be awarded 100 points minus the number of points corresponding to the percentage representing the difference between their price and the lowest tendered price, up to a maximum of 10 points; a supplier whose tendered price exceeds the lowest tendered price by more than 10 points shall be eliminated.

For each of the acceptable tenders for services, the points obtained in respect of quality and price shall be added up. The selection committee shall determine the supplier who has obtained the highest score.

The price tendered for an unacceptable tender for services shall not be considered and the envelope containing that price shall be returned unopened to the supplier.

**54.** Where the call for tenders for services provides that the evaluation is to be made in two stages, the first stage shall consist of a call for tenders for services without prices following which the selection committee shall retain a certain number of suppliers who shall be invited to participate in the second stage. The number of suppliers to be selected for the second stage must be determined in the tender documents and the suppliers invited to submit new tenders for services must be those having obtained the highest scores.

**55.** The result of the evaluation of the file of a supplier having submitted a tender for services shall be sent to the supplier within 15 days following the signing of the contract. The information forwarded shall include

(1) the rank and score obtained by the supplier or the reasons why the supplier's tender is non-compliant;

(2) the number of compliant and non-compliant suppliers; and

(3) the name of and score obtained by the successful tenderer and, where applicable, the price tendered.

The names of the members of the selection committee shall also be forwarded to suppliers upon request.

### **DIVISION III** **AWARDING OF CONTRACTS**

**56.** In the case of a call for bids, the contract shall be awarded to the supplier who submitted the compliant tender with the lowest fixed price or approximate total price, as the case may be, as calculated in accordance with the method provided for in the tender documents or to the supplier who is deemed to have submitted the lowest price pursuant to section 6. If identical bids are submitted, the contract shall be awarded by a drawing of lots among the suppliers. The price indicated in the contract shall not exceed the price tendered.

**57.** In the case of a call for tenders for services where a price was not solicited, the contract shall be awarded to a supplier whose compliant tender obtained the highest score. In the case of identical results, the contract shall be awarded by a drawing of lots among the suppliers.

**58.** In the case of a call for tenders for services where a price was solicited, the contract shall be awarded to the supplier whose compliant tender obtained the highest score pursuant to section 53. In the case of identical results, the contract shall be awarded to the supplier who has submitted the lowest price or approximate total price, as the case may be, or to the supplier who is deemed to have submitted the lowest price pursuant to the second paragraph of section 27. In the case of identical tenders for services and prices, the contract shall be awarded by a drawing of lots among the suppliers. The price indicated in the contract shall not exceed the price tendered.

**59.** The Chief Electoral Officer may, following a public call for tenders, negotiate the price with the sole supplier having submitted a compliant bid or a compliant and acceptable tender for services, where the price tendered by the supplier varies considerably from the initial estimate.

**60.** The Chief Electoral Officer may, following an invitation to tender, negotiate the price with the supplier having submitted the lowest compliant bid or having obtained the highest score in respect of a compliant and acceptable tender for services where the price tendered by the supplier varies considerably from the initial estimate.

**61.** Where the Chief Electoral Officer has drawn up a list of suppliers whose standing offers have been accepted, the Chief Electoral Officer shall award, in accordance with the terms and conditions of the tender documents, to any supplier appearing on that list any supply or services contract covered by that list of suppliers.

### **CHAPTER VI** **CONDITIONS FOR THE ADMINISTRATION OF CONTRACTS**

#### **DIVISION I** **SUPPLEMENTS**

**62.** Subject to section 63, the Chief Electoral Officer may grant a supplement to the amount payable for the performance of a contract in any of the following cases:

(1) where an amendment to the contract is required to ensure the carrying out of the project;

(2) where there is a variation in the amount to which a percentage already established is to be applied or a variation in a quantity for which a unit price or rate was agreed upon; or

(3) where salaries payable have been changed under an Act or an order in council.

**63.** A supplement to a supply, construction or professional services contract in a case referred to in paragraph 1 of section 62 or a supplement attributable to a variation in a period determined in a contract where the remuneration is established on the basis of a rate must be authorized by the Chief Electoral Officer in the following cases:

(1) where the initial amount of the contract is less than \$100,000 and the supplement or the total of the supplements exceeds 25% of the amount of the contract; or

(2) where the initial amount of the contract is \$100,000 or more and the supplement or the total of the supplements exceeds \$25,000 or 10% of the amount of the contract, whichever is greater.

## DIVISION II PAYMENT

**64.** No payment for the performance of a contract entered into in an emergency situation where the safety of persons or goods is in jeopardy may be made without the authorization of the Chief Electoral Officer or the Chief Electoral Officer's representative authorized for that purpose.

## DIVISION III SETTLEMENT OF DISPUTES

**65.** Any dispute arising from a contract or during the performance of a contract may be settled by legal recourse or arbitration.

**66.** The Chief Electoral Officer may be a party to an arbitration agreement only if the contract entered into with a contracting party so provides.

For the purposes of the first paragraph, "arbitration agreement" means an agreement under which the Chief Electoral Officer undertakes with another contracting party to submit a current or potential dispute to one or more arbitrators other than the courts.

**67.** A dispute submitted to arbitration shall be settled according to the provisions of the contract and to the rules of law applicable to the case.

**68.** Every arbitration decision is final and is not subject to appeal.

## CHAPTER VII EVALUATION OF THE PERFORMANCE OF THE SUPPLIERS

**69.** The Chief Electoral Officer shall evaluate the performance of a supplier in respect of a contract of \$100,000 or more.

**70.** An evaluation shall be recorded in a performance report within 60 days following the end of a contract, except for a construction contract, in which case the period must be calculated from the expiry date of the performance security or, failing such security, from the date of completion of the work. Notwithstanding the foregoing, the performance report for a contract of a repetitive nature or involving several successive deliveries may be made before the end of the contract.

**71.** The Chief Electoral Officer shall forward a copy of any unsatisfactory performance report to the supplier concerned.

**72.** A supplier may, within 30 days following receipt of an unsatisfactory performance report, forward any comments on that report in writing to the Chief Electoral Officer.

**73.** Within 30 days following the period provided for in section 72 or within 30 days following receipt of the supplier's written comments, as the case may be, the Chief Electoral Officer shall either revoke or uphold the evaluation and shall inform the supplier of that decision. In the event that that time limit is not respected, the supplier's performance shall be considered satisfactory.

## CHAPTER VIII CENTRAL REGISTER

**74.** Except in the cases provided for in sections 75 and 76, the Chief Electoral Officer shall solicit tenders from all the suppliers whose names have been referred to the Chief Electoral Officer from the central register.

**75.** The name of a supplier referred from the central register may be refused by the Chief Electoral Officer if that supplier has been given an unsatisfactory performance report by the Chief Electoral Officer for a contract performed in the required specialty in the two years preceding the date on which the names were referred. The name of the supplier who has been refused is deemed to have been already referred and the Chief Electoral Officer may request that the name be replaced, except if all the names of the suppliers registered in the specialty and territory at the level concerned have been referred.

**76.** The name of a supplier outside Québec referred from the central register must be refused by the Chief Electoral Officer.

**77.** If a contract project is abandoned by the Chief Electoral Officer, the names of the suppliers referred from the central register in respect of that project are deemed not to have been referred.

**78.** As soon as the Chief Electoral Officer is informed that the registration of a supplier whose name has already been referred from the central register has been cancelled or struck off the central register in a given specialty or level, the Chief Electoral Officer shall suspend any procedure undertaken with the supplier with a view to entering into a contract. Notwithstanding the foregoing, if the contract is already entered into and includes a renewal clause, the Chief Electoral Officer shall ascertain that the supplier is properly registered with the central register before the contract is renewed.

## CHAPTER IX TRANSITIONAL AND FINAL PROVISIONS

**79.** Procedures for awarding contracts undertaken before the date of coming into force of this Regulation shall be continued in accordance with the provisions in force on the date on which the procedures were undertaken.

**80.** Any contract in progress on the date of coming into force of this Regulation shall be continued in accordance with the provisions of this Regulation, unless this Regulation is incompatible with a provision of the contract, in which case the latter provision shall prevail.

**81.** This Regulation replaces the Regulation respecting contracts of the Chief Electoral Officer adopted on 1 October 1993 and approved by the Office of the National Assembly on 20 October 1993 by Decision 0622-2.

**82.** This Regulation comes into force on 15 July 2003.

Québec, 10 June 2003

MARCEL BLANCHET,  
*Chief Electoral Officer*

---

## Regulation respecting contracts of the Commission de la représentation

Election Act  
(R.S.Q., c. E-3.3, s. 540.1)

**1.** This Regulation applies to supply contracts and service contracts of the Commission de la représentation.

**2.** The provisions of the Regulation respecting contracts of the Chief Electoral Officer, approved by the Office of the National Assembly on 15 July 2003 apply, with the necessary modifications, to the contracts of the Commission de la représentation.

**3.** This Regulation comes into force on 15 July 2003.

Québec, 26 February 2003

---

MARCEL BLANCHET,  
*Chairman of the  
Commission  
de la représentation*

---

EDDY GIGUÈRE,  
*Secretary of the  
Commission  
de la représentation*

## Municipal Affairs

Gouvernement du Québec

### O.C. 740-2003, 16 July 2003

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

Rectification of the territorial boundaries of Ville de Lavaltrie and validation of acts performed by the municipality

WHEREAS certain territorial boundaries of Ville de Lavaltrie, resulting from the amalgamation of the former Village de Lavaltrie and the former Paroisse de Saint-Antoine-de-Lavaltrie, are bounded by the St. Lawrence River and do not extend to the middle of the river;

WHEREAS that territory under water is not part of any local municipality;

WHEREAS the former Paroisse de Saint-Antoine-de-Lavaltrie had jurisdiction over that territory before 1 January 1993 under former paragraph 1 of article 25 of the Municipal Code;

WHEREAS the territory under water has been an unorganized territory under the jurisdiction of Municipalité régionale de comté de D'Autray since 1 January 1993;

WHEREAS, since that date, Ville de Lavaltrie has acted in respect of that territory under water as if the territory were subject to its jurisdiction;

WHEREAS it is expedient to include the territory in the territorial boundaries of the town and to validate the acts performed by the town in its respect since 1 January 1993;

WHEREAS the Minister of Municipal Affairs and Greater Montréal sent a notice containing the proposed rectification and validation of acts to Ville de Lavaltrie and Municipalité régionale de comté de D'Autray;

WHEREAS Ville de Lavaltrie and Municipalité régionale de comté de D'Autray have informed the Minister of their approval of the proposed rectification and validation;

WHEREAS, pursuant to sections 178 and 192 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the Government may rectify the territorial

boundaries of a municipality and validate any act performed without right by a municipality in respect of a territory not subject to its jurisdiction;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Sports and Recreation:

THAT the territorial boundaries of Ville de Lavaltrie be rectified and the acts performed by the municipality be validated as follows:

1. the description of the territorial boundaries of Ville de Lavaltrie shall include the territory described by the Minister of Natural Resources on 11 February 2003; that description appears as Schedule A;

2. no allegation of illegality may be raised against acts performed by Ville de Lavaltrie by reason of the fact that the municipality had no jurisdiction in respect of the territory described in Schedule A; and

3. the rectification has effect from 1 January 1993.

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

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### SCHEDULE A

OFFICIAL DESCRIPTION PREPARED TO  
RECTIFY A PART OF THE TERRITORIAL  
BOUNDARIES OF VILLE DE LAVALTRIE  
IN MUNICIPALITÉ RÉGIONALE DE COMTÉ  
DE D'AUTRAY

A territory fronting on Ville de Lavaltrie, comprising part of the St. Lawrence River and attendant islands, the whole within the two perimeters described hereafter:

#### First perimeter

Starting from the meeting point of the northwest bank of the St. Lawrence River with the line separating the cadastres of the parishes of Saint-Antoine-de-Lavaltrie and Saint-Joseph-de-Lanoraie; thence, successively, the following lines and demarcations: southeast, the extension of the line separating the said cadastres to the centre

line of the St. Lawrence River ; generally southwesterly, the centre line of the St. Lawrence River upstream to its meeting with the extension of the northeast line of lot 44 of the cadastre of the parish of Saint-Antoine-de-Lavaltrie ; with reference to that cadastre, northwesterly, the said extension to its meeting with a line running midway between Île Hervieux (lot 2) and the northwest bank of the river ; generally northeasterly, the latter line to its meeting with the extension of the northeast line of lot 26 ; northeasterly, the said extension to the northwest bank of the river ; lastly, generally northeasterly, that bank to the starting point.

### **Second perimeter**

Starting from the meeting point of the northwest bank of the St. Lawrence River with the southwest line of lot 59 of the cadastre of the parish of Saint-Antoine-de-Lavaltrie ; thence, successively, the following lines and demarcations : southeast, the extension of the southwest line of the said lot to centre line of the river ; generally southwesterly, successively, that centre line, then an irregular line moving line running midway between Île Bouchard and the southeast bank of the river to its meeting with a sinuous line running midway between the north and northeast extremities of Île Bouchard on one side and Île Mousseau (lot 1) and the northwest bank of the river on the other side, and whose point of origin is situated at the intersection of the line separating the cadastres of the parishes of Saint-Antoine-de-Lavaltrie and Saint-Sulpice and the northwest bank of the river ; generally westerly, that sinuous line to its point of origin ; lastly, generally northeasterly, the northwest bank of the river to the starting point.

Ministère des Ressources naturelles  
Bureau de l'arpenteur général du Québec  
Service des levés officiels et des limites administratives

Québec, February 11, 2003

Prepared by: JEAN-FRANÇOIS BOUCHER,  
*Land Surveyor*

L-371/2

A copy of the original is kept at the Bureau de l'arpenteur général of the Ministère des Ressources naturelles

Québec, this 11 February 2003

for the Minister

File : 2002-0124

5846

## Transport

Gouvernement du Québec

### **O.C. 788-2003, 16 July 2003**

An Act respecting roads  
(R.S.Q., c. V-9)

Roads under the management of the Minister of Transport

WHEREAS, under section 2 of the Act respecting roads (R.S.Q., c. V-9), the Government shall determine, by an order published in the *Gazette officielle du Québec*, the roads which shall be under the management of the Minister of Transport;

WHEREAS, under the second paragraph of section 3 of the Act, the Government may, by an order published in the *Gazette officielle du Québec*, determine that a road which is under the management of a municipality shall, from the date indicated in the order, pass under the management of the Minister;

WHEREAS Orders in Council 292-93 dated 3 March 1993, 492-93 dated 31 March 1993, 1127-93 dated 11 August 1993, 1607-93 dated 17 November 1993, 1292-94 dated 17 August 1994, 73-95 dated 18 January 1995, 485-95 dated 5 April 1995, 325-96 dated 13 March 1996, 686-96 dated 5 June 1996, 1410-96 dated 13 November 1996, 723-97 dated 28 May 1997, 1538-97 dated 26 November 1997, 724-98 dated 27 May 1998, 1565-98 dated 16 December 1998, 938-99 and 939-99 dated 18 August 1999, 154-2000 dated 16 February 2000, 871-2000 dated 28 June 2000, 945-2000 dated 26 July 2000, 114-2001 dated 14 February 2001, 978-2001 dated 23 August 2001, 529-2002 dated 1 May 2002, 950-2002 dated 21 August 2002 and 533-2003 dated 11 April 2003 determined, by municipality, the roads under the management of the Minister of Transport;

WHEREAS it is expedient, under this Order in Council, to amend the Schedules to those Orders in Council in order to add roads to those under the management of the Minister;

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

THAT the Schedules to Orders in Council 292-93 dated 3 March 1993, 492-93 dated 31 March 1993, 1127-93 dated 11 August 1993, 1607-93 dated 17 November 1993, 1292-94 dated 17 August 1994, 73-95 dated 18 January 1995, 485-95 dated 5 April 1995, 325-96 dated 13 March 1996, 686-96 dated 5 June 1996, 1410-96 dated 13 November 1996, 723-97 dated 28 May 1997, 1538-97 dated 26 November 1997, 724-98 dated 27 May 1998, 1565-98 dated 16 December 1998, 938-99 and 939-99 dated 18 August 1999, 154-2000 dated 16 February 2000, 871-2000 dated 28 June 2000, 945-2000 dated 26 July 2000, 114-2001 dated 14 February 2001, 978-2001 dated 23 August 2001, 529-2002 dated 1 May 2002, 950-2002 dated 21 August 2002 and 533-2003 dated 11 April 2003 concerning roads under the management of the Minister of Transport be amended, with respect to the municipalities indicated, by adding the roads listed in the Schedule to this Order in Council;

THAT this Order in Council take effect on the date of its publication in the *Gazette officielle du Québec*.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### **SCHEDULE**

#### **ROADS UNDER THE MANAGEMENT OF THE MINISTER OF TRANSPORT**

#### **EXPLANATORY NOTE**

#### **A. CORRECTIONS TO DESCRIPTIONS, ADDITIONS, DELETIONS**

The roads identified in the “Corrections to descriptions”, “Additions” and “Deletions” divisions appearing in the Schedule to this Order in Council are described under the following five headings for each municipality in which they are situated:

- (1) Route class;
- (2) Section identification;
- (3) Name;
- (4) Beginning of maintenance;
- (5) Length in km.

**(1) Route class**

The designation of the route classes is taken from the functional classification established by the Ministère des Transports.

**(2) Section identification**

Roads are identified by a sequence of figures composed of seven different groups :

Road:	Group 1:	road number;
	Group 2:	road segment number;
	Group 3:	road section number;
Sub-road:	Group 4:	the only figure other than zero that may appear in this group is 3, and it is used to identify one or more ramps;
	Group 5:	this group of figures indicates the sequential number of an intersection within a road segment;
	Group 6:	a letter identifying a ramp, if any;
	Group 7:	a letter identifying the type of roadway. (C: contiguous S: separate).

**(3) Name**

For roads whose number is lower than 1,000, the road number is indicated instead of the road name. For roads whose number is 10,000 or more, the road name is indicated instead of the road number.

Where there are one or more ramps along a road section, the total number of ramps for that section is also indicated; the combined length of all the ramps is indicated under "Length in kilometres".

**(4) Beginning of maintenance**

The description of a physical landmark used to situate the beginning of a road section.

**(5) Length in kilometres**

The length in kilometres is indicated for each road or part of a road. That length, which is determined by the Minister of Transport, corresponds to the actual distance that a vehicle would travel between two points without taking into account the configuration of the road (number of lanes, extra width, etc.). The length is therefore the same whether the road is an autoroute or a feeder road.

**B. CHANGES IN WIDTH OF RIGHT-OF-WAY**

The roads identified in the "Changes in width of right-of-way" division appearing in the Schedule to this Order in Council are described for each municipality in which they are situated under the following six headings :

**(1) Section identification**

From now on, the roads are identified by a sequence of figures composed of three different groups :

Route:	Group 1:	road number;
	Group 2:	road segment number;
	Group 3:	road section number;

**(2) Name****(3) Name of land surveyor****(4) Minute number****(5) Plan number****(6) Length in km****C. GEOMETRIC REDEFINITIONS**

The roads identified in the "Geometric redefinitions" division appearing in the Schedule to this Order in Council are described using the five headings in Division "A" above, the plan number, the name of the land surveyor and the land surveyor's minute number.

NOTE: Due to technical constraints, the place names appearing in the Schedule do not necessarily comply with the standards of the Commission de toponymie.



**ADDITIONS :****LAC-SUPÉRIEUR, M (7809500)**

<b>Route class</b>	<b>Section identification</b>	<b>Name</b>	<b>Beginning of maintenance</b>	<b>Length in km</b>
Feeder	32855-01-020-000C	Route Saint-Donat-Val-des-Lacs -Lac-Supérieur	Intersection Chemin du Lac-Supérieur	3.60

**SAINT-DONAT, M (6206000)**

<b>Route class</b>	<b>Section identification</b>	<b>Name</b>	<b>Beginning of maintenance</b>	<b>Length in km</b>
Feeder	32855-01-040-000C	Route Saint-Donat-Val-des-Lacs -Lac-Supérieur	Limit Val-des-Lacs, m	18.59

**VAL-DES-LACS, M (7810000)**

<b>Route class</b>	<b>Section identification</b>	<b>Name</b>	<b>Beginning of maintenance</b>	<b>Length in km</b>
Feeder	32855-01-030-000C	Route Saint-Donat-Val-des-Lacs -Lac-Supérieur	Limit Lac-Supérieur, m	9.16



---

## Parliamentary Committees

---

### **Committee on Planning and the Public Domain**

#### **General consultation**

#### **Bill 9, An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities**

MODIFICATION TO THE NOTICE PUBLISHED  
ON FRIDAY, 20 JUNE 2003

The Committee on Planning and the Public Domain will hold its public hearings with respect to Bill 9, An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, beginning on 9 September 2003 rather than 26 August 2003. Individuals and organizations who wish to express their views on this matter must submit a brief to the above Committee not later than 22 August 2003. The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief.

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

Briefs, correspondence and requests for information should be addressed to: Mr Marc Painchaud, Clerk of the Committee on Planning and the Public Domain, Édifice Pamphile-Le May, 1035, rue des Parlementaires, 3<sup>e</sup> étage, Québec (Québec) G1A 1A3.

Telephone: (418) 643-2722; Facsimile: (418) 643-0248  
E-mail: mpainchaud@assnat.qc.ca

5831



## Index Statutory Instruments

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

<b>Regulations — Statutes</b>	<b>Page</b>	<b>Comments</b>
Agreement concerning new methods of voting using “PERFAS-MV” ballot boxes — Ville de Sainte-Agathe-des-Monts . . . . . (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	2241	
Bill 9, An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities — Committee on planning and the Public Domain — General consultation . . . . .	2289	Parliamentary Committee
Cartage industry — Québec . . . . . (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	2239	M
Chartered accountants — Code of ethics . . . . . (Professional Code, R.S.Q., c. C-26)	2255	Draft
Collective agreement decrees, An Act respecting... — Cartage industry — Québec . . . . . (R.S.Q., c. D-2)	2239	M
Collective agreement decrees, An Act respecting... — Comité paritaire des agents de sécurité — Attendance allowance and travelling expenses of the members . . . . . (R.S.Q., c. D-2)	2232	N
Collective agreement decrees, An Act respecting... — Non-structural metalwork industry — Montréal region . . . . . (R.S.Q., c. D-2)	2237	M
Collective agreement decrees, An Act respecting... — Security guards . . . . . (R.S.Q., c. D-2)	2233	M
Collective agreement decrees, An Act respecting... — Solid waste removal — Montréal region . . . . . (R.S.Q., c. D-2)	2236	M
Comité paritaire des agents de sécurité — Attendance allowance and travelling expenses of the members . . . . . (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	2232	N
Conservation and development of wildlife, An Act respecting... Development of wildlife— Scale of fees and duties . . . . . (R.S.Q., c. C-61.1)	2255	Draft
Conservation and development of wildlife, An Act respecting the... — Wildlife sanctuaries . . . . . (R.S.Q., c. C-61.1)	2261	Draft
Development of wildlife — Scale of fees and duties . . . . . (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	2255	Draft
Election Act — Office of the National Assembly — Contracts of the Chief Electoral Officer — Contracts of the Commission de la représentation adopted under the Election Act . . . . . (R.S.Q., c. E-3.3)	2271	Decision

Elections and referendums in municipalities, An Act respecting... — Agreement concerning new methods of voting using “PERFAS MV” ballot boxes — Ville de Sainte-Agathe-des-Monts .....	2241	
(R.S.Q., c. E-2.2)		
Government and Public Employees Retirement Plan, An Act respecting the... — Application of title IV.2 .....	2265	
(R.S.Q., c. R-10)		
Highway Safety Code — Road vehicle registration — International Registration Plan .....	2225	M
(R.S.Q., c. C-24.2)		
List of Bills sanctioned (16 July 2003) .....	2219	
Municipal territorial organization, An Act respecting... — Rectification of the territorial boundaries of Ville de Lavaltrie and validation of acts performed by the municipality .....	2283	
(R.S.Q., c. O-9)		
Non-structural metalwork industry — Montréal region .....	2237	M
(An Act respecting collective agreement decrees, R.S.Q., c. D-2)		
Notaries — Diplomas giving access to permits .....	2257	Draft
(Professional Code, R.S.Q., c. C-26)		
Office of the National Assembly — Contracts of the Chief Electoral Officer — Contracts of the Commission de la représentation adopted under the Election Act .....	2271	Decision
(Election Act, R.S.Q., c. E-3.3)		
Professional activity that may be engaged in by persons acting on behalf of Héma-Québec .....	2221	N
(Professional Code, R.S.Q., c. D-2)		
Professional Code — Professional activity that may be engaged in by persons acting on behalf of Héma-Québec .....	2221	N
(R.S.Q., c. C-26)		
Professional Code — Chartered accountants — Code of ethics .....	2255	Draft
(R.S.Q., c. C-26)		
Professional Code — Notaries — Diplomas giving access to permits .....	2257	Draft
(R.S.Q., c. C-26)		
Professional Code — Professional technologists — Code of ethics .....	2258	Draft
(R.S.Q., c. C-26)		
Professional Code — Town planners — Code of ethics .....	2260	Draft
(R.S.Q., c. C-26)		
Professional technologists — Code of ethics .....	2258	Draft
(Professional Code, R.S.Q., c. C-26)		
Public Health Act — Regulation .....	2222	N
(R.S.Q., c. S-2.2)		
Rectification of the territorial boundaries of Ville de Lavaltrie and validation of acts performed by the municipality .....	2283	
(An Act respecting Municipal territorial organization, R.S.Q., c. O-9)		
Road vehicle registration — International Registration Plan .....	2225	M
(Highway Safety Code, R.S.Q., c. C-24.2)		

---

Roads under the management of the Minister of Transport .....	2285	
(An Act respecting roads, R.S.Q., c. V-9)		
Roads, An Act respecting... — Roads under the management of the Minister of Transport .....	2285	
(R.S.Q., c. V-9)		
Security guards .....	2233	M
(An Act respecting collective agreement decrees, R.S.Q., c. D-2)		
Solid waste removal — Montréal region .....	2236	M
(An Act respecting collective agreement decrees, R.S.Q., c. D-2)		
Town planners — Code of ethics .....	2260	Draft
(Professional Code, R.S.Q., c. C-26)		
Wildlife sanctuaries .....	2261	Draft
(An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)		

