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Laws and Regulations

Volume 135

Summary

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Coming into force of Acts

Gouvernement du Québec

O.C. 1019-2003, 24 September 2003

An Act respecting the consolidation of the statutes and regulations
(R.S.Q., c. R-3)

Revised Statutes of Québec — Coming into force of the text of the copy of the updating to 1 April 2003 of the loose-leaf edition

COMING INTO FORCE of the text of the copy of the updating to 1 April 2003 of the loose-leaf edition of the Revised Statutes of Québec

WHEREAS the Official Publisher has completed the printing of the updating to 1 April 2003 of the loose-leaf edition of the Revised Statutes of Québec;

WHEREAS a copy of the updating to 1 April 2003 of the loose-leaf edition of the Revised Statutes of Québec has been sent to the Lieutenant-Governor and has been deposited in the office of the Secretary General of the National Assembly of Québec, attested to by the signature of the Lieutenant-Governor and of the Minister of Justice, the whole in accordance with the Act respecting the consolidation of the statutes and regulations (R.S.Q., c. R-3);

WHEREAS, under section 7 of that Act, the Government shall, after the deposit of the copy, fix the date of coming into force of the updating;

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

THAT the text of the copy of the updating to 1 April 2003 of the loose-leaf edition of the Revised Statutes of Québec, attested to by the signature of the Lieutenant-Governor and of the Minister of Justice and deposited in the office of the Secretary General of the National Assembly of Québec, come into force on 15 October 2003, and have force of law with the reservation that any provision of an Act comprised in the Revised Statutes of Québec not yet in force on 14 October 2003 pursuant to the provisions of that Act not be brought into force by this Order in Council but come into force only on the date fixed in accordance with the Act containing that provision.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

5960

Regulations and other acts

Gouvernement du Québec

O.C. 1011-2003, 24 September 2003

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Forêt-la-Blanche ecological reserve — Establishment and approval of the conservation plan

Establishment of the Forêt-la-Blanche ecological reserve and approval of the conservation plan

WHEREAS the land appearing in the plan and technical description attached as a schedule was set aside with a view to the establishment of an ecological reserve and a notice of that setting aside was published in the *Gazette officielle du Québec* of 14 November 2001 in accordance with section 4 of the Ecological Reserves Act (R.S.Q., c. R-26.1);

WHEREAS the public was consulted on the proposed ecological reserve, as evidenced by the notice published in the *Gazette officielle du Québec* of 28 August 2002 and in the regional newspapers *La Revue de la Petite Nation* and *Le Bulletin* of 18 August 2002 and in the *West Quebec Post* of 16 August 2002, and the 30-day consultation period before the granting of permanent ecological reserve status, required under section 2 of the Act, has expired;

WHEREAS, under section 86 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), which came into force on 19 December 2002, that Act replaced the Ecological Reserves Act;

WHEREAS, under section 88 of the Natural Heritage Conservation Act, proposed ecological reserves in whose respect a notice was published in the *Gazette officielle du Québec* before 19 December 2002 are maintained, are deemed to have been set aside in accordance with Title III of the Act for a period of four years beginning on 19 December 2002, and the Minister of the Environment has one year from that date to have the Government approve the conservation plan for the proposed ecological reserves;

WHEREAS, under section 43 of the Natural Heritage Conservation Act, the Minister of the Environment may recommend to the Government that permanent ecological reserve status be assigned to all or part of land set aside for that purpose, and recommend to the Government that the conservation plan for that land be approved;

WHEREAS, by reason of its features, it is expedient to assign permanent ecological reserve status to the land set aside as a proposed ecological reserve, but to retain proposed ecological reserve status for certain parts of the land until 1 April 2006 to facilitate the relocation of certain activities outside its perimeter;

WHEREAS the land set aside as an ecological reserve forms part of the domain of the State and is not situated in a reserved area or in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1);

WHEREAS Municipalité régionale de comté de Papineau has given its opinion confirming that the proposed ecological reserve is in conformity with the objectives of its development plan;

WHEREAS the Commission de toponymie has approved the use of the name “Réserve écologique de la Forêt-la-Blanche”;

WHEREAS, under section 45 of the Natural Heritage Conservation Act, permanent protection status for land and the applicable conservation plan take effect on the date of publication of the order in the *Gazette officielle du Québec* or on any later date specified in the order;

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

THAT permanent ecological reserve status be assigned to the land, the plan and technical description of which appear as schedules to this Order, under the name “Réserve écologique de la Forêt-la-Blanche”, on the dates below;

— on 1 April 2006 for the parts of the land designated in the plan and in Section 3 of the technical description and for those parts that remain land set aside as a proposed ecological reserve until that date;

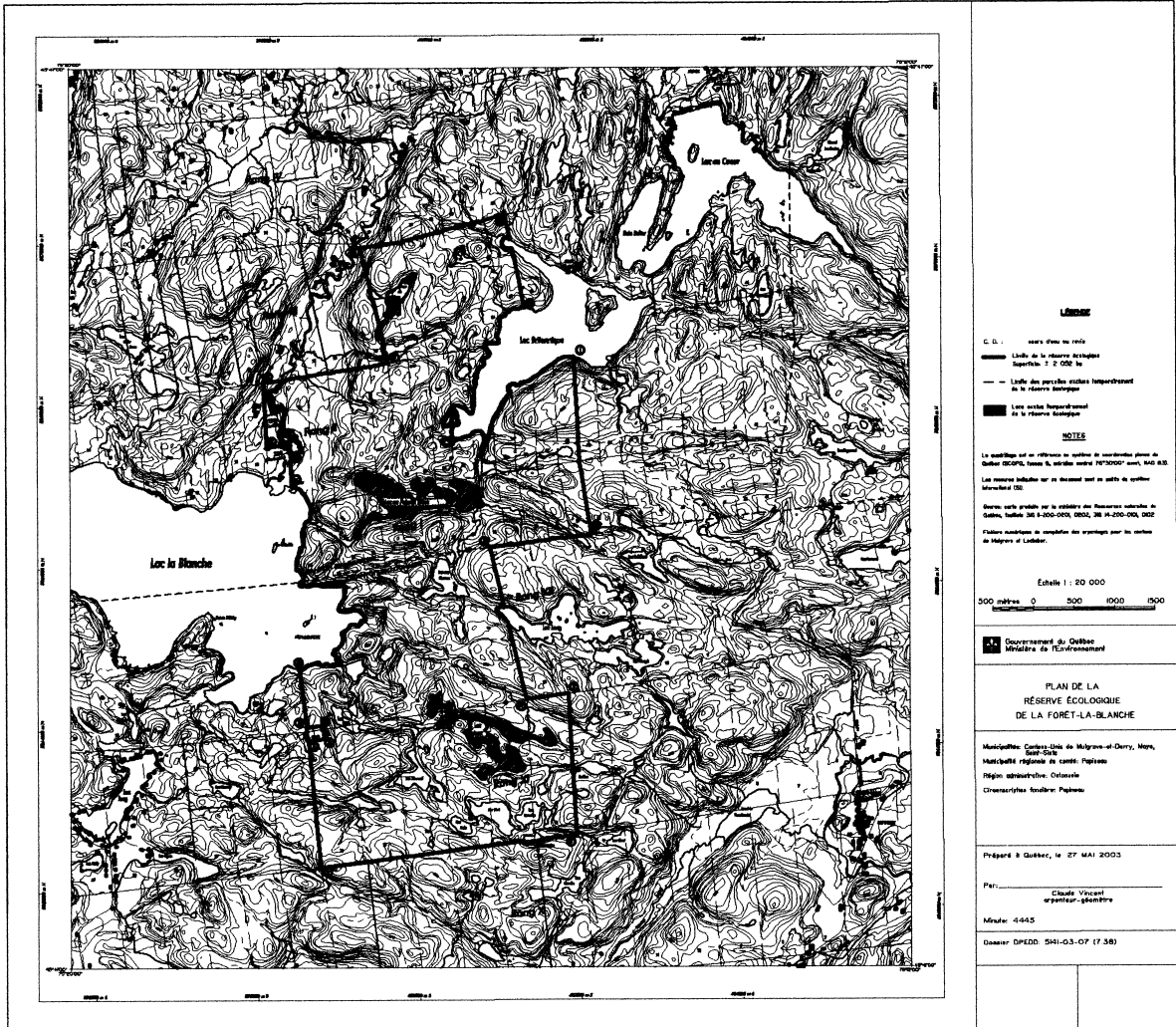
— on the date of publication of this Order in the *Gazette officielle du Québec* for the rest of the land to which the plan and technical description refer;

THAT the conservation plan, the text of which is attached as a schedule, proposed for the area having permanent protection status as an ecological reserve and to govern the part of the area remaining a proposed ecological reserve until 1 April 2006, be approved;

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

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

PLAN DE LA RÉSERVE ÉCOLOGIQUE DE LA FORÊT-LA-BLANCHE



LÉGENDE

- C. D. : carte d'eau de roche
- Ligne de la réserve écologique
- Superficie : 2 000 ha
- Ligne des parcelles cédées indépendamment de la réserve écologique
- Les zones désignées de la réserve écologique

NOTES

Le cadastre est en référence au cadastre de l'arrondissement de Québec (CADA), tome 8, volume 0001 (1970) et 1971 (83). Les données indiquées sur ce document sont en partie de source municipale (20).

Source: carte produite par le Service des Ressources naturelles de Québec, feuilles 36 8-100-009, 0901, 36 8-200-000, 002.

Plusieurs modifications de modification des arrangements pour les centres de données et de données.

Echelle 1 : 20 000

300 mètres 0 500 1000 1500

Ministère de l'Environnement

PLAN DE LA RÉSERVE ÉCOLOGIQUE DE LA FORÊT-LA-BLANCHE

Municipalités: Cantons: Lois de Malgourette-Clercq, Mont, Saint-Georges

Municipalité régionale de comté: Pateville

Région administrative: Outaouais

Circumscriptions fédérales: Pateville

Préparé à Québec, le 27 MAI 2003

Par: Claude Vincent

arpenteur-géomètre

Niveau: 4-445

Dossier: DPEDD, 5041-03-07 (7.38)

QUÉBEC

ADMINISTRATIVE REGION : OUTAOUAIS

REGISTRATION DIVISION : PAPINEAU

TECHNICAL DESCRIPTION

FORÊT-LA-BLANCHE ECOLOGICAL RESERVE

1. NOTES

In this technical description, the boundaries defined by the shore of a lake or the bank of a river correspond to the normal high-water mark.

Measurements are expressed in international system (SI) units.

The survey of boundaries that are not established or renewed will define the perimeter of the ecological reserve.

2. DESCRIPTION OF THE TERRITORY OF THE ECOLOGICAL RESERVE

2.1 Designation

A territory situated in the territory of Municipalité régionale de comté de Papineau, in the Outaouais administrative region, and comprising the following in reference to the original survey.

In the township of Lochaber, lots 13, 14, 15, 16, 17 and part of lot 18 of Rang XI; lots 14, 15, 16, 17 and part of lot 18 of Rang XII.

In the township of Mulgrave, lots 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 of Rang I; lots 24, 25, 26, 27, 28, 29, 30, 31 (cadastral lots 31A and 31B), 32 (cadastral lots 32A and 32B), 33 (cadastral lots 33A and 33B), 34, 35, 36 and 37 and part of lot 23 (cadastral lot 23A) of Rang II; lots 30, 31, 32, 33, 34 and 35 and part of lot 29 of Rang III.

The cadastral designation is identical to that of the original survey, except where mentioned between brackets.

2.2 Perimeter

The perimeter of the territory may be described as follows, namely :

Starting from point 1 situated at the intersection of the shore of Lac Britannique with the dividing line between lots 37 and 38 of Rang II in the township of Mulgrave ;

Thence, southerly, following the dividing line between lots 37 and 38 of Rang II in the township of Mulgrave, then the dividing line between lots 37 and 38 of Rang I still in the township of Mulgrave to its intersection with the dividing line between the townships of Mulgrave and Lochaber, namely point 2 ;

Thence, westerly, following the dividing line between the townships of Mulgrave and Lochaber to its intersection with the dividing line between lots 13 and 14 of Rang XII of the township of Lochaber, namely point 3 ;

Thence, southerly, along in the township of Lochaber, along the dividing line between lots 13 and 14 of Rang XII, the shore of the west tip of Lac Long, then still the dividing line between the said lots 13 and 14 of Rang XII to its intersection with the dividing line between ranges XI and XII, namely point 4 ;

Thence, easterly, along the dividing line between ranges XI and XII of the township of Lochaber to its intersection with the dividing line between lots 12 and 13 of Rang XI still in the township of Lochaber, namely point 5 ;

Thence, southerly, in the township of Lochaber, along the dividing line between lots 12 and 13 of Rang XI and the shore of the lake met, skirting it on the east side to its intersection with the dividing line between ranges X and XI, namely point 6 ;

Thence, westerly, along the dividing line between ranges X and XI of the township of Lochaber and the shore of Lac à la Framboise, skirting it on the south side to its intersection with the dividing line between lots 18 and 19 of Rang XI of the township of Lochaber, namely point 7 ;

Thence, northerly, along the dividing line between lots 18 and 19 of Rang XI of the township of Lochaber, to point 8 situated 119 metres, measured southerly from the intersection of the dividing line between the said lots, with the dividing line between ranges XI and XII of the township of Lochaber ;

Thence, easterly, along a line, on lot 18 of Rang XI, that is perpendicular to the dividing line between lots 18 and 19 of Rang XI over a distance of 200 metres, namely point 9 ;

Thence, northerly, along a line, on lot 18 of ranges XI and XII, that is perpendicular to the 8-9 line, over a distance of 165 metres, namely point 10 ;

Thence, westerly, along a line, on lot 18 of Rang XII, that is perpendicular to the 9-10 line, to the dividing line between lots 18 and 19 of Rang XII, namely point 11;

Thence, northerly, along the dividing line between lots 18 and 19 of Rang XII of the township of Lochaber to its intersection with the shore of Lac La Blanche, namely point 12;

Thence, easterly, in an average northerly direction, along the shore of Lac La Blanche to its intersection with the dividing line between lots 23 (cadastral lot 23B) and 24 of Rang II in the township of Mulgrave, namely point 13;

Thence, northerly, along the dividing line between lots 23 (cadastral lot 23B) and 24 of Rang II in the township of Mulgrave to its intersection with the dividing line between cadastral lots 23B and 23A of Rang II, still in the township of Mulgrave, namely point 14;

Thence, westerly, along the dividing line between cadastral lots 23B and 23A of Rang II in the township of Mulgrave to its intersection with the dividing line between lots 22 and 23 of Rang II, still in the township of Mulgrave, namely point 15;

Thence, northerly, along the dividing line between lots 22 and 23 (cadastral lot 23A) of Rang II in the township of Mulgrave to its intersection with the dividing line between ranges II and III, still in the township of Mulgrave, namely point 16;

Thence, easterly, along the dividing line between ranges II and III in the township of Mulgrave to its intersection with the dividing line between lots 28 and 29 of Rang III, still in the township of Mulgrave, namely point 17;

Thence, northerly, along the dividing line between lots 28 and 29 of Rang III and the shores of the lakes met, skirting them on the west side to its intersection with the dividing line between ranges III and IV, still in the township of Mulgrave, namely point 18;

Thence, easterly, along the dividing line between ranges III and IV in the township of Mulgrave to its intersection with the dividing line between lots 35 and 36 of Rang III, still in the township of Mulgrave, namely point 19;

Thence, southerly, in the township of Mulgrave, along the dividing line between lots 35 and 36 of Rang III, the shore of the west tip of Lac Britannique, then still the dividing line between the said lots 35 and 36 of Rang III to its intersection with the shore of Lac Britannique, namely point 20;

Then, westerly, in an average southeasterly direction along the shore of Lac Britannique to the starting point 1.

2.3 Exclusions

The following parcels are to be excluded from the territory whose perimeter is described above:

2.3.1. The bed of Rivière Inlet, delimited by its banks, running through lots 23A (cadastre) and 24 of Rang II in the township of Mulgrave.

2.3.2. The right-of-way of the road situated on the northwestern side of Lac de l'Achigan, being part of lot 29 of Rang III in the township of Mulgrave.

2.4 Area

The whole territory of the ecological reserve has an area of 2,052 hectares.

3. DESCRIPTION OF THE PARCELS TEMPORARILY EXCLUDED FROM THE TERRITORY WITHIN THE ABOVE-DESCRIBED PERIMETER OF THE ECOLOGICAL RESERVE

3.1 The bed of Lac Robert delimited by its shores.

3.2 A strip of land fifteen (15.00) metres in width being the part of lot 16 of Rang XI of the township of Lochaber adjoining the shore of Lac Robert and bounded at both its ends by the dividing line between lots 15 and 16 of Rang XI.

3.3 The existing trail, one (1.00) metre in width, on lots 18, 17 and 16 of Rang XI of the township of Lochaber giving access to the strip fifteen (15.00) metres in width described immediately above.

3.4 A strip of land fifteen (15.00) metres in width being the part of lot 24 of Rang I in the township of Mulgrave adjoining the eastern shore of Lac La Blanche between the dividing line between ranges I and II in the township of Mulgrave and the effluent of Lac au Poisson Blanc.

3.5 The bed of Lac au Poisson Blanc delimited by its shores.

3.6 A strip of land fifteen (15.00) metres in width composed of a part of lot 26 and of two parts of lot 27 of Rang I in the township of Mulgrave adjoining the shore of the southeast tip of Lac au Poisson Blanc and bounded at both its ends by the dividing line between lots 27 and 28 of Rang I.

3.7 A strip of land fifteen (15.00) metres in width composed of a part of lot 26 and of two parts of lot 27 of Rang II in the township of Mulgrave adjoining the shore of the northwest tip of Lac au Poisson Blanc and bounded at its south end by the dividing line between ranges I and II and at its east end by the dividing line between lots 27 and 28 of Rang II.

3.8 A strip of land fifteen (15.00) metres in width composed of a part of lots 32 and 33 of Rang I in the township of Mulgrave adjoining the shore of Lac au Poisson Blanc and bounded at one end by the dividing line between lots 31 and 32 of Rang I and at the other end by the dividing line between lots 32 and 33 of Rang I.

3.9 A strip of land fifteen (15.00) metres in width being the part of lot 33 of Rang II in the township of Mulgrave adjoining the shore of the south tip of Lac Britannique and bounded at its west end by lot 32 of Rang II and at its east end by lot 34 of Rang II.

3.10 The two hiking trails one (1.00) metre in width giving access to Lac au Poisson Blanc from Lac-la-Blanche and the hiking trail one (1.00) metre in width giving access to Lac Britannique from Lac au Poisson Blanc.

3.11 The bed of Lac de l'Achigan delimited by its shores.

3.12 A strip of land fifteen (15.00) metres in width adjoining the northwestern shore of Lac de l'Achigan, being a part of lot 29 of Rang III in the township of Mulgrave, extending over a distance of 100 (100.00) metres and bounded at its west end by the dividing line between lots 28 and 29 of Rang III in the township of Mulgrave.

The whole as shown on the plan prepared by Claude Vincent, land surveyor, bearing number 4445 of his minutes.

Prepared at Charlesbourg, on the 27th day of May 2003.

CLAUDE VINCENT,
Land Surveyor

TRUE COPY OF THE ORIGINAL
Issued on 27 June 2003

File MENV : 5141-03-07 [7.38]
File : LC121
Minute : 4445

CONSERVATION PLAN FOR THE
FORÊT-LA-BLANCHE ECOLOGICAL RESERVE
AND FOR THE LAND IN THAT AREA THAT
RETAINS THE STATUS OF PROPOSED
ECOLOGICAL RESERVE UNTIL
1 APRIL 2006, JUNE 2003

1. Plan and description

1.1. Geographic location, boundaries and dimensions

The plan of the Forêt-la-Blanche ecological reserve and its location are shown on the annexed maps.

The land in the area that retains the status of proposed ecological reserve until 1 April 2006 comprises Lac au Poisson blanc, Lac Robert and Lac de l'Achigan, strips of land bordering on certain lakes, as well as the access trails to the lakes. The land is identified on the plan in Schedule A and described in Section 3 of the technical description annexed to the order establishing the ecological reserve.

The Forêt-la-Blanche ecological reserve is located within the boundaries of the municipalities of Mulgrave-et-Derry, Mayo and Saint-Sixte, in Municipalité régionale de comté de Papineau. It covers an area of approximately 2,052 hectares.

1.2. Ecological overview

The Forêt-la-Blanche ecological reserve is in the natural region of the Mont-Laurier depression. It is one of the last few characteristic examples of old-growth forest remaining in southern Québec. It protects several rare old-growth stands of great interest that have sustained very little disturbance and provides a refuge for several species of flora and one species of fauna considered to be threatened or vulnerable.

1.2.1. Representative elements

Climate and bioclimate: The Forêt-la-Blanche ecological reserve has a moderate climate. It belongs to the bioclimatic field of sugar maple-basswood stands.

Geology and geomorphology: The bedrock beneath the ecological reserve is mainly gneiss, whereas the rocky basement in the northern part of the territory is mainly marble.

The dominant deposits are variable-textured undifferentiated till (thin and very thin till) characterized by extreme stoniness, deposited by the last glaciation. On the steep slopes, the deposits produce a till veneer with rock outcrops, in particular in the vicinity of Lac la Blanche. The northwestern sector of the territory is characterized by gravel and sand fluvio-glacial deposits.

Vegetation : Sugar maple stands containing American beech mainly dominate the landscape of the ecological reserve. White pine occasionally accompanies certain tolerant hardwood stands. Hemlock and birch-poplar stands are also present. The latter forest community is often found together with oak-ironwood stands on old fire sites. Yellow birch-black ash stands, which cover small areas, clearly prefer the wet depressions.

1.2.2. Outstanding elements

A sizable part of the territory is occupied by forest communities that have the features to qualify them as exceptional forest ecosystems. Examples include an old-growth sugar maple-basswood and beech forest that is a refuge to a number of threatened or vulnerable species, old-growth stands of sugar maple-basswood and beech or hemlock-sugar maple, and a rare silver maple forest located along the Rivière Inlet in the northwestern part of the ecological reserve.

No fewer than seven threatened or vulnerable species of flora have also been identified in the territory. The threatened or vulnerable floristic elements are found mainly in the Lac Edith sector and in the sector comprising the shores of Lac la Blanche. Certain species, such as Back's Sedge (*Carex Backii*), *Carex platyphylla*, Mermaid Weed (*Proserpinaca palustris*) and Showy Orchis (*Galearis spectabilis*), are found close to the northern limit of the species' range. Wild leek (*Allium tricoccum*) and American ginseng (*Panax quinquefolius*) are also found on the list. Other species, such as *Ceratophyllum echinatum*, have a unique sporadic distribution. The territory also protects the Cerulean Warbler (*Dendroica cerulea*), a species of fauna susceptible of being designated as threatened or vulnerable.

1.3. Land occupation and use

The territory is public property. Because certain parts of the territory will retain the status of proposed ecological reserve until 1 April 2006, fishing activities may continue in those areas until that date.

The trails that have been developed on the territory will be used within the framework of the implementation of an educational program in the ecological reserve in accordance with the purposes mentioned in section 2 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

2. Protection status

Permanent status as an ecological reserve will be applied to the land in two phases. In a first phase, the status of ecological reserve will apply to most of the land designated in the plan in Schedule A on the date of

publication of the order establishing the ecological reserve in the *Gazette officielle du Québec*. Permanent protection status will apply to the other parts of the land, namely the strips land identified in that plan bordering on certain lakes, Lac au Poisson blanc, Lac Robert and Lac de l'Achigan, as well as the access trails to those lakes, on 1 April 2006.

The Forêt-la-Blanche ecological reserve meets the objectives for which it is established, namely :

(1) to conserve the elements constituting biological diversity in their natural state, as integrally as possible and in a permanent manner, in particular by protecting ecosystems and the elements or processes on which their dynamics are based ;

(2) to set aside land for scientific study or educational purposes ; and

(3) to safeguard the habitats of threatened or vulnerable species of flora or fauna.

3. Activities within the reserve

Section 34 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01) specifies the activities which are permitted and prohibited on land covered by a proposed ecological reserve and section 48 of the Act those which are permitted and prohibited on land in an ecological reserve.

The land in its entirety will have permanent status as an ecological reserve on 1 April 2006.

Until that date, to know the rules applicable within the perimeter of the reserve, the zone in which an activity is carried on must be identified either as a zone maintained as a proposed ecological reserve until 1 April 2006, or a zone already designated as a permanent ecological reserve.

This conservation plan does not specify any prohibited activity other than those prohibited in a proposed ecological reserve or in an ecological reserve by the Act.

3.1. Prohibited activities

— General prohibitions under the Act

3.1.1. Ecological reserve

For reference purposes, it is important to note that under the Natural Heritage Conservation Act, the main activities prohibited in an area designated as an ecological reserve are :

— hunting, trapping, fishing, earthwork or construction activities, agricultural, industrial or commercial activities, and generally, any activity likely to alter the state or nature of ecosystems;

— forest management activities within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1);

— mining, and gas or petroleum development;

— mining, gas or petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring; and

— the development of hydraulic resources and any production of energy on a commercial or industrial basis.

In addition, no person may be in an ecological reserve, except for an inspection or for the carrying on of an activity authorized under the Act. The Minister may, however, authorize, in writing and on the conditions the Minister determines, any activity consistent with the purposes of an ecological reserve or with the management thereof.

3.1.2. Proposed ecological reserve

It is important to note that under the Natural Heritage Conservation Act, the main activities prohibited in an area designated as a proposed ecological reserve are:

— mining, and gas or petroleum development;

— mining, gas or petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring where those activities necessitate striping, the digging of trenches, excavation or deforestation;

— forest management activities within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1);

— the development of hydraulic resources and any production of energy on a commercial or industrial basis;

— any new allocation of a right to occupy land for vacation resort purposes; and

— earthwork or construction work.

3.2. Activities governed by other statutes

All activities likely to be carried on within the boundaries of the proposed ecological reserve remain governed by the other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. The carrying on of certain activities may also be prohibited or limited by other Acts or regulations applicable within the boundaries of the proposed ecological reserve.

A special legal framework may, in particular, govern permitted and prohibited activities in connection with the development of wildlife resources (measures contained in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1)) within the proposed ecological reserve.

3.3. Supervision of activities




The Minister of the Environment is responsible for the application of the Natural Heritage Conservation Act, and is therefore responsible for the proposed ecological reserves established under that Act. The Minister will supervise and monitor the measures contained in the Act with regard to permitted activities in protected areas.

In addition, the Minister has authority over these lands which form part of the domain of the State.

SCHEDULE A

**RÉSERVE
ÉCOLOGIQUE DE LA
FORÊT-LA-BLANCHE**

Plan

-  Limite de la réserve écologique
Superficie : 2 652 hectares
-  Parcelles conservant le statut de réserve
écologique projeté jusqu'au 1er avril 2006
-  Lacs conservant le statut de réserve
écologique projeté jusqu'au 1er avril 2006

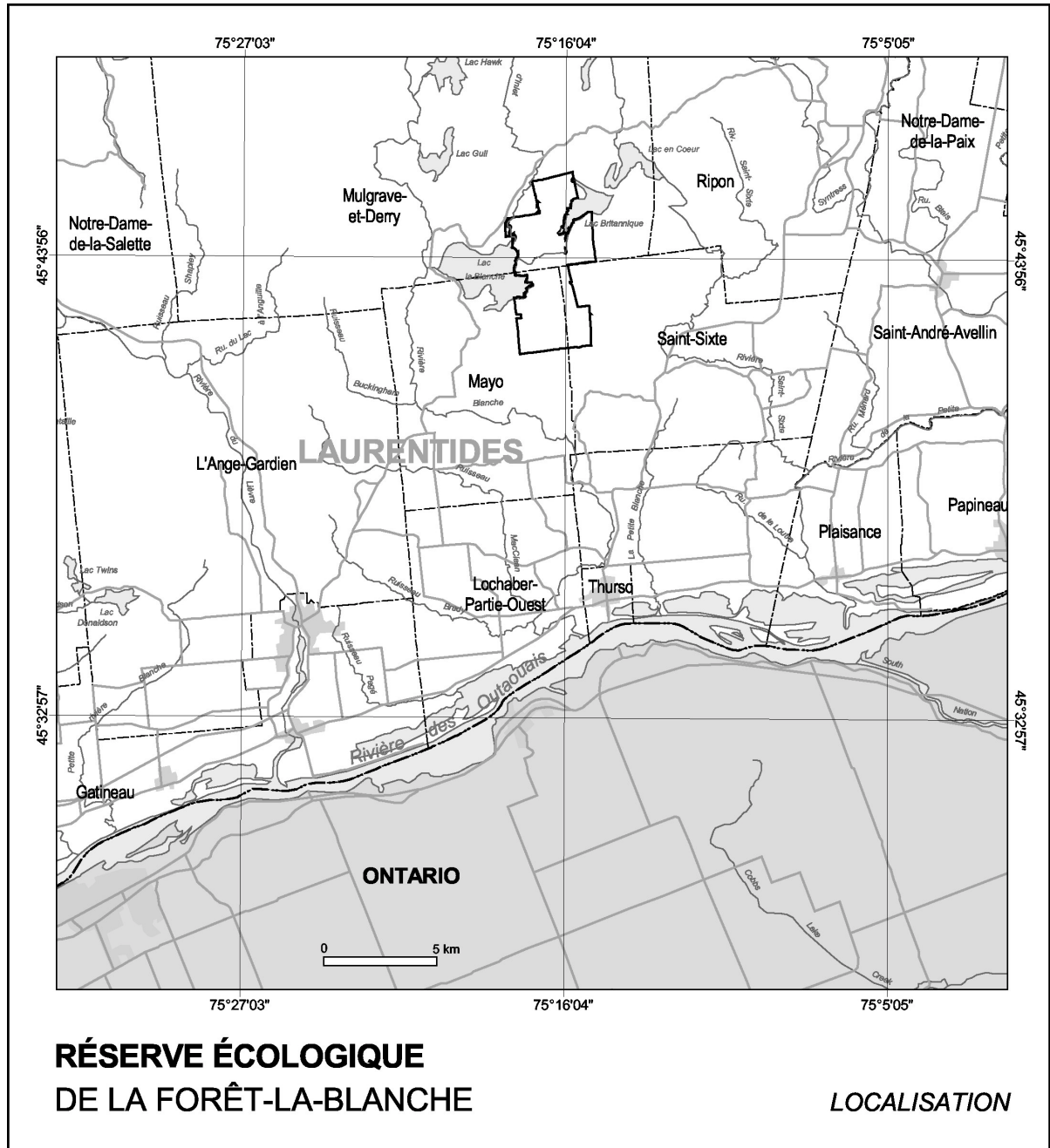


Sources :
Bases de données topographiques du Québec (BDTO), base de
données cadastrales du Québec (BDCA), base de données
foncières (C.F.) (C11-200-2007, 2002 et C14-200-100), (C2A),
base de données géologiques du Québec (BDGQ), (G10-200-100),
Compilation des arpentages des cantons de Malgourette et Lochaber.

Direction du patrimoine écologique et du développement durable
Juin 2003



SCHEDULE B



Gouvernement du Québec

O.C. 1012-2003, 24 September 2003

An Act respecting the Agence nationale d'encadrement du secteur financier
(2002, c. 45)

Agence nationale d'encadrement du secteur financier

— **Regulation under section 746 of the act**

Regulation under section 746 of the Act respecting the Agence nationale d'encadrement du secteur financier

WHEREAS the Act respecting the Agence nationale d'encadrement du secteur financier (2002, c. 45), amended by chapter 70 of the Statutes of 2002, was assented to on 11 December 2002;

WHEREAS, under the first paragraph of section 746 of the Act, the Government may, by regulation made before 11 December 2004, adopt any other transitional provision or measure that is expedient for the carrying out of the Act;

WHEREAS, under the second paragraph of that section, a regulation made under the first paragraph shall not be subject to the publication requirement provided for in section 8 of the Regulations Act (R.S.Q., c. R-18.1) and shall come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein, and the regulation may also, if it provides therefor, apply from any date not prior to 11 December 2002;

WHEREAS it is expedient to make a regulation under section 746 to adopt certain transitional provisions and other expedient measures for the carrying out of the Act respecting the Agence nationale d'encadrement du secteur financier;

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

THAT the Regulation under section 746 of the Act respecting the Agence nationale d'encadrement du secteur financier, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation under section 746 of the Act respecting the Agence nationale d'encadrement du secteur financier

An Act respecting the Agence nationale d'encadrement du secteur financier
(2002, c. 45, s. 746)

1. Despite sections 2 and 6 of the Act respecting the Inspector General of Financial Institutions (R.S.Q., c. I-11.1) and section 21 of the Act respecting the Agence nationale d'encadrement du secteur financier (2002, c. 45), amended by chapter 70 of the Statutes of 2002, the president and director general of the Agence nationale d'encadrement du secteur financier shall act as Inspector General of Financial Institutions until the date of coming into force of section 7 of the Act respecting the Agence nationale d'encadrement du secteur financier.

2. Under section 154 of the Act, the Minister may entrust the Bureau de transition with any mandate pertaining to the establishment of the Bureau de décision et de révision en valeurs mobilières.

Within that mandate, the Bureau de transition may exercise the functions and powers provided for in sections 146, 147 and 152. Those sections then apply with the necessary modifications.

3. This Regulation comes into force on 24 September 2003.

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Gouvernement du Québec

O.C. 1023-2003, 24 September 2003

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

Denturologists

— **Professional activities that may be engaged in by persons other than denturologists**

Regulation respecting professional activities that may be engaged in by persons other than denturologists

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, in particular persons serving a period of professional training determined pursuant to paragraph *i* of that section, and the terms and conditions on which such persons may engage in such activities ;

WHEREAS the Bureau of the Ordre des denturologistes du Québec adopted the Regulation respecting professional acts that may be performed by persons other than denturologists ;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 2 April 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication ;

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

WHEREAS it is expedient to approve the Regulation with amendments ;

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

THAT the Regulation respecting professional activities that may be engaged in by persons other than denturologists, the text of which is attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting professional activities that may be engaged in by persons other than denturologists

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

1. The purpose of this Regulation is to determine, among the activities that may be engaged in by denturologists, those that may be engaged in by the following persons, on the conditions and terms set out therein :

(1) a student in denturology, namely any person registered in a program of study leading to a diploma giving access to the permit of the Ordre des denturologistes du Québec ; and

(2) a person eligible by equivalence, namely any person who is completing a program of study or a period of training determined by the Bureau of the Order for the purpose of having an equivalence recognized pursuant to the Regulation respecting the standards for diploma or training equivalence for the issuing of a permit by the Ordre professionnel des denturologistes du Québec, approved by Order in Council 1025-2002 dated 4 September 2002.

2. A student in denturology may engage in, among the professional activities that may be engaged in by denturologists, those that are required in the course of the program of study, if the student

(1) engages in the activities in the teaching establishment offering the program of study or in a training environment recognized by the establishment ; and

(2) engages in the activities under the supervision of a teacher of the teaching establishment or, where the activities are engaged in during a period of training, under the direct and immediate supervision of a training supervisor.

3. A person eligible by equivalence may engage in all the professional activities that may be engaged in by a denturologist, for all the duration and for the purposes of the person's program of study or period of training, if the person

(1) engages in the activities in the teaching establishment offering the program of study or in a training environment ; and

(2) engages in the activities under the supervision of a teacher of the educational teaching establishment or, where the activities are engaged in during the period of training determined by the Bureau of the Order, under the direct and immediate supervision of a training supervisor.

4. The training supervisor referred to in paragraph 2 of sections 2 and 3 must have been a member of the Ordre des denturologistes du Québec for at least five years and not have been the subject of any disciplinary penalty during the five years preceding the period of training.

5. The student in denturology or the person eligible by equivalence shall, before beginning the period of training, inform the Order of the name of the training supervisor and the training supervisor's place of practice.

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

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Gouvernement du Québec

O.C. 1024-2003, 24 September 2003

Optometry Act
(R.S.Q., c. O-7)

Optometrist

— Standards for the issue and holding of the permit authorizing to administer and prescribe medications for therapeutic purposes and provide eye care

Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer and prescribe medications for therapeutic purposes and provide eye care

WHEREAS, under the second paragraph of section 19.2 of the Optometry Act (R.S.Q., c. O-7), the Bureau of the Ordre des optométristes du Québec shall, by regulation, fix the standards for the issue and holding of a permit authorizing an optometrist to administer and prescribe medication to a patient for therapeutic purposes and to provide eye care to the patient;

WHEREAS the Bureau of the Ordre des optométristes du Québec made the Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer and prescribe medications for therapeutic purposes and provide eye care;

WHEREAS, pursuant to section 95 of the Professional Code (R.S.Q., c. C-26), 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 du Québec for examination and shall be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 2 April 2003, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office 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 the standards for the issue and holding of the permit authorizing an optometrist to administer and prescribe medications for therapeutic purposes and provide eye care, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer and prescribe medications for therapeutic purposes and provide eye care

Optometry Act
(R.S.Q., c. O-7, s. 19.2)

DIVISION I STANDARDS FOR THE ISSUE OF THE PERMIT

1. The permit authorizing an optometrist to administer and prescribe medications for therapeutic purposes and provide eye care shall be issued to a member of the Ordre des optométristes du Québec who:

(1) has submitted his application in writing to the secretary of the Order in the form of Schedule 1;

(2) has paid the fees fixed by the Bureau of the Order for the issue of the permit;

(3) holds a permit authorizing him to administer medications for eye examination purposes, pursuant to the Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer medications, approved by Order in Council No. 1452-95, dated November 8, 1995;

(4) has successfully completed a training period, during the 4 years preceding the year of the application, under a training program offered by an educational institution that issues a diploma meeting the requirements for the permit issued by the Ordre des optométristes du Québec or another training program considered equivalent by the Bureau; such training shall comprise a minimum of 100 hours of theoretical and clinical courses in eye health and the pharmacological treatment of certain ocular pathologies.

2. The permit shall also be issued to a member of the Ordre des optométristes who meets the other conditions prescribed in section 1, even if he received his training before the period referred to in paragraph 4 of that section, or even if his training is not of the level referred to in that paragraph, provided that he participates in the training program and passes the examination provided for in sections 3 to 7.

3. The training program shall be approved by the Bureau and it shall include a minimum of 100 hours of theoretical and clinical courses in eye health and the pharmacological treatment of ocular pathologies.

4. The training program may provide that the theoretical training be given using any audio-visual means.

5. Upon completion of the training program, an examination shall be administered with a view to assessing the optometrist's knowledge in eye health and the pharmacological treatment of ocular pathologies, and his clinical training in those subject areas.

6. The examination may include written, oral and practical parts, for each of the subject areas referred to in section 3.

7. In order to pass the examination, an optometrist shall obtain 60% for each of the written, oral and practical parts included in the examination.

DIVISION II HOLDING, SUSPENSION AND REVOCATION OF THE PERMIT

8. In order to hold the permit referred to in Division I for more than 3 years, an optometrist shall take part in the upgrading program approved by the Bureau and provided for in sections 9 and 10.

9. The upgrading program shall require that every optometrist holding the permit referred to in Division I update his knowledge every 3 years.

10. The upgrading program shall include 15 hours of theoretical or clinical training related to the subject areas referred to in section 3.

11. Paragraph 2 of section 1 applies, adapted as required, to the upgrading program referred to in this Division.

12. The Bureau shall suspend the permit referred to in Division I where it is held by an optometrist who cannot establish that he has met the requirements of the upgrading program. Such suspension may not last longer than 6 months.

13. At the expiry of the period for which the permit is suspended, the Bureau shall permanently revoke the permit within 30 days if the optometrist cannot establish that he has met the requirements of the upgrading program.

14. An optometrist whose permit referred to in Division I has been revoked by the Bureau shall again meet the conditions prescribed in that division for the issue of the permit.

15. This regulation shall come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE I

(s. 1)

APPLICATION FOR THE PERMIT AUTHORIZING AN OPTOMETRIST TO ADMINISTER AND PRESCRIBE MEDICATIONS FOR THERAPEUTIC PURPOSES AND PROVIDE EYE CARE

(s. 1)

I, the undersigned _____
residing at _____, hereby declare
the following:

1° I am entered on the roll of the Ordre des optométristes du Québec;

2° my professional domicile is located at _____ and I also
practise at _____;

3° I have enclosed the documents establishing that my training complies with the training prescribed by the *Regulation respecting the standards for the issue and holding of a permit authorizing an optometrist to administer and prescribe medications for therapeutic purposes and to provide eye care*;

4° I am applying to the Bureau for the permit authorizing me to administer and prescribe medications for therapeutic purposes and to provide eye care, in accordance with the provisions of the *Optometry Act*, of the *Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer and prescribe medications for therapeutic purposes and to provide eye care* and of the *Regulation respecting the medications that an optometrist may administer and prescribe for therapeutic purposes and the eye care that he may provide*.

Member's signature _____
Date _____

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Gouvernement du Québec

O.C. 1025-2003, 24 September 2003

Optometry Act
(R.S.Q., c. O-7)

Optometrist

— **Medications that may be administered and prescribed for therapeutic purposes**
— **Eye care that may be provided**

Regulation respecting the medications that may be administered and prescribed for therapeutic purposes by an optometrist and respecting the eye care that may be provided by an optometrist

WHEREAS, under the second paragraph of section 19.4 of the *Optometry Act* (R.S.Q., c. O-7), the Office des professions du Québec shall determine periodically, by regulation, after consultation with the Conseil du médicament, the Ordre des optométristes du Québec, the Ordre des médecins du Québec and the Ordre des pharmaciens du Québec, the medications that may be administered and prescribed for therapeutic purposes by an optometrist and the eye care that may be provided by an optometrist, and determine, if expedient, the cases in which and the terms and conditions according to which such medications may be administered or prescribed or such care may be provided by an optometrist;

WHEREAS the Office des professions has adopted the Regulation respecting the medications that may be administered and prescribed for therapeutic purposes by an optometrist and respecting the eye care that may be provided by an optometrist;

WHEREAS, pursuant to section 13 of the *Professional Code* (R.S.Q., c. C-26), every regulation adopted by the Office is submitted to the Government, which may approve it with or without amendment;

WHEREAS, in accordance with the *Regulations Act* (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 2 April 2003, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

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 the medications that may be administered and prescribed for therapeutic purposes by an optometrist and respecting the eye care that may be provided by an optometrist, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the medications that may be administered and prescribed for therapeutic purposes by an optometrist and respecting the eye care that may be provided by an optometrist

Optometry Act
(R.S.Q., c. O-7, s. 19.4)

DIVISION I
GENERAL

1. An optometrist who holds a permit referred to in the second paragraph of section 19.2 of the *Optometry Act* (R.S.Q., c. O-7) may, in cases presenting conditions of mild morbidity of the eye and adnexa that require no invasive procedure, administer and prescribe for therapeutic purposes the medications in the categories listed in Schedule I, in accordance with the terms and conditions determined in this Regulation.

An optometrist may also, in accordance with the same terms and conditions, remove a superficial foreign body from the eye, provided there is no laceration or injury to the ocular globe.

2. An optometrist must refer the patient to a physician if the patient's condition does not adequately respond to treatment in the accepted or anticipated amount of time. An optometrist must also refer the patient to a physician if the signs and symptoms suggest a condition that is not one of mild morbidity, or that requires a physician to take charge of the patient.

3. An optometrist who administers or prescribes medications must refer the patient to a physician if there is no clear and positive improvement within 72 hours of the beginning of the treatment, in the following cases :

(1) an infectious ulcer smaller than 1 millimetre outside of the pupillary zone;

(2) the presence of epithelial dendrites without stromal injury with infiltrate or melting, and without inflammation in the anterior chamber;

(3) corneal infiltrates smaller than 1 millimetre, with no epithelial defect; and

(4) sectorial inflammation of the episclera, without ischemia or melting.

The optometrist must also refer the patient to a physician in those cases if the condition does not resolve within the accepted or anticipated amount of time, or at the latest, within 7 days of the beginning of the treatment.

An optometrist may not intervene in cases in which the conditions are more serious than those described in the first paragraph.

4. An optometrist who uses medications to treat an inflammation of the anterior chamber without hypopyon, vitritis or lesion of the cornea must refer the patient to a physician within 72 hours of the beginning of the treatment.

DIVISION II GLAUCOMA

5. Notwithstanding section 1, an optometrist who holds a permit referred to in the second paragraph of section 19.2 of the Optometry Act may, in cases of glaucoma, renew or change a prescription for anti-glaucoma medications.

The optometrist must, however, prior to every renewal or change, obtain verbal or written approval from the original prescribing physician or from the physician designated by the original prescribing physician. The optometrist must, in addition, write the name and professional permit number of the physician from whom consent was obtained on the prescription.

6. As of 23 October 2003, this section applies to optometrists whose professional domicile at the time the prescription is renewed or changed is in the territory of one of the following regions, as described in Schedule I to Order in Council 2000-87 dated 22 December 1987, as it reads on the date it applies :

(1) Abitibi-Témiscamingue ;

(2) Bas-Saint-Laurent ;

(3) Centre-du-Québec ;

(4) Mauricie ;

(5) Montérégie ; or

(6) Saguenay-Lac-Saint-Jean ;

As of 23 October 2004, this section also applies to optometrists whose professional domicile at the time the prescription is renewed or changed is in the territory of one of the following regions, as described in Schedule I to Order in Council 2000-87 dated 22 December 1987, as it reads on the date it applies :

(1) Chaudière-Appalaches ;

(2) Côte-Nord ;

(3) Gaspésie-Îles-de-la-Madeleine ;

(4) Lanaudière ; or

(5) Outaouais ;

As of 23 October 2005, this section applies throughout Québec.

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

SCHEDULE 1

(s. 1)

Note : The medications without specifications are to be administered topically.

1. Mydriatics

2. Local anesthetics, except cocaine, to remove a superficial foreign body from the eye

3. Anti-allergic agents

- Antihistamines
- Mast cell stabilizers
- 4. Non-steroidal anti-inflammatory medications
- 5. Corticosteroids
- 6. Anti-infectives
 - Antibiotics
 - Miscellaneous anti-infectives
 - Antivirals
- 7. Corticosteroids and anti-infectives in combination
- 8. Lubricants
- 9. Miscellaneous ophthalmic: hyperosmotic agents
- 10 Oral vitamins, except those listed in Schedule F to the Food and Drug Regulations (C.R.C., c. 870)
- 11. Vasoconstrictor agents
- 12. Anti-glaucoma medications, in the cases and conditions set out in Division II

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Gouvernement du Québec

O.C. 1034-2003, 24 September 2003

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

Cartage industry – Montréal
— Amendments

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

WHEREAS the Government has made the Decree respecting the cartage industry in the Montréal region (R.R.Q., 1981, c. D-2, r.6);

WHEREAS the contracting parties within the meaning of this Decree made application to the Minister of Labour to have amendments made to the Decree;

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

WHEREAS, in accordance with sections 10 and 12 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 amendment decree was published in Part 2 of the *Gazette officielle du Québec* of 18 June 2003 and, on that 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 10 days following that publication by reason of the urgency of the situation;

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

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

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

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the cartage industry in the Montréal region*

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

1. Sections 10.02 and 10.03 of the Decree respecting the cartage industry in the Montréal region are replaced by the following :

“**10.02.** The obligatory contribution of employees for each hour worked is \$0.60 as of 8 October 2003 and \$0.65 as of 1 October 2005.

10.03. The obligatory contribution of employers, for each hour worked, is \$0.70 as of 8 October 2003 and \$0.75 as of 1 October 2005.”.

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

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* The last amendments to the Decree respecting the cartage industry in the Montréal region (R.R.Q., 1981, c. D-2, r.6) were made by the regulation made by Order in Council No. 1405-2002, dated 27 November 2002 (2002, *G.O.* 2, 6261). For previous amendments, refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

Draft Regulations

Draft Regulation

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

Services offered by family-type resources and the rates of compensation applicable to each type of service

- Classification
- 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 Amendments to the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service, the text of which appears below, may be made by the Minister of Health and Social Services on the expiry of 45 days following this publication.

The purpose of the Amendments is to adjust certain amounts of compensation that may be paid to family-type resources for services offered to their users.

The Amendments will have a positive impact on the amounts paid to family-type resources as compensation, which will be increased.

Further information may be obtained by contacting Donald Foidart, 1075, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1S 2M1; telephone : (418) 266-6866; fax : (418) 266-6854.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

PHILIPPE COUILLARD,
Minister of Health and Social Services

Amendments to the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service*

An Act respecting health services and social services (R.S.Q., c. S-4.2, ss. 303 and 314)

1. The Classification of services offered by family-type resources and the rates of compensation applicable to each type of service is amended by inserting the following after section 5 :

“**5.1.** In addition to the amounts paid pursuant to sections 4 and 5, family-type resources shall also be entitled to a daily lump sum of \$1 per user.”.

2. Section 18 is amended by replacing “\$300.00” by “\$500”.

3. The following is inserted after section 20 :

“**20.1.** A foster family shall be entitled, as an allowance to cover a child’s personal expenses, to a daily amount of \$3 for each child in foster care.”.

4. Section 21 is amended

(1) by replacing “\$48.53” in subparagraph 1 of the first paragraph by “\$77.22”;

(2) by replacing “\$108.35” in subparagraph 2 of the first paragraph by “\$128.44”.

5. Section 26 is amended

(1) by replacing “and 19 to 22” in the first paragraph by “, 19, 20 and 22”;

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

* The Classification of services offered by family-type resources and the rates of compensation applicable to each type of service was made by Order 93-04 of the Minister of Health and Social Services on 30 November 1993 (1993, *G.O.* 2, 6781). It has not been amended since it was made.

“The amounts provided for in section 21 shall be, as of 1 January 2004, indexed on the basis of the index referred to in the first paragraph.”.

6. These Amendments come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

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Draft Regulation

An Act to foster the development of manpower training (R.S.Q., c. D-7.1)

Determination of total payroll

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

The draft Regulation gives effect to the 2003-2004 Budget Speech. Currently, only those employers whose total annual payroll is \$250,000 or less are exempted from the application of the Act to foster the development of manpower training (R.S.Q., c. D-7.1). The purpose of the draft Regulation is to increase that amount to \$1,000,000 as of 1 January 2004.

Further information may be obtained by contacting André Bertoldi, Direction du Fonds national de la formation de la main-d'œuvre, ministère de l'Emploi, de la Solidarité sociale et de la Famille, édifice Tour de la Place-Victoria, 800, rue du Square-Victoria, 28^e étage, C.P. 100, Montréal (Québec) H4Z 1B7, telephone: (514) 864-3682; fax: (514) 873-2189.

Any interested person having comments to make on the matter is asked to send them in writing before the expiry of the 45-day period to the Minister of Employment, Social Solidarity and Family Welfare, 425, rue Saint-Amable, 4^e étage, Québec (Québec) G1R 4Z1.

CLAUDE BÉCHARD,
*Minister of Employment, Social
Solidarity and Family Welfare*

Regulation respecting the determination of total payroll

An Act to foster the development of manpower training (R.S.Q., c. D-7.1, s. 3)

1. Every employer whose total payroll for a calendar year exceeds \$1,000,000 is required to participate for that year in the development of manpower training as provided in section 3 of the Act to foster the development of manpower training (R.S.Q., c. D-7.1).

2. This Regulation replaces the Regulation respecting the determination of total payroll made by Order in Council 1585-95 dated 6 December 1995.

3. It comes into force on 1 January 2004.

5966

Draft Regulation

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

Notaries

— 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 notaries”, adopted by the Bureau of the Chambre des notaires du Québec, may be submitted to the government, which may approve it with or without amendment upon the expiry of 45 days following this publication.

According to the Chambre des notaires du Québec, the main purpose of the draft regulation is to adapt certain rules of ethics to the realities of the practice of the notarial profession within a partnership or company as provided by the Regulation respecting the practice of the notarial profession within a partnership or company.

The draft regulation is also intended to introduce into the Code of ethics of notaries the terms and conditions under which a notary may communicate information protected by professional secrecy in order to prevent an act of violence, as required under the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78).

The draft regulation has no impact on the economic burden of citizens and enterprises.

Further information may be obtained by contacting M^{re} Nathalie Provost, notary, at Direction des services juridiques, Chambre des notaires du Québec, tour de la Bourse, 800, place Victoria, case postale 162, Montréal, (Québec), H4Z 1L8; telephone: (514) 879-1793 or 1-800-668-2473; fax: (514) 879-1923.

Any interested person having comments to make is requested to send them, before the expiry of the 45-day period, to the President of the Office des professions du Québec, 800, place d'Youville, 10^e étage, Québec, (Québec), G1R 5Z3. The comments will be forwarded by the Office to the minister responsible for the administration of legislation governing the professions. They may also be forwarded to the professional order that has adopted the regulation, as well as to the persons, departments, and agencies concerned.

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

Regulation to amend the Code of ethics of notaries

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

1. Section 12 of the Code of ethics of notaries is amended by the insertion of “immediately” before “responsible” and by the addition of the following at the end:

“The notary must ensure that the Notaries Act (R.S.Q., c. N-3) and the Professional Code (R.S.Q., c. C-26), and regulations made pursuant thereto, are respected by the employees, students, trainees, shareholders, partners, and all other persons he works with in the practice of the profession.

A notary who practices his profession in a partnership or company within the meaning of the Civil Code of Quebec or a limited liability partnership or joint-stock company within the meaning of chapter VI.3 of the Professional Code shall ensure that the partnership or company respects the Notaries Act and the Professional Code, and regulations made pursuant thereto. Moreover, where he acts in his capacity as a public officer, he shall ensure that the partnership allows him to carry on his professional activities while respecting the principle of impartiality inherent to this role.”

2. Section 14 of the Code is amended by the insertion of the following paragraph after the first paragraph:

“Similarly, he shall not falsely represent the competence of, or the effectiveness of the services generally ensured by, persons carrying on professional activities within the partnership or company.”

3. Section 18 of the Code is amended by the replacement of “legal person” with “partnership or company” and by the replacement of “owns” with “holds”.

4. Section 19 of the Code is amended by the insertion of “a” before “notarial act” and by the replacement of “his partner” with “a partner, shareholder, director, manager, officer, or employee of the partnership or company within which he carries on professional activities”.

5. Subparagraph 2 of section 26 of the English version of the Code is replaced by following:

“(2) the fact that the notary has a conflict of interest or is in a situation where his professional independence could be called into question;”

6. Section 29 of the Code is replaced by the following:

“**29.** Every notary shall safeguard his professional independence at all times and shall subordinate his personal interests and those of the partnership or company within which he carries on professional activities or in which he has an interest to those of his client.”

7. The Code is amended by the addition of the following after section 29:

“**29.1.** No notary shall conclude an agreement that could jeopardize the independence, impartiality, objectivity, or integrity required to practice the notarial profession.”

8. Section 30 of the Code is replaced by the following:

“**30.** A notary shall avoid all situations where he could have a conflict of interest.

A notary has an apparent conflict of interest where the interests are such that he may be inclined to give preference to some of them, or his judgment or loyalty may be unfavourably affected.

A notary has a conflict of interest where the interests are such that he gives preference to some of them, and his judgment or loyalty is unfavourably affected.

The notary shall promptly notify his client as soon as he is aware that he has an apparent conflict of interest. He shall reveal the family or business relationships, ties, or interests that are the source of the apparent conflict and must obtain written authorization from the client before proceeding with the mandate.

The notary shall cease to perform his duties as soon as he is aware that he has a conflict of interest.”

9. The Code is amended by the addition of the following after section 30:

30.1 A notary shall take prompt measures to ensure that information and documents relevant to professional secrecy are not disclosed to a partner, shareholder, director, manager, officer, or employee of a partnership or company within which the notary carries on professional activities or in which he has an interest, where he becomes aware that the partner, shareholder, director, manager, officer, or employee has a conflict of interest.

The following factors must be considered in assessing the efficacy of such measures:

- (1) size of the partnership or company;
- (2) precautions taken to prevent access to the notary's file by the person or persons having the conflict of interest;
- (3) instructions given to protect confidential information or documents relating to the conflict of interest;
- (4) isolation, from the notary, of the person or persons having a conflict of interest.”.

10. Section 32 of the Code is replaced by the following:

32. No notary shall share his fees with a person who is not a member of a professional order governed by the Professional Code or of an organization listed in Schedule A of the Regulation respecting the practice of the notarial profession within a partnership or company.

Where a notary practices his profession within a partnership or company, the revenues generated by professional services rendered within and for the partnership or company belong to the partnership or company, unless agreed otherwise.”.

11. Section 34 of the Code is amended by the replacement of the English version of each occurrence of the word “person” with the word “party” and by the addition of the following paragraph at the end:

“For the purposes of this section, a partner, shareholder, director, manager, officer, or employee of a partnership or company within which the notary carries on professional activities is not a third party.”.

12. Section 36 of the Code is amended by the addition of the following at the end:

“A notary who, under section 14.1 of the Notaries Act, communicates information protected by professional secrecy in order to prevent an act of violence shall provide the following in a statement under professional oath:

- (1) the circumstances under which the information was communicated to him;
- (2) the content of the information;
- (3) the mode, date, and time of communication, the name and address of the person to whom the information was communicated, and if applicable, in what capacity that person received the information.

The statement must be kept in the client's file.”.

13. Section 37 of the Code is amended by the insertion of “, except for purposes of the internal administration of the partnership or company within which he carries on professional activities,” after “No notary shall”.

14. Section 40 of the Code is amended as follows:

- (1) by the replacement in the last line of the French version of “il” with “elle”;
- (2) by the replacement in the last line of the English version of “person” with “party”.

15. The English version of section 42 of the Code is amended by the replacement of “person” with “party”.

16. Section 44 of the Code is replaced by the following:

44. A notary who receives from a person concerned a request for access to a document or correction of information must accede to the request with due diligence, and in any event, not later than twenty days following the request.”.

17. Section 56 of the Code is amended as follows:

- (1) paragraph 2 is replaced by the following:
 - “(2) communicating, without the prior written permission of the syndic or assistant syndic, with a person who has requested an inquiry where he is informed that he is the subject of an inquiry into his conduct or professional competence or where he has been served notice of a complaint against him;”;

- (2) paragraph 12 is replaced by the following:

“(12) failing to promptly notify the Secretary of the Order where, pursuant to the Bankruptcy and Insolvency Act (S.C., 1997, c. 12), he or the partnership or company within which he carries on professional activities has made an assignment of property for the benefit of his creditors, is the subject of a receiving order, or has made a proposal that has been rejected by his creditors or dismissed or annulled by the court;”;

(3) the following paragraphs are added at the end :

“(13) carrying on professional activities within, or having an interest in, a partnership or company, with a person who, to the notary’s knowledge, acts in a manner compromising the dignity of the notarial profession ;

(14) carrying on professional activities within, or having an interest in, a partnership or company where a partner, shareholder, director, manager, officer, or employee of the partnership or company has been suspended for more than three (3) months or whose professional permit has been revoked, unless the partner, shareholder, director, manager, officer, or employee

(a) ceases to occupy the position of director, manager, or officer within the partnership or company within ten (10) days of the date on which his suspension or the revocation of his permit takes effect, or within any other period authorized by the Bureau ;

(b) ceases to attend shareholder meetings and to exercise his voting rights within ten (10) days of the date on which his suspension or the revocation of his permit takes effect, or within any other period authorized by the Bureau ;

(c) disposes of his voting shares or transfers them to a trustee within ten (10) days of the date on which his suspension or the revocation of his permit takes effect, or within any other period authorized by the Bureau.”.

18. Section 60 of the Code is replaced by the following :

“**60.** No notary shall unduly retain a file or document belonging to a client. The notary shall, upon request and upon payment of the fees and disbursements due to him or to the partnership or company within which he carries on professional activities, remit a client’s files and documents to the client or to a colleague with the client’s authorization.”.

19. Section 68 of the Code is amended by the addition of the following paragraph at the end :

“No notary shall allow a partnership or company within which he carries on professional activities to engage in, by any means whatsoever, advertising that is false, deceitful, incomplete, or liable to be misleading.”.

20. The heading of Chapter V of the Code is replaced by the following :

“**CHAPTER V**
FIRM NAME AND GRAPHIC SYMBOL”

21. Section 74 of the Code is replaced by the following :

“**74.** No notary shall practise his profession within a partnership or company under a number name or under a name or designation that is deceitful or misleading or that compromises the honour or dignity of the notarial profession.

Only partnerships or companies where all services are offered by notaries may use the titles reserved for notaries in their names.”.

22. The English version of section 75 of the Code is replaced by the following :

“**75.** Where a notary retires from a partnership or company, or dies, his name must no longer appear in the name or advertising of the partnership or company after one year following retirement or death unless an agreement to the contrary has been entered into with him or with his successors and assigns.”.

23. The English version of section 76 of the Code is replaced by the following :

“**76.** Where a notary uses the graphic symbol or coat of arms of the Order for advertising purposes, he must ensure that they are associated with his name or the name of his partnership or company and that they are identical to the original held by the secretary of the Order.”.

24. The English version of section 77 of the Code is amended by the deletion of “the” before “coat of arms”.

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

Draft Regulation

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

Notaries

— Practice of the notarial profession within a partnership or company

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the “Regulation respecting the practice of the notarial profession within a partnership or company”, adopted by the Bureau of the Chambre des notaires du Québec, may be submitted to the Government, which may approve it with or without amendment upon the expiry of 45 days following this publication.

The draft regulation contains provisions specifically intended to govern the terms and conditions under which notaries are authorized to practise within partnerships or companies, in particular, the administration of the partnership or company and the holding of shares. There are specific rules for partnerships or companies that present themselves exclusively as a notarial partnerships or companies.

In accordance with chapter VI.3 of the Professional Code, the conditions include the obligation to subscribe to insurance covering partnership or company liability that may arise from fault or negligence on the part of members practising their profession within a partnership or company. Members are also obliged to furnish the Order with, and update, the required information on the partnership or company.

The draft regulation has no impact on the economic burden of enterprises.

Further information may be obtained by contacting Mre Claude Laurent, notary, Director, Développement de la profession de la Chambre des notaires du Québec, tour de la Bourse, 800, Place-Victoria, case postale 162, Montréal (Québec) H4Z 1L8 : Telephone No. : (514) 879-1793 or 1 800 668-2473 : Fax No. : (514) 879-1923.

Any interested person having comments to make is requested to send them, before the expiry of the 45-day period, to the President of the Office des professions du Québec, 800, place D’Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by

the Office to the minister responsible for the administration of legislation governing the professions. They may also be forwarded to the professional order that has adopted the regulation, as well as to the persons, departments, and agencies concerned.

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

Regulation respecting the practice of the notarial profession within a partnership or company

Professional Code
(R.S.Q., c. C-26, Ss. 93 g, 93 h, and 94 p)

DIVISION I GENERAL

1. A notary may carry on his professional activities within a joint-stock company or limited liability partnership within the meaning of chapter VI.3 of the Professional Code (R.S.Q., c. C-26). The notary must at all times ensure that the company or partnership permits him to respect the Notaries Act (R.S.Q., c. N-3) and regulations made pursuant thereto, in particular where professional secrecy is concerned, and, where he acts in his capacity as public officer, permits him to carry on his professional activities while respecting the principle of impartiality inherent to this role.

2. A notary may practice his profession within a partnership or company contemplated in section 1 if the following conditions are respected at all times :

(1) the majority of votes attached to the joint-stock company shares, to the status of partner, or to the limited liability partnership shares must be held and cast by the following persons or trust patrimonies, or a combination thereof :

(a) one or more members of a professional order governed by the Professional Code, or of a professional association that exercises the same control as a professional order and is listed in Schedule A ;

(b) a joint-stock company where at least ninety percent (90%) of the voting shares are held and cast by one or more persons contemplated in subparagraph a ;

(c) a trust where all the trustees are persons contemplated in subparagraph *a*;

(2) the majority of the directors of a joint-stock company or of the partners or managers of a limited liability partnership must be persons contemplated in subparagraph *a* of paragraph 1. To constitute a quorum at a meeting of the managers or board of a partnership or company, the majority of members present must comprise the persons contemplated in subparagraph *a* of paragraph 1 if they are to commit the partnership or company.

A notary who is a partner, director, manager, officer, or shareholder of the partnership or company shall ensure that the conditions set out in this section, as well as a stipulation to the effect that the partnership or company is constituted for the purpose of carrying on chiefly professional activities, are included in the articles of incorporation or in the partnership agreement.

3. A notary may practice his profession within a partnership or company contemplated in section 1 that presents itself exclusively as a notarial partnership or company if the following conditions are respected at all times:

(1) the majority of votes attached to the joint-stock company shares, to the status of partner, or to the limited liability partnership shares must be held and cast by the following persons or trust patrimonies, or a combination thereof:

(a) one or more notaries;

(b) a joint-stock company where at least ninety percent (90%) of the voting shares are held and cast by one or more notaries who carry on professional activities within the company;

(c) a trust where all the trustees are notaries who carry on professional activities within the partnership or company;

(2) the majority of the directors of a joint-stock company or of the partners or managers of a limited liability partnership are notaries who carry on professional activities within the partnership or company. To constitute a quorum at a meeting of the managers or board of a partnership or company, the majority of members present must comprise notaries if they are to commit the partnership or company.

A notary who is a partner, director, manager, officer, or shareholder of the partnership or company shall ensure that the conditions set out in this article, as well as a stipulation to the effect that the partnership or company is constituted for the purpose of carrying on professional activities, are included in the articles of incorporation or in the partnership agreement.

4. A notary who wishes to carry on his professional activities within a partnership or company contemplated in section 1 must pay a fee of \$175, and, before the start of activities, provide the secretary of the Order with

(1) the declaration prescribed in section 5;

(2) written confirmation by a competent authority that the partnership or company is secured in compliance with division II;

(3) in the case of a joint-stock company, a copy of the incorporating instrument, issued by a competent authority, certifying that the company exists;

(4) written confirmation by a competent authority that the partnership or company is duly registered in Quebec;

(5) an undertaking by the partnership or company within which he practises his profession to allow the persons, committees, or tribunal mentioned in section 192 of the Professional Code to require any person to produce a document mentioned in section 13, or a true copy thereof;

(6) if applicable, a true copy of the declaration required under the Act respecting the legal publicity of sole partnerships, partnerships and legal personal (R.S.Q., c. P-45), indicating that the general partnership has become a limited liability partnership.

5. The notary must make a declaration under professional oath, on a form provided exclusively by the secretary, containing the following information:

(1) the notary's name and notarial code and his status within the partnership or company;

(2) the principal names, all other names used in Quebec, and Inspector General of Financial Institutions registration numbers, of all partnerships or companies within which the notary carries on professional activities;

(3) the legal form of the partnership or company and the fact that the partnership or company meets the conditions set out in section 1 and, as applicable, section 2 or 3;

(4) the head office address of the partnership or company and the addresses of its establishments in Quebec;

(5) in the case of a joint-stock company, the names and domiciles of the directors and officers of the company, and of the orders or professional associations to which they belong;

(6) in the case of a limited liability partnership, the names and domiciles of all partners domiciled in Quebec, as well as the names and residences of managers appointed by the partners to manage the partnership, whether the managers are domiciled in Quebec or not, and, in all cases, the orders or professional associations to which they belong;

(7) if applicable, the date on which the general partnership became a limited liability partnership.

6. Where more than one notary carries on professional activities within a partnership or company, one respondent may make a declaration for all the notaries in the partnership or company.

The respondent's declaration is deemed to be each notary's declaration and each notary remains fully responsible for the accuracy of information supplied pursuant to paragraphs 1 and 2 of section 5.

The respondent must be a notary who is a partner, director, manager, officer, or shareholder of the partnership or company.

7. To retain his right to carry on professional activities within a partnership or company, a notary or respondent must

(1) update and provide, before March 31 of each year, the declaration prescribed in section 5;

(2) promptly notify the secretary of the Order of any change in the security prescribed in division II or in the information given in the declaration prescribed in section 5 that might violate the conditions set out in sections 2 and 3.

8. Where a notary notices that a condition set out in this regulation or in chapter VI.3 of the Professional Code is no longer met, he shall, within 15 days, take the necessary measures to comply, failing which, he shall no longer be authorized to carry on activities within the partnership or company.

DIVISION II

SECURITY AGAINST THE PROFESSIONAL FAULT OF PARTNERSHIP OR COMPANY MEMBERS

9. A notary who carries on professional activities within a partnership or company contemplated in section 1 must, to practise his profession in compliance with this regulation, ensure that the partnership or company furnishes and maintains, by means of an insurance or suretyship contract, or by joining a group plan contract entered into by the Order or contributing to a professional liability insurance fund, security against the liability of the partnership or company that may arise from fault or negligence on the part of notaries in the practice of their profession in Quebec within the partnership or company.

10. The security must include the following undertakings:

(1) an undertaking by the insurer or the surety to pay in the place and stead of the partnership or company, in addition to the amount of coverage that must be supplied by the notary under the Regulation respecting subscription to the Professional Liability Fund of the *Chambre des notaires du Québec* (R.R.Q., 1981, c. C-26, r.19.3), any amount, up to or equal to the amount of the security, that the partnership or company may be legally held to pay to third parties in respect of a claim during the period covered by the security and resulting from fault or negligence on the part of the notary in the practice of his profession within the partnership or company;

(2) an undertaking by the insurer or the surety to indemnify and hold the partnership or company harmless in any legal action against the partnership or company, and to pay, in addition to the amounts covered by the security, all the costs and expenses of actions brought against the partnership or company, including the costs and expenses of investigation and defence, and interest on the amount of the security;

(3) an undertaking that the security will extend to all claims during the five-year period following the date on which a notary who is a member of the partnership or company dies, withdraws, or ceases to be a member of the Order, covering, in favour of the partnership or company, fault or negligence on the part of the notary in the practice of his profession;

(4) an undertaking that the security will be not less than one million dollars per incident and for all claims against the partnership or company in the course of a secured twelve-month period;

(5) where a notary carries on alone all professional activities within a joint-stock company, an undertaking that the security will not be less than five hundred thousand dollars per incident and for all claims against the company in the course of a secured twelve-month period;

(6) an undertaking by the insurer or the surety to give the secretary of the Order thirty days' prior notice where the insurer or the surety intends to resiliate or not renew the insurance or suretyship or to amend it in respect of one of the conditions set out in this section.

11. A suretyship pursuant to this division must be obtained from a bank, credit union, trust company, or insurance company that undertakes to furnish the security prescribed in section 10 and to renounce the benefits of division and discussion, is domiciled in Canada, and maintains sufficient property in Quebec to meet the required security.

DIVISION III CONTINUANCE AS A LIMITED LIABILITY PARTNERSHIP

12. A notary who is already carrying on professional activities when the company or partnership contemplated in section 1 is constituted or formed, or who is within a general partnership that becomes a limited liability partnership, must give written notice to the clients whose files were in progress on the date of constitution, formation, or continuance, informing them of the nature and effects of the change of status, in particular with respect to his professional liability and that of the partnership or company.

DIVISION IV DOCUMENT ACCESSIBILITY

13. The documents that may be required from a partnership or company pursuant to paragraph 5 of section 4 are as follows:

(1) where a notary practises within a joint-stock company:

(a) the complete and up-to-date register of articles and by-laws;

(b) the complete and up-to-date register of securities;

(c) the complete and up-to-date register of shareholders;

(d) the complete and up-to-date register of directors;

(e) all partnership agreements and voting agreements, and amendments thereto;

(f) any agreement concerning a stock option with voting or other rights, even if they are conditional;

(g) the registration certificate of the company, and updates;

(h) the names and domiciles of the principal officers;

(2) where a notary practises within a limited liability partnership:

(a) the partnership agreement and amendments thereto;

(b) the partnership registration and updates thereof;

(c) the names and residences of the principal officers;

(d) the complete and up-to-date register of partners.

DIVISION V CORPORATE NAME

14. A notary who carries on professional activities within a joint-stock company must ensure that the corporate name includes, failing any professional titles, or abbreviations thereof, of members of the company, the expression "Authorized Company" or the abbreviation "A.C."

DIVISION VI FINAL PROVISION

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

SCHEDULE A

LIST OF PROFESSIONAL ORGANIZATIONS THAT EXERCISE THE SAME CONTROL AS A PROFESSIONAL ORDER

— An order of accountants governed by the law of another Canadian province or territory

— L'association des courtiers et agents immobiliers du Québec

— Bureau des services financiers

— A law society governed by the law of another Canadian province or territory

— Canadian Institute of Actuaries

Notices

Notice

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

**Permanent protection status assigned as the
Forêt-la-Blanche Ecological Reserve to part of the
territory included in the united townships of
Mulgrave-et-Derry, the Municipality of Mayo and
the Municipality of Saint-Sixte**

Notice is hereby given, in keeping with section 44 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Government adopted, on September 24, 2003, the Order in Council No. 1011-2003 which grants the Forêt-la-Blanche Ecological Reserve, located on the territory of the municipalities of Mulgrave-et-Derry, Mayo and Saint-Sixte, a permanent protection status, the plan and conservation plan of that area being attached to the Order in Council.

As appears from the Order in Council, the permanent protection status will only be in force April 1, 2006, for certain sections of that area.

MADELEINE PAULIN,
Deputy Minister

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

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