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Laws and Regulations

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Summary

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Regulations and other acts

Gouvernement du Québec

O.C. 1081-2003, 15 October 2003

Financial Administration Act
(R.S.Q., c. A-6.001)

Schedules 1, 2 and 3

— Amendments

Amendments to Schedules 1, 2 and 3 to the Financial Administration Act

WHEREAS, under section 2 of the Financial Administration Act (R.S.Q., c. A-6.001), amended by chapters 28, 41, 64, 69 and 76 of the Statutes of 2002, the budget-funded bodies listed in Schedule 1, the bodies other than budget-funded bodies listed in Schedule 2 and the government enterprises listed in Schedule 3 are government bodies for the purposes of the Act;

WHEREAS, under section 3 of the Act, the Government may amend any schedule to the Act following the establishment or abolition of a body or enterprise or the amendment of the Act constituting a body or enterprise, or where a body or enterprise no longer possesses the characteristics of the category in which it is classified according to the Government's accounting policies;

WHEREAS, under the same section, the Government may also amend any schedule to the Act to add a body or enterprise that has acquired the characteristics of a government body or enterprise according to the Government's accounting policies;

WHEREAS it is expedient to amend Schedules 1, 2 and 3 to the Act;

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

THAT Schedules 1, 2 and 3 to the Financial Administration Act be replaced by Schedules 1, 2 and 3 attached to this Order in Council.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

SCHEDULE 1

BUDGET-FUNDED BODIES

Agence d'évaluation des technologies et des modes d'intervention en santé
Bureau d'audiences publiques sur l'environnement
Comité de déontologie policière
Comité de la rémunération des juges de la Cour du Québec et des cours municipales
Commission consultative de l'enseignement privé
Commission d'accès à l'information
Commission de la fonction publique
Commission de l'équité salariale
Commission de protection du territoire agricole du Québec
Commission de toponymie
Commission des biens culturels du Québec
Commission des droits de la personne et des droits de la jeunesse
Commission des partenaires du marché du travail
Commission des transports du Québec
Commission d'évaluation de l'enseignement collégial
Commission municipale du Québec
Commission québécoise des libérations conditionnelles
Conseil consultatif du travail et de la main-d'œuvre
Conseil de la famille et de l'enfance
Conseil de la justice administrative
Conseil de la magistrature
Conseil de la santé et du bien-être
Conseil de la science et de la technologie
Conseil des aînés
Conseil des relations interculturelles
Conseil des services essentiels
Conseil du statut de la femme
Conseil médical du Québec
Conseil permanent de la jeunesse
Conseil supérieur de la langue française
Conseil supérieur de l'éducation
Coroners office
Health and Social Services Ombudsman
Human Rights Tribunal
Inspector General of Financial Institutions
Office de la protection du consommateur
Office des personnes handicapées du Québec
Office québécois de la langue française
Police Ethics Commissioner
Public Curator

Régie des alcools, des courses et des jeux
 Régie des marchés agricoles et alimentaires du Québec
 Régie du bâtiment du Québec
 Régie du logement
 Société de la faune et des parcs du Québec

SCHEDULE 2

BODIES OTHER THAN BUDGET-FUNDED BODIES

Administrative Tribunal of Québec
 Agence de l'efficacité énergétique
 Agence métropolitaine de transport
 Bibliothèque nationale du Québec
 Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec
 Centre de recherche industrielle du Québec
 Commission de la capitale nationale du Québec
 Commission de reconnaissance des associations d'artistes et des associations de producteurs
 Commission des lésions professionnelles
 Commission des normes du travail
 Commission des relations du travail
 Commission des services juridiques
 Commission des valeurs mobilières du Québec
 Conseil des arts et des lettres du Québec
 Construction Industry Commissioner
 Corporation d'urgences-santé
 École nationale de police du Québec
 École nationale des pompiers du Québec
 Fondation de la faune du Québec
 Fonds d'aide aux recours collectifs
 Fonds d'assurance-prêts agricoles et forestiers
 Fonds de la recherche en santé du Québec
 Fonds québécois de la recherche sur la nature et les technologies
 Fonds québécois de la recherche sur la société et la culture
 Héma-Québec
 Institut de la statistique du Québec
 Institut de tourisme et d'hôtellerie du Québec
 Institut national de santé publique du Québec
 Investissement Québec
 La Financière agricole du Québec
 Musée d'art contemporain de Montréal
 Musée de la civilisation
 Musée national des beaux-arts du Québec
 Observatoire québécois de la mondialisation

Office de la sécurité du revenu des chasseurs et piégeurs cris
 Office des professions du Québec
 Office Québec-Amériques pour la jeunesse
 Régie de l'assurance maladie du Québec
 Régie de l'énergie
 Régie des installations olympiques
 Régie du cinéma
 Sidbec
 Société d'habitation du Québec
 Société de développement de la Zone de commerce international de Montréal à Mirabel
 Société de développement des entreprises culturelles
 Société de la Place des Arts de Montréal
 Société de télédiffusion du Québec
 Société des traversiers du Québec
 Société du Centre des congrès de Québec
 Société du Grand Théâtre de Québec
 Société du Palais des congrès de Montréal
 Société du parc industriel et portuaire de Bécancour
 Société du parc industriel et portuaire Québec-Sud
 Société immobilière du Québec
 Société nationale de l'amiante
 Société québécoise d'assainissement des eaux
 Société québécoise de récupération et de recyclage
 Société québécoise d'information juridique

SCHEDULE 3

GOVERNMENT ENTERPRISES

Corporation d'hébergement du Québec
 Financement-Québec
 Fonds d'indemnisation du courtage immobilier
 Hydro-Québec
 Immobilière SHQ
 Loto-Québec
 Régie de l'assurance-dépôt du Québec
 Société de développement de la Baie James
 Société de l'assurance automobile du Québec
 Société des alcools du Québec
 Société des établissements de plein air du Québec
 Société générale de financement du Québec
 Société Innovatech du Grand Montréal
 Société Innovatech du Sud du Québec
 Société Innovatech Québec et Chaudière-Appalaches
 Société Innovatech Régions ressources

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Gouvernement du Québec

O.C. 1084-2003, 15 October 2003

Medical Act
(R.S.Q., c. M-9)

Registration in medicine — Causes, terms and conditions for issuing and revoking

Regulation respecting causes, terms and conditions for issuing and revoking registration in medicine

WHEREAS, under subparagraph *c* of the first paragraph of section 19 of the Medical Act (R.S.Q., c. M-9), the Bureau of the Collège des médecins du Québec shall by regulation determine the conditions and formalities applicable to the issue of a registration certificate to a medical student or a person serving a professional training period or pursuing specialized studies, together with the causes for and the conditions and formalities applicable to the revocation of such a certificate;

WHEREAS the Bureau made the Regulation respecting terms and conditions for revoking registration in medicine (R.R.Q., 1981, c. M-9, r.6);

WHEREAS it is expedient to replace the Regulation;

WHEREAS the Bureau adopted the Regulation respecting the causes, conditions and formalities for the issuance and revocation of registration in medicine;

WHEREAS, under 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 for examination; it shall be 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 5 March 2003, with a notice that it could be submitted to the Government which could approve it, with or without amendment, after the expiry of 45 days following that publication and asking any person having comments to make to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec;

WHEREAS the Chair of the Office received comments following that consultation;

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 causes, terms and conditions for issuing and revoking registration in medicine, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting causes, terms and conditions for issuing and revoking registration in medicine

Medical Act
(R.S.Q., c. M-9, s. 19, 1st par., subpar. c)

1. Subject to the provisions of the Medical Act (R.S.Q., c. M-9) and of this Regulation, a registration certificate is valid until a permit to practise medicine or a specialist's certificate is issued.

2. The Bureau of Collège des médecins du Québec shall issue a registration certificate to the person who, apart from the provisions of subparagraphs *a* and *b* of the first paragraph of section 29 of the Medical Act, complies with the following terms and conditions:

1) requests a permit in writing from the secretary of the Collège des médecins du Québec;

2) pays the fees prescribed by resolution of the Bureau taken under the eighth paragraph of section 86.0.1 of the Professional Code (R.S.Q., c. C-26);

3) has not been the subject, within the five years preceding his request, of a judicial or disciplinary decision contemplated under the seventh or eighth paragraph of section 3;

4) has the required conduct, qualities and behavior to practise the medical profession.

3. The following events shall entail the revocation of the registration certificate:

1) a definite expulsion of the certificate holder from the faculty of medicine of a university which issues a diploma giving access to the permit or to a specialist's certificate, once all review and appeal mechanisms within the university where he is enrolled have been exhausted;

2) the certificate holder's suspension by the faculty of medicine of a university which issues a diploma giving access to the permit or to a specialist's certificate;

3) the abandonment, by the certificate holder, of his medical studies or of his family medicine or specialized post doctoral training;

4) the issue of this certificate under false representations;

5) any action or behavior by the certificate holder that may jeopardize patients' welfare or safety;

6) when the certificate holder is not a member of the Order, any practicing of medical activities in violation of the rules that apply to physicians, ethics, prescription, particularly those respecting the keeping of records and consulting rooms;

7) when the certificate holder is a member of the Order, and he has been the subject of any disciplinary decision following a violation of a provision of the Professional Code, the Medical Act or a regulation thereunder and imposing the revocation of his permit, the striking off the roll of the Order or the suspension of his right to engage in professional activities;

8) when the certificate holder has been found guilty by a Canadian court or a foreign court of a criminal offence which, in the reasoned opinion of the Bureau, is related to the practice of the profession, unless he has obtained a pardon;

9) when the certificate holder performs other professional activities than those he is authorized to perform or breaches the conditions under which he can perform them.

4. In the cases contemplated under the first and third paragraphs of section 3, the registration certificate shall be revoked without further formality and the Bureau's decision shall be notified to the certificate holder by the secretary.

In the cases contemplated in the second paragraph of section 3, the revocation shall be provisional and shall be in force until the day the suspension ends.

5. The Bureau may, in the case of an emergency, and if it deems that the public's protection requires it, after allowing the certificate holder to submit comments, including during a meeting, and, as the case may be, to produce documents to complete the file, decide to temporarily suspend the registration certificate until a decision is made pursuant to section 7. This decision must be given within a maximum of 30 days of the date of service of the temporary suspension.

The decision made pursuant to this section shall be served as soon as possible to the certificate holder as well as to any one concerned and it shall be enforceable as of its service.

6. When the Bureau may refuse to issue a registration certificate or when a case of revocation of registration is referred to the Bureau, the secretary shall notify the person concerned thereof at least thirty (30) days prior to the date fixed for the rendering of the decision; such notice must indicate to the certificate holder the reasons justifying the refusal to issue or the revocation as well as the possibility, within this timeframe, to submit comments, including during a meeting, and, as the case may be, to produce documents to complete his file.

7. The decision to refuse to issue the registration certificate or to revoke shall be reasoned. It shall be served as soon as possible to the certificate holder as well as to the other persons concerned and shall be enforced as of the date of its service.

If the Bureau decides not to revoke the certificate that has been temporarily suspended under the first paragraph of section 5, the suspension shall be cancelled without further formality.

8. This Regulation replaces the Regulation respecting terms and conditions for revoking registration in medicine (R.R.Q., 1981, c. M-9, r.6).

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

Gouvernement du Québec

O.C. 1085-2003, 15 October 2003

An Act respecting petroleum products and equipment
(R.S.Q., c. P-29.1)

Petroleum products — Amendments

Regulation to amend the Petroleum Products Regulation

WHEREAS, under sections 5, 7, 8, 14, 22, 37, 51 and 96 of the Act respecting petroleum products and equipment (R.S.Q., c. P-29.1), the Government may make regulations on the matters mentioned therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft Regulation to amend the Petroleum Products Regulation was published in Part 2 of the *Gazette officielle du Québec* of 26 September 2001, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the comments received have been taken into consideration;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Petroleum Products Regulation, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Petroleum Products Regulation*

An Act respecting petroleum products and equipment
(R.S.Q., c. P-29.1, ss. 5, 7, 8, 14, 22, 37, 51 and 96)

1. The Petroleum Products Regulation is amended by replacing the title by “Regulation respecting petroleum products and equipment”.

* The Petroleum Products Regulation, made by Order in Council 753-91 dated 29 May 1991 (1991, *G.O.* 2, 1839), was last amended by the regulation made by Order in Council 156-99 dated 24 February 1999 (1999, *G.O.* 2, 227). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

2. Section 5.1 is replaced by the following:

“**5.1.** A permit holder who operates a fuel dispensing outlet adjoining a public road, south of the 55th parallel, must supply road vehicles equipped with a diesel motor with low-sulphur diesel fuel, except for farm, mine, forest and construction machinery and tool vehicles.”.

3. Section 45 is amended

(1) by replacing “d’inutilisation” in the French text of paragraph 8 by “pendant lesquelles il ne se sert pas”;

(2) by replacing “disuse and abandonment of” in paragraph 9 by “the periods during which he does not use the underground storage system or abandons”.

4. Section 48 is amended by replacing “analyze it, make sure” by “ensure that the content complies with the requirements in Division 1 of Chapter 2.2 and”.

5. Section 49 is amended by replacing the first paragraph by the following:

“**49.** An inspection shall be carried out during the installation, replacement, abandonment or removal of petroleum equipment. During such inspection, the inspector shall ensure that the requirements set out in the following sections are met: 69, 83, 83.1, 95.0.1, 95.0.2, 95.0.4 to 95.0.7, 99, 100, 103, 104 and 105 as regards only the clearance between the top of the tank and the level of the ground, 122 to 126, subparagraphs 1, 2 and 3 of the first paragraph of section 130, section 130.1, paragraphs 1 and 5 of section 130.2, sections 135, 137 to 138, 143 to 145, 150 to 160, subparagraph 3 of the first paragraph of section 167, sections 175, 178, 180, 181, 183, 185 as regards only the clearance between piping and the level of the ground, sections 189, 192 to 196, 198, 201 to 203, 206 to 208.2, 208.4, 208.6, 218, 221, 226 as regards the protection of piping by barriers, 230, 236, 237, 249, 251, 253, 254, 256 to 259, 302, 303, 307 to 312, 314 to 316, 317.1, the first paragraph of section 320, sections 321, 323 to 325, 328, 335, 341 to 344, 349, 359, 365, 369 to 380, 382, 387, 388, 390, 399, 401, 428 to 431, 433, 435 to 439, 444, 446 to 450, 452, 453, 461 to 463, 470 to 476 and 480.”.

6. Section 53 is amended

(1) by striking out “204”, “208.5”, “302”, “303”;

(2) by adding “64”, “the second paragraph of section 130” and “258”, in numerical order.

7. Section 54 is amended

(1) by striking out “204”, “208.5”, “211”, “216” and “the second paragraph of section 226”;

(2) by adding “64”, “the second paragraph of section 130”, “165”, “the second paragraph of section 167”, “226 as regards the protection of piping by barriers” and “258”, in numerical order.

8. Section 55 is amended

(1) by striking out “151”, “211”, “216” and “the second paragraph of section 226”;

(2) by adding “165”, “second paragraph of section 167” and “226 as regards the protection of piping by barriers”, in numerical order.

9. Section 63 is amended by replacing “every day” in the second paragraph by “for more than one week”.

10. The heading of Chapter 3 is replaced by the following:

“STANDARDS APPLICABLE TO PETROLEUM EQUIPMENT AND PRODUCTS”.

11. The following section is inserted before section 66.10:

“**66.9.1.** The standards applicable to used oil in this Chapter apply only to used oil stored in a service station.”.

12. Section 70 is amended by replacing “petroleum product” in the first paragraph by “volume of petroleum products larger than 100 litres”.

13. Section 92 is revoked.

14. The following heading is inserted after section 95:

“TANKS AND PIPING”.

15. Sections 96, 133, 173, 174, 179, 199 and 200 are renumbered 95.0.1, 95.0.2, 95.0.3, 95.0.4, 95.0.5, 95.0.6, 95.0.7 respectively and are inserted before Chapter 3.1.

16. Section 99 is amended

(1) by replacing “179” in the first paragraph by “95.0.5”;

(2) by replacing “1990” in subparagraph 2 of the last paragraph by “1995”.

17. Section 122 is amended by replacing “96” in the second paragraph by “95.0.1”.

18. Section 125 is replaced by the following:

“**125.** A steel underground tank, manufactured and protected against corrosion in accordance with Standard CAN/ULC-S603.1-92 Galvanic Corrosion Protection Systems for Underground Steel Tanks for Flammable and Combustible Liquids, published by the Underwriters’ Laboratories of Canada, that has been removed from the ground, may be reused to store petroleum products provided that it still meets the requirements of the (Technical Supplement) ULC-S603(A)-2001 Refurbishing of Steel Underground Tanks for Flammable and Combustible Liquids published by the Underwriters’ Laboratories of Canada.”.

19. Section 128 is amended

(1) by replacing the part preceding paragraph 1 by the following:

“**128.** Where a permit holder does not use his underground storage system for a period of less than 180 days, he shall”;

(2) by deleting paragraphs 1 and 4;

(3) by replacing “of disuse” in paragraph 3 by “in which it is not used”.

20. Section 129 is amended

(1) by replacing the part preceding paragraph 1 by the following:

“**129.** Where a permit holder does not use his underground storage system for a period of more than 180 days but less than 2 years, he shall”;

(2) by deleting paragraphs 1 and 5;

(3) by replacing “of disuse” in paragraph 4“ by ”in which the system is not used”.

21. Section 130 is amended

(1) by replacing the part preceding paragraph 1 of the first paragraph by the following:

“**130.** Where the permit holder or owner of petroleum equipment decides to no longer take petroleum products from an underground storage system or has not taken petroleum products therefrom for more than 2 years, he shall”;

(2) by replacing “, if the tank is reusable under” in subparagraph 4 of the first paragraph by “have it recertified according to the requirements of”;

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

“The permit holder or owner of petroleum equipment is required to comply with the provisions of subparagraph 1 of the first paragraph only if not more than five years have elapsed since petroleum products have been taken from the tank and it is demonstrated that the equipment is leak proof

(1) by a leak detection test in compliance with section 269; or

(2) by a pressure test using an inert gas, in compliance with section 110.2, except subparagraphs 1 and 5 of the first paragraph of that section, of a minimum duration of four hours, for simple or double wall tanks emptied of any petroleum product.”

22. Section 131 is amended

(1) by inserting “underground” before “storage”;

(2) by replacing “has been in disuse” by “has not been used”.

23. Section 132 is replaced by the following:

“**132.** Where an owner or permit holder has not used an underground tank and its piping for a period exceeding one year, the tests prescribed in sections 267 and 269 shall be conducted before the equipment is reactivated.”

24. Section 137.2 is amended

(1) by replacing “A permit holder’s aboveground motor fuel tank” by “An aboveground motor fuel tank intended for the sale of petroleum products that is”;

(2) by replacing “an isolated” by “a designated”.

25. Section 150 is amended by replacing “133” in the second paragraph by “95.0.2”.

26. Section 154 is amended by striking out “where necessary to respect the volumetric capacity requirement set forth in section 151”.

27. Section 165 is amended

(1) by replacing the part preceding paragraph 1 by the following:

“**165.** Where the permit holder does not use his aboveground storage installation for a period of more than 180 days, he shall”;

(2) by deleting paragraphs 1 and 6.

28. Section 166 is replaced by the following:

“**166.** Where the permit holder does not use his aboveground storage installation for a period of less than 180 days, he shall gauge the tanks at least once a week.”

29. Section 167 is amended

(1) by replacing the part preceding subparagraph 1 of the first paragraph by the following:

“**167.** Where the owner or permit holder of an aboveground storage installation decides to no longer use the installation or has had it closed for more than 2 years, he shall:”;

(2) by deleting subparagraph 1 of the first paragraph;

(3) by replacing “only subparagraphs 1 and 2 apply provided that the period of disuse does not exceed 5 years” in the second paragraph by “a period of 2 years shall be extended to 5 years for subparagraphs 3, 4 and 5”.

30. Section 169 is amended by replacing “133” in paragraphs 1 and 2 by “95.0.2”.

31. Section 179 is amended by replacing “173”, “174”, “199” and “200” in the first paragraph by “95.0.3”, “95.0.4”, “95.0.6” and “95.0.7”.

32. The heading preceding section 192 is amended by inserting “underground” before “metallic”.

33. Section 208.1 is amended by replacing the first paragraph by the following:

“**208.1.** The end of a vent pipe shall be higher than the end of a fill pipe, not less than 3.5 metres above ground level for a Class 1 petroleum product tank, not less than 2 metres for a tank containing other products and not less than 1.5 metres from any building opening for a Class 1 petroleum product tank or not less than 600 millimetres for a tank containing other products. The end of a vent pipe shall terminate in open air outside buildings in such a manner that flammable vapour cannot be drawn into building openings.”

34. Section 208.5 is revoked.

35. Section 208.6 is amended

(1) by striking out “Aboveground” before “tanks”;

(2) by replacing “133” by “95.0.2”.

36. Section 237 is amended

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

(2) by deleting the second paragraph.

37. Section 249 is amended

(1) by replacing “2 metres measured horizontally” by “1.5 metres”;

(2) by adding the following paragraph:

“For a Class 2 motor fuel tank supplying an electricity generating system or for a heating oil tank supplying a heating system, the distance must not be less than 600 millimetres from any opening in the building.”

38. Section 253 is amended by adding the following after the first paragraph:

“The first paragraph does not apply where

(1) the tank is equipped with an overflow protection device in compliance with standard ULC/ORD-C58.15-1992 “Overflow Protection Devices for Flammable Liquid Storage Tanks” published by the Underwriters’ Laboratories of Canada, adapted so as to include in the tank the volume of petroleum product that could be contained in the filling pipes without exceeding the maximum filling level of the tank as specified in the Standard; or

(2) the other openings of the tank are equipped with a backflow device such as a back pressure spring valve.”

39. Section 260.2 is amended by replacing “96” in the last paragraph by “95.0.1”.

40. Section 274 is amended by striking out “, either with service, as a self-serve or unattended self-serve outlet, and with or without a service centre” in the definition of “user outlet”.

41. Section 309 is amended by replacing “and shall be protected by barriers where not sufficiently protected by the island” in the first paragraph by “or be protected by barriers”.

42. Section 310 is amended

(1) by replacing the first paragraph by the following:

“The fueling areas, except those intended to supply off-road vehicles or farm equipment, those intended to be used for a single period of less than one year or those situated in a designated area, must be impervious to petroleum products over a surface extending at least 3 metres in front and 1.5 metres to the sides of each motor fuel dispenser measured from the centre of the dispenser.”;

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

“The measurements set forth in the first paragraph apply to any fuelling area built or modified after 26 February 1996.”;

(3) by replacing “The preceding paragraphs apply” in the third paragraph by “The second paragraph applies” and “capacity of more” by “capacity equal to or greater”.

43. Section 327 is amended by replacing “ULC-S612-M83” by “CAN/ULC-S612-99”.

44. Section 335 is amended by replacing the first paragraph by the following:

“**335.** Underground tanks used to store used oil must be equipped with a double shell and piping system which must have an automatic leak detector system equipped with a visual and audible alarm and be manufactured in accordance with Underwriters’ Laboratories of Canada Standard ULC/ORD-C58.12-1992: Leak Detection Devices (Volumetric Type) for Underground Flammable Liquid Storage Tanks or with Underwriters’ Laboratories of Canada Standard ULC/ORD-C58.14-1992: Nonvolumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks.”.

45. Section 362 is amended by striking out “for the sale of motor fuel”.

46. Section 428 is amended in the French text by replacing “celui-ci” in the first paragraph by “propriété”.

47. Sections 486 to 488, 490, 493 to 495, 497 to 499, 502, 503, 516 and 517 are revoked.

48. The following is inserted before Chapter 8:

**“CHAPTER 7.1
PENAL**

528.1. Every person who contravenes any provision of sections 5.1, 130, 167, 260.1, 260.2 and 348 is guilty of an offence and is liable to the penalty prescribed under paragraph 1 of section 106 of the Act if a natural person or under paragraph 2 of the same section if a legal person.”.

49. Paragraph 3.1 of Schedule 1 is amended

(1) by replacing “CAN/CGSB-3.25-M89” in subparagraph 1 by “CAN/CGSB-3.25-94”;

(2) by replacing “CAN/CGSB-3.22-93” in subparagraph 2 by “CAN/CGSB-3.22-97”;

(3) by replacing “CAN/CGSB-3.23-93” in subparagraph 3 by “CAN/CGSB-3.23-97”;

(4) by replacing “CGSB-3-GP-24Ma” in subparagraph 4 by “3-GP-24c”.

50. Schedule 1 is amended by replacing “638” in the requirement for heating oil number 6 relating to the ASTM D 445 method listed in Table 4 by “650”.

51. Schedule 7 is amended by replacing paragraphs 1 to 4 of section 3 by the following:

“1. may be protected against corrosion according to the Petroleum Association for Conservation of the Canadian Environment Report PACE 87-1: Guideline Specification for the Impressed Current Method of Cathodic Protection of Underground Petroleum Storage Tanks;

2. replace before reaching 25 years after its installation;

3. replace before reaching 25 years after its installation and subject to a leak detection test in accordance with section 269 within 12 months of the year of assessment of its condition and every 5 years afterward;

4. replace before obtaining a T/S of 180 or before the tank reaches 25 years after its installation and subject to a leak detection test in accordance with section 269 every year;”.

52. Schedule 8 is amended

(1) by striking out “****” before ratings D, 1.5 and 0.5 in the table;

(2) by striking out “**** Where section 412 applies, the distance must be 0.15 metres for steel vats.” in the legend after the table.

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

5990

M.O., 2003

Order of the Minister of Public Security concerning the Règlement modifiant le Règlement sur le régime des études de l'École nationale de police du Québec dated 22 October 2003

Police Act
(R.S.Q., c. P-13.1)

WHEREAS l'École nationale de police du Québec shall establish, by by-law, in accordance with section 16 of the Police Act (R.S.Q., c. P-13.1), standards for its professional training activities, the approval of training activities developed outside the school, admission requirements, teaching requirements, examinations and certificates of studies and diplomas, as well as standards of equivalence. The by-law must be submitted to the Minister of Public Security. The admission requirements for training in police patrolling shall establish, in particular, the medical requirements and the requirements relating to physical condition that must be met by students;

WHEREAS on October 22, 2003, the governing board of l'École nationale de police du Québec has adopted the Règlement modifiant le Règlement sur le régime des études de l'École nationale de police du Québec;

WHEREAS section 12 of Regulations Act (R.S.Q., c. R-18.1) which prescribes that a proposed regulation may be approved without having been published, prescribed by section 8 of this Act, if the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS section 18 of this Act which prescribes that a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* when the authority that has approved it is of the opinion that the urgency of the situation requires it;

WHEREAS sections 13 and 18 of this Act which prescribe that the reason justifying the absence of the preliminary publication and such coming into force shall be published with the regulation;

WHEREAS the Minister of Public Security is of the opinion that the urgency due to the following circumstance justifies the absence of the preliminary publication and such coming into force of the Règlement modifiant le Règlement sur le régime des études de l'École nationale de police du Québec hereby enclosed:

— Every year the School receives 10 cohorts representing 640 applicants and their admission must be planned adequately, especially by ensuring the coordination of the physical and medical requirements with the affected general and vocational colleges;

— The colleges as well as the applicants registered on the 2003-2004 prioritization list for the School's basic training program in police patrolling were notified as early as spring 2003 that there would be new physical and medical admission requirements applicable to the School beginning 1 November 2003, to allow them to prepare adequately;

— The applicants who will be admitted to the School on 1 November 2003 are currently preparing on the basis of the new admission requirements and would suffer serious prejudice if the effective date was postponed.

WHEREAS it has grounds to approve this regulation;

CONSEQUENTLY, the Minister of Public Security approves the Règlement modifiant le Règlement sur le régime des études de l'École nationale de police du Québec enclosed.

JACQUES CHAGNON,
Minister of Public Security,

Règlement modifiant le Règlement sur le régime des études de l'École nationale de police du Québec

Police Act
(R.S.Q., c. P-13.1, s. 16)

1. Section 4 of the Règlement sur le régime des études de l'École nationale de police du Québec¹ is amended:

1° by inserting, in the first line and after the word “must”, the words “, at the time of their application for registration and until they have completed their training,”.

2° by removing the word “permanent” in paragraph 3.

3° by replacing paragraph 5 by the following:

“5° have passed a medical examination within 180 days preceding the start of his training at the School.

The purpose of this medical examination is to ensure that the applicant has the necessary physical and mental abilities to attend the basic training program in police patrolling.

The medical examination is performed by a physician appointed by the School and includes, among other things, a medical questionnaire described in Schedule “A” of this regulation, the taking of vital signs, an eyesight test, a puretone audiogram, a blood sample providing a complete blood count (CBC) and the biochemical profile of the applicant, a urinalysis as well as a complete physical examination with respect to the following physiological systems and medical conditions:

- musculoskeletal system;
- eyes and visual acuity;
- ears, nose and throat;
- auditory acuity;
- cardiovascular system;
- pulmonary system;
- neurological system;
- endocrine system;
- gastrointestinal system;
- genitointestinal system;
- dermatological system;
- haematological system;
- infectious diseases;
- oncology.

The applicant must provide the physician with the necessary information and submit to any additional examination or analysis the latter deems appropriate.

If the applicant fails the medical examination, the physician must specify in the form described in Schedule “B” of this regulation if the disability is temporary or permanent.”.

4° by adding the following paragraphs and subsection at the end:

“8° have passed the physical achievement tests described in Schedule “C” of this regulation within 90 days preceding the start of his training at the School;

¹ (2002, 134, G.O. 2, 3812)

9° hold a valid Certificate of Accreditation for the “Basic Rescuer Cardiopulmonary Resuscitation” course, issued by one of the following organizations:

- St. John Ambulance;
- Canadian Red Cross;
- Quebec Heart Foundation.

10° provide his fingerprints to an authorized representative of the School;

11° be of good moral standing.”.

2. Paragraphs 2, 3 and 4 of section 5 of this regulation are replaced by the following:

“2° a certified copy of one of the documents referred to in section 4, subsection 2, or a document issued by an authorized officer of a collegial establishment attesting that the applicant meets all the requirements to obtain one of these documents;

3° a copy of the driver’s license;

4° a copy of the “Basic Rescuer Cardiopulmonary Resuscitation” Certificate of Accreditation.”.

3. Section 15 of this regulation is amended by replacing, in the second line and after the word “transcript”, the words “of the student’s academic record,” by the words “of the student’s grades”.

4. This regulation is amended by adding Schedules “A” to “C”, herein enclosed.

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

SCHEDULE “A” MEDICAL QUESTIONNAIRE

Last Name _____ First Name _____

File Number _____

Address _____

Postal Code _____ Telephone _____

I Personal Medical History

Have you ever suffered or do you currently suffer from the following problems or symptoms ? (check off the appropriate boxes)

	Previously	Currently	Comments
Head, Nose, Mouth and Throat			
Frequent nose bleed			
Frequent nasal congestion			
Hoarseness without a cold			
Difficulty swallowing			
Loss of taste or smell			

	Previously	Currently	Comments
Ears and Auditory Acuity			
Hearing loss			
Use of hearing aids			
Vertigo – dizziness			
Ringing in the ears			
Eyes and Vision			
Glaucoma			
Cataracts			
Eye injury			
Eye irritation (itching)			
Eye surgery			
Wearing corrective glasses			
Wearing contact lenses			
Gastrointestinal System			
Persistent abdominal pain			
Vomiting blood			
Ulcer			
Hepatitis			
Jaundice			
Darkish stools and/or blood on stools			
Persistent constipation			
Persistent diarrhea			
Hemorrhoids			
Urinary System			
Kidney stones			
Kidney disease			
Blood in urine			
Frequent urination			

	Previously	Currently	Comments
Cardiovascular System			
Chest pains or constriction			
Palpitations or heart rhythm disorder			
High blood pressure			
Swollen legs (oedema)			
Heart murmur			
Vascular disease			
Heart disease (angina and/or heart attack)			
Pulmonary System			
Shortness of breath			
Persistent night sweats			
Coughing up blood in the morning			
Coughing up blood			
Pneumonia			
Asthma			
Tuberculosis			
Emphysema			
Psychological/Mood Disorder			
Drug or alcohol problem			
Suicide attempt			
Depression			
Anxiety			
Attention disorder			
Panic attack			
Claustrophobia			
Fear of heights			

	Previously	Currently	Comments
Endocrine/ Metabolic System			
Diabetes			
Hypoglycaemia			
Thyroid disease			
Neurological System			
Headaches			
Convulsion, epilepsy			
Loss of consciousness/fainting			
Numbness and/or weakness in the limbs			
Tremors			
Skin			
Eczema			
Skin rash			
Hives			
Infectious Diseases			
Aids or HIV positive			
Rheumatic fever			
Circulatory/Lymphatic System			
Anaemia			
Hemorrhagic disease			
Blood transfusions			
Oncology (Cancer)			
Cancer (specify type)			
Surgery			
Radiotherapy			
Chemotherapy			

	Previously	Currently	Comments
Male Reproductive System			
Testicular protuberance (lump)			
Female Reproductive System			
Protuberance (lump) in breast or armpit			
Severe menstrual pain			
Date of last period:			
Other Conditions Specify:			

II Hospitalizations

Have you ever been hospitalized ? If yes, fill out the appropriate box(es).

	1st time	2nd time	3rd time
Reason (diagnosis)			
Date (month/year)			
Name of HC			

III Indemnization

Did you ever apply for or receive benefits or compensation payments as a result of an injury, an illness, a disability or an automobile accident ? If yes, fill out the appropriate boxes.

Date (Month/Year)	Type of injury (Diagnosis)	Nature of treatment	Type of after-effects
Comments :			

IV Allergies: Are you allergic? No Yes

Specify: _____

V Medication: Are you taking any medication? No Yes

Specify: _____

VI Pathologic family history

Diseases	Father	Mother	Brothers/Sisters
Heart disease			
Hypertension			
Pulmonary disease			
Asthma			
Diabetes			
Migraine			
Rheumatism/arthritis			
Depression/anxiety/suicide			
Alcoholism			
Cancer			
Other diseases (specify)			

VII Personal lifestyle (please check off the appropriate box)

- 1) Smoker: No Yes Number of cigarettes/day: _____
 Former smoker No Yes If yes: number of years: _____
- 2) Alcohol: No Yes Quantity 2 + glasses/day
 1-2 glasses/day
 occasionally
- 3) Tea-coffee: No Yes Number of cups/day: _____
- 4) Drugs: No Yes Specify: _____
- 5) Please scale your degree of stress in general
 none low average high excessive

6) Do you practice a physical activity ? No Yes Frequency less than 1 hour/week
 1 hour to 5 hours/week
 5 + hours/week

What type(s) of physical activities do you practice ? _____

I attest that the above information is true to the best of my knowledge. I am aware that any false statement concerning the information provided in the questionnaire could void my candidacy.

Signature of the applicant: _____ Date: _____

SCHEDULE "B"
MEDICAL EXAMINATION REPORT

Last Name _____ First Name(s) _____

File Number _____

Address _____

Postal Code _____ Telephone _____

The above-mentioned person submitted to a medical examination on ____/____/____.

It is my opinion that this person :

- Passed the medical examination of the basic program in police patrolling of the École nationale de police du Québec.
- Did not pass the medical examination of the basic program in police patrolling of the École nationale de police du Québec because this person has a :
 - Permanent disability
 - Temporary disability

I cannot reach a decision because I am expecting :

- additional information.
- a medical problem to be remedied.
- technical advice.
- follow-up medical testing.
- other (specify): _____

Additional comments :

Signature of the physician

Date

SCHEDULE "C"

FINAL REPORT OF PHYSICAL ACHIEVEMENT TESTS (PAT-ENPQ)

TIMED CIRCUIT, AUTONOMOUS STATION AND AEROBIC ENDURANCE TEST

Last Name _____ First Name _____

File Number _____ Sex M F Date of Assessment _____

CEGEP _____ Weight _____ kg Height _____ Age _____

Accredited Centre _____

Address _____

Postal Code _____ Telephone _____

This report certifies that the above-mentioned person obtained the following results :

Timed Circuit

(Maximum duration of 392 seconds)

_____seconds P F **Autonomous Station**

(Maximum duration of 4 minutes)

Strength apparatus P F Dummy carrying P F CPR P F Period: _____ P F **Aerobic Endurance Test – 20-Metre Scheduled Run**_____levels P F **Overall Result** P F

Note: P = Pass F = Fail

Name of Assessor _____ Signature: _____

Draft Regulations

Draft Regulation

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

Guidance counsellors and psychoeducators — Committee on training

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 committee on training of guidance counsellors and psychoeducators, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation proposes to create, within the *Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*, two divisions within the current committee on training. One of those divisions will remain in charge of the training of guidance counsellors and the other will be responsible for the training of psychoeducators, both divisions to pursue the same mandate and use the same current procedure. On the integration of psychoeducators into the *Ordre professionnel des conseillers et conseillères d'orientation du Québec* in September 2000, the application of the Regulation respecting the committee on training of guidance counsellors had been limited solely to the training of guidance counsellors.

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 consultation to the Office des professions du Québec which will send the results of the consultations held with the educational institutions and other bodies mentioned in the Professional Code to the Minister responsible for the administration of legislation respecting the professions.

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

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville,

10^e étage, Québec (Québec) G1R 5Z3. 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 concerned and to interested persons, departments and bodies.

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

Regulation respecting the committee on training of guidance counsellors and psychoeducators

Professional Code
(R.S.Q., c. C-26, s. 184, 2nd par.)

1. A committee on training shall be set up within the *Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*.

The committee shall be composed of two divisions.

One division shall be in charge of the training of guidance counsellors and the other of the training of psychoeducators.

2. The committee shall be an advisory committee whose mandate is to examine matters relating to the quality of the training of guidance counsellors and psychoeducators, in keeping with the respective and complementary jurisdictions of the Order, the university educational institutions and the Minister of Education.

“Quality of training” means the adequacy of the training of the professional skills required for the practice of the professions of guidance counsellor and psychoeducator.

As regards training, the committee shall consider

(1) the objectives of the training programs offered by educational institutions leading to a diploma that gives access to a permit or specialist's certificate;

(2) the objectives of the other conditions and procedures for the issue of permits or specialist's certificates that may be imposed by a regulation of the Bureau, such as professional training periods or professional examinations; and

(3) the standards for equivalence of diplomas or training prescribed by regulation of the Bureau that give access to a permit or specialist's certificate.

3. The committee shall be composed of ten members chosen for their knowledge and the responsibilities they have exercised in respect of the matters referred to in section 2.

The conférence des recteurs et des principaux des universités du Québec shall appoint two members for each division.

The Minister of Education or his or her representative, the Deputy Minister or the Assistant Deputy Minister for Higher Education, shall appoint one member to the committee and, if necessary, one alternate for each division.

The Bureau shall appoint two members of the Order for each division and the committee shall select one of those two members as its chair.

The committee may also authorize persons or representatives of organizations concerned to participate in its meetings.

4. The members of the committee shall be appointed for a term of three years.

The members shall remain in office until they are reappointed or replaced.

5. The duties of the committee shall be

(1) to review each year the quality of training in light of developments in knowledge and practice and particularly in respect of the protection of the public and, where appropriate, report its observations to the Bureau; and

(2) to give its opinion to the Bureau, as regards the quality of training,

(a) on projects involving the revision or the preparation of the objectives or standards referred to in the third paragraph of section 2; and

(b) on ways to improve the quality of training, in particular by proposing solutions to the problems observed.

The committee shall indicate in its report, if any, and in its opinion the viewpoint of each of its members.

6. The members of the committee shall strive to gather information relevant to the exercise of the committee's duties from the organizations that appointed them and from any other organization or person concerned.

7. The chair shall fix the date, time and place of the committee's meetings.

Despite the foregoing, the chair shall call a meeting of the committee whenever at least three of its members so request.

8. The committee shall hold at least two meetings per year.

9. The quorum of the committee shall be three members by division, including one member appointed by the Bureau, one by the Conference and one by the Minister.

10. Clerical support for the committee shall be the responsibility of the Order.

The secretary designated by the Order shall see to drawing up and keeping the minutes, reports and opinions of the committee.

11. The Bureau shall transmit a copy of the committee's report, if any, and a copy of the committee's opinion to the Conference, to the Minister of Education and to the Office des professions du Québec.

12. The annual report of the Order shall contain the conclusions of the committee's report, if any, and of its opinions.

13. Despite the first paragraph of section 4, for the first division in charge of the training of psychoeducators set up after the date of coming into force of this Regulation, one of the members appointed by the Bureau and one of the members appointed by the Conference shall be appointed for a term of two years.

14. This Regulation replaces the Regulation respecting the committee on training of guidance counsellors made by Order in Council 1031-97 dated 13 August 1997.

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

Notices

Notice

Pointe-Fontaine Nature Reserve — Recognition

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

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Minister of the Environment has recognized as a nature reserve a private property, situated in the territory of the Municipality of Venise-en-Québec, Regional County Municipality of Haut-Richelieu, known and designated as a part of lot 193-119 of the Saint-Georges-de-Clareville Parish land register, Missisquoi registry division. This property, which extends over 0,25 hectare, is more fully described in the plan and property description prepared and signed by Mr. Yves Madore, land surveyor, on February 4, 2003, in his field note 22 136.

This recognition takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

LÉOPOLD GAUDREAU,
*Director of Ecological Heritage and
Sustainable Development*

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

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