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**Summary**

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## Regulations and other acts

Gouvernement du Québec

### O.C. 1186-2003, 12 November 2003

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

#### Wildlife sanctuaries — Amendments

Regulation to amend the Regulation respecting wildlife sanctuaries

WHEREAS, under paragraphs 1 to 5 of section 121 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations on the matters mentioned therein;

WHEREAS the Government made the Regulation respecting wildlife sanctuaries by Order in Council 859-99 dated 28 July 1999;

WHEREAS it is expedient to amend the Regulation;

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

WHEREAS no comments were received regarding the draft Regulation;

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 and the Minister for Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting wildlife sanctuaries, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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

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

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

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

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

**2.** Section 6 is revoked.

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

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

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

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

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

**6.** Section 17 is amended

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

(2) by replacing paragraph 2 by the following:

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

(3) by adding the following:

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

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

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

“(5.1) paragraph 2 of section 8; or”.

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

**9.** Section 26 is amended

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

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

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

(4) by replacing paragraph 4 by the following:

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

(5) by adding the following:

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

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

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

“(1) Sector 1:

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

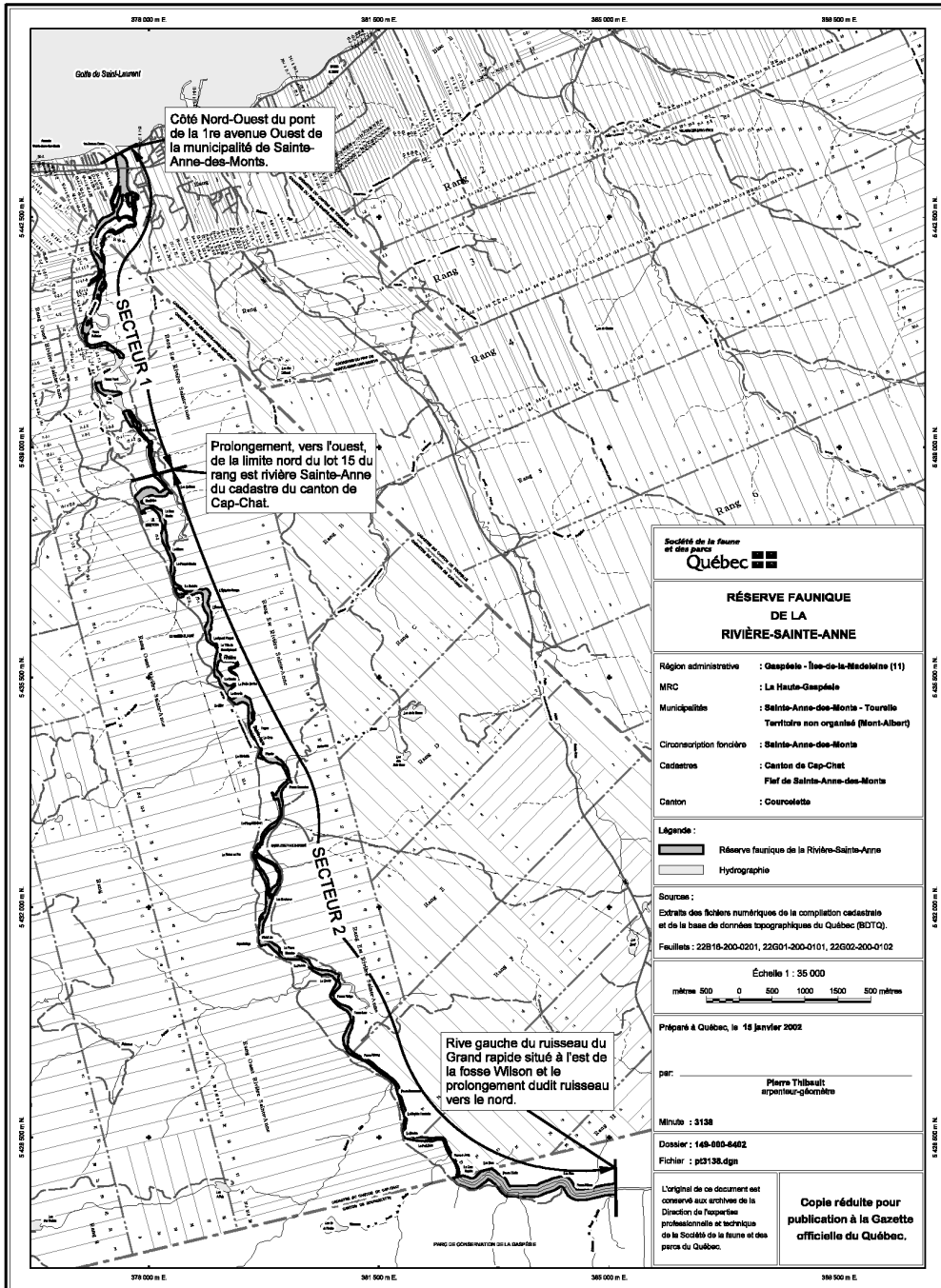
(2) Sector 2:

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

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

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

SCHEDULE VII.1



Gouvernement du Québec

## O.C. 1187-2003, 12 November 2003

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

### Development of wildlife — Scale of fees and duties — Amendment

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

WHEREAS, under paragraph 1 of section 121 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations on the matters mentioned therein;

WHEREAS the Government made the Regulation respecting the scale of fees and duties related to the development of wildlife by Order in Council 1291-91 dated 18 September 1991;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife was published in Part 2 of the *Gazette officielle du Québec* of 30 July 2003 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments were received following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, without amendment;

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

THAT the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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

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

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

“Sector 2

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

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

6019

\* The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908) was last amended by the regulations made by Orders in Council 1239-2002 dated 16 October 2002 (2002, *G.O.* 2, 5639) and 893-2003 dated 27 August 2003 (2003, *G.O.* 2, 2750). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.



**M.O., FP-2003-023****Order of the Minister of Natural Resources,  
Wildlife and Parks and the Minister for Forests,  
Wildlife and Parks dated 11 November 2003**

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

Delimiting areas on land in the domain of the State in  
view of increased utilization of wildlife resources of  
the lake de la Couronne, located on the territory of the  
Municipality of Saint-Bruno-de-Kamouraska, in the  
MRC of Kamouraska

THE MINISTER OF NATURAL RESOURCES, WILDLIFE  
AND PARKS AND THE MINISTER FOR FORESTS, WILDLIFE  
AND PARKS

CONSIDERING that under section 85 of the Act  
respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1), the Minister may delimit areas on  
land in the domain of the State in view of increased  
utilization of wildlife resources and secondarily, the  
practice of recreational activities ;

CONSIDERING that it is expedient to delimit the areas  
on land in the domain of the State specified in appendix  
attached to this Order in view of increased utilization of  
wildlife resources and secondarily, the practice of recrea-  
tional activities ;

ORDER THAT :

The areas on lands in the domain of the State specified  
in appendix attached to this Order are delimited in view  
of increased utilization of wildlife resources and second-  
arily, the practice of recreational activities ;

This Order comes into force on the day of its publica-  
tion in the *Gazette officielle du Québec*.

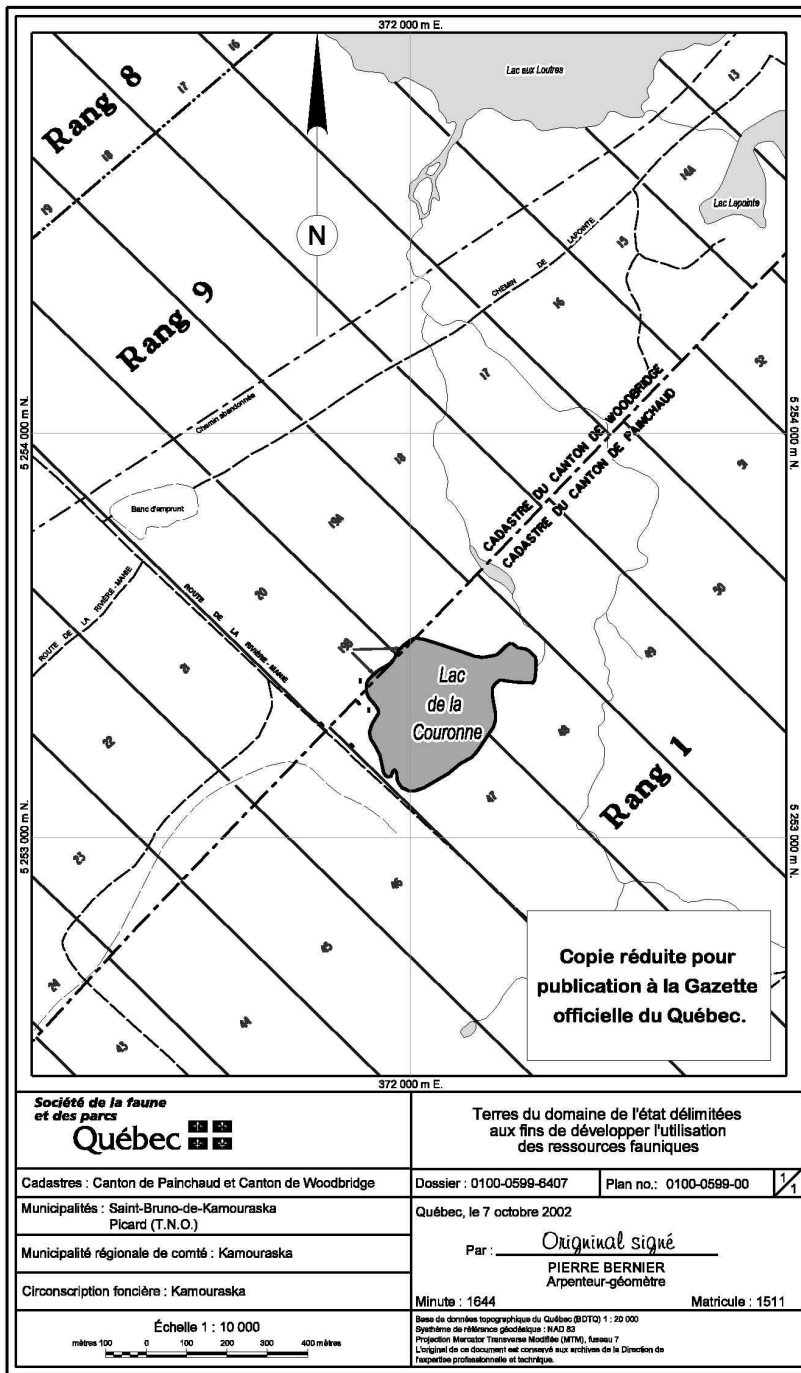
Québec, 11 November 2003

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

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

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SCHEDULE



Fichier : 0100-0599-00.dgn

## Draft Regulations

### Draft Regulation

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

#### Nurses

— 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 nurses, made by the Bureau of the Ordre des infirmières et infirmiers du Québec, may be submitted to the Government for approval, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of the Regulation is to amend the Code of ethics of nurses to introduce provisions stating the terms and conditions according to which a nurse may communicate information that is protected by professional secrecy so as to prevent an act of violence and to add or amend certain provisions relating to the practice of research by a nurse.

These provisions are required by the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78). That Act permits the lifting of professional secrecy to prevent an act of violence, including a suicide, when the professional has grounds to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the communication must be limited to such information as is necessary to achieve the purposes for which the information is communicated, and the information may only be communicated to a person exposed to the danger, to that person's representative, or to the persons who can come to that person's aid.

As for the provisions relating to the practice of research, the aim of these provisions is to make the Code more explicit in this regard, among other things with respect to the duties pertaining to the approval of the research by an ethics committee, the duty of the nurse to refuse to collaborate or cease collaborating in research where certain characteristics are present and the duty to obtain an enlightened consent. The Bureau of the Order considers the addition of these provisions to be necessary in light of the involvement of nurses in research, the need to guide them in these activities and the concern with providing a framework for such practice.

The Bureau foresees no other impact on businesses, in particular small and medium-sized businesses.

Further information concerning the Regulation may be obtained by contacting Carmelle Marchessault, Legal Services Department, Ordre des infirmières et infirmiers du Québec, 4200, boulevard Dorchester Ouest, Montréal H3Z 1V4; telephone (514) 935-2501 or 1 800 363-6048; fax: (514) 935-3147.

Any person having comments to make on the Regulation is asked to send them, before the expiry of the 45 days period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. Those comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order that made the Regulation, that is the Ordre des infirmières et infirmiers du Québec, and to the interested persons, departments and agencies.

GAÉTAN LEMOYNE,  
*Chairman of the Office des  
professions du Québec*

### Regulation to amend the Code of ethics of nurses\*

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

**1.** Section 2 of the Code of ethics of nurses is amended by adding, at the end of the third paragraph, the words "or, as the case may be, the research subject".

**2.** The said code is amended by inserting, after section 7, the following sections:

"**7.1.** A nurse may not undertake or participate in any research on humans that has not been approved by a research ethics committee formed or designated by the Minister of Health and Social Services or by another ethics committee constituted in accordance with recognized standards in matters of research ethics.

\* The Code of ethics of nurses was approved by Order in Council Number 1513-2002 of December 18, 2002 (2003 G.O. 2, p. 64). The said regulation has not been amended since that date.

If no such committee exists, the nurse may decide to constitute one, in conformity with recognized standards in matters of research ethics, particularly in regard to the composition of the committee and the methods by which it operates.

**7.2.** A nurse who undertakes or participates in research must advise the ethics committee or another appropriate authority where the research or the manner in which it is being conducted appears not to conform to generally recognized scientific principles and ethical standards.

**7.3.** A nurse must refuse to collaborate or cease collaborating in any research or research activity where the risks to the health of subjects appear disproportionate having regard to the advantages that the subjects stand to derive from the research or, if applicable, the advantages that the subjects could derive from the usual care.”.

**3.** Section 14 of the said code is amended by inserting, in the first line of the first paragraph, after the word “file”, the words “, research record”.

**4.** The said code is amended by inserting, after section 14, the following section :

“**14.1.** A nurse must not knowingly conceal from the persons or authorities concerned the negative findings of any research in which she or he has taken part.”.

**5.** The said code is amended by inserting, after section 15, the following section :

“**15.1.** When informing the public of a new method of care or a treatment which has not been sufficiently tested, a nurse must mention that fact and express the appropriate caution.”.

**6.** Section 22 of the said code is amended :

(1) by replacing the word “pressing” with the word “insistent”;

(2) by adding, at the end of the said section, the words “or to take part in any research”.

**7.** Section 23 of the said code is amended by adding, at the end of paragraphs (2) and (3), the words “, including any research activities”.

**8.** The said code is amended by inserting, after section 24, the following section :

“**24.1.** A nurse who participates in research must declare her or his interest and disclose any apparent or potential conflict of interest to a research ethics committee formed or designated by the Minister of Health and Social Services or another ethics committee formed in accordance with recognized standards in matters of research ethics.”.

**9.** The said code is amended by inserting, after section 31, the following sections :

“**31.1.** A nurse who has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons may, in order to prevent an act of violence, including a suicide, communicate information that is protected by professional secrecy.

The nurse may only communicate the information to a person exposed to the danger or that person’s representative, and to the persons who can come to that person’s aid. The nurse may only communicate such information as is necessary to achieve the purposes for which the communication is communicated.

The nurse shall take into consideration, as applicable, the terms and conditions determined by directive pursuant to section 19.01 of the Act respecting health services and social services, R.S.Q. chapter S.-4.2, section 7 of the Act respecting health services and social services for Cree Native persons, R.S.Q. chapter S-5, section 72.8 of the Youth Protection Act, R.S.Q. chapter P.-34.1 or section 59.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information, R.S.Q. chapter A.-2.1.

**31.2.** A nurse who, in accordance with section 31.1, communicates information that is protected by professional secrecy, shall enter the following in the client’s record :

(1) the reasons supporting the decision to communicate the information, including in particular the identity of the person who caused the nurse to communicate the information and the identity of the person or group of persons exposed to the danger ;

(2) the elements of the communication including the date and time of the communication, the content of the communication, the mode of communication used and the identity of the person to whom the communication was made.”.

**10.** The said code is amended by inserting, after section 41, the following section:

“**41.1.** In connection with any research, a nurse must, in regard to each of the research subjects or their legal representative, ensure:

(1) that the subject is informed of the research project’s objectives and the manner in which it will be conducted, its advantages, risks or disadvantages for the subject, the advantages provided by the usual care, if applicable, as well as the fact, as the case may be, that the nurse will derive, in addition to the salary to which the nurse is entitled, a material gain from enrolling or keeping the subject in the research project;

(2) that a free and enlightened consent is obtained in writing from the subject before he begins participating in the research or when there is any significant change in the research protocol;

(3) that the research subject is informed that his consent is revocable at any time.”

**11.** Section 44 of the said code is amended by inserting, after the words “treatment provided to the client”, the words “or to the research subject in connection with any research activities”.

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

6022

## Draft Regulation

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

### Nursing assistants — 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 nursing assistants, made by the Bureau of the Ordre des infirmières et infirmiers auxiliaires du Québec, the text of which appears below, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the Regulation is to amend the Code of ethics of the Ordre des infirmières et infirmiers auxiliaires du Québec to introduce provisions stating the terms and conditions according to which nursing assistants may communicate information that is protected by professional secrecy so as to prevent an act of violence.

These provisions are required by the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78). That Act permits the lifting of professional secrecy to prevent an act of violence, including a suicide, where the professional has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the communication must be limited to such information as is necessary to achieve the purposes for which the information is communicated, and the information may only be communicated to a person exposed to the danger, to that person’s representative, and to the persons who can come to that person’s aid.

In addition, the Regulation introduces provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Code, and provisions concerning a nursing assistant’s obligation to release documents to a patient, pursuant to subparagraph 4 of the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26).

The Order expects no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Georges Ledoux, Ordre des infirmières et infirmiers auxiliaires du Québec, 531, rue Sherbrooke Est, Montréal (Québec) H2L 1K2, telephone: (514) 282-9511 or toll free: 1 800 283-9511 or fax: (514) 282-0631.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D’Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be sent to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that made the Regulation, as well as to interested persons, departments and bodies.

GAÉTAN LEMOYNE,  
*Chairman of the Office des  
professions du Québec*

## Regulation to amend the Code of ethics of nursing assistants\*

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

**1.** The Code of ethics of nursing assistants is amended by inserting the following after section 3.05.06:

“**3.05.07.** The member who, pursuant to the third paragraph of section 60.4 of the Professional Code (R.S.Q., c. C-26), communicates information protected by professional secrecy to prevent an act of violence must

(1) communicate the information immediately;

(2) enter the following in the client’s record as soon as possible:

(a) the reasons supporting the decision to communicate the information, including the name of the person exposed to the danger; and

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

**2.** The Code is amended by replacing subdivision 6 of Division III by the following:

“**§6.** *Conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code, and the obligation for members to release documents to a client*

**3.06.01.** A member may require that a request referred to in section 3.06.02, 3.06.05 or 3.06.08 be made at the professional domicile of the member during regular business hours.

**3.06.02.** In addition to the special rules prescribed by law, a member shall respond promptly, and no later than within 30 days of its receipt, to any request made by a client

(1) to examine the documents concerning the client in any record established in the client’s respect; or

(2) to obtain a copy of the documents concerning the client in any record established in the client’s respect.

**3.06.03.** A member who grants a request referred to in section 3.06.02 shall give the client access to the documents, free of charge. However, the member may, with respect to a request referred to in paragraph 2 of section 3.06.02, charge to the client reasonable fees not exceeding the cost for reproducing or transcribing the documents or the cost for transmitting a copy.

A member who charges such fees shall, before proceeding with the copying, transcribing or transmitting of the documents, inform the client of the approximate amount that must be paid.

**3.06.04.** A member who, pursuant to the second paragraph of section 60.5 of the Professional Code, denies a client access to information contained in any record established in the client’s respect shall notify the client in writing of the reasons for the refusal.

**3.06.05.** In addition to the special rules prescribed by law, a member shall respond promptly, and no later than within 30 days of its receipt, to any request made by a client

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

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

(3) to file in the record established in the client’s respect the written comments made by the client.

**3.06.06.** A member who grants a request referred to in section 3.06.05 shall issue to the client, free of charge, a copy of the document or part of the document so that the client may see for himself or herself that the information was corrected or deleted or, as the case may be, an attestation that the written comments of the client were filed in the record.

**3.06.07.** Upon request by a client, a member shall send a copy free of charge of the corrected information or an attestation that the information was corrected or deleted or, as the case may be, that written comments were filed in the record to any person from whom the member received the information that was the subject of the correction, deletion or comments and to any person to whom the information was provided.

\* The Code of ethics of nursing assistants (R.R.Q., 1981, c. C-26, r.111) was last amended by the regulation approved by Order in Council 594-98 dated 29 April 1998 (1998, G.O. 2, 1814). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

**3.06.08.** A member shall respond promptly to any written request made by a client to retrieve a document given by the client.

The member shall indicate in the client's record, where applicable, the reasons supporting the client's request.”.

**3.** 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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## Treasury Board

Gouvernement du Québec

### **T.B. 200380**, 11 November 2003

An Act respecting the Pension Plan of Certain Teachers  
(R.S.Q., c. R-9.1)

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

An Act respecting the Pension Plan of Management  
Personnel  
(R.S.Q., c. R-12.1)

#### **Regulation** — **Amendments**

CONCERNING the Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers, the Regulation under the Act respecting the Government and Public Employees Retirement Plan and the Regulation under the Act respecting the Pension Plan of Management Personnel

WHEREAS, under paragraph 1.1 of section 41.8 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1), the Government may, by regulation, establish the limits applicable to a pension amount added under section 35.9 of that Act and the manner in which an amount that exceeds the limits is to be adjusted;

WHEREAS the Government made the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers by Order in Council 708-94 dated 18 May 1994 and its subsequent amendments;

WHEREAS, under subparagraph 9.1 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may, by regulation, establish, for the purposes of section 73.4 of that Act, the limits applicable to a pension amount added under sections 73.1 and 73.2 of that Act and the manner in which an amount that exceeds the limits is to be adjusted;

WHEREAS the Government made the Regulation under the Act respecting the Government and Public Employees Retirement Plan by Order in Council 1845-88 dated 14 December 1988 and its subsequent amendments;

WHEREAS, under the first paragraph of section 41.8 of the Act respecting the Pension Plan of Certain Teachers and section 134 of the Act respecting the Government and Public Employees Retirement Plan, the Government may make those regulations after the Commission administrative des régimes de retraite et d'assurances has consulted with the Comité de retraite referred to in sections 163 and 164 of the latter Act;

WHEREAS the Comité de retraite has been consulted;

WHEREAS it is expedient to amend the Regulations;

WHEREAS, under paragraph 8 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may, by regulation, establish, for the purposes of section 107 of that Act, the limits applicable to a pension amount added under sections 104 and 105 and the manner in which an amount that exceeds the limits is to be adjusted;

WHEREAS the Government made the Regulation under the Act respecting the Pension Plan of Management Personnel by Conseil du trésor Decision 197329 dated 27 November 2001 and its subsequent amendments;

WHEREAS, under the first paragraph of that section 196, the Government shall make the regulation after the Commission administrative des régimes de retraite et d'assurance has consulted the Comité de retraite referred to in section 173.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10);

WHEREAS the Comité de retraite has been consulted;

WHEREAS it is expedient to amend the Regulation;

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

WHEREAS the Minister of Finance, the Economy and Research has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers, the Regulation under the Act respecting the Government and Public Employees Retirement Plan and the Regulation under the Act respecting the Pension Plan of Management Personnel, attached to this Decision, be made.

ALAIN PARENTEAU,  
Clerk of the Conseil du trésor

**Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers,\* the Regulation under the Act respecting the Government and Public Employees Retirement Plan\*\* and the Regulation under the Act respecting the Pension Plan of Management Personnel\*\*\***

An Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1, s. 41.8, par 1.1)

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 134, 1st par., subpar 9.1)

An Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1, s. 196, 1st par., subpar. 8)

**1.** The Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers is amended by inserting the following after section 0.3:

\* The Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers, made by Order in Council 708-94 dated 18 May 1994 (1994, *G.O.* 2, 2046), was last amended by the regulation made by C.T. 197461 dated 18 December 2001 (2001, *G.O.* 2, 255).

\*\* The Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 (1988, *G.O.* 2, 4154) was last amended by the regulation made by C.T. 197330 dated 27 November 2001 (2001, *G.O.* 2, 6318).

\*\*\* The Regulation under the Act respecting the Pension Plan of Management Personnel, made by C.T. 197329 dated 27 November 2001 (2001, *G.O.* 2, 6317) was last amended by the regulation made by C.T. 199280 dated 21 January 2003 (2003, *G.O.* 2, 884). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

“**0.4.** The limits provided for in this Division may not operate to exceed the limits authorized under the Income Tax Act (R.S.C. 1985, chapter 1, 5th Supplement).”.

**2.** Section 12.5 of the Regulation under the Government and Public Employees Retirement Plan is amended by deleting “and, if applicable, section 215.0.0.7 of the Act” at the end of the definition of “TM”.

**3.** That Regulation is amended by inserting the following after section 12.5:

“**12.6.** The limits provided for in this Division may not operate to exceed the limits authorized under the Income Tax Act (R.S.C. 1985, chapter 1, 5th Supplement).”.

**4.** The Regulation under the Act respecting the Pension Plan of Management Personnel is amended by inserting the following after Division I.1:

“**DIVISION I.2**  
LIMITS TO ADDED PENSION AMOUNTS

**1.2.** For the purposes of sections 104 and 105 of the Act, the sum of the amounts that an employee may cause to be added to the employee’s pension may not exceed the amount “M” which corresponds to the lesser of the amounts “M<sub>1</sub>” and “M<sub>2</sub>” calculated using the following formulas:

$$M_1 = (F \times N_L \times 2.0\% \times TM) - CR_{RR}$$

$$M_2 = F \times N \times (1.1\% \times TM + \$230)$$

**1.3.** The amount added to an employee’s pension corresponds to the sum of the following amounts:

(1) the amount “MO” which corresponds to the lesser of the amounts “MO<sub>1</sub>” and “MO<sub>2</sub>” calculated using the following formulas:

$$i. MO_1 = [N_L \times [(F \times 2.0\% \times TM) - (0.7\% \times (TM \text{ or } MGA, \text{ whichever is lower}))]] - CR_{RR}$$

$$ii. MO_2 = F \times N \times 1.1\% \times TM; \text{ and}$$

(2) an amount equal to the difference between the amount “M” determined in section 1.2 and the amount “MO” determined in paragraph 1, if the employee is under 65 years of age when the pension becomes payable. The amount is paid until the end of the month in which the pensioner attains 65 years of age.

**1.4.** For the purposes of sections 1.2 and 1.3:

CR<sub>RR</sub> represents:

(1) the amount of the pension credit on the date of retirement, including the increase referred to in sections 89 and 107.1 of the Act respecting the Government and Public Employees Retirement Plan, and takes into account any applicable actuarial reduction or the increase provided for in section 93 of that Act;

(2) the amount of the paid-up annuity certificate indicated on the statement of benefits, taking into account, if applicable, an actuarial reduction of 0.5% per month calculated for each month included between the date of retirement and the person's sixty-fifth birthday;

(3) the value of the pension credit attributed to the amounts corresponding to the years and parts of a year recognized for purposes of eligibility and transferred into a locked-in retirement account (LIRA), calculated using the following formula:

(balance of the LIRA on the date of designation of the employer in Schedule I to the Act respecting the Government and Public Employees Retirement Plan or, as the case may be, Schedule II to the Act respecting the Pension Plan of Management Personnel x (5))

(value of a \$10 annual pension credit payable monthly as of age 65 according to Schedule V to the Act respecting the Government and Public Employees Retirement Plan and taking into account the age of the employee on the date of designation of the employer in the applicable schedule.)

The value of the pension credit attributed must include the rate of any increase referred to in section 89 of that Act, between the date of designation of the employer in the applicable schedule and the date of retirement, and take into account, if applicable, an actuarial reduction of 0.5% per month calculated for each month between the date of retirement and the person's sixty-fifth birthday;

F represents 1 less the percentage of actuarial reduction applicable to the pension of the employee;

MGA represents the average Maximum Pensionable Earnings within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);

N represents the number of years and parts of a year referred to in paragraphs 1 to 3 of section 104 of the Act;

NL represents the minimum between N and 35 less the number of years of service credited to the plan;

TM represents the average pensionable salary determined as provided in section 52 of the Act respecting the Pension Plan of Management Personnel.

**1.5.** The limits provided for in this Division may not operate to exceed the limits authorized under the Income Tax Act (R.S.C. 1985, chapter 1, 5th Supplement).".

**5.** This Regulation comes into force on the day it is made.

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## Index Statutory Instruments

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

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Conservation and development of wildlife, An Act respecting the... — Scale of fees and duties related to the development of wildlife ..... (R.S.Q., c. C-61.1)	3356	M
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