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Part

2

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Laws and Regulations

Volume 135

Summary

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PROVINCE OF QUÉBEC

1st SESSION

37th LEGISLATURE

QUÉBEC, 27 NOVEMBER 2003

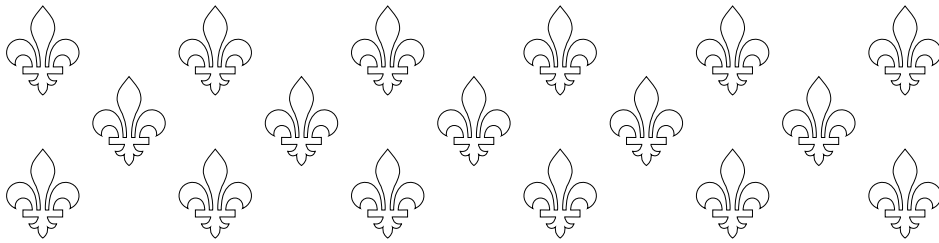
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 27 November 2003

This day, at thirty-five minutes past four o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 12 An Act to amend the Act respecting the land regime in the James Bay and New Québec territories
- 17 An Act to amend the Act respecting the Ministère des Ressources naturelles and other legislative provisions

To these bills the Royal assent was affixed by Her Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 12
(2003, chapter 7)

**An Act to amend the Act respecting the
land regime in the James Bay and New
Québec territories**

**Introduced 20 June 2003
Passage in principle 29 October 2003
Passage 20 November 2003
Assented to 27 November 2003**

**Québec Official Publisher
2003**

EXPLANATORY NOTES

The object of this bill is to establish a new Inuit landholding corporation, the Corporation foncière d'Umiujaq, to give effect to the Complementary Agreement No. 16 amending the Agreement concerning James Bay and Northern Québec.

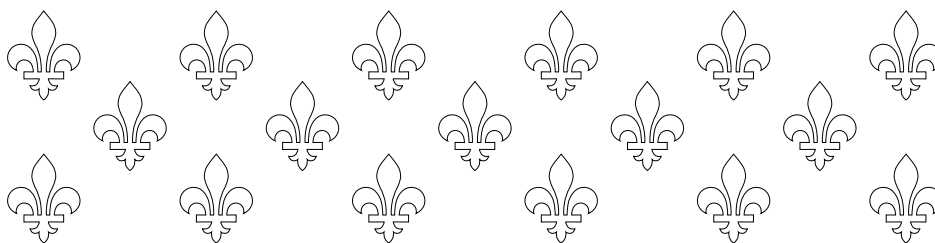
The creation of the Corporation foncière d'Umiujaq will allow the transfer to the Corporation of the ownership of Category I lands and the management of the Category II lands that will be allocated to it.

Bill 12

AN ACT TO AMEND THE ACT RESPECTING THE LAND REGIME IN THE JAMES BAY AND NEW QUÉBEC TERRITORIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

- 1.** Section 5 of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1) is amended by inserting “Corporation foncière d’Umiujaq,” after “Kuujjuarapik,” in the second line of the first paragraph.
- 2.** Section 6 of the said Act is amended by inserting “Umiujaq,” after “Great Whale River,” in the second line.
- 3.** This Act comes into force on 27 November 2003.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 17
(2003, chapter 8)

**An Act to amend the Act respecting the
Ministère des Ressources naturelles and
other legislative provisions**

**Introduced 22 October 2003
Passage in principle 29 October 2003
Passage 20 November 2003
Assented to 27 November 2003**

**Québec Official Publisher
2003**

EXPLANATORY NOTES

The object of this bill is to amend the Act respecting the Ministère des Ressources naturelles in order to replace the designations of the Minister and the government department appearing therein by Minister of Natural Resources, Wildlife and Parks and Ministère des Ressources naturelles, de la Faune et des Parcs.

The bill also amends several other Acts for the purposes of concordance and includes a legislative harmonization provision relating to the power of the Minister to enter into agreements.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Agence de l'efficacité énergétique (R.S.Q., chapter A-7.001);
- Legal Aid Act (R.S.Q., chapter A-14);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Act respecting land survey (R.S.Q., chapter A-22);
- Land Surveyors Act (R.S.Q., chapter A-23);
- Cultural Property Act (R.S.Q., chapter B-4);
- Act respecting registry offices (R.S.Q., chapter B-9);
- Cadastre Act (R.S.Q., chapter C-1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Timber-Driving Companies Act (R.S.Q., chapter C-42);
- Natural Heritage Conservation Act (R.S.Q., chapter C-61.01);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

- Forestry Credit Act (R.S.Q., chapter C-78);
- Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1);
- Territorial Division Act (R.S.Q., chapter D-11);
- Mining Duties Act (R.S.Q., chapter D-15);
- Act respecting the conservation of energy in buildings (R.S.Q., chapter E-1.1);
- Act respecting the energy efficiency of electrical or hydrocarbon-fuelled appliances (R.S.Q., chapter E-1.2);
- Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);
- Executive Power Act (R.S.Q., chapter E-18);
- Act respecting the exportation of electric power (R.S.Q., chapter E-23);
- Forest Act (R.S.Q., chapter F-4.1);
- Hydro-Québec Act (R.S.Q., chapter H-5);
- Taxation Act (R.S.Q., chapter I-3);
- Cullers Act (R.S.Q., chapter M-12.1);
- Mining Act (R.S.Q., chapter M-13.1);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14);
- Act respecting the Ministère des Ressources naturelles (R.S.Q., chapter M-25.2);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);

- Act respecting the special powers of legal persons (R.S.Q., chapter P-16);
- Act respecting petroleum products and equipment (R.S.Q., chapter P-29.1);
- Tree Protection Act (R.S.Q., chapter P-37);
- Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);
- Environment Quality Act (R.S.Q., chapter Q-2);
- Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1);
- Act respecting the Régie de l'énergie (R.S.Q., chapter R-6.01);
- Watercourses Act (R.S.Q., chapter R-13);
- Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1);
- Act respecting the James Bay Eeyou Corporation (R.S.Q., chapter S-16.1);
- Act respecting the Société générale de financement du Québec (R.S.Q., chapter S-17);
- Act respecting the Société nationale de l'amiante (R.S.Q., chapter S-18.2);
- Act respecting agricultural lands in the domain of the State (R.S.Q., chapter T-7.1);
- Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);
- Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11);
- Securities Act (R.S.Q., chapter V-1.1).

Bill 17

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The title of the Act respecting the Ministère des Ressources naturelles (R.S.Q., chapter M-25.2) is amended by adding “, de la Faune et des Parcs” at the end.

2. Sections 1, 2, 17.5 and 17.12.4 of the said Act are amended by inserting “, de la Faune et des Parcs” after “naturelles” or “, Wildlife and Parks” after “Resources”, as the case may be.

3. Section 16 of the said Act is amended by striking out “and with the authorization of the Government” in the first and second lines.

4. Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 52 of chapter 72 of the statutes of 2002, is again amended by adding “, Wildlife and Parks” at the end of subparagraph 8 of the first paragraph.

5. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 63 of chapter 72 of the statutes of 2002, is again amended by replacing paragraph 7 by the following paragraph :

“(7) The Ministère des Ressources naturelles, de la Faune et des Parcs, presided over by the Minister of Natural Resources, Wildlife and Parks;”.

6. The words “des Ressources naturelles” are replaced by “des Ressources naturelles, de la Faune et des Parcs” and the words “of Natural Resources” are replaced by “of Natural Resources, Wildlife and Parks” in the following provisions :

(1) section 35 of the Act respecting the Agence de l’efficacité énergétique (R.S.Q., chapter A-7.001) ;

(2) section 87.2 of the Legal Aid Act (R.S.Q., chapter A-14) ;

(3) the third paragraph of sections 44 and 105 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) ;

(4) sections 3, 14, 15, 18 and 19 of the Act respecting land survey (R.S.Q., chapter A-22);

(5) paragraph *f* of section 1 of the Land Surveyors Act (R.S.Q., chapter A-23);

(6) the second paragraph of sections 47, 47.2 and 102 of the Cultural Property Act (R.S.Q., chapter B-4);

(7) the first and third paragraphs of section 1, the first paragraph of section 1.1 and the first, second and third paragraphs of section 1.2 of the Act respecting registry offices (R.S.Q., chapter B-9);

(8) sections 1 and 21.7 of the Cadastre Act (R.S.Q., chapter C-1);

(9) section 29.13, the second paragraph of section 29.14.1, section 29.14.2 and the second paragraph of section 29.18 of the Cities and Towns Act (R.S.Q., chapter C-19);

(10) paragraph 1 of the definition of “public highway” of section 4, the third paragraph of section 35, section 65, the second paragraph of section 97, the second paragraph of section 213, the third paragraph of section 320, the second paragraph of section 327, the last paragraph of sections 328, 396, 397, 471, 500, 500.1 and 521 and the second paragraph of section 636.1 of the Highway Safety Code (R.S.Q., chapter C-24.2);

(11) section 14.11, the second paragraph of section 14.12.1, section 14.12.2 and the second paragraph of section 14.16 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);

(12) section 6, amended by section 283 of chapter 45 of the statutes of 2002, sections 6.1, 8, 10, 14, 27, the first paragraph of section 28, sections 43 and 44, the first and second paragraphs of section 49 and section 66 of the Timber-Driving Companies Act (R.S.Q., chapter C-42);

(13) section 14, subparagraph 2 of the second paragraph of section 16, subparagraph 9 of the first paragraph of section 22, the second paragraph of section 27, paragraph 2 of section 30 and subparagraph *i* of subparagraph *e* of subparagraph 1 of the first paragraph of section 92 of the Natural Heritage Conservation Act (R.S.Q., chapter C-61.01);

(14) subparagraph 2.1 of the first paragraph of section 5, the first paragraph of section 85, section 92, the first paragraph of section 104, the first paragraph of sections 106.0.2, 111, 122 and 128.2, paragraph 1 of section 128.5 and paragraph 2 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

(15) paragraph *a* of section 1 and section 53 of the Forestry Credit Act (R.S.Q., chapter C-78);

(16) section 30, the first paragraph of section 69 and section 70 of the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1);

(17) section 17.1 of the Territorial Division Act (R.S.Q., chapter D-11);

(18) the definition of “Minister” of section 1, subparagraph *i* of subparagraph *b.1* of paragraph 1 of section 16.1, the second paragraph of section 70, the first paragraph of sections 76 and 80.2 and sections 80.6 and 97 of the Mining Duties Act (R.S.Q., chapter D-15);

(19) section 17 of the Act respecting the conservation of energy in buildings (R.S.Q., chapter E-1.1);

(20) section 19 of the Act respecting the energy efficiency of electrical or hydrocarbon-fuelled appliances (R.S.Q., chapter E-1.2);

(21) the third paragraph of section 6, the first paragraph of section 12 and paragraph 1 of section 15 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);

(22) section 9 of the Act respecting the exportation of electric power (R.S.Q., chapter E-23);

(23) section 124.40 and section 257 of the Forest Act (R.S.Q., chapter F-4.1);

(24) sections 4.2 and 32 of the Hydro-Québec Act (R.S.Q., chapter H-5);

(25) paragraph *a* of the definition of “mineral resource” of section 1, the second paragraph of section 154.2 and the last paragraph of section 1029.8.36.167 of the Taxation Act (R.S.Q., chapter I-3);

(26) section 44 of the Cullers Act (R.S.Q., chapter M-12.1);

(27) sections 11 and 13, the first paragraph of section 115.1, section 244, the third paragraph of section 245, the first paragraph of section 248 and sections 320, 374 and 382 of the Mining Act (R.S.Q., chapter M-13.1);

(28) subparagraph 1.1 of the first paragraph of section 2 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14);

(29) subparagraph *f* of the second paragraph of section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);

(30) subparagraph 2 of the first paragraph of section 67, section 68, subparagraph 2 of the first paragraph of section 108, section 109, the second paragraph of section 162, section 163, the second paragraph of sections 187, 206 and 207, the first paragraph of sections 210 and 210.1, sections 210.2 and 210.3, the first paragraph of section 210.38 and the second paragraph of

section 281 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9);

(31) section 42 of the Act respecting the special powers of legal persons (R.S.Q., chapter P-16);

(32) section 116 of the Act respecting petroleum products and equipment (R.S.Q., chapter P-29.1);

(33) section 1 of the Tree Protection Act (R.S.Q., chapter P-37);

(34) subparagraph 17 of the first paragraph of section 1 and section 79.10 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);

(35) sections 144 and 178 and subparagraph *h* of the first paragraph of Schedule B to the Environment Quality Act (R.S.Q., chapter Q-2);

(36) section 1, the fourth paragraph of section 8.1, section 8.2, the first paragraph of section 10 and section 63 of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1);

(37) section 171 of the Act respecting the Régie de l'énergie (R.S.Q., chapter R-6.01);

(38) section 1, the first paragraph of section 68 and sections 69.3 and 70 of the Watercourses Act (R.S.Q., chapter R-13);

(39) paragraph *j* of section 1, the first and second paragraphs of section 56, sections 83, 84, 86 and 89, the first and second paragraphs of section 148, sections 167, 168, 170, 173 and 174, the first and second paragraphs of section 191.38, sections 191.62, 191.63, 191.65 and 191.68 and the second paragraph of section 191.69 of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1);

(40) section 52 of the Act respecting the James Bay Eeyou Corporation (R.S.Q., chapter S-16.1);

(41) the first and second paragraphs of section 15.1 of the Act respecting the Société générale de financement du Québec (R.S.Q., chapter S-17);

(42) the first paragraph of sections 18 and 57 and section 61 of the Act respecting the Société nationale de l'amiante (R.S.Q., chapter S-18.2);

(43) section 56.1 of the Act respecting agricultural lands in the domain of the State (R.S.Q., chapter T-7.1);

(44) sections 3 and 98 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);

(45) paragraph *a* of section 1 and the third paragraph of section 2 of the Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11);

(46) the first paragraph of section 256, amended by section 696 of chapter 45 of the statutes of 2002, of the Securities Act (R.S.Q., chapter V-1.1).

7. Unless otherwise indicated by the context, in any other Act, statutory instrument or other document,

(1) a reference to the Minister or Deputy Minister of Natural Resources is a reference to the Minister or Deputy Minister of Natural Resources, Wildlife and Parks and a reference to the Ministère des Ressources naturelles is a reference to the Ministère des Ressources naturelles, de la Faune et des Parcs;

(2) a reference to the Act respecting the Ministère des Ressources naturelles or any provision thereof is a reference to the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs or to the corresponding provision of that Act.

8. This Act comes into force on 27 November 2003.

Regulations and other acts

Gouvernement du Québec

O.C. 1250-2003, 26 November 2003

An Act respecting transportation services by taxi
(R.S.Q., c. S-6.01)

Taxi owner's permits

— Maximum number per taxi servicing area and certain conditions of operation

— Amendment

Amendment to Order in Council 736-2002 dated 12 June 2002 fixing the maximum number of taxi owner's permits per taxi servicing area and certain conditions of operation

WHEREAS, under the first paragraph of section 10 of the Act respecting transportation services by taxi (R.S.Q., c. S-6.01), the Commission des transports du Québec shall issue the taxi owner's permits to be used in a servicing area after sending a notice to the Association professionnelle des chauffeurs de taxi du Québec and after taking into consideration, where applicable, the maximum number of taxi owner's permits it is authorized to issue pursuant to an order made under the third paragraph of that section;

WHEREAS, under the third paragraph of that section, the Government may, for each servicing area it specifies, fix the maximum number of taxi owner's permits that may be issued by the Commission des transports du Québec according to the services specified by the Government and, where applicable, the conditions determined by the Government;

WHEREAS, under Order in Council 736-2002 dated 12 June 2002, the Commission des transports du Québec may not issue, for each area established and delimited under subparagraph 4 of the first paragraph of section 79 of the Act, more taxi owner's permits than the maximum number appearing in the schedule attached to that Order in Council for each area indicated therein;

WHEREAS it is expedient to modify the maximum number of taxi owner's permits fixed for servicing area A.19 Victoriaville, bearing Administrative Number 102019 of the Commission des transports du Québec, and for servicing area A.39 Saint-Hyacinthe, bearing Administrative Number 102039;

WHEREAS the holders of taxi owner's permits in servicing area A.19 Victoriaville and in servicing area A.39 Saint-Hyacinthe have requested that the maximum number of taxi owner's permits in their respective servicing areas be increased;

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

THAT the Schedule to Order in Council 736-2002 dated 12 June 2002 be amended to increase the maximum number of taxi owner's permits that may be issued by the Commission des transports du Québec to 30 for servicing area A.19 Victoriaville, bearing Administrative Number 102019, and to 37 for servicing area A.39 Saint-Hyacinthe, bearing Administrative Number 102039.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

6035

Gouvernement du Québec

O.C. 1251-2003, 26 November 2003

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

Industrie de l'automobile

— Lanaudière-Laurentides

— Attendance fees and travelling expenses of the members of the Comité paritaire

Regulation to amend the Regulation respecting the attendance fees and travelling expenses of the members of the Comité paritaire de l'industrie de l'automobile des régions Lanaudière-Laurentides

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

WHEREAS the Regulation respecting the attendance fees and travelling expenses of the members of the Comité paritaire de l'industrie de l'automobile des régions Lanaudière-Laurentides was approved by Order in Council No. 2524-85 dated 27 November 1985;

WHEREAS the Comité paritaire de l'industrie de l'automobile des régions Lanaudière-Laurentides adopted the "Regulation to amend the Regulation respecting the attendance fees and travelling expenses of the members of the Comité paritaire de l'industrie de l'automobile des régions Lanaudière-Laurentides" at its meeting held on 18 March 2003;

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

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the attendance fees and travelling expenses of the members of the Comité paritaire de l'industrie de l'automobile des régions Lanaudière-Laurentides, attached hereto, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the attendance fees and travelling expenses of the members of the Comité paritaire de l'industrie de l'automobile des régions Lanaudière-Laurentides*

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

1. The following is substituted for section 1 of the Regulation respecting the attendance fees and travelling expenses of the members of the Comité paritaire de l'industrie de l'automobile des régions Lanaudière-Laurentides:

"1. The Comité paritaire de l'industrie de l'automobile des régions Lanaudière-Laurentides shall pay an attendance allowance to its members equal to \$150 per day to attend the meetings of the committee or one of its sub-committees.

* The Regulation respecting the attendance fees and travelling expenses of the members of the Comité paritaire de l'industrie de l'automobile des régions Lanaudière-Laurentides was approved by Order in Council No. 2524-85 dated 27 November 1985 (1985, G.O. 2, 4294).

The remuneration provided for in the first paragraph cannot be paid for more than one meeting per week."

2. This Regulation comes into force on the date of its approval by the Government.

6036

Gouvernement du Québec

Agreement

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

AGREEMENT CONCERNING NEW METHODS OF VOTING IN REFERENDUMS USING "PERFAS-MV" BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF RIVIÈRE-DU-LOUP, a legal person established in the public interest, having its head office at 65, rue de l'Hôtel-de-Ville, C.P. 37, Rivière-du-Loup, Province of Québec, G5R 3Y7, represented by the mayor, Mr Jean D'Amour, and the clerk, M^c Georges Deschênes, o.m.a., lawyer, under a resolution bearing number 661-2003, hereinafter called

THE MUNICIPALITY

AND

Mtre Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, Province of Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

the Honourable Jean-Marc Fournier, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION, having his main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 639-2003, passed at its meeting of October 27, 2003 expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the referendum on December 7 of the year 2003 in the MUNICIPALITY;

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

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

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

The agreement has the effect of law.

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

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions for the referendum on December 7 of the year 2003 and could, with the necessary adaptations, avail itself of those provisions for referendums held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that referendum;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY is solely responsible for the technological choice elected;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of December 10, 2003 resolution No. 661-2003 approving the text of the agreement and authorizing the mayor and the clerk to sign this agreement;

WHEREAS the secretary-treasurer/director general of the MUNICIPALITY is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. APPLICABLE PROVISIONS

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) applies to the referendum of December 7, 2003 in the municipality, subject to the provisions of the Act amended or replaced by this agreement.

With the necessary adaptations, and to the extent that they are compatible, the following provisions of Title I of the Act respecting elections and referendums in municipalities apply to Title II of the aforementioned Act:

(1) the provisions of Divisions III and IV of Chapter V dealing with election officers and the Chief Electoral Officer;

(2) the provisions of Division II of Chapter VI dealing with the preparation, revision, and coming into force of the list of electors for a referendum for the municipality or sector concerned, as the case may be;

However, the clerk or secretary-treasurer is not obliged to submit a request pursuant to section 100 if he or she has already submitted a request pursuant to section 546, based on the same reference date and with regard to the territory covered by the referendum or a territory including that territory;

(3) the provisions of subdivisions 2 to 6 of Division IV of Chapter VI dealing with the advance poll, polling stations, materials required for the poll, formalities prior to the opening of polling stations, and polling proceedings;

(4) the provisions of Division V of Chapter VI dealing with the counting and addition of votes;

(5) the provisions of subdivision I of Division VII of Chapter VI dealing with the recount or re-addition of votes;

(6) the provisions of Chapter VII dealing with the electoral code of ethics.

Notwithstanding paragraph 3 of the second paragraph, the provisions of subdivision 2 of Division IV under Chapter VI of Title I dealing with the advance poll do not apply in the case of a referendum that concerns only some of the qualified voters in the municipality, unless the council of the municipality orders that those provisions shall apply to the referendum, or unless a facility contemplated in the second paragraph of section 50 is located in the territory in which the referendum will take place.

3. INTERPRETATION

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

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

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

- a reader of electronic voting cards;

- one or more printers;

- one or more autonomous voting terminals;

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

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

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

3.4 “rejected ballot paper” means a ballot paper for which the button corresponding to “I do not wish to vote for the office of mayor” or “I do not wish to vote for this

referendum” has been pushed by a qualified voter on the voting terminal;

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

4. ELECTION

4.1 For the purposes of the referendum on December 7 of the year 2003 in the municipality, a sufficient number of “PERFAS-MV” model electronic voting systems will be used.

4.2 As soon as the resolution ordering the holding of a referendum has been passed, the municipality must take the necessary steps to provide its qualified voters with adequate information concerning the testing of the new method of voting.

5. SECURITY MECHANISMS

Each electronic voting system must include the following security mechanisms:

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

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

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

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

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

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

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

6. PROGRAMMING

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

7. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

7.1 Election officers

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

7.2 Senior deputy returning officer, assistant to the senior deputy returning officer

The following is substituted for section 76 of the Act:

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

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

7.3 Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer

The following is substituted for section 80 of the Act:

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

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

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

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

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

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

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

(7) give the clerk or secretary-treasurer, at the closing of the poll, the results compiled by each voting terminal, the overall statement of votes and the number of qualified voters at each polling station who were given an electronic voting card;

(8) give the clerk or secretary-treasurer the memory card on which the results of each voting terminal are recorded, the card used to place terminals in “poll” mode, the card used to place terminals in “end of poll” mode, and the voting terminals in sealed cases.

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

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

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

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

80.2. The deputy returning officer shall, in particular,

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

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

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

(4) receive proof of identity from qualified voters;

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

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

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

7.4 Duties of the poll clerk

The following is substituted for section 81 of the Act :

“**81.** The poll clerk shall, in particular,

- (1) enter in the poll book the particulars relating to the conduct of the polling;
- (2) note on the paper list of electors “has voted” next to the names of qualified voters to whom the deputy returning officer gives ballot paper cards;
- (3) assist the deputy returning officer.”.

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

The following is substituted for section 90.5 of the Act :

“**90.5.** Where, during the period beginning the fortieth day preceding polling day and ending on polling day at the time of closing of the polling stations, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.

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

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

7.6 Polling subdivisions

The following is substituted for section 104 of the Act :

“**104.** The clerk or secretary-treasurer shall divide the list of electors for the referendum into polling subdivisions, each comprising not more than 750 qualified voters.

The clerk or secretary-treasurer shall provide a sufficient number of polling stations at each polling place to receive qualified voters, establish their identity and give them an electronic voting card.

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

7.7 Verification of electronic voting systems

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

“§1.1 *Verification of electronic voting systems*

173.1. The clerk or secretary-treasurer shall, not later than the fifth day preceding the first day of advance polling and the fifth day preceding polling day, in cooperation with the firm’s representative and, if necessary, the representatives of the committees, for each polling place, test the electronic voting system to ensure that it tallies the number of votes cast accurately and precisely.

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

173.3. The clerk or secretary-treasurer shall conduct the test by performing the following operations :

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

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

(a) a sufficient and pre-determined number of ballot papers in favour of the “yes” or the “no” ;

(b) a sufficient and pre-determined number of ballot papers that are not correctly marked ;

(c) a sufficient and pre-determined number of ballot papers marked to indicate a “yes” and a “no” vote ;

(d) a sufficient and predetermined number of ballot papers with a mark opposite the statement “I do not wish to vote for this referendum”;

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

(4) the clerk or secretary-treasurer shall ensure that the button used to record a vote can be pushed only after the button used to vote in favour of the “yes” or the “no” has been pushed;

(5) he shall ensure that the information relating to the vote contained on the electronic voting cards is consistent with the information transferred to the cards by the clerk or secretary-treasurer;

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

(7) once the test has been successfully completed, the clerk or secretary-treasurer shall reset the voting terminal to zero and replace it in a sealed case; the clerk or secretary-treasurer and the representatives who so wish may affix their signature;

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

(9) the clerk or secretary treasurer may not change the programming established by the firm PG Elections inc.”.

7.8 Advance polling

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

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

(1) the number of qualified voters who were given an electronic voting card;

(2) the total number of votes recorded on each terminal, as transmitted by the senior deputy returning officer;

(3) the names of the persons who performed duties as election officers or as representatives.

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

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

(1) place the voting terminals in “end of poll” mode;

(2) transfer the data contained in the memory of the electronic ballot box onto a memory card;

(3) print the operations trail (audit);

(4) place the memory card (memory chip) and the operations trail in separate envelopes, and seal the envelopes;

(5) forward the envelopes to the clerk or secretary-treasurer, who shall keep them safely in separated locations;

(6) set each voting terminal to zero, seal it and place it in its plastic case;

(7) affix his initials to all the seals and give the candidates or representatives present an opportunity to affix their initials.

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

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

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

The clerk or secretary-treasurer shall keep in safety, in separate locations, the envelopes containing the memory card and the operations trail.

182.3. The clerk or secretary-treasurer shall, using the various lists of electors for the referendum used in the advance polling, draw up an integrated list of all the electors who voted in the advance poll. The clerk or secretary-treasurer shall make as many copies of the list as there are to be polling stations on polling day.

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

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

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

The clerk or secretary-treasurer, or the person designated by the clerk or secretary-treasurer, shall return the list of electors for the referendum to each deputy returning officer.

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

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

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

7.9 Revocation

Sections 186 and 187 of the Act are revoked.

7.10 Polling place

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

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

7.11 Ballot papers and electronic voting cards

The following is substituted for section 192 of the Act:

“**192.** The clerk or secretary-treasurer shall ensure that a sufficient number of electronic voting cards are available to facilitate the exercise of the qualified voters’ right to vote.”.

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

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

7.12 Number of voting terminals

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

“**200.** The clerk or secretary-treasurer must ensure that there are as many electronic ballot boxes as polling places available and that a sufficient number of replacement electronic ballot boxes are available in the event of a breakdown or technical deficiency.

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

The voting terminal must be designed so that the button used to vote in favour of the “yes” is placed opposite the particulars relating to the “yes”, and that the button used to vote in favour of the “no” is placed opposite the particulars relating to the “no”.

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

7.13 Provision of polling materials

The following is substituted for section 204 of the Act:

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

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

(2) a poll book;

(3) electronic voting cards;

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

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

7.14 Examination of polling materials and documents

The following is substituted for section 207 of the Act:

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

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

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

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

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

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

POLLING PROCEDURE

7.15 Presence at the polling station

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

“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the clerk or secretary-treasurer, the assistant to the clerk or secretary-treasurer, the senior deputy returning officer and the assistant to the senior deputy returning officer may be present at the station. The officer in charge of information and order may be present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting a qualified voter under section 226 may be present for the time required to enable the qualified voter to exercise his right to vote.”

7.16 Electronic voting cards

The following is substituted for section 221 of the Act:

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

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

7.17 Voting

The following is substituted for section 222 of the Act:

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

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

(2) pressing the button placed opposite the particulars relating to the “yes” or the “no in favour of which the elector wishes to vote, causing a mark to appear in the rectangle;

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

7.18 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After removing the electronic voting card from the voting terminal, the qualified voter shall leave the booth and give the electronic voting card to the polling officer designated for that purpose by the clerk or secretary-treasurer.

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

If a qualified voter fails to indicate and record a vote and leaves the polling place, the senior deputy returning officer or the latter’s assistant shall press the button corresponding to the statement “I do not wish to vote in this referendum”, and shall then record the qualified voter’s vote.

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

7.19 Cancelled and spoiled ballot papers

Sections 224 and 225 of the Act are revoked.

7.20 Assistance for qualified voters

The following is substituted for section 226 of the Act:

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

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

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

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

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

7.21 Visually impaired person

Section 227 of the Act is amended:

(1) by substituting the following for the second and third paragraphs:

“The assistant to the senior deputy returning officer shall indicate to the qualified voter the order in which the “yes” and the “no” appear on the ballot paper.

The senior deputy returning officer shall help the qualified voter to register his vote.”; and

(2) by striking out the fourth paragraph.

7.22 Transfer of information to electronic voting cards

The following is substituted for section 228 of the Act:

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

COMPILATION OF RESULTS AND TALLYING OF VOTES

7.23 Compilation of results and tallying of votes

The following is substituted for section 229 of the Act:

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

(1) placing the election terminals of the polling place in “end of poll” mode;

(2) recording the results of each voting terminal;

(3) printing out the results compiled by each voting terminal.

The reports on the compiled results shall indicate the total number of qualified voters who have voted, the number of valid votes, the number of rejected ballot papers and the number of valid votes for the “yes” and for the “no”.

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

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

7.24 Entries in poll book

The following is substituted for section 230 of the Act:

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

(1) the number of qualified voters who have voted;

(2) the names of the persons who have performed duties as election officers or as representatives assigned to that polling station.

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

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

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

7.25 Compiling sheet

Section 231 of the Act is revoked.

7.26 Counting of the votes

Section 232 of the Act is revoked.

7.27 Rejected ballot papers

The following is substituted for section 233 of the Act:

“**233.** The electronic voting system shall be programmed in such a way that every ballot paper for which the button corresponding to “I do not wish to vote in this referendum” is pushed by the qualified voter on the voting terminal is rejected.

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

Sections 234 to 237 of the Act are revoked.

7.28 Partial statement of votes and copy for representatives

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

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

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

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

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

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

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

7.29 Separate envelopes

The following is substituted for section 241 of the Act:

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

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

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

7.30 Seals

The following is substituted for section 242 of the Act:

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

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

(2) the envelopes provided for in section 230.1;

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

(4) the electronic voting cards.

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

7.31 Placing in ballot box

Section 243 of the Act is revoked.

7.32 Delivery to clerk or secretary-treasurer

The following is substituted for section 244 of the Act:

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

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

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

7.33 Addition of votes

The following is substituted for section 247 of the Act:

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

7.34 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

“**248.** The clerk or secretary-treasurer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement is obtained.

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

7.35 Placing in envelope

The following is substituted for section 249 of the Act:

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

7.36 New counting of the votes

Section 250 of the Act is revoked.

7.37 Notice to the Minister

The following is substituted for section 251 of the Act:

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

7.38 Access to voting papers

Section 261 of the Act is revoked.

7.39 Application for a recount or re-addition

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

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

7.40 Notice to the representatives of qualified voters

The following is substituted for section 267 of the Act:

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

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

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

The following is substituted for section 268 of the Act:

“**268.** On the appointed day, the judge, in the presence of the clerk or secretary-treasurer of the municipality, shall, in the case of a new compilation of results, print out the results compiled by the voting terminal display or displays under inquiry.

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

The representatives concerned and the clerk or secretary-treasurer may, at that time, examine all the documents and items examined by the judge.”.

7.42 Repeal

Section 269 is revoked.

7.43 Missing electronic card for recording results and partial statements of votes

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

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

7.44 Custody of items and documents, and verification

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

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

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

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

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

7.45 Public notice of referendum poll

Section 572 of the Act is amended by adding the following after paragraph 7:

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

7.46 Polling booth

The following is substituted for section 574 of the Act:

“574. Where the poll takes place by electronic ballot box, the polling station shall include as many polling booths as shall be determined by the clerk or secretary-treasurer.”.

8. DURATION AND APPLICATION OF AGREEMENT

The clerk of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting for the referendum of December 7 in the year 2003 and by-referendums held before December 31, 2013.

9. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the referendum of December 7 in the year 2003 and any subsequent referendum provided for in the agreement.

Mention of that fact shall be made in the assessment report.

10. ASSESSMENT REPORT

Within 120 days following the holding of a referendum, the clerk or secretary-treasurer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister addressing, in particular, the following issues:

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

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system:

– the cost of adapting referendum procedures;

– non-recurrent costs likely to be amortized;

– a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the referendum using traditional methods;

— the number and duration of incidents during which voting was stopped, if any;

— the advantages and disadvantages of using the new method of voting;

— the results obtained during the addition of the votes and the correspondence between the number of votes cast and the number of qualified voters admitted to vote.

11. EFFECT OF AGREEMENT

This agreement has effect from the time when the clerk or secretary-treasurer performs the first act for the purposes of a poll to which this agreement applies.

AGREEMENT SIGNED IN THREE COPIES:

In Rivière-du-Loup, this 12th day of November 2003

MUNICIPALITY OF RIVIÈRE-DU-LOUP

By: _____
JEAN D'AMOUR, *Mayor*

GEORGES DESCHÊNES, *Clerk*

In Québec, on this 17th day of November 2003

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

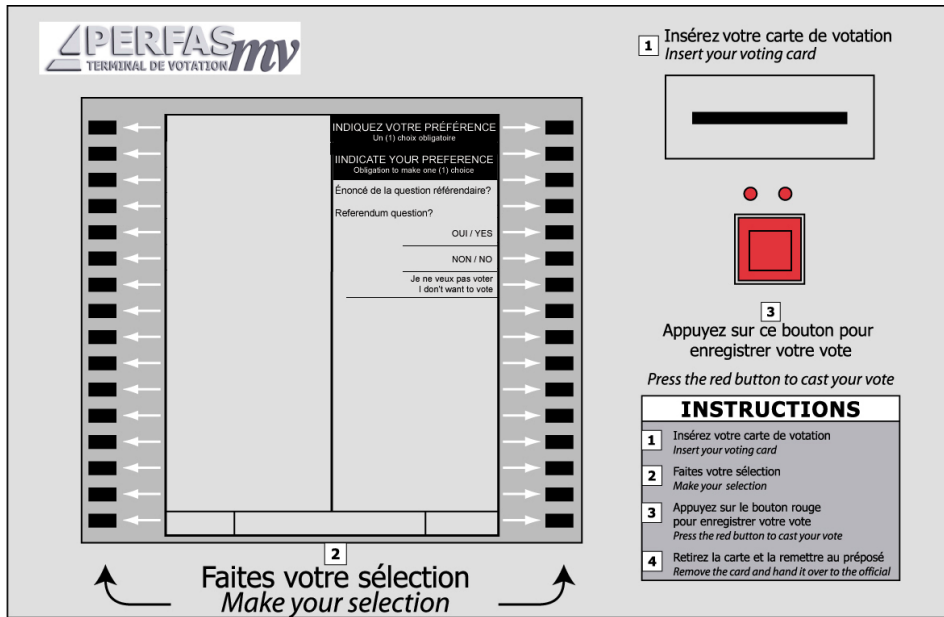
In Québec, on this 25th day of November 2003

THE MINISTER OF MUNICIPAL AFFAIRS,
SPORTS AND RECREATION

By: _____
DENYS JEAN, *Deputy Minister*

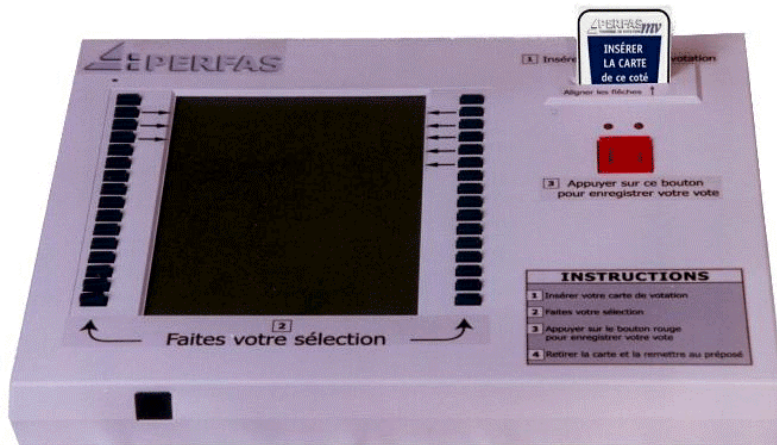
SCHEDULE I

BALLOT PAPER



SCHEDULE II

VOTING TERMINAL



Upon subsequent requests, the physician must provide a recent viral load measurement showing a beneficial effect, specifically, a reduction of at least 0.5 log compared with the viral load measurement obtained before the enfuvirtide treatment began. Authorizations will then have a maximum duration of six months ;

- ◆ for treatment, in association with other antiretrovirals, of HIV-infected persons,
 - whose current viral load is greater than or equal to 5 000 copies/mL and is greater than or equal to the previous value, obtained at an interval of at least three months, while having been treated with an association of three or more antiretrovirals during the interval between the two viral load measurements, and
 - who previously received at least two other antiretroviral treatments that resulted in a documented virological failure, after at least three months of treatment for each of the associations, and

- who have tried, since the beginning of their antiretroviral therapy, at least one nucleoside reverse transcriptase inhibitor, one non-nucleoside reverse transcriptase inhibitor and one protease inhibitor, except in the presence of a class resistance.

The maximum duration of the initial authorization is five months.

Upon subsequent requests, the physician must provide a recent viral load measurement showing a beneficial effect, specifically, a reduction of at least 0.5 log compared with the viral load measurement obtained before the enfuvirtide treatment began. Authorizations will then have a maximum duration of six months ;”;

(2) by inserting the following in the “Exceptional Medications” section after the medication “DRESSING – SODIUM CHLORIDE” and the accompanying indications :

CODE	BRAND NAME	MANUFACTURER	PKG. SIZE	COST OF PKG. SIZE	UNIT PRICE
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ENFUVRTIDE

S.C. Inj. Pd. 02247725	Fuzeon	Roche	60	108 mg 2385.60	39.7600
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3. This Regulation comes into force on 10 December 2003.

6044

Draft Regulations

Draft Regulation

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

Professional technologists — Code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Code of ethics for professional technologists, adopted by the Bureau of the Ordre des technologues professionnels 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.

According to the Ordre des technologues professionnels du Québec, the purpose of the Regulation is to update the Code of ethics for professional technologists and to render more stringent the duties and obligations of professional technologists towards clients, the public and the profession, so that the public may benefit from greater protection.

In particular, the Regulation contains new measures for professional technologists who practise in the field of orthopedic orthoses and prostheses and foot orthoses. The measures follow up on the recommendations made by the Office des professions du Québec in its April 1994 opinion entitled "Avis au ministre responsable de l'application des lois professionnelles sur l'opportunité de constituer une corporation professionnelle dans le domaine de l'orthèse et de la prothèse".

In addition to the Code of ethics, the inclusion of professional technologists who practise in the field of orthopedic orthoses and prostheses and foot orthoses will require amendments be made to the Regulation respecting the keeping of records and consulting-rooms of professional technologists, approved by Order in Council 1318-87 dated 26 August 1987. The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983, will also have to be amended by adding, in section 2.09, the diploma "Techniques d'orthèses et de prothèses orthopédiques" issued by Collège Montmorency.

All the amendments will later come into force at the same time, assuming they are approved by the authorities concerned.

The Order expects the proposed amendments to have no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Marie-Josée Crête, Director of Legal and Professional Affairs, Ordre des technologues professionnels du Québec, 1265, rue Berri, bureau 720, Montréal (Québec) H2L 4X4; telephone: (514) 845-3247 or 1 800 561-3459; fax: (514) 845-3643.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be communicated to the professional order that adopted the Regulation as well as to any interested persons, departments, bodies or agencies.

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

Code of ethics of professional technologists

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

CHAPTER I DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

1. Professional technologists shall show respect for all living organisms and their environment and shall consider the consequences that their work and research may have on the life, health and property of others.

2. Professional technologists shall promote all measures that may improve the quality and availability of the work and professional services in their field of practice.

3. Professional technologists shall promote education and information measures in their field of practice and do what is appropriate to maintain and improve their knowledge.

CHAPTER II

DUTIES AND OBLIGATIONS TOWARDS THE CLIENT AND THE PROFESSION

4. In this Code, “client” means a person, including an employer, to whom a professional technologist provides professional services.

DIVISION I

COMPETENCE, INTEGRITY AND OBJECTIVITY

5. Professional technologists shall perform their professional duties with competence, integrity and objectivity.

6. Professional technologists shall observe the recognized standards of practice and use science in their practice. In particular, a professional technologist who is the director of a laboratory must ensure that the laboratory under his or her direction, or whose services he or she retains, complies with the laws and regulations in force.

7. Before accepting a mandate, professional technologists shall ensure that they have the necessary qualifications and the means to adequately carry out the mandate.

8. Professional technologists shall promptly inform any person who intends to retain their services of the scope and terms and conditions of the mandate with which the person intends to entrust them and of the ownership of the goods and services to be provided, and shall provide the person with all explanations necessary as regards the composition, properties, quality and cost of the goods and services, as well as their benefits and drawbacks.

9. Professional technologists shall inform a client of their knowledge of the unavailability of a good, product or material they are to provide or have been requested to provide. They shall also inform the client of the availability of a substitute good, product or material.

10. Professional technologists shall not undertake work or provide professional services for which they are insufficiently prepared or for which they do not have the necessary facilities or equipment.

11. Professional technologists shall refrain from formulating opinions, giving advice or producing documents that are not based on sufficient scientific knowledge or full knowledge of the relevant facts with respect to the nature and scope of the mandate.

12. Professional technologists who consider that work could put the public’s safety at risk shall first inform the persons in charge of the work and, if the situation is not corrected within a reasonable time, taking into consideration the circumstances, inform the competent public authorities.

13. Professional technologists shall recognize at all times a client’s right to consult another professional technologist, a member of another professional order or any other qualified person and a client’s right to obtain material, equipment or an accessory needed for the client’s condition or treatment from another professional or any other qualified person.

14. Professional technologists shall refrain from practising under conditions or in situations that may impair the quality of their services or the dignity of the profession.

15. Professional technologists shall seek to establish a relationship of mutual trust with their clients. To that end, a professional technologist shall

(1) refrain from practising in a perfunctory manner; and

(2) respect a client’s system of values and personal convictions when the client so informs the professional technologist and when they are not illegal.

16. Professional technologists engaging in professional activities in connection with orthoses and prostheses shall, where applicable, respect a prescription signed by an authorized professional. A professional technologist must identify any condition that indicates the need for a medical examination and refer the client to a physician. If necessary, the professional technologist shall refer the client to another professional.

17. If the client’s condition and treatment so requires, the professional technologist shall seek the cooperation of the client’s family or relatives, with the consent of the client or the client’s representative or any other person from whom consent may be obtained under the law.

18. Professional technologists shall refrain from intervening in a client’s personal affairs on matters not within the scope of their professional competence.

19. If a client’s interest so requires it, professional technologists shall consult another professional technologist, a member of another professional order or any other qualified person or refer the case to one of those persons.

20. Professional technologists shall promptly inform their client of any incident that has occurred while they carry out the mandate and, as required, take the necessary measures to rectify the situation.

For the purposes of the present section and unless the context indicates otherwise, the term “incident” means an action or situation that does not have consequences for the performance of the mandate but the outcome of which is unusual and could have had consequences under other circumstances.

21. Professional technologists shall take reasonable care of the property placed in their care by a client and shall refrain from using the property for purposes other than those for which it was placed in their care.

22. Professional technologists shall refrain from receiving, directly or indirectly, with the exception of the remuneration or fees to which they are entitled, any benefit, rebate or commission in connection with the professional services or goods they provide.

23. If the opinion of the professional technologist in charge of the quality of the work being performed or of the professional services being provided is not taken into consideration, the professional technologist in charge shall, in writing, indicate the consequences that may result.

24. Professional technologists must avoid performing or multiplying professional acts without sufficient cause and refrain from performing acts that are inappropriate or disproportionate to a client’s needs.

DIVISION II INDEPENDENCE AND IMPARTIALITY

25. Professional technologists shall subordinate their personal interests to those of their clients.

26. Professional technologists shall disregard any intervention by a third person that could have a damaging influence on the performance of their professional duties. They shall be impartial in their relationship with a client, contractors, suppliers and other persons doing business with the client.

27. Professional technologists shall safeguard their professional independence at all times and avoid any situation in which they would be or appear to be in conflict of interest. Professional technologists are in a situation of conflict of interest where, in particular,

(1) they are granted a line of credit by a person selling or manufacturing material, equipment or acces-

sories, to the extent that the line of credit may impair their professional independence; and

(2) the interests are such that the professional technologists may be at risk of giving preference to interests other than those of the client, or the professional technologists’ judgment or loyalty towards the client may be unfavourably affected.

28. Professional technologists shall, as soon as they become aware that they are or may soon be in a situation of conflict of interest, notify the client and request the client’s authorization to continue the mandate. Where the client agrees, the professional technologists must record the acceptance in the client’s file.

29. Professional technologists shall, in carrying out a mandate, generally act for only one of the parties concerned. If their professional duties require that they act otherwise, professional technologists must specify the nature of their responsibilities and keep all the interested parties informed that they will cease to act if the situation becomes irreconcilable with their duty of impartiality.

DIVISION III AVAILABILITY AND DILIGENCE

30. Professional technologists shall show reasonable availability, attention and diligence in the performance of their professional activities.

31. Professional technologists shall provide their clients with all explanations necessary to an understanding and appreciation of the professional services being provided in addition to the opinions and advice they normally provide.

32. Professional technologists shall report to their client on the performance of the mandate or the provision of professional services.

33. Professional technologists shall not cease to provide services to a client without just and reasonable cause. Just and reasonable cause includes

(1) loss of the client’s trust in the professional technologist;

(2) lack of cooperation from the client;

(3) the fact that the professional technologist is in a situation of conflict of interest or in a situation in which his or her professional independence could be called into question; and

(4) inducement by the client to perform illegal or unfair acts.

34. Before ceasing to provide professional services to a client, professional technologists must give the client reasonable notice and ensure that there is no prejudice caused to the client by the withdrawal of services.

DIVISION IV LIABILITY

35. Professional technologists shall assume full civil liability in their practice. Professional technologists shall not insert in a contract for professional services any clause directly or indirectly excluding their liability in whole or in part.

DIVISION V AUTHENTICATION OF DOCUMENTS

36. Professional technologists who do not engage in professional activities in connection with orthoses and protheses shall authenticate documents by affixing their seal or signature on the original and all copies of any plan, technical report, study, specifications, monitoring report, evaluation report, intervention plan or other technical document they have personally prepared or that has been prepared under their immediate direction or supervision.

37. Any change in a document must be authenticated in the same way the original document is authenticated.

38. Professional technologists shall ensure the integrity of all documents and any copy of a document.

39. Professional technologists must maintain control over the use and reproduction of their seal and signature.

DIVISION VI REMUNERATION AND OTHER FEES

40. Professional technologists shall not accept payment of their fees or remuneration from any person other than their client or the client's representative for the same professional service.

Where the cost of services or goods provided is being assumed by a third person, professional technologists must accept payment of their fees or remuneration from one source only, unless an explicit, prior written agreement to the contrary has been reached between the interested persons.

41. Professional technologists shall share remuneration or professional fees with another person only to the

extent that the sharing corresponds to a distribution of services and responsibilities.

42. Professional technologists shall charge and accept fees that are fair and reasonable as determined by a competent authority or, in any other case, as warranted in the circumstances and in proportion to the professional services provided.

Professional technologists shall, in particular, consider the following factors in determining their fees :

(1) their experience ;

(2) the time required to carry out the mandate or provide the professional service ;

(3) the degree of difficulty and extent of the mandate or professional service ;

(4) the provision of services that are unusual or require exceptional competence or speed ; and

(5) where applicable, the cost of any products or material needed to carry out the mandate or provide the professional service.

43. Professional technologists shall inform their client of the approximate and foreseeable cost of the professional services before they are provided.

44. Professional technologists shall indicate to the client, in writing, the professional services that will be provided, unless the context indicates otherwise.

45. Professional technologists shall refrain from requiring payment of their professional fees in advance. They may, however, by written agreement with the client, require an advance to cover disbursements necessary to carry out the mandate or provide the professional services.

46. Professional technologists shall provide the client with a clear statement of their professional fees including the cost of any goods provided, where applicable, and the terms and conditions of payment applicable. At the client's request, professional technologists shall provide the client with all explanations necessary to an understanding of the statement.

47. Professional technologists shall not charge interest on outstanding accounts without first informing the client. The interest thus charged must be reasonable.

48. Professional technologists shall exhaust all other means at their disposal before resorting to legal proceedings for the payment of professional fees.

49. Professional technologists who entrust another person with the collection of their professional fees shall ensure that the person acts with tact and moderation.

DIVISION VII PROFESSIONAL SECRECY

50. Professional technologists shall respect the secrecy of all confidential information of which they become aware in their practice. They shall, where applicable, take all reasonable measures to ensure that the employees or personnel around them maintain professional secrecy.

51. Professional technologists shall not make use of confidential information to the detriment of a client or with a view to obtaining, directly or indirectly, a benefit for themselves or another person.

52. Clinical data collected by professional technologists in their practice or in doing research may be used for publication or teaching purposes only if the identity of the persons concerned is kept confidential.

53. Professional technologists who request confidential information from a client or who allow confidential information to be made known to them shall ensure that the client is aware of the reasons and the uses that may be made of such information.

54. Professional technologists must not disclose the fact that a person has called on their professional services unless the nature of the case requires it.

55. Professional technologists shall avoid any indiscreet conversation concerning a client or the professional services provided to the client.

56. Professional technologists shall not accept a mandate that involves or that may involve the disclosure or use of confidential information or documents obtained from another client, without the consent of that other client.

DIVISION VIII CONDITIONS AND PROCEDURES APPLICABLE TO THE EXERCISE OF THE RIGHT OF ACCESS AND CORRECTION PROVIDED FOR IN SECTIONS 60.5 AND 60.6 OF THE PROFESSIONAL CODE AND PROFESSIONAL TECHNOLOGISTS' OBLIGATION TO RETURN DOCUMENTS

§1. Provisions applicable to professional technologists practising in an institution

57. Professional technologists practising in a public body referred to in the Act respecting Access to documents held by public bodies and the Protection of per-

sonal information (R.S.Q., c. A-2.1) or in a centre operated by an institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) must respect the rules of accessibility and correction of records provided for in those statutes.

§2. Provisions applicable to professional technologists not practising in an institution and concerning the conditions and procedures applicable to the exercise by a client of the right to access information contained in any record established in his or her respect

58. Professional technologists may require that a request under section 59, 62 or 65 be made in writing and that the right be exercised at their professional domicile or at another workplace during regular working hours.

59. Professional technologists must respond with diligence, and no later than 20 days after its receipt, to any request from a client to examine or obtain a copy of the documents concerning the client in any record established in respect of the client.

60. Access to the information contained in a record shall be free of charge. Professional technologists may, however, charge to a client a reasonable fee that may not exceed the cost for reproducing or transcribing documents or for transmitting a copy of the documents.

A professional technologist who intends to charge such fees shall, before transcribing, reproducing or transmitting the documents or copies, notify the client of the approximate amount to be paid.

61. Professional technologists may refuse to allow a client to have access to the information contained in a record established in his or her respect where their disclosure would be likely to cause serious harm to the client or to a third person. A professional technologist must inform the client in writing of the reasons for the refusal and enter them in the record.

§3. Provisions applicable to professional technologists not practising in an institution and concerning the conditions and procedures applicable to a client's right of correction of information contained in any record established in his or her respect

62. Professional technologists must respond with diligence, and no later than 20 days after its receipt, to any request from a client to

(1) cause to be corrected information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, contained in a document

concerning the client that is included in any record established in respect of the client;

(2) cause to be deleted any information that is outdated or unjustified having regard to the object of the record established in respect of the client; or

(3) have the client's written comments filed in the record established in respect of the client.

63. Professional technologists who grant a request referred to in section 62 shall issue to the client, free of charge,

(1) a copy of the document or the part of the document that was corrected or deleted; or

(2) an attestation that the client's written comments have been filed in the record.

64. At the written request of a client, professional technologists shall transmit, free of charge, to any person who transmitted the information referred to in section 62 to the professional technologist, and to any person to whom the information has been communicated, as the case may be,

(1) a copy of the corrected information;

(2) an attestation that the information has been deleted; or

(3) an attestation that the written comments have been filed in the record.

§4. Obligation of professional technologists not practising in an institution to return documents to a client

65. Professional technologists shall, with diligence, return to a client who has requested it, any document that was entrusted to them and indicate in the client's record, where applicable, the reasons for the request.

DIVISION IX RELATIONS WITH THE ORDER AND OTHER PROFESSIONAL TECHNOLOGISTS

66. Professional technologists shall, insofar as they are able, contribute to the development of the profession by exchanging knowledge and experience with other professional technologists and students.

67. Insofar as possible, a professional technologist whose participation on a committee is requested by the Order must accept that duty.

68. Professional technologists shall, as quickly as possible, answer all correspondence from a syndic, the secretary of the Order or a member of the review committee or professional inspection committee or an investigator, an expert or an inspector of that committee, and shall make themselves available for any meeting that is considered relevant.

69. Professional technologists shall not betray the good faith or trust of another professional technologist, act unfairly towards him or her or maliciously attack his or her reputation.

Without restricting the generality of the foregoing, professional technologists shall not

(1) take credit for another professional technologist's work; or

(2) take advantage of their position as employer or executive to limit in any way the professional independence of another professional technologist in their employ or under their supervision, in particular as regards the use of the title of professional technologist or the obligation of every professional technologist to assume full professional liability.

70. Professional technologists consulted by another professional technologist shall give their opinion and recommendations as quickly as possible.

71. Professional technologists who receive a request to replace another professional technologist or examine or review the work of another professional technologist shall inform that professional technologist and, if necessary, ensure that the mandate of the professional technologist is completed.

72. Professional technologists called on to collaborate with another professional technologist must maintain their professional independence. If entrusted with a task that is contrary to their conscience or against their principles, they may request to be excused from performing it.

DIVISION X DEROGATORY ACTS

73. In addition to the derogatory acts referred to in sections 59 and 59.1 of the Professional Code (R.S.Q., c. C-26) or that may be determined pursuant to section 59.2 and subparagraph 1 of the second paragraph of section 152 of that Code, the following acts of professional technologists are derogatory to the dignity of the profession:

(1) affixing their seal and signature on plans, technical reports, evaluation reports or intervention plans, studies, specifications, monitoring reports or any other technical documents that have not been prepared or studied by them or under their immediate direction and supervision;

(2) carrying out or participating in the carrying out of technical work, or selling, offering for sale, leasing, offering for lease or otherwise marketing any material, equipment or accessory in disregard of generally accepted professional methods, standards and procedures;

(3) taking advantage of a permanent salaried position to offer their professional services to persons with whom their employer does business;

(4) deliberately delaying the performance of a professional service;

(5) inducing a person through urgent insistence or repetition to use their professional services or recommending to a person to buy or lease directly or indirectly from them any material, equipment or accessory not required for the condition, treatment or needs of the client;

(6) taking advantage of the inexperience, ignorance, naivety or state of health of a client;

(7) guaranteeing, directly or indirectly, a physiological capacity or the restoration of a specific function by using services or goods provided;

(8) practising their profession while under the influence of psychotropic substances or any other substance producing similar effects, including alcohol;

(9) providing or issuing a report, a certificate, a declaration or any other document known to be false relating to a client's health, or to services or goods provided to the client;

(10) altering notes previously entered in the client's record or replacing any part thereof with the intention of falsifying them;

(11) disregarding or modifying a prescription signed by a professional authorized by law and preventing a client from examining the prescription or obtaining a copy thereof;

(12) failing to recommend a client consult a physician when a condition requiring a medical examination has been identified;

(13) making, modifying or allowing the making or modification of an orthosis or a prosthesis without a written prescription from a professional authorized by law;

(14) being verbally or physically violent or using disrespectful oral or written comments towards a client;

(15) voluntarily leaving a client without sufficient reason during an intervention likely to involve a risk to the client or leaving a client without supervision when supervision is required;

(16) allowing their name to be used by a person to recommend or promote the sale, distribution or use of material, equipment or accessories used in the practice of the profession;

(17) failing to ensure that the person consulted or assisting them is qualified;

(18) claiming fees for professional acts not performed, falsely described or not supervised by them;

(19) claiming a sum of money from a client for payment in whole or in part of a professional service the cost of which is assumed by a third person;

(20) failing to inform the Order that they have reason to believe that a professional technologist is incompetent, dishonest or in breach of the Professional Code or a regulation under the Code;

(21) communicating with the plaintiff without prior written permission from the syndic of the Order when informed of an inquiry into their conduct or professional competence or after being served with a notice of a disciplinary complaint against them;

(22) refusing or neglecting to appear at the office of the syndic of the Order or to hand over any documentation, when the syndic so requests;

(23) failing to notify the Order at once if they believe a person is illegally using a title reserved to the members of the Order.

DIVISION XI **CONDITIONS, OBLIGATIONS AND** **RESTRICTIONS RESPECTING ADVERTISING**

74. Professional technologists shall indicate their name and professional title in their advertising.

75. Professional technologists may not, in any manner whatsoever, engage in or allow advertising that is false, misleading, incomplete, or likely to be misleading.

76. Professional technologists may not, in any manner whatsoever, engage in or allow advertising that is likely to unduly influence persons who may be emotionally or physically vulnerable because of their age, their state of health or the occurrence of a particular event.

77. Professional technologists may not, in their advertising, use or allow to be used an endorsement or testimonial concerning them.

The first paragraph does not prevent professional technologists from mentioning in their advertising an award for excellence or any other award for their contribution or a specific achievement relating to their profession.

78. Professional technologists may not claim to have special qualifications or skills unless such claims can be substantiated.

79. Professional technologists may not use advertising practices likely to denigrate or discredit another person with whom they have dealings in the practice of the profession or to discredit goods or services provided by that person.

80. Professional technologists who advertise fees, rebates or prices shall

(1) specify the nature and extent of the services covered by the fees, rebates or prices and the characteristics of the goods offered, except if all the goods are included;

(2) indicate whether disbursements are included in the fees, rebates or prices;

(3) indicate whether additional services or goods not included in the fees or prices might be required, where applicable; and

(4) mention the total cost of the goods or services when the advertisement refers to the possibility of instalments.

Unless indicated otherwise in the advertisement, the fees, rebates or prices must remain in effect for a minimum of 90 days after the last broadcast or publication. In the case of a rebate, professional technologists shall specify the validity period in the advertisement.

Professional technologists may agree with the client on a price that is lower than the price broadcast or published.

81. Professional technologists may not, in any manner whatsoever, give more importance to a rebate than the professional services or goods offered in a declaration.

82. The particulars and indications must be sufficient to reasonably inform persons who have no particular knowledge of the technology or the goods or professional services mentioned in the advertisement.

83. Professional technologists may advertise goods provided that they have a sufficient quantity of the goods or that they may obtain a sufficient quantity to meet the client's demand, unless they mention in their advertisement that the goods are in limited quantity.

84. Professional technologists shall keep an integral copy of every advertisement for five years after the date of the last broadcast or publication. The copy must be given to a syndic of the Order, an inspector, investigator or member of the professional inspection committee on request.

85. Professional technologists who practise in a partnership are solidarily responsible with the other professional technologists for compliance with the rules respecting advertising, unless the advertisement clearly indicates the name of the professional technologists responsible for the advertising or the professional technologists demonstrate that the advertisement was broadcast or published without their knowledge or consent, or despite measures taken to ensure compliance with the rules.

DIVISION XII GRAPHIC SYMBOL OF THE ORDER

86. Where professional technologists reproduce the graphic symbol of the Order for advertising purposes, they shall ensure that the symbol is identical to the original kept by the secretary of the Order.

The advertisement, other than on a business card, must include the following disclaimer: "This is not an advertisement of the Ordre des technologues professionnels du Québec and engages the liability of its author only."

87. This Code replaces the Code of ethics of professional technologists, approved by Order in Council 2442-85 dated 27 November 1985.

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

6037

Index Statutory Instruments

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

Regulations — Statutes	Page	Comments
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