Gazette officielle DU Québec

Part 2

No. 2
14 January 2004

Laws and Regulations

Volume 136

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1st SESSION

37th LEGISLATURE

QUÉBEC, 18 DECEMBER 2003

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 18 December 2003

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

7 An Act to amend the Act respecting health services and social services

8 An Act to amend the Act respecting childcare centres and childcare services

9 An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities

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32 An Act to amend the Act respecting childcare centres and childcare services as regards places giving entitlement to grants

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205 An Act respecting the Northern Village of Kuujjuaq and the Northern Village of Tasiujaq

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

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 7
(2003, chapter 12)

An Act to amend the Act respecting health services and social services

Introduced 17 June 2003
Passage in principle 28 October 2003
Passage 17 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

EXPLANATORY NOTES

This bill amends the Act respecting health services and social services to specify, in a declaratory manner, that an intermediate resource or a family-type resource is deemed not to be in the employ of or an employee of the public institution that calls upon the services of the resource and that any agreement between them to determine the applicable rules of operation is deemed not to constitute a contract of employment.

The bill confers on the Minister of Health and Social Services the power to enter into an agreement with one or more bodies representing intermediate resources or family-type resources to determine, among other things, the general conditions according to which the activities of those resources are to be carried on and to establish various measures relating to compensation for their services. It also establishes criteria for determining the representativeness of such bodies.

The bill grants to the Minister, rather than to the regional boards, the power to determine the rates or scale of rates of compensation applicable to the services of intermediate resources.

Lastly, the bill contains a transitional provision that concerns the rates of compensation already determined by the regional boards, which will continue to be applicable until the Minister has determined new rates.

Bill 7

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by inserting the following section after section 302:

"**302.1.** Notwithstanding any provision inconsistent herewith, an intermediate resource is deemed not to be in the employ of or an employee of the public institution that calls upon the services of the resource and any agreement or convention entered into between them to determine the rules and the terms and conditions that apply to their relationship as regards the activities and services expected from the intermediate resource is deemed not to constitute a contract of employment."

2. Section 303 of the said Act is amended by replacing the second paragraph by the following paragraph:

"The Minister shall determine, with the approval of the Conseil du trésor, the rates or scale of rates of compensation applicable to each type of service listed in the classification established pursuant to the first paragraph."

3. The said Act is amended by inserting the following sections after section 303:

"**303.1.** The Minister may, with the approval of the Government, enter into an agreement with one or more bodies representing intermediate resources to determine the general conditions for the carrying on of the activities of all intermediate resources and the normative framework applicable to the living conditions of users placed under the care of intermediate resources, and to establish various measures, terms and conditions relating to the compensation for the services provided by intermediate resources.

Such an agreement shall bind the regional boards, the institutions and all intermediate resources, whether or not they are members of a body that entered into the agreement.

"303.2. A body is considered to represent intermediate resources if the membership of that body includes, on a Québec-wide scale, any resource that reflects the specific character of the body and either a minimum of 20% of the total number of such resources throughout Québec or the number of resources

required to meet the needs of at least 30% of the total number of users of such resources throughout Québec.

The same applies to a group of bodies representing intermediate resources that intervene only on a local or regional scale, provided that all of these bodies combined ensure the same representation as that required under the first paragraph.

A representative body must provide the Minister, on request, with up-to-date documents establishing its constitution, and the name and address of each of its members.

A group must provide up-to-date documents establishing its constitution, the names and addresses of the bodies it represents and the name and address of each member of each of those bodies.

When a representative body is a group of bodies, the group alone is authorized to represent each of the member bodies.

For the purposes of section 303.1, an intermediate resource may not be a member of more than one representative body other than a group."

4. Section 304 of the said Act is amended by striking out paragraph 3.

5. Section 314 of the said Act is amended

(1) by replacing "303" in the first line by "302.1";

(2) by striking out the text in the second, third and fourth lines that follows the word "resources".

6. The rates or the scale of rates of compensation determined by a regional board pursuant to paragraph 3 of section 304 of the Act respecting health services and social services, as it read before 18 December 2003, and the provisions of section 200 of chapter 39 of the statutes of 1998 remain applicable as regards the services provided by intermediate resources until the Minister of Health and Social Services has determined new rates or a new scale of rates in accordance with the second paragraph of section 303 of the Act respecting health services and social services, as amended by section 2 of this Act.

7. The provisions of section 302.1 of the Act respecting health services and social services, enacted by section 1 of this Act, are declaratory. They apply to administrative, quasi-judicial and judicial decisions rendered before 18 December 2003.

8. This Act comes into force on 18 December 2003.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 8
(2003, chapter 13)

An Act to amend the Act respecting childcare centres and childcare services

Introduced 17 June 2003
Passage in principle 22 October 2003
Passage 17 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

EXPLANATORY NOTES

This bill amends the Act respecting childcare centres and childcare services in order to define, in a declaratory manner, the status of home childcare providers recognized as such by a childcare centre permit holder and to provide, in the same manner, that neither the home childcare providers nor any adult assisting them or person in their employ are employees of the childcare centre permit holder.

The bill makes it possible for the Minister of Employment, Social Solidarity and Family Welfare to make agreements, following consultations, with one or more associations representative of home childcare providers and establishes criteria for determining the representativeness of such associations.

The bill also provides that after their approval by the Government, such agreements will be applicable to all home childcare providers and to all childcare centre permit holders.

Bill 8

AN ACT TO AMEND THE ACT RESPECTING CHILDCARE CENTRES AND CHILDCARE SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Act respecting childcare centres and childcare services (R.S.Q., chapter C-8.2) is amended by inserting the following section after section 8 :

"**8.1.** A recognized home childcare provider is, with respect to the services the person provides as such to parents, a provider of services within the meaning of the Civil Code.

Notwithstanding any provision inconsistent herewith, the recognized home childcare provider, when acting within the home childcare operation, is deemed not to be in the employ of or an employee of the childcare centre permit holder that has recognized the childcare provider. The same applies to the adult assisting and any person in the employ of the childcare provider."

2. The said Act is amended by inserting the following after section 73.2 :

"CHAPTER IV.3

"CONSULTATION AND AGREEMENT

"**73.3.** The Minister may make an agreement with one or more associations representative of home childcare providers concerning the provision and financing of home childcare and the implementation and maintenance of programs and services that meet the needs of all home childcare providers.

Before making such an agreement, the Minister shall consult with associations representative of home childcare providers and of childcare centre permit holders that have informed the Minister of their constitution and shall submit the draft agreement to the Government for approval.

"**73.4.** The provisions of the agreement shall be binding on all home childcare providers, whether or not they are members of an association party to the agreement, and on all childcare centre permit holders.

"**73.5.** A representative association is an association consisting solely of home childcare providers and comprising at least 350 members or an alliance whose membership includes associations that consist solely of home

childcare providers and, together, represent at least 350 home childcare providers.

The same applies to an association of childcare centre permit holders that has at least 150 members, and an alliance of associations of childcare centre permit holders whose member associations, together, represent at least 150 childcare centre permit holders.

A representative association must provide the Minister, on request, with up-to-date documents establishing its constitution, and the name and address of each of its members and, in the case of an association representative of home childcare providers, the name of the childcare centre permit holder having recognized each home childcare provider.

An alliance must also provide up-to-date documents establishing its constitution, the names and addresses of its member associations of home childcare providers or childcare centre permit holders, the names and addresses of the members of each association and, in the case of associations of home childcare providers, the name of the childcare centre permit holders having recognized each home childcare provider.

Where a representative association is an alliance of associations, the representative association alone is authorized to represent each of the member associations.

For the purposes of section 73.3, a home childcare provider may not be a member of more than one representative association other than an alliance. The same applies to childcare centre permit holders.

"**73.6.** In no case may a childcare centre permit holder, an association of childcare centre permit holders, an alliance of such associations or a person acting in their name represent or play a role in forming or administering an association representative of home childcare providers.

"**73.7.** Where, during the process that is to lead to an agreement, the parties consider that it may be expedient to bring in a third party to advise them on any matter that may be covered by the agreement or to facilitate the making of the agreement, they may agree on the appointment and the terms of appointment of the third party."

3. The provisions of section 8.1 of the Act respecting childcare centres and childcare services, enacted by section 1 of this Act, are declaratory. They apply to administrative, quasi-judicial and judicial decisions rendered before 18 December 2003.

4. This Act comes into force on 18 December 2003.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 13
(2003, chapter 15)

An Act to amend the Mining Act

Introduced 20 June 2003
Passage in principle 29 October 2003
Passage 12 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

EXPLANATORY NOTES

The object of this bill is to establish new rules to facilitate the management of mining titles and the implementation of the map designation system. To that end, the bill includes new measures to permit map designation of mining titles in territories up to now reserved for staking purposes. It introduces certain technical provisions to allow the amalgamation of parcels of land or their replacement with others. It facilitates the renewal of claims included within a 4.5 kilometre radius from a claim in respect of which work was performed for an amount in excess of the amount prescribed by regulation.

As regards the restoration of mine sites, the bill enables the Minister of Natural Resources, Wildlife and Parks to require the payment of the total financial guarantee ensuring the performance of the work if the financial situation of the operator is deteriorating or the duration of the operator's activities is reduced. In addition, in the case of inactive sites, the bill imposes the obligation to prepare a restoration plan on the person responsible for the tailings rather than on the Minister.

The bill provides for the granting of exclusive leases for the mining surface mineral substances to municipalities and intermunicipal boards for the construction and maintenance of their streets and road network.

Lastly, the bill enables the Minister to temporarily suspend the registration of mining titles in certain territories where required in the public interest.

Bill 13

AN ACT TO AMEND THE MINING ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 28 of the Mining Act (R.S.Q., chapter M-13.1) is amended by replacing "Map designation" in the first line of the second paragraph by "Subject to section 28.1, map designation".

2. The said Act is amended by inserting the following section after section 28:

"**28.1.** Map designation is permitted in respect of any parcel of land within the boundaries of a territory where claims may be obtained by ground staking if it is evident that the location of the perimeter of the parcel of land to which the map designation notice applies is not likely to result in a dispute between holders of mining rights."

3. Section 30 of the said Act is amended

(1) by adding "or, to the extent provided for therein, by the effect of another Act" at the end;

(2) by adding the following paragraph at the end:

"No person may stake or designate on a map any parcel of land that is subject to a provisional suspension notice pursuant to section 304.1."

4. Section 38 of the said Act is amended by inserting the following paragraph after the second paragraph:

"For the purposes of the second paragraph, a natural person, the person's representatives and their employees or, in the case of a legal person, the legal person, its subsidiaries and their directors, executives, representatives and employees are deemed to constitute a single person."

5. Section 42 of the said Act is amended by adding the following sentence at the end of the third paragraph: "Any modification of the area and form of the parcel of land shall be recorded in a notice posted in a conspicuous place in the regional offices designated by ministerial order and in the office of the registrar, and shall take effect on the date indicated in the notice."

6. The said Act is amended by inserting the following section after section 42.4:

"**42.5.** The excess portion of a parcel of land referred to in section 28.1 may be map designated by one or more holders of a staked claim, in the proportions agreed by the Minister, if the parcel of land or part of the parcel of land that is subject to the staked claim is contiguous to the excess portion and if no mining exploration licence held by a third person is contiguous to that excess portion."

7. Section 48 of the said Act is amended by replacing paragraph 1 by the following paragraph:

"(1) a copy of the official map of mining titles at a scale of 1/50000 kept in the office of the registrar and referred to in the notice of staking, showing the perimeter of the staked parcel of land;".

8. Section 49 of the said Act is amended by adding the following paragraph at the end:

"A notice of map designation in respect of a parcel of land within the boundaries of a territory where claims may be obtained by ground staking must also be accompanied with the following documents:

(1) in the case described in section 28.1, a statement by the holders of staked claims situated less than 1,000 metres from the parcel of land concerned, attesting that the parcels of land subject to their claims are not situated within the boundaries of the parcel of land concerned;

(2) in the case described in section 28.1, if the parcel of land is subject to a mining exploration licence, an agreement in writing between the holder of the mining exploration licence and the holder of the staked claim, in accordance with the regulations; if the holder of a mining exploration licence is also the holder of the staked claim, an application for conversion of the staked claim complying with subdivision 5 of this division;

(3) in the case described in section 42.5, an application for conversion complying with subdivision 5 of this division."

9. Section 52 of the said Act is amended by adding ", in particular where the conversion cannot be effected" at the end of subparagraph 4 of the first paragraph.

10. Section 58 of the said Act is amended by striking out "staked" in the second line of the first paragraph.

11. The said Act is amended by inserting the following section after section 58:

"**58.1.** The Minister may make any decision concerning the conversion of a staked claim into a map designated claim or the amalgamation or replacement of map designated claims."

12. Section 59 of the said Act is amended by adding the following paragraph at the end:

"Where a statement by the holder of a staked claim establishes that the parcel of land subject to the staked claim is not located within the boundaries of a parcel of land where a claim has been or may be obtained by map designation, the boundaries of the map designated parcel of land prevail."

13. The said Act is amended by inserting the following section after section 59:

"**59.1.** The statement provided for in subparagraph 1 of the second paragraph of section 49, the agreement referred to in subparagraph 2 of that paragraph and the agreement signed by the holder of the staked claim and provided at the time of the conversion of a mining right into a map designated claim may be set up against third persons."

14. Section 60 of the said Act is amended by replacing "A subsequent purchaser" at the beginning of the first paragraph by the following: "Except where the parcel of land subject to the staked claim is the subject of a statement establishing that it is not located within the boundaries of a parcel of land that is or may be subject to a claim obtained by map designation, a subsequent purchaser".

15. Section 60.1 of the said Act is amended

(1) by inserting "map designated or" after "are" in the fifth line of the first paragraph;

(2) by replacing "on the date on which the notice of modification is filed at the office of the registrar" in the first and second lines of the third paragraph by "after the filing, on the date indicated in the notice", and by replacing "of filing of the notice" in the fourth line of that paragraph by "indicated in the notice or before the date and time of filing of a notice of map designation".

16. Section 61 of the said Act is amended by replacing "its date of expiry or, on payment of the extra amount fixed by regulation, within the 15 days following its date of expiry" in the first, second and third lines of subparagraph 1 of the second paragraph by "the 60th day preceding its date of expiry or, on payment of the extra amount fixed by regulation, after that date but before its date of expiry".

17. Section 76 of the said Act is amended

(1) by striking out "15 days after" in the first line of the first paragraph;

(2) by replacing "on which the work has been performed and the land that is the subject of the application for renewal are included in a 3.2 kilometre square" in the fifth, sixth and seventh lines of the first paragraph by "that is the subject of the application for renewal is included within a 4.5 kilometre radius circle measured from the geometrical centre of the parcel of land subject to the claim in respect of which work was performed in excess of the prescribed requirements";

(3) by striking out the second paragraph.

18. Section 77 of the said Act is amended

(1) by striking out "15 days after" in the second line of the first paragraph;

(2) by replacing "in a 3.2 kilometre square" in the eighth line of the first paragraph by "within a 4.5 kilometre radius circle measured from the geometrical centre of the parcel of land that is subject to the lease or concession";

(3) by striking out the second paragraph.

19. The said Act is amended by inserting the following section after section 83.6:

"**83.6.1.** The Minister may, on his or her initiative, convert a claim referred to in section 83.1 into a map designated claim; however, the conditions applicable are those applicable to a conversion under section 83.2.

The Minister may also, on his or her initiative, convert the mining rights referred to in sections 83.2 and 83.6 into map designated claims, subject to the conditions applicable to such conversions."

20. The said Act is amended by inserting the following after section 83.13:

"§7. — *Amalgamation of map designated claims*

"**83.14.** The Minister may, on his or her initiative or at the request of the claim holder, amalgamate map designated claims that are contiguous to and within the boundaries of a parcel of land whose area and form have been determined by the Minister in accordance with the third paragraph of section 42, to constitute a new map designated claim.

The application for amalgamation must be filed by the claim holder, using the form supplied by the Minister, and must contain the information and be accompanied with the fee prescribed by regulation.

The claim obtained by amalgamation replaces the amalgamated claims as of the issue of the certificate of registration of the new map designated claim, and the date of registration of the claim is deemed to be the date of amalgamation.

The amalgamation of claims under this section is carried out in accordance with sections 83.3 to 83.5.

"§8. — *Replacement of map designated claims*

"**83.15.** Where a map designated claim extends over a parcel of land whose area and form do not correspond to those determined by the Minister and reproduced on the maps kept in the office of the registrar, the Minister may, by virtue of office or on the application of the claim holder, replace that claim with one or more map designated claims covering parcels of land whose area and form must tend to correspond to that determined by the Minister pursuant to the third paragraph of section 42.

The rules provided in sections 42.1 to 42.4 apply, with the necessary modifications, to claims so obtained by replacement.

The application for replacement must be filed by the claim holder, using the form supplied by the Minister, and contain the information and be accompanied with the documents determined by regulation.

The claim obtained replaces the former claim as of the issue of the certificate of registration of the new claim, and its date of registration is deemed to be the date of its replacement.

The replacement of claims under this section is carried out in accordance with sections 83.3 to 83.5."

21. Section 94 of the said Act is amended by replacing "the year" in the first line of the second paragraph by "each year of the term of the licence".

22. Section 141 of the said Act is amended by adding the following at the end of the first paragraph: "; however, the lease may be exclusive if granted to a municipality or an intermunicipal board for the construction or maintenance of its streets and road network".

23. Section 142.1 of the said Act is amended by inserting the following paragraph after the second paragraph:

"For the purposes of the second paragraph, a natural person, the person's representatives and their employees or, in the case of a legal person, the legal person, its subsidiaries and their directors, executives, representatives and employees are deemed to constitute a single person."

24. Section 207 of the said Act is amended by inserting "or map designated" after "staked" in the third and sixth lines of the second paragraph.

25. Section 221 of the said Act is amended by replacing "1 October" in the third line of the first paragraph by "31 October".

26. Section 222 of the said Act is amended

(1) by inserting "and every contractor engaged in mining operations" after "substances" in the second line of the first paragraph, and by replacing "in January" in the second and third lines of that paragraph by "not later than 31 March";

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

"At the request of the Minister, they shall transmit a monthly or quarterly report of activities before the fifteenth day of the following month."

27. Section 232.7 of the said Act is amended by adding the following paragraph at the end:

"The Minister may also require the payment of the total guarantee if, in the Minister's opinion, the financial situation of the person described in section 232.1 or a reduction in the anticipated duration of the person's activities may prevent the payment of all or part of the guarantee."

28. Section 232.11 of the said Act is amended

(1) by replacing "to perform the rehabilitation and restoration work required by the presence of tailings on land affected by his mining activities to the extent that the tailings result from those activities" in the fourth, fifth, sixth and seventh lines of the first paragraph by "to submit, within the time indicated by the Minister, a rehabilitation and restoration plan for the land affected by tailings, in accordance with the requirements of section 232.3, to the extent that the tailings result from the person's activities, and to perform the rehabilitation and restoration work required by the presence of the tailings";

(2) by inserting "the plan to be prepared or" after "cause" in the second line of the second paragraph;

(3) by replacing "Sections" in the first line of the third paragraph by "The second paragraph of section 232.5 and sections".

29. Section 291 of the said Act is amended by inserting "58.1," after "58," in the first line.

30. The heading of Chapter X of the said Act is replaced by the following heading:

"SPECIAL POWERS".

31. The said Act is amended by inserting the following section after section 304:

"**304.1.** Prior to the making of an order under subparagraph 1 or 1.1 of the first paragraph of section 304, the Minister may temporarily suspend, for a maximum period of six months, the right to stake and designate on a map a parcel of land whose boundaries are shown on the maps kept in the office of the registrar.

The suspension takes effect on the date of filing of a notice in the office of the registrar."

32. Section 306 of the said Act is amended

(1) by replacing paragraph 8 by the following paragraph:

"(8) determine the documents and information that must accompany notices of staking, notices of map designation, applications for amalgamation and applications for replacement of claims, and fix the amount of the applicable fees;";

(2) by replacing paragraphs 12.3 to 12.6 by the following paragraphs:

"(12.3) prescribe, for the purposes of applications for conversion under sections 83.2 and 83.6, or for amalgamation or replacement of claims, the manner of calculating the average unexpired portion of the terms of all the claims to be converted, amalgamated or replaced or of the exploration licences for surface mineral substances to be converted, in order to determine the date of expiry of the converted, amalgamated or replaced claims;

"(12.4) prescribe, for the purposes of applications for conversion under sections 83.2 and 83.6, or for amalgamation or replacement of claims, the manner in which and the conditions according to which the excess amounts disbursed for work performed on all the parcels of land subject to the claims to be converted, amalgamated or replaced or to the exploration licences for surface mineral substances to be converted, are to be distributed;

"(12.5) prescribe, for the purposes of applications for conversion under sections 83.2 and 83.6, or for amalgamation or replacement of claims, the manner of determining the number of terms of the converted, amalgamated or replaced claims in order to establish the minimum cost of the work to be performed for further renewals of claims after the first renewal following conversion, amalgamation or replacement;

"(12.6) determine the cases in which and the conditions according to which a mining right may be converted into map designated claims and claims may be amalgamated or replaced pursuant to subdivisions 5, 7 and 8 of Division III of Chapter III, and the effects of such conversion, amalgamation or replacement on rights granted to third persons and evidenced in an instrument relating to the converted, amalgamated or replaced mining right recorded in the public register of real and immovable mining rights;".

33. This Act comes into force on 18 December 2003.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 26
(2003, chapter 22)

An Act to ensure the protection of veterans' graves and war graves

Introduced 11 November 2003
Passage in principle 11 November 2003
Passage 17 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

EXPLANATORY NOTES

This bill prescribes that the administrator of a cemetery must ensure the protection of the graves of Canadian Armed Forces or Allied Forces veterans and of certain war graves located in the cemetery. The bill also establishes under which conditions the administrator may allow the remains interred in these graves or the markers placed on them to be moved.

Bill 26

AN ACT TO ENSURE THE PROTECTION OF VETERANS' GRAVES AND WAR GRAVES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The graves referred to in this Act are those of Canadian Armed Forces or Allied Forces veterans or any war graves protected by the Geneva Conventions for the Protection of War Victims signed at Geneva on 12 August 1949 and the Protocols Additional to the Geneva Conventions reproduced in Schedules I through VI of the Geneva Conventions Act (Revised Statutes of Canada, 1985, chapter G-3).

2. The administrator of a cemetery must ensure the protection of the veterans' graves and war graves located in the cemetery. The remains interred in these graves or the markers placed on them may be moved only in such a manner that they may be found again.

3. The administrator of a cemetery may agree with the appropriate federal minister or the Commonwealth War Graves Commission on the financial or other arrangements needed to protect and maintain the graves. If the administrator has received notice from the federal minister or the Commission that the federal minister or the Commission has undertaken to pay the maintenance and concession costs with respect to a gravesite, the administrator may not allow the remains interred in the grave or the marker placed on it to be moved unless the federal minister or the Commission has been given three months' advance notice of the intention to do so.

4. The minister responsible for the administration of this Act is the minister designated by the Government.

5. This Act comes into force on 18 December 2003.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 31
(2003, chapter 26)

An Act to amend the Labour Code

Introduced 13 November 2003
Passage in principle 12 December 2003
Passage 17 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

EXPLANATORY NOTES

This bill amends the provisions of the Labour Code as regards the transmission of rights and obligations upon the transfer of part of the operation of an undertaking.

The bill thus provides that there will no longer be such a transmission of rights and obligations in cases where the transfer does not entail transferring to the transferee, in addition to functions or the right to operate, most of the elements that characterize the part of the undertaking involved, unless the main purpose of the transfer is to undermine an association of employees.

The bill also provides, subject to the same reservation, that a collective agreement transferred to the transferee's undertaking is deemed to expire on the day the transfer becomes effective and that the notice of negotiations to make a new collective agreement may be given within the following 30 days.

Lastly, the bill contains a number of transitional and concordance provisions.

Bill 31

AN ACT TO AMEND THE LABOUR CODE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 22 of the Labour Code (R.S.Q., chapter C-27) is amended by striking out the second paragraph.

2. Section 45 of the said Code is amended by adding the following paragraph at the end:

"The second paragraph does not apply in the case of the transfer of part of the operation of an undertaking where such transfer does not entail the transfer to the transferee, in addition to functions or the right to operate, of most of the elements that characterize the part of the undertaking involved."

3. Section 45.1 of the said Code is repealed.

4. Section 45.2 of the said Code is amended

(1) by striking out "and notwithstanding section 45" in the first and second lines of the first paragraph;

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

"(1) for the purposes of labour relations between the new employer and the association of employees involved, a collective agreement referred to in the second paragraph of section 45 that has not expired on the effective date of the transfer is deemed to expire on the day the transfer becomes effective;";

(3) by replacing "elect not to apply to the Commission to request the application of section 45" in the third and fourth lines of subparagraph 2 of the first paragraph by "waive the application of the second paragraph of section 45".

5. Section 45.3 of the said Code is amended

(1) by inserting "by a certified union" after "made" in the first line of subparagraph 1 of the first paragraph;

(2) by inserting "the second paragraph of" after "agreement or, where" in the second line of subparagraph 2 of the first paragraph;

(3) by adding the following subparagraph after subparagraph 3 of the first paragraph:

"(4) the provisions of the third paragraph of section 45 or those of section 45.2, as the case may be, apply where the undertaking becomes subject to the legislative authority of Québec as a result of the transfer of part of the operation of the undertaking.";

(4) by striking out the second and third paragraphs.

6. Section 46 of the said Code is amended by adding the following paragraph at the end:

"The Commission may also, on the motion of an interested party filed not later than the thirtieth day following the effective date of the transfer of the operation of part of an enterprise and where it considers that the transfer was carried out for the main purpose of hindering the formation of an association of employees or undermining the continued integrity of a certified association of employees:

(1) set aside the application of the third paragraph of section 45 and render any appropriate decision to facilitate the application of the second paragraph of the said section;

(2) set aside the application of subparagraph 1 of the first paragraph of section 45.2 and determine that the new employer remains bound by the collective agreement referred to in the second paragraph of section 45 until the date fixed for its expiration."

7. Section 52 of the said Code is amended by adding the following paragraph at the end:

"In the case of a collective agreement referred to in subparagraph 1 of the first paragraph of section 45.2, the certified association or the employer may give such notice within 30 days following the deemed expiration of the agreement."

8. Section 52.2 of the said Code is amended by adding ", except in the situation referred to in the fourth paragraph of the said section, where it is deemed to have been received on the thirtieth day following the deemed expiration of the agreement" at the end of the first paragraph.

9. Section 133 of the said Code, enacted by section 63 of chapter 26 of the statutes of 2001, is amended by replacing the second paragraph by the following paragraph:

"In the case of a motion concerning the applicability of sections 45 to 45.3 and referred to in the first paragraph of section 46, the Commission must render a decision within 90 days after the motion is filed with the Commission."

10. The provisions of the Labour Code, as they read before the amendments made by this Act, continue to apply in the case of the transfer of the operation of part of an undertaking that became effective before 1 February 2004.

11. This Act comes into force on 1 February 2004.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 32
(2003, chapter 27)

An Act to amend the Act respecting childcare centres and childcare services as regards places giving entitlement to grants

Introduced 13 November 2003
Passage in principle 12 December 2003
Passage 17 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

EXPLANATORY NOTES

This bill amends the Act respecting childcare centres and childcare services to provide that the Minister of Employment, Social Solidarity and Family Welfare may, on the conditions determined by the Minister, enter into an agreement with any person holding a day care centre permit to allow that person to be allotted places giving entitlement to grants.

The bill provides that the Minister may, in certain cases, reallocate places giving entitlement to grants allotted to a childcare centre or a day care centre. The bill also provides that the number of places indicated on the permit is the number of allotted places giving entitlement to grants.

The bill states that the contribution fixed by the Government for certain services may be indexed according to a method prescribed by regulation and that a parent may be fully or partially exempted from payment of the contribution.

Furthermore, the bill amends certain regulatory provisions, especially to revise the amount of the contribution required from parents.

Lastly, the bill includes concordance amendments and fixes 1 January 2004 as the date on which the Act comes into force.

Bill 32

AN ACT TO AMEND THE ACT RESPECTING CHILDCARE CENTRES AND CHILDCARE SERVICES AS REGARDS PLACES GIVING ENTITLEMENT TO GRANTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting childcare centres and childcare services (R.S.Q., chapter C-8.2) is amended by adding the following section after section 11.1.1:

"**11.1.2.** The maximum number of children indicated on the permit of a childcare centre or a day care centre operated by a permit holder referred to in section 39.1 is the number of places giving entitlement to grants allotted to the centre pursuant to section 41.7."

2. Section 39 of the said Act is amended

(1) by inserting "which may be indexed at the time and according to the method prescribed by regulation" after "certain services determined in the regulation" in the first paragraph;

(2) by inserting "fully or partially" before "exempted" in the second and third paragraphs;

(3) by replacing "is exempted from payment of a contribution," in the fifth paragraph by "is fully exempted from payment of a contribution, require the whole contribution if the parent has been partially exempted from payment of the contribution,";

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

"Where the contribution fixed under the first paragraph is revised, the revised amount is payable as of the coming into force of the amendment. For the purposes of paragraphs *e* and *f* of section 190 and section 191 of the Consumer Protection Act (chapter P-40.1), the total amount to be paid by a parent and the rate stated in the contract between a parent and a childcare centre permit holder or a home childcare provider are revised accordingly as of the coming into force of the amendment."

3. Section 39.1 of the said Act is amended by replacing "on 11 June 1997 is" in the first paragraph by "is".

4. The said Act is amended by inserting the following section after section 41.6.2:

"**41.6.3.** For the purpose of assessing the effect of the accessibility to the educational childcare referred to in section 39 on the development of children and equal opportunity for children, and making sure that educational childcare meets parents' needs, the Minister may require parents who have a child occupying a place giving entitlement to grants to send, at the time determined by the Minister and on the appropriate form made available to them, the documents and information prescribed by regulation concerning their employment situation, the class of annual income to which they belong, the family make-up and their childcare needs.

The documents and information must be kept and used in accordance with the conditions prescribed by the Commission d'accès à l'information under section 124 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1)."

5. Section 41.7 of the said Act is amended

(1) by replacing "according to the appropriations voted annually for such purpose" by "where appropriations are granted for that purpose and according to those appropriations";

(2) by adding the following paragraph at the end:

"The Minister may reallocate all or part of the places allotted to a childcare centre pursuant to the first paragraph if the Minister considers that the permit applicant or the permit holder cannot open the places within the time determined by the Minister. The Minister may also reallocate places allotted to a childcare centre or a day care centre if those places remain unoccupied."

6. Section 73 of the said Act is amended by replacing paragraph 21 by the following paragraphs:

"(20.1) fixing, for the services it determines, the contribution referred to in section 39 and prescribing the indexation method and schedule applicable to the contribution;

"(20.2) determining terms and conditions for payment of the contribution fixed under section 39 and the cases in which a parent may be fully or partially exempted from payment of that contribution for all or some services, as specified;

"(21) determining the age class to which the contribution referred to in section 39 applies;

"(21.1) determining the documents and information that must be sent to the Minister by the parents referred to in section 41.6.3 concerning their

employment situation, the class of annual income to which they belong, the family make-up and their childcare needs;".

7. Section 83 of the Regulation respecting childcare centres, enacted by Order in Council 1069-97 (1997, G.O. 2, 4368), is amended by replacing "The capacity" in the introductory sentence by "Subject to section 11.1.2 of the Act, the capacity".

8. Section 4 of the Regulation respecting reduced contributions, enacted by Order in Council 1071-97 (1997, G.O. 2, 4392), is replaced by the following section:

"**4.** The reduced contribution is fixed at $7 per day, whatever the type of service chosen by the parent."

9. Section 8 of the said Regulation is amended by inserting "full" before "exemption".

10. Section 9 of the said Regulation is amended by inserting "full" before "exemption" in the first paragraph.

11. Section 10 of the said Regulation is amended by inserting "fully" before "exempted".

12. Section 12 of the said Regulation is amended

(1) by replacing "the exemption" in the first paragraph by "full exemption";

(2) by replacing "the exemption" in the fourth paragraph by "full exemption".

13. Section 39 of the Regulation respecting day care centres, enacted by Order in Council 1971-83 (1983, G.O. 2, 3527), is amended by replacing "The maximum capacity" in the introductory sentence by "Subject to section 11.1.2 of the Act, the maximum capacity".

14. Section 170.1 of the Regulation respecting income support, enacted by Order in Council 1011-99 (1999, G.O. 2, 2881), is amended by replacing "3 $ for each dependent child multiplied by the number of days in daycare for which a 5 $ contribution" in the first paragraph by "$5 for each dependent child multiplied by the number of days in daycare for which a $7 contribution".

15. The child day-care expenses referred to in subparagraph 2 of the first paragraph of section 41 and section 75.6 of the Regulation respecting financial assistance for education expenses, enacted by Order in Council 844-90 (1990, G.O. 2, 1685), are increased to $35 and $490, respectively, where a child has not reached the age of admission to preschool education determined under section 1 of the Education Act (R.S.Q., chapter I-13.3).

This modification has effect until those amounts are modified by a regulation made under section 57 of the Act respecting financial assistance for education expenses (R.S.Q., chapter A-13.3).

16. This Act comes into force on 1 January 2004.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 190
(2003, chapter 30)

An Act to proclaim Tartan Day

Introduced 12 November 2003
Passage in principle 17 December 2003
Passage 17 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

EXPLANATORY NOTES

The purpose of this bill is to proclaim 6 April of each year Tartan Day.

Bill 190

AN ACT TO PROCLAIM TARTAN DAY

WHEREAS Scottish immigrants first settled in Québec over 400 years ago, making the Scots one of the founding peoples of Québec;

Whereas the Scottish community of Québec has significantly contributed to the economic, social and cultural development of Québec;

Whereas the bond uniting the Scottish community and other communities of Québec is profound and sincere and exemplifies the friendship that can exist between communities;

Whereas the National Assembly encourages all Quebecers to be proud of their cultural heritage;

Whereas 6 April 1320 is the date on which the Declaration of Arbroath establishing the historical independence of Scotland and the rights of the Scottish people to choose their own sovereign was signed;

Whereas that date has a special historical significance for all Scots;

Whereas the tartan is a Scottish symbol recognized worldwide;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Tartan Day is hereby proclaimed to be 6 April in each and every year.

2. This Act comes into force on 18 December 2003.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 201
(Private)

An Act respecting Ville de Gaspé

Introduced 20 June 2003
Passage in principle 18 December 2003
Passage 18 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

Bill 201

(Private)

AN ACT RESPECTING VILLE DE GASPÉ

WHEREAS it is in the interest of Ville de Gaspé that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The city may, by by-law, adopt an industrial revitalization program for sectors it delimits within the industrial zone of the port of Gaspé described in the description and shown on the accompanying plan prepared by Christian Roy, land surveyor in Gaspé, dated 30 April 2003 and bearing number 5409 of his minutes, and within the industrial zone of the Rivière-au-Renard fisheries industrial park described in the description and shown on the accompanying plan prepared by Gérard Joncas, land surveyor in Gaspé, dated 17 April 2003 and bearing number 2918 of his minutes.

2. A by-law adopted under section 1 shall determine the nature of the financial assistance, including a tax credit, that may be granted and the duration of the assistance, which may not exceed five years or extend beyond 31 December 2010.

The total amount of the financial assistance granted under a program referred to in section 1 may not exceed $1,000,000. The city may, by a by-law approved by the Minister of Municipal Affairs, Sports and Recreation, increase the amount or extend the duration of the program.

The second paragraph of section 542.1 and section 542.2 of the Cities and Towns Act (R.S.Q., chapter C-19) apply to the program.

3. Under such a program, a subsidy may be granted to the owner, lessee or occupant in good faith of a house or building situated in the industrial zone of the port of Gaspé for the relocation of the owner, lessee or occupant elsewhere in the territory of the city, the relocation cost for the building may be assumed, a reasonable indemnity may be paid and an agreement may be entered into with the owner, lessee or occupant for such purposes.

4. The city may, in a sector targeted in an industrial revitalization program, transfer gratuitously to an owner in good faith who has built on or occupies land beyond the limits of his or her property, or to his or her successors, the parcel of land the owner has encroached upon.

5. The city may, by by-law, determine that certain streets or roads that belong to it and that are not under the management of the Minister of Transport are not to be maintained for the passage of motor vehicles during the periods of the winter and spring fixed by the city.

The city is not liable for damage suffered by a person travelling on such a street or road, provided signs are placed at the beginning of the street or road or the part that is not maintained to indicate that it is not maintained and that users travel on it at their own risk.

6. This Act comes into force on 18 December 2003.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 202
(Private)

An Act respecting Hillcrest Protestant Cemetery of Deux-Montagnes

Introduced 5 November 2003
Passage in principle 12 December 2003
Passage 12 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

Bill 202

(Private)

AN ACT RESPECTING HILLCREST PROTESTANT CEMETERY OF DEUX-MONTAGNES

WHEREAS Hillcrest Protestant Cemetery of Deux-Montagnes is a legal person governed by the Cemetery Companies Act (R.S.Q., chapter C-40) and Part III of the Companies Act (R.S.Q., chapter C-38);

Whereas Hillcrest Protestant Cemetery of Deux-Montagnes wishes to transfer the vacant land described in the schedule by onerous title to a person who is not an entity or a duly constituted authority of a religious denomination within the meaning of section 9 of the Cemetery Companies Act;

Whereas the land described in the schedule was never used for burial purposes and is physically separate from the cemetery;

Whereas the land described in the schedule will not be needed for burial purposes in future given that Hillcrest Protestant Cemetery of Deux-Montagnes owns other land nearby with an area fully sufficient to meet the long-term needs of the Protestant population of Deux-Montagnes;

Whereas the transfer by onerous title of the vacant land described in the schedule is necessary for the financial survival of Hillcrest Protestant Cemetery of Deux-Montagnes and the adequate maintenance of the cemetery situated near that vacant land;

Whereas sections 6 and 8 of the Cemetery Companies Act do not allow a legal person governed by the Act to transfer immovable property upon which a cemetery is established;

Whereas section 6 of the Cemetery Companies Act does not define the expression “immovable property upon which a cemetery is established”;

Whereas, in the absence of a definition of the expression “immovable property upon which a cemetery is established” and given the proximity of the cemetery run by Hillcrest Protestant Cemetery of Deux-Montagnes, the transfer of the vacant land described in the schedule could be considered a transfer of immovable property upon which a cemetery is established and the transfer of such property is not allowed under sections 6 and 8 of the Cemetery Companies Act;

Whereas it is preferable, given the ambiguity of the expression "immovable property upon which a cemetery is established", that the transfer of the said vacant land be authorized by the Parliament of Québec in order to confer certain title of that land to the subsequent acquirer;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Hillcrest Protestant Cemetery of Deux-Montagnes is authorized to transfer the land described in the schedule by onerous title to a person who is not an entity or a duly constituted authority of a religious denomination within the meaning of section 9 of the Cemetery Companies Act (R.S.Q., chapter C-40).

2. This Act comes into force on 18 December 2003.

SCHEDULE

Vacant land known and designated as lots THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FORTY-TWO (3,027,342), THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FORTY-THREE (3,027,343), THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FORTY-FOUR (3,027,344), THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FORTY-FIVE (3,027,345), THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FORTY-SIX (3,027,346), THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FORTY-SEVEN (3,027,347), THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FORTY-EIGHT (3,027,348), THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FORTY-NINE (3,027,349) and THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FIFTY (3,027,350) of the cadastre of Québec, registration division of Deux-Montagnes.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 203
(Private)

An Act respecting Ville de Victoriaville

Introduced 5 November 2003
Passage in principle 18 December 2003
Passage 18 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

Bill 203

(Private)

AN ACT RESPECTING VILLE DE VICTORIAVILLE

WHEREAS Ville de Victoriaville was authorized by chapter 75 of the statutes of 1970 to grant an annual pension to the widow of one of its employees;

Whereas the city was also authorized by chapter 96 of the statutes of 1982 and chapter 94 of the statutes of 1990 to increase the pension;

Whereas the former Ville de Victoriaville was merged with Arthabaska and Municipalité de Sainte-Victoire-d'Arthabaska under Order in Council 797-93 dated 9 June 1993 and the Order mentioned no particular legislative provision governing a former municipality as being applicable to the new city;

Whereas it is necessary to validate payment of the pension to Ms. Germaine Châteauneuf for the years during which the city no longer had such power;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Ville de Victoriaville grants to Ms. Germaine Châteauneuf an annual pension for life of $3,129.53 payable out of the city's general fund.

2. The payments made by the city to Ms. Châteauneuf between 23 June 1993 and 18 December 2003 are declared valid.

3. Ville de Victoriaville may increase the pension on 1 January of each year. The increase shall be calculated based on the change in the Consumer Price Index for Québec, as determined by Statistics Canada, for the twelve months preceding the year which precedes the year for which the Index is calculated.

4. This Act comes into force on 18 December 2003.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 204
(Private)

An Act respecting Ville de Rivière-du-Loup

Introduced 13 November 2003
Passage in principle 18 December 2003
Passage 18 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

Bill 204

(Private)

AN ACT RESPECTING VILLE DE RIVIÈRE-DU-LOUP

WHEREAS it is in the interest of Ville de Rivière-du-Loup that it be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Ville de Rivière-du-Loup may adopt a program by by-law for the purpose of granting a tax credit, on the conditions stipulated in the program, for the establishment of industrial facilities in the territory of Phase III of the industrial park of Rivière-du-Loup described in the schedule. An industrial facility must meet the following criteria:

(1) the main source of energy for the industrial process must be hydroelectricity, wind energy or another source of renewable energy;

(2) waste, residues and emissions generated or likely to be generated by the industrial process must be controlled by a technology that provides greater environmental protection than required under the applicable standards;

(3) the industrial process used must respect one of the following conditions:

(*a*) it must produce no greenhouse gas emissions;

(*b*) it must make it possible to sequester or recover in CO_2 equivalents at least 70% of the greenhouse gases that would otherwise be emitted per product unit;

(*c*) it must replace the use of carbon tetrafluoride (CF_4), sulfur hexafluoride (SF_6) or hexafluoroethane (C_2F_6) with a substitute product that does not produce greenhouse gases.

2. The purpose of the tax credit is to offset any increase in property taxes that may result from a reassessment of the immovables after completion of the work. For the fiscal year in which the work is completed and for the next fiscal year, the amount of the tax credit shall be the difference between the amount of the property taxes that would have been payable if the assessment of the immovables had not been changed and the amount of the taxes actually payable. For the next three fiscal years, the amount of the tax credit shall be, respectively, 75%, 50% and 25% of the amount of the tax credit for the first fiscal year.

3. The by-law passed under section 1 must state that only immovables where at least 50% of the floor space is used or intended to be used for industrial activities may be the subject of the tax credit.

4. The by-law may not provide for a tax credit for a period exceeding five years and the eligibility period of the program may not extend beyond 31 December 2009.

5. An enterprise carrying on industrial activities within the meaning of this Act is a primary, secondary or tertiary processing enterprise, a manufacturing enterprise or any enterprise carrying on research and development activities.

6. This Act comes into force on 18 December 2003.

SCHEDULE

A territory comprising, with reference to the official cadastre of the parish of Saint-Patrice-de-la-Rivière-du-Loup, registration division of Témiscouata, all the lots or parts of lots, blocks or parts of blocks, and their present and future subdivisions, situated within the present limits of the municipality of Ville de Rivière-du-Loup, regional county municipality of Rivière-du-Loup, and included within the following limits:

Starting from point "A" on the southeast limit of the right of way of chemin des Raymond at the intersection of the boundary line of lots 1046 and 1045; from that point, southeasterly along the dividing line of lots 1046 and 1045 for a distance of one hundred and eighty-two metres and eighty-eight hundredths (182.88 m) up to a point; from that point, southwesterly along a line parallel to the right of way of chemin des Raymond for a distance of two hundred and thirty-six metres and forty-eight hundredths (236.48 m) up to the intersection of the boundary line of lots 1047-1 and 1046; from that point, northwesterly along the boundary line of lots 1047-1 and 1046 for a distance of one hundred and eighty-two metres and eighty-eight hundredths (182.88 m) up to a point; from that point, northeasterly along the southeast right of way of chemin des Raymond for a distance of one hundred and twenty-nine metres and ninety-five hundredths (129.95 m) up to a point; from that point, northwesterly along a line parallel to the northeast boundary line of lots 958-1 and 958 for a distance of two hundred and twenty-six metres and sixty hundredths (226.60 m) up to a point; from that point, southwesterly along the northwest limit of lots 958-1, 956-1 and 954-3 for a distance of three hundred and five metres and seventy-seven hundredths (305.77 m) up to a point; from that point, southwesterly for a distance of one hundred and forty-nine metres and seventy-five hundredths (149.75 m) up to a point situated at the northeast intersection of the dividing line of lots 952-2-4 and 952-2 up to a point; from that point, southwesterly along the northwest limit of lot 952-2-4 for a distance of sixty metres and ninety-six hundredths (60.96 m) up to a point; from that point, northwesterly along a line that is the extension of the boundary line of lots 952-3 and 952-2-4 for a distance of seventy-seven metres and ninety-eight hundredths (77.98 m) up to a point; from that point, southwesterly along a line being the northwest limit of lots 950-5-3, 950-5-2, 950-5-1 and 948-4-1 for a distance of one hundred and sixty-nine metres and sixty-five hundredths (169.65 m) up to a point; from that point, northwesterly along the line being the extension of the northeast dividing line of lots 948-4 pt. and 948-4-1 for a distance of seventy-six metres and twenty hundredths (76.20 m) up to a point; from that point, southwesterly along a line parallel to the northwest right of way of lot 948-3 Street for a distance of one hundred and eight metres and thirty-six hundredths (108.36 m) up to a point; from that point, northwesterly along a line being the northeast right of way of part of lots 946, 946-4 and 946-5 Former railway for a distance of one hundred and sixty-four metres and seventy-seven hundredths (164.77 m) up to a point; from that point, for a distance of one hundred and thirty-two metres and twenty-nine hundredths (132.29 m) measured along a curved line with a one hundred and thirty metres and twenty-nine hundredths (130.29 m) radius up to a point situated in the present railway right of way, part of lot 948; from that point, northerly along

the present railway right of way for a distance of forty-nine metres and fifty-six hundredths (49.56 m) up to a point situated in the southeast right of way of the present railway; from that point, northeasterly along the southeast right of way of the present railway for a distance of seven hundred and thirty-three metres and three hundredths (733.03 m) up to a point; from that point, southeasterly along a line parallel to the northeast boundary line of lots 958-1 and 958 for a distance of six hundred and fifty-two metres and twenty-nine hundredths (652.29 m) up to the northwest right of way of chemin des Raymond; from that point, northeasterly along the northwest right of way of chemin des Raymond for a distance of sixty-four metres and sixty-eight hundredths (64.68 m) up to the intersection of the boundary line of lots 963-20 and 958; from that point, southeasterly through the right of way of chemin des Raymond for a distance of twenty metres and twenty-two hundredths (20.22 m) up to starting point "A".

The territory thus described, as shown on the accompanying plan bearing Number A-5605 at a scale of 1:5,000, comprises an area of 396,379.5 square metres. All distances are in metres (SI).

The territory is situated within the limits of Ville de Rivière-du-Loup on the lots forming part of numbers 946, 948, 950, 952, 954, 956, 958, 1046, 946-5, 946-4, 948-5, 948-4 and lots 950-6, 952-6 of the cadastre of the parish of Saint-Patrice-de-la-Rivière-du-Loup, registration division of Témiscouata.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 205
(Private)

An Act respecting the Northern Village of Kuujjuaq and the Northern Village of Tasiujaq

Introduced 1 December 2003
Passage in principle 18 December 2003
Passage 18 December 2003
Assented to 18 December 2003

Québec Official Publisher
2003

Bill 205

(Private)

AN ACT RESPECTING THE NORTHERN VILLAGE OF KUUJJUAQ AND THE NORTHERN VILLAGE OF TASIUJAQ

WHEREAS it is in the interest of the Northern Village of Kuujjuaq and the Northern Village of Tasiujaq that certain powers be granted to them;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Northern Village of Kuujjuaq shall pay Mr. Johnny Watt an annual life pension of $8,004.

2. The Northern Village of Tasiujaq shall pay Mr. Tommy Cain an annual life pension of $6,282.

3. The pensions referred to in sections 1 and 2 are payable in equal instalments on the first day of each month.

4. Sections 1 and 2 have effect from 1 January 2003. The pensions referred to in these sections shall be payable for 2003 in a lump sum before 31 December 2003.

5. This Act comes into force on 18 December 2003.

Regulations and other acts

M.O., 2003-025F

Order of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks dated 19 December 2003

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

Regulation to amend the Regulation respecting trapping and the fur trade

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

CONSIDERING section 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), which provides that the Société de la faune et des parcs du Québec may make regulations on the matters set forth therein and that the regulations must be submitted to the Minister for approval;

CONSIDERING section 164 of the Act, which provides that a regulation made by the Société under section 56 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING that the Regulation respecting trapping and the fur trade, which prescribes the conditions for trapping any animal or any animal of a class of animals, was made by Minister's Order 99026 dated 31 August 1999;

CONSIDERING that, by resolution No. 03-83 of its board of directors dated 24 November 2003, the Société made the Regulation to amend the Regulation respecting trapping and the fur trade attached to this Order;

APPROVE the Regulation to amend the Regulation respecting trapping and the fur trade, attached hereto.

Québec, December 19, 2003

SAM HAMAD,
Minister of Natural Resources, Wildlife and Parks

PIERRE CORBEIL,
Minister for Forests, Wildlife and Parks

Regulation to amend the Regulation respecting trapping and the fur trade*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 56, 2nd and 4th pars.)

1. Section 17 of the Regulation respecting trapping and the fur trade is amended

(1) by replacing "10 to 18" in subparagraph 1 of the first paragraph by "11 to 17" and by striking out ", 68, 69";

(2) by replacing "8, 9" in subparagraph 2 of the first paragraph by "8 to 10, 18".

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

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* The Regulation respecting trapping and the fur trade, made by Minister's Order 99026 dated 31 August 1999 (1999, *G.O.* 2, 2992), was last amended by the regulation approved by Minister's Order 2003-011 dated 5 June 2003 (2003, *G.O.* 2, 1941). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

Draft Regulations

Draft Regulation

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

Certified general accountants
— Code of ethics
— Amendments

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Code of Ethics of certified general accountants, made by the Bureau of the Ordre professionnel des comptables généraux licenciés du Québec, may be submitted to the Government for approval, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of the Regulation is to amend the Code of Ethics of certified general accountants to introduce provisions stating the terms and conditions according to which a member of the Ordre professionnel des comptables généraux licenciés du Québec may communicate information that is protected by professional secrecy so as to prevent an act of violence.

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

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

This Regulation contain in accordance with subparagraph 4 of the first paragraph of section 87 (R.S.Q., c. C-26) provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 et 60.6 of the Professional Code and provisions concerning a professional's obligation to release documents to his client.

The Regulation introduce in accordance with subparagraph 5 of the first paragraph of section 87 provisions setting out conditions, obligations and prohibitions in respect of advertising by the members of the order.

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

Further information concerning the Regulation may be obtained by contacting Gilles Nolet, Executive Vice President, Ordre des comptables généraux licenciés du Québec, 445, boulevard Saint-Laurent, Montréal (Québec) H2Y 2Y7, phone number : (514) 861-1823 or 1 800 463-0163 ; fax number : (514) 861-7661.

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

GAÉTAN LEMOYNE,
Chairman of the Office des professions du Québec

Regulation amending the Code of ethics of certified general accountants*

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

1. The Code of ethics of certified general accountants of Québec is amended by adding, after section 3.01.06, the following section:

"**3.01.07.** A member who is notified that an investigation is being conducted or who has been served with a complaint regarding his conduct or his professional qualifications shall not harass, intimidate or threaten the person who requested that such investigation be conducted nor any other person involved in the events related to the investigation or to the complaint.".

2. This code is amended by substituting for subdivision 6 of Division III the following:

"§6. Provisions designed to preserve the secrecy of confidential information

3.06.01. A member shall preserve the secrecy of confidential information that becomes known to him in the practice of his profession.

A member may be released from his duty to preserve professional secrecy only upon the authorization of his client or where so ordered by law. He shall also be released from his duty to preserve professional secrecy only pursuant to the third paragraph of section 60.4 of the Professional Code if the terms and conditions provided for in sections 3.06.03 and 3.06.04 are met.

3.06.02. To preserve secrecy with respect to confidential information that becomes known to him in the practice of his profession, a member shall:

(1) refrain from using such information to the detriment of a client or with a view to obtaining, directly or indirectly, a benefit for himself or for another person;

(2) take all necessary steps to ensure that his coworkers and his staff shall not disclose or use such information that becomes known to them in the course of performing their duties;

(3) avoid engaging in or participating in indiscreet conversations with respect to a client and to the services provided to such client.

§6.1. Lifting professional secrecy in order to ensure the protection of persons

3.06.03. A member who, pursuant to the third paragraph of section 60.4 of the Professional Code, shall reveal, orally or in writing, information that is protected by professional secrecy in order to prevent an act of violence shall, in respect of each disclosure:

(1) include as soon as possible in the client's record, in a sealed envelope, the following information:

(a) the identity of the person or group of persons who are in danger;

(b) the identity of the person who prompted the member to disclose the information;

(c) the grounds supporting the decision to disclose the information;

(d) the identity of the person to whom the information was disclosed;

(e) the date and time of the disclosure;

(f) the means of communication used;

(g) the contents of the disclosure;

(2) forward to the Syndic, within five (5) days following the disclosure, notice of disclosure indicating the grounds supporting the decision to disclose the information as well as the date and time of such disclosure.

3.06.04. If the well-being of the person or persons in imminent danger of death or serious bodily injury requires it, a member who is about to disclose information protected by professional secrecy may consult a colleague, a member of another professional corporation or any other competent person, provided such consultation shall not result in a detrimental delay in the disclosure of the information.".

3. This Code is amended by substituting for subdivision 7 of Division III the following:

* The only amendments to the Code of ethics of certified general accountants of Québec (R.R.Q. 1981, c. C-26, r.30) were made by the Regulation made by Order in Council 441-90 dated April 4, 1990 (1990, *G.O.* 2, 1161).

"§7. Terms and conditions applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code and duty incumbent upon a member to release documents to his client

3.07.01. A member may require that a request contemplated in sections 3.07.03, 3.07.06 or 3.07.08 be made and that the right be exercised at his professional place of business, during regular work hours.

3.07.02. Failing a reply within 20 days following receipt of a request made under sections 3.07.03 or 3.07.06, a member shall be deemed to have refused to accede thereto.

3.07.03. In addition to the specific rules prescribed by law, a member shall, diligently or no later than 20 days following receipt thereof, follow up on any request made by a client with a view to:

(1) examining documents concerning him in any record established in his respect;

(2) obtaining a copy of documents concerning him in any record established in his respect.

3.07.04. A member may, with respect to a request made pursuant to paragraph (2) of section 3.07.03, charge his client reasonable fees not in excess of the cost of reproducing or transcribing documents or the costs of transmitting a copy.

A member charging such fees shall, prior to proceeding with the reproduction, transcription or transmission, notify the client of the approximate amount which he shall be required to pay.

3.07.05. A member who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuses to allow his client access to information contained in a record established in his respect, shall indicate to the client, in writing, that the disclosure would be likely to cause serious harm to the client or to a third person.

3.07.06. In addition to the specific rules prescribed by law, a member shall, diligently and no later than 20 days following receipt thereof, follow up on any request made by a client with a view to:

(1) causing to be corrected, any information that is inaccurate, incomplete or ambiguous having regard to the purpose for which it was collected, contained in a document concerning him which is included in a record established in his respect;

(2) causing to be deleted any information that is outdated or not justified by the object of the record established in his respect;

(3) filing in the record established in his respect the written comments made by the client.

3.07.07. A member who accedes to a request made pursuant to section 3.07.06 shall deliver to the client a copy of the document or the portion thereof enabling the client to determine that the information has been corrected or deleted or, as the case may be, a certificate stating that the written comments made by the client have been filed in the record.

Upon written request by the client, a member shall forward a copy of such information or, as the case may be, of such certificate to any person from whom the client has received such information as well as to any person to whom the information has been communicated.

3.07.08. A member shall diligently follow up on any request made by a client with a view to retrieving possession of a document which the client has entrusted to him.".

4. This Code is amended by adding the following Divisions V and VI after section 4.03.01:

"DIVISION V
CONDITIONS, OBLIGATIONS AND PROHIBITIONS RESPECTING ADVERTISING

5.01.01. All members who are partners in the practice of their profession are jointly and severally responsible for complying with the rules respecting advertising, unless one of the members demonstrates that the advertising was done without his knowledge and consent and despite the measures taken to ensure compliance with those rules.

5.01.02. A member may not, in any manner whatsoever, engage in advertising that is false, incomplete, misleading or likely to mislead, nor may he allow any person to do so.

5.01.03. A member may not use means of advertising that are likely to denigrate or depreciate another member or firm.

5.01.04. A member who advertises fees must do so in a manner which is understandable to the public and, in particular:

(1) maintain the amount of such fees in force for the duration of the period specified in the advertising, which period shall not be less than 90 days following the last authorized broadcast or publication thereof;

(2) specify the services included in the fees.

A member may, however, agree with the client on an lesser amount than that broadcast or published.

5.01.05. A member may not, in any manner whatsoever, in his advertising, place greater importance on fees than on the professional services rendered.

5.01.06. In any advertising with respect to fees, a member shall specify the period during which such fees shall be in force, as the case may be. Such duration shall not be less than 90 days.

5.01.07. A member shall not resort to a method of soliciting clients which is of such nature as to be injurious to the dignity of the profession. He shall not induce any person in a pressing or repeated manner to resort to his professional services.

5.01.08. A member shall not, in his advertising, imply that certain results may be achieved.

5.01.09. A member may not, in his advertising, use or cause to be used an endorsement or testimonial concerning him.

5.01.10. A member shall keep a complete copy of any advertising in its original form, for a period of 12 months following the date of its last broadcast or publication. Upon request, such copy shall be delivered to the Syndic or to the Assistant Syndic.

DIVISION VI
GRAPHIC SYMBOL

6.01.01. The Order is represented by a graphic symbol that is in compliance with the original held by the secretary of the Order.

6.01.02. Where the member or the accounting firm reproduces the graphic symbol of the Order for advertising purposes and on his or its stationary, he or it shall ensure that this symbol shall comply with the original held by the secretary of the Order.

6.01.03. A member who publishes an article, an opinion, a commentary or participates in the drafting thereof, and who uses the graphic symbol of the Order, shall include the following warning: "This is not a document issued by the Ordre des comptables généraux licenciés du Québec and the liability of the Order cannot be incurred in connection therewith.".

5. This regulation replaces the Regulation respecting advertising by certified general accountants (R.R.Q., c. C-26, r.37) which shall cease to be in force upon the date of the coming into force of this Regulation, in accordance with Section 10 of the Act to amend the Professional Code and various Acts constituting professional corporations with respect to professional advertising and certain registers (1990, c. 76).

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

6106

Draft Regulation

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

Notaries
— Terms and conditions for the issuance of permits

Notice is hereby given in accordance with sections 10 and 11 of the *Regulations Act* (R.S.Q., c. R-18.1) that the *Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec*, adopted by the Bureau of the Chambre des notaires du Québec, may be submitted to the government, which may approve it with or without amendment upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to collect all the rules for admission to the Chambre des notaires du Québec, with the exception of the list of diplomas giving access to the Chambre permit and determined by government regulation, into one corpus, to create a coherent whole informing all candidates about the steps that must be taken to become a member of the Order. The draft regulation combines, with some amendments, two regulations containing the present rules respecting training equivalence standards and supplementary conditions for access to the Order, and adds new rules respecting diploma equivalence and training period equivalence.

Further information may be obtained by contacting Mtre. Nathalie Provost, notary, at Direction des services juridiques, Chambre des notaires du Québec, tour de la Bourse, 800 Place-Victoria, P.O. Box 162, Montréal, QC, H4Z 1L8. Telephone no.: (514) 879-1793 or 1 800 668-2473. Fax no.: (514) 879-1923.

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

President of the Office des professions du Québec,
GAÉTAN LEMOYNE

Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec

Professional Code
(R.S.Q., c. C-26, s. 93, par. *c* and 94, par. *h* and *i*)

DIVISION I
GENERAL

1. A candidate for a permit to practice the notarial profession must apply to the Administrative Committee and

(1) possess the character, conduct, competence, and qualities required to practise the notarial profession;

(2) hold a diploma determined by the government, pursuant to the first paragraph of section 184 of the Professional Code (R.S.Q. c. C-26), as giving access to the permit issued by the Order, or hold diploma or training equivalence recognized by the Administrative Committee pursuant to Division II;

(3) have successfully completed the training period or obtained the training period equivalence recognized by the Administrative Committee pursuant to Division IV;

(4) have paid the fees prescribed in subparagraph (8) of section 86.0.1 of the Professional Code.

DIVISION II
DIPLOMA AND TRAINING EQUIVALENCE

2. A candidate for diploma or training equivalence must apply in writing to the secretary of the Order, pay the fees prescribed in subparagraph (4) of section 1, and furnish the following documents:

(1) the candidate's academic record, including a description of courses taken, the number of credits or hours relating thereto, and results obtained;

(2) proof of all diplomas;

(3) a document attesting to the candidate's participation in any training period or other continuing or refresher activity;

(4) a document attesting to and describing the candidate's relevant work experience.

3. Documents in support of an application for diploma or training equivalence written in a language other than French or English must be accompanied by a French translation certified under oath by an official translator.

§1. Diploma equivalence

4. A candidate who holds a diploma that is awarded by an educational establishment outside Québec and does not give access to a permit issued by the Order pursuant to section 184 of the Professional Code may be granted diploma equivalence under the following conditions:

(1) The diploma was obtained within five years prior to the application, upon completion of university studies equivalent to those giving access to a permit issued by the Order.

(2) The university studies as a whole must have comprised at least 120 credits or the equivalent, 75 credits of which must have been obtained in the following subjects:

(a) law of persons
(b) family law
(c) successions and gifts
(d) property
(e) obligations
(f) security on property
(g) nominate contracts
(h) civil evidence
(i) publication of rights
(j) civil procedure
(k) company law
(l) private international law
(m) tax law
(n) administrative law
(o) notarial practice
(p) title examination

5. Where the diploma that is the subject of the application for equivalence has been obtained more than five years prior to the application, equivalence may be granted if the training or relevant work experience acquired by the candidate since that time has allowed the candidate to attain the level of legal knowledge possessed by a holder of a diploma giving access to a permit issued by the Order.

§2. Training equivalence

6. A candidate may be granted training equivalence where he demonstrates that he has the knowledge and skill of a holder of a diploma giving access to a permit issued by the Order.

§3. Recognition of equivalence

7. The secretary of the Order shall send the documents listed in section 2 to the Admissions Committee formed by the Bureau pursuant to subparagraph (2) of section 86.0.1 of the Professional Code.

8. The Admissions Committee shall consider the application for equivalence and recommend to the Administrative Committee one of the decisions the latter may render pursuant to section 10.

9. The following factors must be taken into account in the determination of a candidate's training equivalence:

(1) the nature and number of years of the candidate's experience;

(2) the fact that the candidate holds one or more diplomas obtained in Quebec or elsewhere;

(3) the nature, content, and number of courses taken or training periods served, the number of credits involved, and results obtained.

Where the documents furnished pursuant to section 2 are insufficient to allow for an adequate appreciation of the candidate's training equivalence, the candidate shall be required to take an examination.

10. The Administrative Committee shall, upon the Admissions Committee's recommendation,

(1) recognize diploma or training equivalence;

(2) recognize partial training equivalence and determine the courses that must be successfully completed by the candidate; or

(3) refuse to recognize diploma or training equivalence.

However, the Administrative Committee must give the candidate the opportunity to be heard prior to rendering a decision pursuant to subparagraph (2) or (3) of the first paragraph. In that event, the secretary of the Order must give notice to the candidate in writing of the Administrative Committee's intention, informing him of the reasons and of his right to be heard. The candidate shall have 30 days following receipt of the notice to avail himself of his right by sending his comments in writing, together with copies of all documents he intends to supply in support of his application.

11. The secretary of the Order shall notify the candidate in writing of the Administrative Committee's decision within 30 days. The Administrative Committee's decision is final.

12. The Administrative Committee shall recognize a candidate's training equivalence where it is established that the candidate has successfully completed the courses required under a decision rendered under subparagraph (2) of the first paragraph of section 10. The secretary of the Order shall notify the candidate in writing within 30 days following the date of recognition.

DIVISION III
PROFESSIONAL TRAINING PERIOD

13. A candidate who wishes to register for the professional training period must meet the conditions set out in subparagraphs (1), (2), and (4) of section 1 and apply in writing to the Administrative Committee at least 90 days prior to the anticipated training period commencement date.

§1. Objectives and conditions of the training period

14. The objectives of the training period are as follows:

(1) assimilation of theoretical knowledge;

(2) acquisition of the skills required for the practice of the notarial profession;

(3) development of professional competence;

(4) integration of the preventive aspect into the practice of the notarial profession.

15. The training period, administered by the Admissions Committe, shall consist of 32 consecutive weeks, on a full-time basis, in an environment that offers learning possibilities compatible with the objectives set out in section 14, and shall include compulsory participation in the professional program activities described in section 23.

No training period may begin before the date determined by the Admissions Committee.

16. An eligible candidate must successfully complete the training period within two years after obtaining the diploma or recognition of equivalence contemplated in Division II.

However, a candidate who demonstrates to the Admissions Committee that he was unable to complete the training period within the prescribed time due to illness, accident, graduate studies, pregnancy, or superior force shall be granted additional time equal to the time during which he was unable to complete the training period, up to a maximum of three years.

17. The training period must be completed under the supervision of a tutor, who must

(1) have been entered on the roll of the Order for no fewer than five years and have practised the profession on a full-time basis for the previous five years in a position compatible with the objectives of the training period set out in section 14;

(2) not have been the subject of a penalty imposed by the committee on discipline of the Order or by the Professions Tribunal, within the previous five years, other than the penalty provided for in subparagraph (a) of the first paragraph of section 156 of the Professional Code;

(3) not have been required by the Bureau to take a course or serve a period of refresher training or have been suspended or limited in his right to practise pursuant to the Professional Code in the five years preceding the date of his application; and

(4) have paid all duties, fees, or assessments due to the Order.

18. A notary who wishes to act as a tutor must apply in writing to the Admissions Committee.

Authorization to act as a tutor is granted by the Admissions Committee for three years and may be withdrawn at any time if the tutor no longer meets the conditions set out in section 17 or if the committee considers that the tutor does not perform his duties in accordance with section 19.

19. The tutor shall contribute to the training of the trainee for whom he is responsible and shall adequately supervise the trainee in the work environment. The tutor shall, in particular,

(1) facilitate the trainee's integration into the work environment;

(2) inform the trainee of the functioning of the work environment and of available resources;

(3) determine the trainee's duties, specifying work methods to be used and the deadlines to be met;

(4) help the trainee organize his work and introduce him to office management;

(5) gradually allow the trainee to perform certain professional acts;

(6) carry out periodic assessments of the work performed by the trainee, jointly with the supervisor if necessary;

(7) contribute to the assessment of the trainee's attainment of his training objectives.

20. A candidate must obtain the Admissions Committee's approval of his training plan before beginning his period of training. The committee shall assess the submitted project on the basis of the objectives set out in section 14, and may require certain modifications where it considers that the objectives will not otherwise be met.

21. The Admissions Committee shall appoint a supervisor for each trainee and tutor. Several trainees and tutors may be under the supervision of the same supervisor.

22. The supervisor shall, in particular,

(1) support the trainee in his integration into the work environment;

(2) provide the pedagogical support needed by the trainees and tutors for whom he is responsible;

(3) prepare and conduct some of the professional program activities.

23. The training period shall include a professional program comprising the following activities:

(1) at least three integration seminars consisting of group sessions lasting one day or less and completed, according to the trainee's needs, with activities by corre-

spondence aimed at aiding trainees to assimilate their training and practical experience through discussion and collective consideration of problems in the practice of the notarial profession;

(2) at least 10 analysis and synthesis sessions consisting of group sessions scheduled over at least 15 days and completed, according to the trainee's needs, with activities by correspondence aimed at developing the professional conduct and skills required in the practice of the notarial profession.

24. Upon a reasoned application in writing by the trainee or his supervisor, the Admissions Committee may authorize, subject to the conditions it deems appropriate,

(1) a change of tutor;

(2) an interruption in the training period lasting more than 10 business days;

(3) modifications to the training period;

(4) cancellation of the training period, where the elapsed portion has not exceeded eight consecutive weeks.

25. A trainee may, under the responsibility and close supervision of a tutor, perform all the professional acts of a notary except acts that fall within the province of a public officer.

§2. Assessment

26. Training period assessments are designed to measure the attainment of the objectives set out in section 14. A period of training is successfully completed if the trainee attains the following levels of mastery:

(1) For the objectives referred to in paragraphs (1) and (3) of section 14, the trainee must demonstrate satisfactory mastery of the required abilities and skills and be able to perform the tasks inherent thereto without help or supervision.

(2) For the objective referred to in paragraph (2) of section 14, the trainee must demonstrate satisfactory mastery of the required abilities and skills, even if he periodically needs help or supervision.

(3) For the objective referred to in paragraph (4) of section 14, the trainee must demonstrate satisfactory mastery of the required abilities and skills, even if he needs help or supervision to master the skill as a whole.

27. Upon a trainee's completion of the training period, the tutor and the supervisor shall prepare a written assessment.

The tutor shall assess the attainment of objectives in terms of the work environment. The supervisor shall assess the attainment of objectives for the training program as a whole, including the professional program.

28. The tutor and the supervisor shall each provide a copy of their report to the trainee and the Admissions Committee within 15 business days following the end of the training period.

29. After examining the report, the Admissions Committee shall recommend that the Administrative Committee issue a certificate of achievement if the trainee has attained the level of mastery required for all the objectives set out in section 14.

30. Where a candidate has not attained the required level of mastery, the Admissions Committee shall recommend that the Administrative Committee issue a notice of failure.

The recommendation of the Admissions Committee must be reasoned and must indicate any activities that must be repeated to enable the trainee to attain required levels for all the objectives.

31. The Administrative Committee shall, upon the Admissions Committee's recommendation,

(1) issue a certificate of achievement; or

(2) refuse to issue a certificate of achievement, and determine the training activities that must be repeated to allow the candidate to reach the required levels.

However, the Administrative Committee must give the candidate the opportunity to be heard prior to rendering a decision pursuant to subparagraph (2) of the first paragraph. In that event, the secretary of the Order must give notice to the candidate in writing of the Administrative Committee's intention, informing him of the reasons and of his right to be heard. The candidate shall have 30 days following receipt of the notice to avail himself of his right by sending his comments in writing, together with copies of all documents he intends to supply in support of his file.

32. The secretary of the Order shall notify the candidate in writing of the Administrative Committee's decision within 30 days. The Administrative Committee's decision is final.

33. The Administrative Committee shall issue a certificate of achievement where it is established that the candidate has successfully completed the activities that must be repeated in accordance with a decision rendered under section 31. The secretary of the Order shall notify the candidate in writing within 30 days following issuance of the certificate.

DIVISION IV
PROFESSIONAL TRAINING PERIOD EQUIVALENCE

34. A candidate for recognition of training period equivalence must apply in writing to the secretary of the Order, pay the fees prescribed in subparagraph (4) of section 1, and furnish the following documents:

(1) a document attesting to and describing the candidate's relevant work experience;

(2) a document attesting to the candidate's participation in any training period or other continuing or refresher activity.

35. Documents in support of an application for professional training period equivalence that are written in a language other than French or English must be accompanied by a French translation certified under oath by an official translator.

36. A candidate may be granted training period equivalence where he has attained the levels of mastery required under section 26.

37. The secretary of the Order shall send the documents listed in section 34 to the Admissions Committee.

38. The Admissions Committee shall consider the application for equivalence and recommend to the Administrative Committee one of the decisions the latter may render pursuant to section 40.

39. The following factors must be taken into account in the determination of a candidate's training period equivalence:

(1) the nature and the number of years of the candidate's work experience;

(2) the nature and content of continuing or refresher training that the candidate has received.

40. The Administrative Committee shall, upon the Admissions Committee's recommendation,

(1) recognize training period equivalence;

(2) recognize partial training period equivalence and determine the training period activities that must be successfully completed by the candidate; or

(3) refuse to recognize training period equivalence.

However, the Administrative Committee must give the candidate the opportunity to be heard prior to rendering a decision pursuant to subparagraph (2) or (3) of the first paragraph. In that event, the secretary of the Order must give notice to the candidate in writing of the Administrative Committee's intention, informing him of the reasons and of his right to be heard. The candidate shall have 30 days following receipt of the notice to avail himself of his right by sending his comments in writing, together with copies of all documents he intends to supply in support of his application.

41. The secretary of the Order shall notify the candidate in writing of the Administrative Committee's decision within 30 days. The Administrative Committee's decision is final.

42. The Administrative Committee shall recognize a candidate's training period equivalence where it is established that the candidate has successfully completed the activities required under a decision of the Administrative Committee rendered under subparagraph (2) of the first paragraph of section 40. The secretary of the Order shall notify the candidate in writing within 30 days following the date of recognition.

DIVISION V
FINAL PROVISIONS

43. This regulation replaces the Regulation respecting other terms and conditions for permits to be issued by the Chambre des notaires du Québec, approved by Order in Council no. 593-98 dated April 29, 1998, and the Regulation respecting the standards for equivalence of training for the issue of a permit by the Chambre des notaires du Québec, approved by Order in Council no. 1430-92 dated September 23, 1992.

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

6108

Draft Regulation

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

Physicians
— Procedure for the conciliation and arbitration of accounts

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the Regulation respecting the procedure for the conciliation and arbitration of accounts of physicians, adopted by the Bureau of the Collège des médecins du Québec, the text of which appears below, may be submitted to the government, which may approve it with or without amendment upon the expiry of 45 days following this publication.

In accordance with article 88 of the Professional Code (R.S.Q., c. C-26), this proposed regulation establishes the procedure for the conciliation and arbitration of accounts of physicians which may be used by persons calling upon their services. Specifically, the proposed regulation allows a person to use this procedure if the account has been paid in full or in part and provides for the formation of an arbitration board which may, if so determined, establish the reimbursement due to a person. The proposed regulation also states that, depending on the amount in dispute, the arbitration may be decided by a board made up of one or three members.

Further information may be obtained by contacting M[e] Christian Gauvin, Director of the Judicial Services Division, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8 ; tel. : 1 888 633-3246 or (514) 933-4441 ; fax : (514) 933-3112.

Any interested person having comments to make is requested 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) GIR 5Z3. These comments will be forwarded by the Office to the minister responsible for the administration of legislation respecting the professions. They may also be forwarded to the professional order that has adopted the regulation, as well as to the persons, departments and agencies concerned.

GAÉTAN LEMOYNE,
Chairman of the Office des professions du Québec

Regulation respecting the procedure for the conciliation and arbitration of accounts of physicians

Professional Code
(R.S.Q., c. C-26, s. 88)

DIVISION I
CONCILIATION

1. The syndic shall transmit a copy of this Regulation to any person who requests it.

2. A client who has a dispute with a physician as to the amount of an account for professional services must, before seeking arbitration of the account, apply for conciliation by the syndic.

3. A physician may not institute an action on an account of fees before the expiry of a period of 60 days following the date of receipt of the account by the client or the date on which the client became aware that a sum had been withdrawn or withheld by the physician directly from the funds he holds or receives for or on behalf of this client.

Nor may he institute an action on an account of fees once the syndic has received an application for conciliation with regard to an account.

The physician may, however, request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

4. An application for conciliation with regard to an account for professional services, which has been unpaid or partially paid, must be transmitted to the syndic within the 60-day period stipulated in section 3.

An application for conciliation of an account or part of an account which has not been paid may be transmitted to the syndic after expiry of the 60-day limit stipulated in section 3, provided it is done before the client is notified of an action on an account of fees.

In a case where a physician has agreed with the client on a treatment plan spread out over several sessions, payable in one or several payments, the application for conciliation may be made within 60 days of the last treatment received, provided that not more than one year has elapsed since the day the account was received.

Notwithstanding the first paragraph of this section, when a decision of the Régie de l'assurance maladie du Québec or of another insurer is made to refuse reimbursement of an account, either in whole or in part, the application for conciliation must be transmitted to the syndic within the 30-day period following this decision.

5. All applications for conciliation must be formulated in writing. Upon receipt of such application, the syndic shall transmit to the client this Regulation and a copy of Schedule I, to be completed and returned to the syndic as additional information.

6. The syndic must notify the physician of the application for conciliation as soon as possible.

7. The syndic proceeds with the conciliation in the manner he deems most appropriate.

8. An agreement reached between the client and the physician during the conciliation is acknowledged in written form. This written form may consist of a letter from the syndic to the client and the physician acknowledging the agreement.

If the syndic considers it necessary, he may ask that the agreement reached between the client and the physician be acknowledged in terms similar to those in Schedule II of this Regulation.

9. If the conciliation has not led to an agreement within 45 days of the date of receipt of the application for conciliation, the syndic shall transmit, by registered or certified mail, a report on the dispute to the client and the physician.

This report shall concern, as applicable, the following elements:

1° the amount of the account of fees at the origin of the dispute;

2° the amount which the client acknowledges owing;

3° the amount which the physician acknowledges having to reimburse or is ready to accept in order to settle the dispute;

4° the amount proposed by the syndic, during the conciliation, as payment to the physician or reimbursement to the client.

The syndic shall also transmit to the client the form provided for in Schedule III, indicating the procedure and the time limit for submitting the dispute to arbitration.

DIVISION II
ARBITRATION

§1. Application for arbitration

10. In a case where the conciliation has not led to an agreement, the client may request arbitration of the account within thirty days of receiving the syndic's conciliation report.

The request for arbitration shall be transmitted to the secretary of the Collège des médecins du Québec, by registered or certified mail, and shall reproduce the content of Schedule III.

11. The secretary must, upon receipt of a request for arbitration, advise the physician concerned of such.

12. A request for arbitration may be withdrawn in writing only and with the consent of the physician.

13. A physician who acknowledges having to reimburse an amount to a client must consign the amount to the secretary who, in turn, will remit it to the client.

In such case, the arbitration continues on the sole amount still in dispute.

14. An agreement reached between the client and the physician after the request for arbitration shall be acknowledged in writing, in terms similar to those in Schedule II, signed by them and filed with the secretary.

When the agreement is reached after formation of the arbitration board, it shall be integrated into the arbitration award, and the board shall decide on costs in the manner provided for in section 28.

§2. Formation of arbitration board

15. An arbitration board shall be composed of 3 arbitrators when the amount in dispute is $5 000 or more, and of only one when the amount is less than $5 000.

16. The president of the Collège shall appoint, from among the members of the order, the member or members of an arbitration board and, when the latter is composed of 3 arbitrators, he shall designate its chairperson.

The secretary shall notify in writing the member or members of the arbitration board and the parties, of the constitution of the arbitration board.

17. Before acting, the arbitrators shall take the oath prescribed in Schedule II of the Professional Code (R.S.Q., c. C-26).

18. A request for recusation of an arbitrator may not be made unless it is for one of the reasons stipulated in article 234 of the Code of Civil Procedure, paragraph 7 of this article excepted. It must be communicated in writing to the secretary, to the arbitration board and to the parties within 10 days of receiving the notice stipulated in the second paragraph of the section 16 or of learning of the grounds for disqualification.

The president of the Collège shall rule on this request and, if necessary, provide for a replacement of the recused arbitrator.

19. In the event of death, absence, or inability to act of an arbitrator, the others shall complete the case. In a case where this arbitrator is chairperson of the arbitration board, the president of the Collège shall appoint one of the two remaining arbitrators to act as chairperson.

In the case of an arbitration board formed of one arbitrator only, the latter shall be replaced by a new arbitrator appointed by the president of the Collège, and the hearing of the dispute shall begin again.

§3. Hearing

20. The arbitration board shall give the parties written notice of at least 10 days of the date, time and place of the hearing.

21. The parties are entitled to be represented by a lawyer or to have one present.

22. The arbitration board may ask each party to hand over to it, within a specified period of time, a statement of their claims with supporting documents.

23. The arbitration board shall promptly hear the parties, receive their evidence or note their default. For these purposes, it shall apply the rules of evidence of civil jurisdiction tribunals, adopt the procedure that appears most appropriate and award according to the rule of law.

24. The parties shall each respectively assume the costs of holding the arbitration, and the opposing party may not recover these costs.

If one party requests the recording of evidence, he or she shall assume its costs.

§4. Arbitration award

25. The arbitration board must render its award within the 30 days following the end of the hearing.

26. An award shall be made by a majority of members of the arbitration board; if there is no majority, it shall be made by the board's chairperson.

An award must contain reasons and be signed by the single arbitrator or the arbitrators executing it. If one among them refuses to sign or cannot sign, the award must make mention of such and has the same effect as if it were signed by all. However, a dissenting member may register in the award the reasons for his refusal.

27. In the award, the arbitration board may maintain or decrease the account under dispute; it may also determine, if applicable, the reimbursement to which a party may be entitled. For these purposes, it may take into account the quality of the services rendered but not pass judgment on the latter in the award.

28. In the award, the arbitration board may decide on the costs of arbitration, that is, the expenses incurred by the Collège in holding the arbitration.

The sum total of expenses may not exceed 15% of the amount involved in the arbitration. However, when payment is ordered, these costs shall be a minimum of $100.

The arbitration board may also, when the account in dispute is maintained in whole or in part, or when a reimbursement is granted, add to it the interest and the calculated indemnity stipulated in articles 1618 and 1619 of the Civil Code of Québec, with effect from the application for conciliation.

29. The arbitration award is final, without appeal, binds the parties and is executory in accordance with articles 946 to 946.6 of the Code of Civil Procedure.

30. The arbitration board shall file its award with the secretary, who shall transmit a copy of such to each of the parties and to the syndic.

It shall also transmit to the secretary the complete arbitration file, copies of which may be transmitted solely to the parties and the syndic.

31. This Regulation replaces the Regulation respecting the procedure for the conciliation and arbitration of accounts of physicians, approved by Order-in-Council 1322-96 of October 16, 1996. However, this Regulation

continues to govern the procedure for the conciliation and arbitration of accounts for which conciliation by the syndic or a request for arbitration was made before the date of coming into force of this Regulation.

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

SCHEDULE I
(s. 5)

APPLICATION FOR CONCILIATION

I, the undersigned ……..……., declare that:
(name and address of client)

1. Doctor ……..……laims the sum of
(name and address of physician)

$ …….. for professional services rendered between …….. and .....as
(date) (date)
attested by:

the account, of which a copy is attached hereto ☐

or

the document, of which a copy is attached hereto, indicating that the sum was withdrawn or withheld. ☐

I contest this account for the following reasons:
……
……
……

3. I acknowledge owing the sum of $..... for the professional services mentioned in this account.

4. *a)* I have not paid this account. ☐

or

b) I have paid this account in full. ☐

or

c) I have paid this account to a limit of $..... ☐

or

d) The sum of $..... was withdrawn or withheld directly from the funds which the physician holds or receives for or on my name. ☐

5. I apply for conciliation by the syndic pursuant to the Regulation respecting the procedure for the conciliation and arbitration of accounts of physicians.

Signed on…….....

.....…….....
(client's signature)

SCHEDULE II
(s. 8, 14)

AGREEMENT RELATIVE TO A DISPUTE SUBMITTED
TO CONCILIATION ☐
OR
TO ARBITRATION ☐

Reached between:
....…….
(client's name and address)

hereinafter called the "client",

and

……...…….
(physician's name and address)

both of whom declare and agree to the following:

Agreement has been reached between the client and the physician as

to the dispute submitted to conciliation ☐

or

to arbitration ☐

requested on ……....…….
(date)

This agreement sets forth the following terms and conditions:
……
……
……

The client and the physician request that conciliation ☐

or

arbitration ☐
procedures be stopped

Signed in ……..… Signed in …….……
(place) (place)

on .....…… on .....……
(date) (date)

…… ……..
(client's signature) (physician's signature)

SCHEDULE III
(s. 9, 10)

REQUEST FOR ARBITRATION OF ACCOUNT

I, the undersigned ……
(client's name and address)

having duly taken an oath, declare that:

1. Doctor.……
(physician's name and address)

claims (or refuses to reimburse) a sum of money relative to professional services.

2. A copy of the conciliation report is attached hereto.

3. I request arbitration of this account pursuant to the Regulation respecting the procedure for the conciliation and arbitration of accounts of physicians, a copy of which I have received and read.

4. I agree to submit to the procedure provided for in this regulation and, if applicable, to pay the physician concerned the amount fixed by the arbitration award.

Signed on ……..
(client's signature)

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Draft Regulation

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

Tooth decay
— Optimum fluoride concentration

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation prescribing the optimum fluoride concentration to prevent tooth decay, the text of which appears below, may be made by the Minister on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to prescribe the optimum fluoride concentration in drinking water when it is fluoridated to prevent tooth decay.

Further information may be obtained by contacting Dr. Bernard Laporte, dental consultant, Direction générale de la santé publique, ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 11e étage, Québec (Québec) G1S 2M1; telephone: (418) 266-6758; fax: (418) 266-4609; e-mail: bernard.laporte@msss.gouv.qc.ca

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

PHILIPPE COUILLARD,
Minister of Health
and Social Services

Regulation prescribing the optimum fluoride concentration to prevent tooth decay

Public Health Act
(R.S.Q., c. S-2.2, s. 57)

1. For the purposes of section 57 of the Public Health Act (R.S.Q., c. S-2.2), the optimum fluoride concentration to prevent tooth decay is fixed at 0.7 milligrams per litre of water.

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

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Parliamentary Committees

Committee on Social Affairs

General consultation

Bill 38, An Act respecting the health and welfare commissioner

The Committee on Social Affairs has been instructed to hold public hearings beginning on 9 March 2004 in pursuance of a general consultation on Bill 38, An Act respecting the Health and Welfare Commissioner.

Individuals and organizations who wish to express their views on this matter must submit a brief to the above Committee. The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief.

Briefs must be received by the committees secretariat not later than 20 February 2004. Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies printed on letter-size paper. Those who wish to have their brief forwarded to the press gallery must provide an additional 20 copies.

Briefs, correspondence, and requests for information should be addressed to : Mrs. Denise Lamontagne, lawyer, Clerk of the Committee on Social Affairs, édifice Pamphile-LeMay, 1035, rue des Parlementaires, 3e étage, Québec (Québec), G1A 1A3.

Telephone : (418) 643-2722 – Facsimile : (418) 643-0248
E-mail : dlamontagne@assnat.qc.ca

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