

Gazette

officielle

^{DU} Québec

Part

2

No. 12

24 March 2004

Laws and Regulations

Volume 136

Summary

Table of Contents
Regulations and other acts
Draft Regulations
Treasury Board
Index

Legal deposit—1st Quarter 1968
Bibliothèque nationale du Québec
© Éditeur officiel du Québec, 2004

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.

Table of Contents

Page

Regulations and other acts

166-2004	Recovery and reclamation of used oils, oil or fluid containers and used filters	1125
----------	---	------

Draft Regulations

Bureau de décision et de révision en valeurs mobilières — Tariff of duties, fees and charges related to applications heard	1131
Compensation for municipal services provided to recover and reclaim residual materials	1132
Labour standards	1135

Treasury Board

200178	Recovery of certain administrative expenses and of certain other expenses within the framework of the partition and assignment between spouses of benefits accrued under a pension plan — Revocation	1137
--------	--	------

Regulations and other acts

Gouvernement du Québec

O.C. 166-2004, 10 March 2004

Environment Quality Act
(R.S.Q., c. Q-2)

Recovery and reclamation of used oils, oil or fluid containers and used filters

Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters

WHEREAS, under section 53.30, paragraph 15 of the first paragraph of section 70.19 and section 109.1 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 7 June 2000, with a notice that it could be made by the Government upon the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments to take into account the comments received following publication in the *Gazette officielle du Québec*;

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

THAT the Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters

Environment Quality Act
(R.S.Q., c. Q-2, s. 53.30, s. 70.19, 1st par., subpar. 15 and s. 109.1)

DIVISION I PURPOSE AND SCOPE

1. The purpose of this Regulation is to reduce the quantity of residual materials to be eliminated by encouraging the recovery and reclamation of discarded used oils, oil or fluid containers and used filters.

2. This Regulation applies to mineral, synthetic or vegetable oils that are marketed in containers of 50 litres or less and that are used for lubrication, heat insulation or transfer in motorized vehicles or equipment or in the operation of hydraulic or transmission systems. Those oils include in particular the oils listed in Schedule I.

3. This Regulation also applies to containers, including aerosol containers, that hold 50 litres or less and that are used for marketing

(1) mineral or synthetic oils that are consumed or wasted while being used; those oils include in particular the oils listed in Schedule II;

(2) the oils referred to in section 2; or

(3) fluids for natural gas compressors.

4. This Regulation also applies to oil filters for internal combustion engines, hydraulic systems and transmissions.

It also applies to antifreeze filters and to filters for heating systems using light heating oil or for oil storage tanks.

For the purposes of this section, diesel filters are considered to be oil filters.

“Light heating oil” means heating oil that is a distillate fuel intended for home heating appliances pursuant to section 8 of the Regulation respecting petroleum products and equipment made by Order in Council 753-91 dated 29 May 1991.

DIVISION II

RECOVERY AND RECLAMATION REQUIREMENTS

5. Every business that markets oils referred to in section 2 under a trademark it owns or uses is required, through a recovery system that meets the minimum specifications described in Schedule III, to recover or to see to the recovery of the used oils deposited at the collection points provided for in the system and that are of the same type as the oils it markets. The business is also required to recover or to see to the recovery of any container or packaging used in the transport of the oils back to the collection points.

As of 1 January 2005, the recovery system prescribed in the first paragraph must ensure a minimum rate of recovery of used oils that equals, in weight or volume, the following percentages, calculated on the basis of the oils that the business markets annually:

- 70%, as of 2005;
- 75%, as of 2008.

6. Every business that markets the oils or fluids referred to in section 3 under a trademark it owns or uses is required, through a recovery system that meets the minimum specifications described in Schedule III, to recover or to see to the recovery of the oil or fluid containers deposited at the collection points provided for in the system and that are of the same type as the containers used for the marketing of the oils or fluids concerned. The business is also required to recover or to see to the recovery of the oils or fluids in those containers as long as the products are of the same type as the products it markets, and of any container or packaging used in the transport of the containers back to the collection points.

As of 1 January 2005, the recovery system prescribed in the first paragraph must ensure a minimum rate of recovery of oil or fluid containers that equals, in weight or in number of units, the following percentages, calculated on the basis of the oil or fluid containers that the business markets annually:

- 50%, as of 2005;
- 75%, as of 2008.

7. Every business that markets filters referred to in section 4 under a trademark it owns or uses is required, through a recovery system that meets the minimum specifications described in Schedule III, to recover or to see to the recovery of used filters deposited at the collection points provided for in the system and that are of the same type as the filters it markets. That business is also required to recover or to see to the recovery of any container or packaging used in the transport of the filters back to the collection points.

As of 1 January 2005, the recovery system prescribed in the first paragraph must ensure a minimum rate of recovery of used filters that equals, in weight or in number of units, the following percentages, calculated on the basis of the filters that the business markets annually:

- 50%, as of 2005;
- 75%, as of 2008.

For the above calculations, the recovered filters must be drained of all freely dripping oil or other liquid.

8. If a business referred to in any of sections 5 to 7 has no domicile or establishment in Québec, the recovery requirements under those sections are the responsibility of the leading supplier in Québec of the products referred to in those sections, whether or not that supplier is the importer. The minimum rates of recovery set out in those sections are calculated on the basis of the products that the leading supplier markets annually.

9. A business, including a municipality, that acquires oils referred to in section 2 for its own use from outside Québec is required to recover or to see to the recovery of all used oils after using them. If a business or municipality acquires, under the same conditions, oils, fluids or filters referred to in section 3 or 4, it is, in the same manner, required to recover or to see to the recovery of all discarded oil or fluid containers and used filters.

10. A business or supplier subject to the recovery requirements under any of sections 5 to 7 or section 9 is also required to reclaim or to see to the reclamation of the oils or filters it has recovered or has had recovered.

The business or supplier is subject to the same requirements in respect of recovered oil or fluid containers insofar as their reclamation is technically possible and the costs associated with the reclamation do not threaten its competitiveness.

11. A business or supplier subject to the recovery requirements under any of sections 5 to 7 shall take the appropriate measures to inform consumers of the existence and operation of the recovery system referred to in those sections, particularly the accessibility to collection points, as well as the environmental advantages resulting from the recovery and reclamation of discarded used oils, oil or fluid containers and used filters. Those measures may include, in addition to information campaigns, providing consumers with information booklets.

DIVISION III **COMMUNICATION REQUIREMENTS**

12. Within 90 days of the date on which a business or supplier becomes subject to the recovery requirements under any of sections 5 to 7, the business or supplier must transmit the following information to the Minister of the Environment:

(1) its name and address, its registration number if it is registered in the register of sole proprietorships, partnerships and legal persons, as well as the names and addresses of its officers;

(2) the designation of the territory where it markets the oils, fluids and filters referred to in sections 2 to 4;

(3) the identification of the products marketed according to the types of oil, oil containers or filters;

(4) a description of the recovery system through which it recovers or sees to the recovery of the products concerned, particularly the number and location of the collection points, the name and address of the person responsible for the system if that person is a third party, and the terms and conditions of transport, storage and processing of the recovered products according to the different types of oil, containers, packaging or filters;

(5) a description of the information campaigns and other measures planned to promote the recovery and reclamation of the products concerned to consumers and to obtain their cooperation;

(6) a presentation of the means implemented for the reclamation of the recovered products, among others the reclamation methods used, the name and address of the person responsible for the reclamation if that person is a third party, the efforts planned to develop the markets or techniques of reclamation or the markets for reclaimed products; and

(7) a presentation of the elimination methods planned for the recovered products that are not reclaimed, if any, indicating the name and address of the person responsible for the elimination if that person is a third party.

Except for subparagraphs 2 and 5 of the first paragraph, this section also applies, with the necessary modifications, to a business subject to the recovery requirement under section 9.

13. No later than 31 March of each year, a business or supplier subject to the recovery requirements under any of sections 5 to 7 must transmit to the Minister, for the preceding calendar year,

(1) the quantities for each of the types of oils, containers, packaging or filters concerned that were recovered and then reclaimed or, if any, the quantities that were eliminated because of a lack of reclamation alternatives, with an indication of the reclamation or elimination methods used; for oils, the quantities must be indicated in weight and volume and, for containers and filters, in weight and number of units;

(2) the means taken to promote the development of techniques for the reclamation of recovered oils, oil or fluid containers and filters, particularly for the purpose of reuse and recycling, and the results of research carried out;

(3) a description of the information campaigns and other measures taken to promote the recovery and reclamation of discarded used oils, oil or fluid containers and used filters;

(4) the costs generated by the implementation of the recovery system and reclamation methods as well as the costs resulting from the information campaigns and other measures taken to promote the recovery and reclamation of the products concerned; and

(5) an update, if applicable, of the information transmitted to the Minister pursuant to section 12.

The annualized data of the business or supplier on the quantities of oil, containers or filters marketed, according to the different types of oil, containers or filters, must remain available to the Minister.

The information referred to in subparagraphs 1, 2 and 4 of the first paragraph and the data referred to in the second paragraph must be verified by a third party expert who shall certify the information and data, where applicable. The certificate must be sent to the Minister together with the information and, where applicable, the data.

Except for subparagraph 3 of the first paragraph, this section applies, with the necessary modifications, to a business subject to the recovery requirement under section 9.

DIVISION IV EXEMPTIONS

14. A business or supplier is exempt from the requirements under sections 5 to 7 and 10 to 13 if the business or supplier is a member of an organization

(1) the function or one of its functions of which is to implement or to contribute financially towards the implementation of a system to recover or reclaim discarded used oils, oil or fluid containers and used filters in accordance with the conditions fixed by an agreement entered into under subparagraph 7 of the first paragraph of section 53.30 of the Environment Quality Act (R.S.Q., c. Q-2); or

(2) the name of which appears on the list published in the *Gazette officielle du Québec* pursuant to subparagraph 7 of the first paragraph of section 53.30 of that Act.

DIVISION V PENAL

15. Every person who commits an offence under sections 5 to 7 or 9 to 11 is liable,

(1) in the case of a natural person, to a fine of not less than \$2,000 nor more than \$25,000; and

(2) in the case of a legal person, to a fine of not less than \$5,000 nor more than \$250,000.

16. Every person who fails to transmit the information prescribed in section 12 or 13 to the Minister or who transmits false or inaccurate information is liable,

(1) in the case of a natural person, to a fine of not less than \$1,000 nor more than \$10,000; or

(2) in the case of a legal person, to a fine of not less than \$2,000 nor more than \$ 50,000.

17. In the case of a second or subsequent offence, the fines prescribed in sections 15 and 16 are doubled.

18. This Regulation comes into force upon the expiry of the sixth month following the month in which it is published in the *Gazette officielle du Québec*.

SCHEDULE I (s. 2)

OILS

- gasoline or diesel engine oil;
- domestic marine engine oil;
- industrial gear oil or car differential oil;
- circulating oil or turbine oil;
- paper machine oil;
- refrigeration system oil;
- mineral oil, polyalphaolefin (PAO), or diester based compressor oil;
- heat transfer oil;
- transformer dielectric oil;
- hydraulic or trans-hydraulic system oil;
- power steering oil;
- manual or automatic transmission oil.

SCHEDULE II (s. 3, par. 1)

OILS

- machine tool or slideway lubricant;
- commercial marine engine oil;
- non-soluble cutting oil;
- drawing, stamping, or shaping oil;
- two-stroke engine oil;
- drilling oil;
- form oil;
- textile oil;
- pneumatic system oil;
- quenching oil;
- chain oil (industrial or power chain saw);
- process oil;
- saw guide oil;
- dust control oil;
- conveyor lubricating oil;
- penetrating oil;
- rustproof oil.

SCHEDULE III

(ss. 5, 6 and 7)

RECOVERY SYSTEM

1. The recovery system referred to in any of sections 5 to 7 must include collection points for each regional municipality in the territory in which a business or supplier subject to a recovery requirement under this Regulation markets oils, fluids, or filters. The same applies for any town (hereafter called “large town”) that has a population of 25,000 or more and whose territory is not part of the territory of a regional county municipality.

For the purposes of this section, “regional municipality” has the meaning assigned by section 53.5 of the Environment Quality Act.

2. The recovery system must include collection points for the deposit of used oils, oil or fluid containers and used filters required to be recovered and that are of the same type as the oils, fluids, or filters marketed by the business or supplier concerned, and for the deposit of any container or packaging used to transport the products.

3. A collection point shall have a permanent and fixed depot or a temporary, fixed or mobile depot.

A permanent depot is a depot that is accessible year round during regular business hours for a period of at least 24 hours per week in which at least 6 of those hours are during the weekend. The opening hours of the depot must be posted in an appropriate location.

A temporary depot is a depot that is accessible or available periodically and at least once per season.

A fixed depot must be located so as to minimize travel distances for the majority of persons served by the system in the territory concerned.

4. The use of the recovery system shall be free of charge for every citizen.

5. The minimum number of collection points that must be included in the recovery system and their type and location shall be determined according to the option chosen by the business or supplier concerned.

BUSINESS’ OR SUPPLIER’S OPTIONS

(number, type, and location of collection points)

OPTION A

For each business in a regional municipality or a “large town” engaged in the selling of oils, fluids or oil filters under the trademark owned or used by a business or supplier subject to the recovery requirements, there must be a collection point located in the territory of the regional municipality or, as the case may be, the “large town”.

The collection points must be permanent and fixed depots that may be located at each such business or at any other location within a 5 km radius of such business by roads usable by motor vehicles year round.

OPTION B

The minimum number of collection points that must be included in the recovery system for each territory in which the system must be established and the type of collection points shall be determined according to the number of inhabitants of the regional municipality or, as the case may be, the “large town” concerned.

For a regional municipality that has a population of less than 25,000, the recovery system in the territory of the municipality must provide for one collection point. It may be a permanent and fixed depot or a temporary, fixed or mobile depot.

For a regional municipality or, as the case may be, a “large town” that has a population of 25,000 or more, the recovery system in the territory of the municipality or “large town” must provide for one collection point that is a permanent and fixed depot for each portion not exceeding 50,000 inhabitants.

Where the number of collection points required for a regional municipality or, as the case may be, a “large town” is equal to or greater than three, one third of the collection points must be in operation as soon as the system is implemented. Two-thirds of the collection points must be in operation on the first anniversary of the implementation of the system, and all collection points must be in operation on the second anniversary.

Draft Regulations

Draft Regulation

An Act respecting the Agence nationale d'encadrement du secteur financier
(R.S.Q., c. A-7.03)

Bureau de décision et de révision en valeurs mobilières — Tariff of duties, fees and charges

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Tariff of duties and fees related to applications heard by the Bureau de décision et de révision en valeurs mobilières, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation establishes the fees payable to the Bureau de décision et de révision en valeurs mobilières for the filing of an application in reference to section 93 of the Act respecting the Agence nationale d'encadrement du secteur financier or any other application filed with the board under the Act and the costs of service and fees for the transcription, reproduction and transmission of documents.

Further information on the draft Regulation may be obtained by contacting Maurice Lalancette, Director General, Direction générale de l'encadrement et du développement du secteur financier, ministère des Finances, 800, place D'Youville, bureau 17.01, Québec (Québec) G1R 3P4; tel. (418) 646-7420; fax: (418) 646-5744; e-mail: maurice.lalancette@finances.gouv.qc.ca .

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the aforementioned 45-day period, to the Minister of Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec) G1R 5L3.

YVES SÉGUIN,
Minister of Finance

Tariff of duties and fees related to applications heard by the Bureau de décision et de révision en valeurs mobilières

An Act respecting the Agence nationale d'encadrement du secteur financier
(R.S.Q., c. A-7.03, s. 108)

1. For the purposes of this Tariff, the duties payable for the filing of an application in reference to section 93 of the Act respecting the Agence nationale d'encadrement du secteur financier (R.S.Q., c. A-7.03) are \$500.00 and \$100.00 for the filing of any other application.

2. The charges payable for an appeal to the Court of Québec are \$50.00 for receipt of the notice of appeal, copying, examination and preparation of the record and its transmission to the Court of Québec.

3. The costs of service payable are

(1) \$20.00 for service by bailiff, plus the bailiff's fees and expenses, as set out in the Tariff of fees and transportation expenses of bailiffs (R.R.Q., 1981, c. H-4, r.3); and

(2) \$75.00 for service by public notice.

4. The fees for the recording and transcription of depositions, as the case may be, are the fees set out in the Regulation respecting the tariff of fees for the taking down and transcription of depositions of witnesses made by Order in Council 2253-83 dated 1 November 1983 (1983, *G.O.* 2, 3733).

5. Witnesses are indemnified according to the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice (R.R.Q., 1981, c. C-25, r.2).

6. The fees payable for the reproduction, transcription and transmission of documents are as follows:

(1) for reproduction, depending on the medium:

(a) sheet of paper:

\$0.30 per photocopied page;
\$0.30 per printed page;
\$0.30 per microfilm page;
\$0.30 per microfiche page;

(b) photograph:

\$5.95 to produce a negative;
\$4.00 per photograph;

(c) slide:

\$1.20 per slide;

(d) videocassette:

\$50.00 per cassette;

(e) audiocassette:

\$11.75 per cassette;
\$33.25 per hour of recording;

(2) for transcription:

hourly rate when transcription of computerized documents must be done manually: \$20.00;

(3) for transmission:

the fees payable for the transmission of a copy or the transcription of a document are the actual fees paid by the board in connection with the transmission.

7. Where the transcription or reproduction of a document must be done by a third person, the fees payable for the transcription or reproduction are the actual fees paid to the third person by the board.

8. The Agence nationale d'encadrement du secteur financier is exempt from payment of the fees, duties and charges provided for in this Regulation.

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

Draft Regulation

Environment Quality Act
(R.S.Q., c. Q-2)

Recovery and reclamation of residual materials — Compensation for municipal services

Notice is hereby given, pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, that the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, the text of which appears below, may be made by the Government at the expiry of 60 days from this publication.

The draft Regulation establishes the parameters of the regime of financial compensation to municipalities under sections 53.31.1 and following of the Environment Quality Act (R.S.Q., c. Q-2) by designating the materials or classes of materials to which the regime applies, by specifying which persons are required to pay a contributory compensation, and by determining the maximum amount of the compensation and payment terms and conditions.

The purpose of the compensation regime is to make product manufacturers, marketers and distributors more accountable for the environmental impact of the residual materials generated by their activities. Municipalities have been assuming that responsibility through municipal services provided to residents. The compensation regime seeks to re-establish the responsibility of the businesses concerned by requiring them to pay a share of those municipal costs. Implementation of the regime will therefore reinforce municipal curbside residual materials recycling services.

The draft Regulation targets more specifically three classes of materials: containers and packaging, written media and printed matter, which collectively are representative of the residual materials included in the recovery and reclamation services provided by municipalities. The maximum percentage of the net municipal costs to be compensated will be 50% for each of the three classes of materials; and the maximum compensation payable in relation to written media has been set at \$1.3M for the first five years that follow the coming into force of the Regulation.

Under the Environment Quality Act, the amount of the compensation payable to municipalities in relation to each class of materials is to be determined by agreement between associations of municipalities and the bodies that will be certified to represent the businesses required to pay the financial compensation. The certified bodies will also be required to establish a schedule of contributions setting out the amount of the contributory compensation payable by each business. The schedule will evolve over the years in a manner that will make businesses more accountable for the environmental impact of the products and materials that they market, manufacture or distribute.

With the implementation of the compensation regime, the Regulation will be introducing a system that entails costs for the various businesses affected. It is problematical to assess the impact on each business at this time since their costs will be determined in a schedule of contributions to be established by the certified bodies. The total amount of compensation payable in relation to each of the designated classes of materials however, based on 2001 data, has been estimated as follows:

- Containers and packaging: \$15M
- Written media: \$1.3M/year during the first 5 years
- Printed matter: \$4.1M

Those figures will vary over time on the basis of the quantity of materials recovered and on marketing and recovery costs.

Further information on the draft Regulation respecting compensation for municipal services provided to recover and reclaim residual materials may be obtained from Madeleine Caron, Direction des politiques du secteur industriel, ministère de l'Environnement, édifice Marie-Guyart, 9^e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; by telephone at 418-521-3950, ext. 4966; by fax at 418-644-8562; or by e-mail at madeleine.caron@menv.gouv.qc.ca.

Any person wishing to submit comments on this draft Regulation is asked to send them in writing, before the expiry of the 60-day period, to the Minister of the Environment, édifice Marie-Guyart, 30^e étage, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7.

THOMAS MULCAIR,
Minister of the Environment

Regulation respecting compensation for municipal services provided to recover and reclaim residual materials

Environment Quality Act
(R.S.Q., c. Q-2, ss. 53.31.2, 53.31.4, and 53.31.12)

DIVISION I PURPOSE

1. This Regulation determines certain parameters of the compensation regime under sections 53.31.1 and following of the Environment Quality Act (R.S.Q., c. Q-2) whose purpose, together with other legislative measures ensuring residual materials management, is to prevent and reduce the impact of residual materials on the environment.

More specifically, this Regulation designates the materials or classes of materials to which the compensation regime applies and specifies which persons are required to contribute toward the payment of the compensation. The Regulation also determines the maximum amount of the compensatory contribution and related payment terms and conditions.

DIVISION II MATERIALS AND CLASSES OF MATERIALS

2. The compensation regime under sections 53.31.1 and following of the Environment Quality Act applies to the following classes of materials:

(1) containers and packaging: this class includes all types of flexible or rigid material, including paper, carton, plastic, glass or metal, used alone or in combination with other materials to contain, protect or wrap a product or a set of products, excluding containers and packaging designed exclusively for the forwarding of products to importers, wholesalers, distributors or retailers;

(2) written media: this class includes paper and other cellulosic fibres used as a medium for newspapers, magazines, periodicals or any other similar written matter

(a) sold or available free of charge;

(b) published at least once per trimester, at successive fixed time intervals;

(c) whose main content delivers news, opinions or comments on current affairs or on a particular subject or theme; and

(3) printed matter: this class includes paper and other cellulosic fibres, whether or not they are used as a medium for text or images, except books and materials included in the containers and packaging class of materials or the written media class of materials.

DIVISION III

PERSONS REQUIRED TO PAY COMPENSATION

§1. Containers and packaging

3. Where a container or packaging identifies the brand under which the product it contains is marketed, or identifies the name of the person on whose behalf the container or packaging is marketed, only the person that owns the brand or the name is required to pay a compensatory contribution as regards the container or packaging.

If the owner of the brand or the name has no establishment or place of business in Québec, the persons who have the right, as licensees or otherwise, to use the brand or name in Québec are required to pay a compensatory contribution as regards the containers and packaging on which the brand or name appears.

Where none of those persons has an establishment or place of business in Québec, section 4 applies.

4. Subject to the exclusions, exemptions and other rules that may limit their contribution under the schedule of contributions established pursuant to section 53.31.14 of the Act, the following are required to compensate municipalities in relation to the containers and packaging class of materials:

(1) persons that manufacture containers or packaging;

(2) persons that market containers or packaging, whether or not third parties are charged for the containers or packaging made available to them;

(3) persons that market products sold in containers or packaging, as retailers, wholesalers, distributors or importers of the products; and

(4) persons that distribute containers or packaging to persons referred to in paragraph 3.

5. Despite sections 3 and 4, persons who add containers or packaging to a product at retail outlets are not required to pay a compensatory contribution in respect of the containers or packaging.

The following are also not required to pay a compensatory contribution in respect of containers and packaging in relation to which they are already required to take recovery or reclamation measures:

(1) persons who are already required to take measures or contribute financially towards measures to recover or reclaim containers or packaging under a regulation made under the Environment Quality Act;

(2) persons already required to take measures or contribute financially towards measures to recover or reclaim containers or packaging, such as beer and soft drink non-returnable containers under a consignment system recognized under Québec law; and

(3) persons who are able to establish that they participate directly or contribute financially towards another system to recover and reclaim containers or packaging that operates on an established and regular basis.

§2. Written media and printed matter

6. Subject to the exclusions, exemptions and other rules that may limit their contribution under the schedule of contributions established pursuant to section 53.31.14 of the Act, the following are required to compensate municipalities in relation to the written media and printed matter classes of materials:

(1) persons that cause to have printed or that produce materials included in those classes and that are in consequence responsible for the choice of form and content of the materials;

(2) persons that market the materials, whether or not third parties are charged for the materials made available to them; and

(3) persons that distribute the materials to one or more retailers, on behalf of a person referred to in paragraph 1 or on behalf of a wholesaler or an importer.

DIVISION IV

MAXIMUM CONTRIBUTION AND PAYMENT TERMS AND CONDITIONS

7. The percentage of the total of the net costs of the services provided by municipalities subject to compensation in relation to each class of materials is,

(1) for the containers and packaging class of materials: 50%;

(2) for the written media class of materials: 50%; and

(3) for the printed matter class of materials: 50%.

8. During the first five years a compensatory contribution is payable in relation to written media,

(1) the maximum amount of the compensatory contribution may not exceed \$1.3 million yearly; and

(2) the total amount of the annual compensation may be paid through contributions of goods or services.

DIVISION V

FINAL

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

6210

Draft Regulation

An Act respecting labour standards
(R.S.Q., c. N-1.1)

Labour standards

— Amendments

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

The purpose of the draft Regulation is to fix the minimum wage payable to pickers of raspberries, strawberries and apples, which is based on the quantity of fruit picked, according to category. It provides for a minimum hourly wage if the employee cannot, for reasons beyond the employee's control and linked to the state of the fields or fruit, pick the required quantity to earn that wage.

The draft Regulation also provides for the application of the general minimum wage rate to the pickers of processing vegetables as of 1 January 2007.

The proposed amendments aim at promoting the principles of universality and equity by establishing a minimum wage applicable to all employees. They also enable enterprises in the sectors of activity in question to remain competitive.

Further information concerning the draft Regulation may be obtained by contacting Anik Dorval, Policy Development Consultant, the Direction des politiques, de la construction et des décrets, 200, chemin Sainte-Foy, 7^e étage, Québec (Québec) G1R 5S1. Telephone: (418) 528-5860; fax: (418) 643-3514.

Any interested person having comments to make concerning the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

MICHEL DESPRÉS,
Minister of Labour

Regulation to amend the Regulation respecting labour standards*

An Act respecting labour standards
(R.S.Q., c. N-1.1, ss. 40, 88, 89, par. 1 and s. 91)

1. Section 2 of the Regulation respecting labour standards is amended by striking out “or fruit” in paragraph 6.

2. Section 3 is amended by replacing “in section 4” in the part preceding paragraph 1 by “in sections 4 and 4.1”.

3. The Regulation is amended by inserting the following after section 4:

“**4.1.** The minimum wage payable to an employee assigned mainly to non-mechanized operations relating to the picking of raspberries, strawberries or apples is established on the basis of yield according to the following rules:

(1) or an employee assigned to the picking of raspberries: \$0.458 per 250 ml container and, as of 1 May 2005, \$0.467 per container;

(2) for an employee assigned to the picking of strawberries: \$0.208 per 551 ml container and, as of 1 May 2005, \$0.212 per container;

(3) for an employee assigned to the picking of apples:

(a) for dwarf apple trees: \$1.11 per bushel and, as of 1 May 2005, \$1.13 per bushel;

(b) for semi-dwarf apple trees: \$1.36 per bushel and, as of 1 May 2005, \$1.39 per bushel; and

(c) for standard apple trees: \$1.57 per bushel and, as of 1 May 2005, \$1.60 per bushel.

* The Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r.3) was last amended by the regulation made by Order in Council 638-2003 dated 4 June 2003 (2003, *G.O.* 2, 1888). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

However, an employee may not, on an hourly basis and for reasons beyond the employee's control and linked to the state of the fields or fruit, earn less than the minimum wage rate prescribed in section 3.

For the purposes of subparagraph 3 of the first paragraph, "bushel" means a unit of measurement of produce equal to 19.05 kilograms."

4. The following is inserted after section 39:

"**39.1.** Paragraph 6 of section 2 ceases to have effect on 1 January 2007."

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

Treasury Board

Gouvernement du Québec

T.B. 200718, 9 March 2004

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

**Partition and assignment between spouses of
benefits accrued under a pension plan
— Recovery of certain administrative expenses
and of certain other expenses
— Revocation**

Regulation to revoke the Regulation respecting the recovery of certain administrative expenses and of certain other expenses within the framework of the partition and assignment between spouses of benefits accrued under a pension plan

WHEREAS, under section 158.7 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may, by regulation, provide for the recovery by the Commission administrative des régimes de retraite et d'assurances of certain administrative expenses and certain other expenses incurred by the Commission in connection with applications concerning pension plans administered by the Commission or pension plans payment of the benefits of which is a responsibility of the Commission, submitted in connection with family mediation proceedings or proceedings for the partition or transfer between spouses of benefits accrued under a pension plan. The Government may also provide that such expenses, if not paid on the date specified in the regulation, bear interest computed in the manner prescribed in the regulation and at the rates fixed in Schedule VI;

WHEREAS, under section 158.13 of the Act, government regulations under section 158.7 shall be made after the Commission has consulted with the pension committees referred to in sections 164 and 173.1 of the Act and, for the purposes of the consultation, the draft regulations must be submitted to the committees at least 30 days before they are adopted;

WHEREAS, under subparagraph 22.1 of the first paragraph of section 134 of the Act, the Government may, by regulation, after the Commission has consulted the Comité de retraite referred to in section 164 of the Act,

make, for the purposes of section 158.7, provisions for the recovery of certain administrative expenses and certain other expenses incurred by the Commission;

WHEREAS the Regulation respecting the recovery of certain administrative expenses and of certain other expenses within the framework of the partition and assignment between spouses of benefits accrued under a pension plan was made by Order in Council 352-91 dated 20 March 1991;

WHEREAS it is expedient to revoke the Regulation;

WHEREAS the pension committees referred to in sections 164 and 173.1 of the Act have been consulted in relation to the draft Regulation to revoke the Regulation respecting the recovery of certain administrative expenses and of certain other expenses within the framework of the partition and assignment between spouses of benefits accrued under a pension plan;

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

WHEREAS the Minister of Finance has been consulted;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 22 October 2003 with a notice that it could be made by the Conseil du trésor at the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to revoke the Regulation respecting the recovery of certain administrative expenses and of certain other expenses within the framework of the partition and assignment between spouses of benefits accrued under a pension plan, attached hereto, is hereby made.

ROBERT CAVANAGH,
Deputy clerk of the Conseil du trésor

**Regulation to revoke the Regulation
respecting the recovery of certain
administrative expenses and of certain
other expenses within the framework
of the partition and assignment between
spouses of benefits accrued under
a pension plan***

An Act respecting the Government and
Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 134, 1st par., subpar. 22.1
and s. 158.13)

1. The Regulation respecting the recovery of certain administrative expenses and of certain other expenses within the framework of the partition and assignment between spouses of benefits accrued under a pension plan is revoked.

2. This Regulation comes into force on the date it is made, but has effect from 1 April 2003.

6211

* The Regulation respecting the recovery of certain administrative expenses and of certain other expenses within the framework of the partition and assignment between spouses of benefits accrued under a pension plan, made by Order in Council 352-91 dated 20 March 1991 (1991, *G.O.* 2, 1314), was last amended by the regulation made by Order in Council 402-95 dated 29 March 1995 (1995, *G.O.* 2, 1129). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

Index

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

	Page	Comments
Agence nationale d'encadrement du secteur financier, An Act respecting... — Bureau de décision et de révision en valeurs mobilières — Tariff of duties, fees and charges (R.S.Q., c. A-7.03)	1131	Draft
Bureau de décision et de révision en valeurs mobilières — Tariff of duties, fees and charges (An Act respecting the Agence nationale d'encadrement du secteur financier, R.S.Q., c. A-7.03)	1131	Draft
Environment Quality Act — Recovery and reclamation of used oils, oil or fluid containers and used filters (R.S.Q., c. Q-2)	1125	N
Environment Quality Act — Recovery and reclamation residual materials — Compensation for municipal services provided (R.S.Q., c. Q-2)	1132	Draft
Government and Public Employees Retirement Plan, An Act respecting the... — Partition and assignment between spouses of benefits accrued under a pension plan — Recovery of certain administrative expenses and of certain other expenses — Revocation (R.S.Q., c. R-10)	1137	A
Labour standards (An Act respecting labour standards, R.S.Q., c. N-1.1)	1135	Draft
Labour standards, An Act respecting... — Labour standards (R.S.Q., c. N-1.1)	1135	Draft
Partition and assignment between spouses of benefits accrued under a pension plan — Recovery of certain administrative expenses and of certain other expenses — Revocation (An Act respecting the Government and Public Employees Retirement Plan, R.S.Q., c. R-10)	1137	A
Recovery and reclamation of used oils, oil or fluid containers and used filters ... (Environment Quality Act, R.S.Q., c. Q-2)	1125	N
Recovery and reclamation residual materials — Compensation for municipal services provided (Environment Quality Act, R.S.Q., c. Q-2)	1132	Draft

