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**Summary**

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**PROVINCE OF QUÉBEC**

1st SESSION

37th LEGISLATURE

QUÉBEC, 22 APRIL 2004

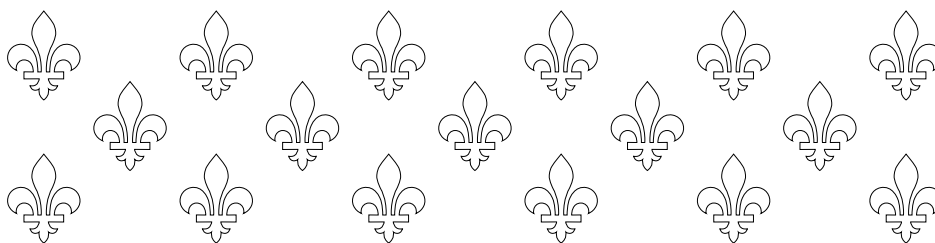
**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 22 April 2004*

This day, at forty-five minutes past five o'clock in the afternoon, the Honourable the Administrator of Québec was pleased to sanction the following bills:

- 11     An Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and to amend various legislative provisions in relation to adoption
- 20     An Act to amend the Act respecting the Ministère du Revenu and other legislative provisions
- 21     An Act to amend the Civil Code and the Code of Civil Procedure as regards the determination of child support payments
- 39     An Act to amend the Forest Act

To these bills the Royal assent was affixed by the Honourable the Administrator of Québec.





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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 21

(2004, chapter 5)

**An Act to amend the Civil Code and  
the Code of Civil Procedure as regards  
the determination of child support  
payments**

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**Introduced 6 November 2003****Passage in principle 13 November 2003****Passage 20 April 2004****Assented to 22 April 2004**

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**Québec Official Publisher  
2004**

**EXPLANATORY NOTES**

*This bill amends the Civil Code and the Code of Civil Procedure as regards the parental obligation to provide support mainly in order to ensure greater equality of treatment for all children. Under the bill, when determining child support payments, the court is authorized to consider the parents' obligation to provide support to their children who are not named in the application for support if it considers the obligation entails hardship for that parent.*

*Also, under the bill, a parent providing in part for the needs of a child 18 years of age or over who is unable to support himself or herself may institute support proceedings on the child's behalf.*

**LEGISLATION AMENDED BY THIS BILL :**

- Civil Code of Québec (1991, chapter 64);
- Code of Civil Procedure (R.S.Q., chapter C-25).



## Bill 21

### AN ACT TO AMEND THE CIVIL CODE AND THE CODE OF CIVIL PROCEDURE AS REGARDS THE DETERMINATION OF CHILD SUPPORT PAYMENTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** Article 366 of the Civil Code of Québec (1991, chapter 64), amended by section 28 of chapter 21 of the statutes of 1996, by section 20 of chapter 53 of the statutes of 1999 and by section 23 of chapter 6 of the statutes of 2002, is again amended by replacing “among such officials as” in the first paragraph of the English text by “, including” and inserting a comma after “municipal officers”.

**2.** Article 586 of the said Code is amended

(1) by inserting the following paragraph after the first paragraph :

“A parent providing in part for the needs of a child of full age unable to support himself may institute support proceedings on the child’s behalf, unless the child objects.”;

(2) by inserting “or to the parent of the child of full age who instituted the proceedings on the child’s behalf” after “child” at the end of the second paragraph.

**3.** Article 587.2 of the said Code, enacted by section 1 of chapter 68 of the statutes of 1996, is amended by replacing the second paragraph by the following paragraphs :

“The court may, however, increase or reduce the level of support where warranted by the value of either parent’s assets or the extent of the resources available to the child, or to take account of either parent’s obligation to provide support to children not named in the application, if the court considers the obligation entails hardship for that parent.

The court may also increase or reduce the level of support if it is of the opinion that, in the special circumstances of the case, not doing so would entail undue hardship for either parent. Such hardship may be due, among other reasons, to the costs involved in exercising visiting rights in respect of the child, an obligation to provide support to persons other than children or reasonable debts incurred to meet family needs.”

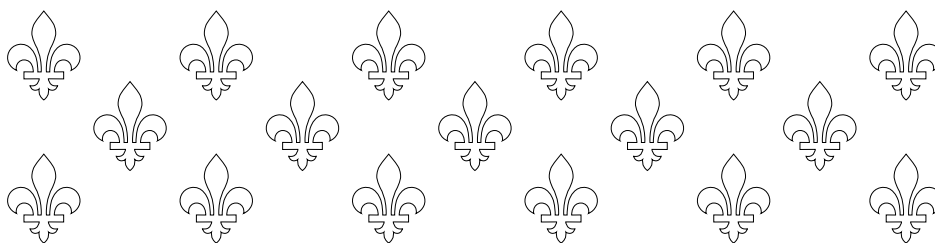
**4.** Article 331.9 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by adding the following paragraph at the end:

“The form produced by a party for the determination of child support payments is excepted from the above rules.”

**5.** Article 825.14 of the said Code is amended by inserting “and in the form they file” after “agreement” in the fourth line of the first paragraph.

**6.** Sections 3 and 5 have no effect in respect of applications presented before 22 April 2004.

**7.** This Act comes into force on 22 April 2004.



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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 39

(2004, chapter 6)

## **An Act to amend the Forest Act**

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**Introduced 11 March 2004**

**Passage in principle 24 March 2004**

**Passage 21 April 2004**

**Assented to 22 April 2004**

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**Québec Official Publisher  
2004**

## EXPLANATORY NOTES

*This bill amends the Forest Act to provide that a holder of a wood processing plant operating permit must pay a contribution to the forestry fund if, once the silvicultural treatments stipulated in an annual forest management plan for a forest management unit have been carried out, that permit holder acquires timber that has not been allocated to an agreement holder. The bill also amends the Act to provide that if the holder of the wood processing plant operating permit is a member of forest protection organizations and their by-laws provide for it, an assessment must be paid to the forest protection organizations. The bill amends the Act to impose the same obligations on persons who obtain accreditation for one-time harvests when another person has waived the right provided for in a reservation agreement or failed to exercise that right in a previous year.*

*The bill gives the employees of the Ministère des Ressources naturelles, de la Faune et des Parcs who are designated to verify the application of the scaling standards for timber harvested in forests in the domain of the State, the power, in the exercise of their functions, to intercept, on a road in a forest environment, a road vehicle used for the conveyance of timber, and demand that the driver stop the vehicle so that the documents relating to timber transportation can be controlled and verified.*

*The bill also allows the Government to determine by regulation which of the documents referred to in the Forest Act must be submitted to the Minister using the medium or technology the Government specifies in the regulation. Furthermore, the bill provides that, at the request of a Native community or on the Minister's own initiative following consultation with a Native community, the Minister may delegate to a member of the department's personnel the power to impose, in a forest management plan, standards of forest management that differ from those prescribed by regulation, in order to facilitate the conciliation of forest management activities with the activities pursued by the community for food, ritual or social purposes.*

*Lastly, the bill amends the provisions relating to the forest management funding program.*

## Bill 39

### AN ACT TO AMEND THE FOREST ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** The Forest Act (R.S.Q., chapter F-4.1) is amended by inserting the following sections after section 26 :

**“26.0.1.** Any employee of the department designated by the Minister to ascertain compliance with the scaling standards provided in or enacted under this Act for timber harvested in forests in the domain of the State may, in the exercise of the functions of office, intercept, on a road in a forest environment, a road vehicle used for the conveyance of timber, and demand that the driver stop the vehicle so that the documents relating to timber transportation that the driver is required to have in his possession be controlled and verified. For that purpose, the employee may

- (1) establish stopping points and control points in a forest environment ;
- (2) require that the driver submit the said documents and all related information for examination ;
- (3) require that the driver or any person accompanying the driver provide reasonable assistance during verification.

The driver of the vehicle and any person accompanying the driver must immediately comply with the relevant requirements.

**“26.0.2.** On request, the person designated by the Minister shall produce identification and a certificate signed by the Minister attesting the person’s capacity.”

**2.** Section 37 of the said Act is amended by inserting “referred to in section 73.4, 92.0.2 or 92.0.11” after “contributions to the forestry fund” in the second paragraph.

**3.** Section 82 of the said Act, amended by section 70 of chapter 6 of the statutes of 2001, is again amended by replacing “or the contribution payable under section 73.4” in subparagraph 2 of the first paragraph by “or the contributions to the forestry fund payable under section 73.4, 92.0.2 or 92.0.11”.

**4.** Section 92.0.2 of the said Act, amended by section 77 of chapter 6 of the statutes of 2001, is again amended by adding the following paragraphs at the end:

“A holder of a wood processing plant operating permit who acquires timber from an agreement holder authorized to send it to the permit holder in accordance with the first paragraph must pay a contribution to the Minister for the financing of activities related to forest management.

The contribution shall be established by the Minister on the basis of a rate per cubic metre of timber, set by regulation of the Government, applicable to the volume of timber acquired by the permit holder from the agreement holder.

The Minister shall collect the contributions of the permit holders and pay them into the forestry fund.”

**5.** Section 92.0.11 of the said Act is amended by adding the following paragraphs at the end:

“The accredited permit holder must also, in the case provided for in subparagraph 3 of the first paragraph of section 92.0.3, pay a contribution to the Minister for the financing of activities related to forest management.

The contribution shall be established by the Minister on the basis of a rate per cubic metre of timber, set by regulation of the Government, applicable to the volume of round timber indicated in the accreditation.

The Minister shall collect the contributions of the accredited permit holders referred to in the second paragraph and pay them into the forestry fund.”

**6.** Section 124.37 of the said Act is amended by striking out “of 80 hectares or more and the establishment or development of forest service enterprises”.

**7.** Section 126 of the said Act, amended by section 34 of chapter 16 of the statutes of 2003, is again amended by inserting the following paragraph after the first paragraph:

“The by-laws may also provide for the payment of a special assessment by any organization member who acquires timber from an agreement holder who has been authorized to send it to the organization member in accordance with the first paragraph of section 92.0.2, or who has been accredited by the Minister under subparagraph 3 of the first paragraph of section 92.0.3 for the purpose of obtaining, for a forest management unit, a forest management permit for the supply of the member’s wood processing plant.”

**8.** Section 147 of the said Act, amended by section 38 of chapter 16 of the statutes of 2003, is again amended by inserting the following paragraph after the first paragraph:

“The by-laws may also provide for the payment of a special assessment by any organization member who acquires timber from an agreement holder who has been authorized to send it to the organization member in accordance with the first paragraph of section 92.0.2, or who has been accredited by the Minister under subparagraph 3 of the first paragraph of section 92.0.3 for the purpose of obtaining, for a forest management unit, a forest management permit for the supply of the member’s wood processing plant.”

**9.** Section 170.2 of the said Act is amended by inserting “and the fourth paragraph of sections 92.0.2 and 92.0.11,” after “section 73.5” in the second paragraph.

**10.** Section 170.4 of the said Act, amended by section 44 of chapter 16 of the statutes of 2003, is again amended by adding “and the fourth paragraph of sections 92.0.2 and 92.0.11” at the end of paragraph 1.

**11.** Section 172 of the said Act, amended by section 119 of chapter 6 of the statutes of 2001 and by section 45 of chapter 16 of the statutes of 2003, is again amended

(1) by inserting the following subparagraph after subparagraph 18.2 of the first paragraph:

“(18.2.1) set the rate referred to in the third paragraph of sections 92.0.2 and 92.0.11 and determine the date and other terms of payment of the contribution referred to in those sections;”;

(2) by adding the following subparagraph after subparagraph 19 of the first paragraph:

“(20) determine, from among the documents to be submitted to the Minister under this Act, those that must be submitted using the medium or technology the Government specifies in the regulation and specify, from among the categories of persons or organizations that must submit the documents, those that must submit them using that medium or technology.”

**12.** Section 186.8 of the said Act is amended by replacing “in section 70.1 or 169.1” in paragraph 1 by “in section 26.0.1, 70.1 or 169.1”.

**13.** Section 256.1 of the said Act is amended by adding the following paragraph at the end:

“The Minister may also, for the purposes of the second paragraph of section 25.2, generally or specially delegate, in writing, the exercise of the powers conferred on the Minister under this section to a member of the personnel of the department or to the incumbent of a position. In such a case, the delegatee must hold the necessary consultations with the other departments concerned. If no agreement is reached, the delegatee shall so inform the Minister.”

**14.** This Act comes into force on 22 April 2004, except section 6, which comes into force on the date to be set by the Government.



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## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 413-2004, 28 April 2004**

**An Act to amend the Highway Safety Code and the Code of Penal Procedure as regards the collection of fines (2003, c. 5)**

**— Coming into force of the provisions of the Act**

COMING INTO FORCE of the provisions of the Act to amend the Highway Safety Code and the Code of Penal Procedure as regards the collection of fines

WHEREAS the Act to amend the Highway Safety Code and the Code of Penal Procedure as regards the collection of fines (2003, c. 5) was assented to on 18 November 2003;

WHEREAS, under section 31 of the Act, its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 16 May 2004 as the date of coming into force of the provisions of the Act to amend the Highway Safety Code and the Code of Penal Procedure as regards the collection of fines, except section 194.3 of the Highway Safety Code (R.S.Q., c. C-24.2), enacted by section 8 of that Act, which will come into force on a later date;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT 16 May 2004 be fixed as the date of coming into force of the provisions of the Act to amend the Highway Safety Code and the Code of Penal Procedure as regards the collection of fines (2003, c. 5), except section 194.3 of the Highway Safety Code (R.S.Q., c. C-24.2), enacted by section 8 of that Act, which will come into force on a later date.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*



## Regulations and other acts

Gouvernement du Québec

### **O.C. 389-2004, 21 April 2004**

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

#### **Nursing assistants — Code of ethics — Amendments**

Regulation to amend the Code of ethics of nursing assistants

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the first paragraph of that section of the Professional Code, the code of ethics must contain provisions determining which acts are derogatory to the dignity of the profession;

WHEREAS, under the first paragraph of that section of the Professional Code, the code of ethics must contain provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6, and provisions concerning a professional's obligation to release documents to his or her client;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4 of the Code;

WHEREAS the Bureau of the Ordre des infirmières et infirmiers du Québec made the Regulation to amend the Code of ethics of nursing assistants;

WHEREAS, pursuant to section 95.3 of the Professional Code, the secretary of the Order sent a draft of the Regulation to every member of the order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 26 November 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days from that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of nursing assistants, the text of which is attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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

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

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

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

(1) communicate the information immediately; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Gouvernement du Québec

## O.C. 390-2004, 21 April 2004

Nurses Act  
(R.S.Q., c. I-8)

### Nurses

#### — Acts contemplated in section 36 which may be performed by classes of persons other than nurses — Amendment

Regulation to amend the Regulation respecting the acts contemplated in section 36 of the Nurses Act which may be performed by classes of persons other than nurses

WHEREAS, under subparagraph *a* of the first paragraph of section 12 of the Nurses Act (R.S.Q., c. I-8), the Bureau of the Ordre des infirmières et infirmiers du Québec shall, by regulation, determine from among the acts contemplated in section 36 of the Act those which, under certain prescribed conditions, may be performed by classes of persons other than nurses, particularly nursing assistants;

WHEREAS the Bureau adopted the Regulation respecting the acts contemplated in section 36 of the Nurses Act which may be performed by classes of persons other than nurses (R.R.Q., 1981, c. I-8, r.1);

WHEREAS the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33) establishes a new division of fields of professional practice in the health sector;

WHEREAS, pursuant to the second paragraph of section 12 of the Nurses Act, the Office des professions du Québec and the Ordre des infirmières et infirmiers auxiliaires du Québec were consulted prior to the adoption of the Regulation to amend the Regulation respecting the acts contemplated in section 36 of the Nurses Act which may be performed by classes of persons other than nurses;

WHEREAS the Bureau of the Ordre des infirmières et infirmiers auxiliaires du Québec adopted the Regulation to amend the Regulation respecting the acts contemplated in section 36 of the Nurses Act which may be performed by classes of persons other than nurses;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation adopted by the Bureau of a professional order under the Code or an Act constituting a professional

order shall be transmitted to the Office des professions du Québec for examination and submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* dated 6 August 2003, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Chair of the Office des professions received no comments following the publication of the Regulation;

WHEREAS the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the acts contemplated in section 36 of the Nurses Act which may be performed by classes of persons other than nurses, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting the acts contemplated in section 36 of the Nurses Act which may be performed by classes of persons other than nurses\***

Nurses Act  
(R.S.Q., c. I-8, s. 12, 1st par., subpar. *a*)

**1.** Section 5.03 of the Regulation respecting the acts contemplated in section 36 of the Nurses Act which may be performed by classes of persons other than nurses is replaced by the following:

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\* The sole amendment to the Regulation respecting the acts contemplated in section 36 of the Nurses Act which may be performed by classes of persons other than nurses (R.R.Q., c. I-8, r.1) was made by regulation approved by Order in Council No. 218-2002 of March 6, 2002 (2002, *G.O.*2, 1586).

“Notwithstanding section 5.01, any person who does not meet the conditions for issuance of a permit of the Ordre des infirmières et infirmiers auxiliaires du Québec and who, on 11 July 1980, was practising the activities described in paragraph *p* of section 37 of the Professional Code (R.S.Q., c. C-26), may continue to carry out the acts A-2 and A-3 specified in Schedule A, subject to Division II.”.

**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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Gouvernement du Québec

**O.C. 391-2004, 21 April 2004**

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

**Nursing assistants****— Professional activities that may be engaged in by persons other than nursing assistants**

Regulation respecting the professional activities that may be engaged in by persons other than nursing assistants

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i* of that section, and the terms and conditions on which such persons may engage in such activities;

WHEREAS the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33) establishes a new division of fields of professional practice in the health sector;

WHEREAS the Bureau of the Ordre des infirmières et infirmiers auxiliaires du Québec made the Regulation respecting the professional activities that may be engaged in by persons other than nursing assistants;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional

order shall be transmitted to the Office des professions du Québec for examination and submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* dated 6 August 2003, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Chair of the Office des professions received no comments following the publication of the Regulation;

WHEREAS the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the professional activities that may be engaged in by persons other than nursing assistants, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

**Regulation respecting the professional activities that may be engaged in by persons other than nursing assistants**

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

**1.** A student enrolled in a program of studies leading to a diploma giving access to a permit issued by the Ordre des infirmières et infirmiers auxiliaires du Québec may, among the professional activities that may be engaged in by nursing assistants, engage in activities required to complete the program, on the condition that they are engaged in under the supervision of a teacher or training supervisor who is available to intervene on short notice.

**2.** A person who does not meet the conditions for the issue of a permit of the Order may continue to engage in the professional activities listed in paragraph 5 of section 37.1 of the Professional Code (R.S.Q., c. C-26),

if the person was engaging in those activities on 11 July 1980 and if the person meets the conditions of practice that applied to the person at that time.

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

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Gouvernement du Québec

## **O.C. 392-2004, 21 April 2004**

An Act respecting safety in sports  
(R.S.Q., c. S-3.1)

### **Combat sports — Amendments**

Regulation to amend the Regulation respecting combat sports

WHEREAS, under subparagraph 2 of the first paragraph of section 55.3 of the Act respecting safety in sports (R.S.Q., c. S-3.1), the Régie des alcools, des courses et des jeux may, by regulation approved by the Government, determine, in particular, the conditions a person applying for a permit relating to a sports event must fulfil, the information and documents to be furnished;

WHEREAS, under subparagraph 4 of the first paragraph of that section, the board may, by regulation approved by the Government, determine the cases of licence cancellation or suspension, and the duration thereof;

WHEREAS, under subparagraph 7 of the first paragraph of that section, the board may, by regulation approved by the Government, establish standards relating to the equipment a person must use to engage in a combat sport at a sports event;

WHEREAS, under subparagraph 8 of the first paragraph of that section, the board may, by regulation approved by the Government, establish standards concerning the organization and holding of a sports event;

WHEREAS, under subparagraph 9 of the first paragraph of that section, the board may, by regulation approved by the Government, establish standards concerning the tenor of contracts entered into by the persons referred to in sections 40 or 41 of the Act, in particular with respect to their duration and the respective obligations of the parties, including those related to the purse and remuneration;

WHEREAS, under subparagraph 10 of the first paragraph of that section, the board may, by regulation approved by the Government, prescribe the nature and frequency of the medical examination required of contestants who participate in a combat sports event;

WHEREAS, under subparagraph 11 of the first paragraph of that section, the board may, by regulation approved by the Government, establish a health committee or any other committee necessary for the purpose of Chapter V and determine its composition and functions;

WHEREAS, under subparagraph 12 of the first paragraph of that section, the board may, by regulation approved by the Government, determine the cases in which a person authorized by the board under section 46.2.2 of the Act may take breath or urine samples from contestants participating in a sports event, and the procedure according to which the sample may be taken;

WHEREAS the Regulation respecting combat sports was approved by Order in Council 662-95 dated 17 May 1995 and it is expedient to amend it;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 30 December 2003 with a notice that it could be adopted by the board, with or without amendment, and submitted to the Government for approval, on the expiry of 45 days following that publication;

WHEREAS a comment was made following that publication;

WHEREAS the board, in plenary session on 4 March 2004, adopted the Regulation to amend the Regulation respecting combat sports with amendment;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Regulation to amend the Regulation respecting combat sports, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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## Regulation to amend the Regulation respecting combat sports\*

An Act respecting safety in sports  
(R.S.Q., c. S-3.1, s. 55.3, 1st par., subpars. 2, 4, 7 to 12)

**1.** The Regulation respecting combat sports is amended by inserting the following after section 36:

“**36.1.** The organizer shall, for a period beginning 3 hours before a sports event and ending 6 hours after the event, place at the disposal of the Régie a closed facility that is clean and sanitary and can be locked, for use in the anti-doping testing of contestants.

The facility must be situated on the premises where the sports event is to take place and be divided into two adjacent, separate rooms, namely

(1) a room with a minimum capacity of 10 persons, equipped with chairs or benches; or

(2) a closed room with a minimum capacity of 3 persons, equipped with a washbasin and a toilet.”

**2.** Section 56 is amended by striking out paragraph 3.

**3.** Section 58 is amended

(1) by replacing “the following items” in the part preceding paragraph 1 by “the following”;

(2) by replacing paragraph 3 by the following:

“(3) water, or a solution of water that may contain electrolytes, in a container made of flexible material;”.

**4.** Section 62 is amended by adding the following paragraph at the end:

“The gloves may be put on in the ring before the bout or in the dressing room of each contestant.”.

**5.** Section 63 is amended

(1) by replacing “18.288 m (20 yd)” in the first paragraph by “36.56 m (40 yd)”;

(2) by replacing “2.743 m (9 ft)” in the second paragraph by “3.658 m (12 ft)”;

(3) by replacing “3.353 m (11 ft)” in the second paragraph by “4.572 m (15 ft)”.

**6.** The following division is inserted after section 71:

### “DIVISION IX.1 ANTI-DOPING TESTING

**71.1.** A person authorized by the president of the board under section 46.2.2 of the Act respecting safety in sports (R.S.Q., c. S-3.1) and designated to take urine samples may take urine samples from a contestant up to 3 hours before and 6 hours after a bout.

The taking of samples is intended to establish whether a contestant having taken part in a combat sports event has taken a substance, in excess of the permitted quantity, appearing on the list of Prohibited Substances and Prohibited Methods contained in the Olympic Movement Anti-Doping Code published by the International Olympic Committee (IOC) whose headquarters are located at Château de Vidy, 1007 Lausanne, Switzerland, accessible via the electronic address (<http://www.olympic.org/>), as it reads on the date of the sampling.

**71.2.** Each contestant shall report to the sampling facility at the place and time specified by an official and shall, in the presence of the authorized person designated to take urine samples, provide a urine sample of at least 50 ml.

The person authorized pursuant to section 71.1 shall establish security measures to ensure the integrity of the chain of custody of the sample until it is remitted to the laboratory for analysis. The person shall record the chain of custody of the sample in a report.

**71.3.** Unless accompanied by an inspector, the contestant may not leave the sampling facility while the urine sampling procedure is taking place. The contestant may only drink or eat what is provided or authorized by the person authorized pursuant to section 71.1.

**71.4.** The contestant may be accompanied by a person of his or her choice during the urine sampling procedure. The person shall identify himself or herself to the person authorized pursuant to section 71.1.

**71.5.** The authorized person designated to take urine samples must be of the same sex as the contestant providing the sample.

\* The Regulation respecting combat sports, approved by Order in Council 662-95 dated 17 May 1995 (1995, *G.O.* 2, 1511), was last amended by the regulation approved by Order in Council 275-99 dated 24 March 1999 (1999, *G.O.* 2, 361). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.



The contestant must be dressed during the sampling. In the case of a male contestant, the authorized person shall remain three metres behind the contestant. A female contestant shall provide the sample while in a cubicle and the authorized person may listen to what is taking place inside the cubicle.

**71.6.** Notwithstanding paragraph B of Division III of Appendix A of the Olympic Movement Anti-Doping Code, a contestant is considered to obtain a positive result when the analysis for cannabinoids indicates a concentration in urine greater than 50 nanograms per millilitre. A contestant is also considered to obtain a positive result when the analysis indicates the presence of phencyclidine (PCP).".

**7.** Section 73 is amended by replacing "24" by "30".

**8.** Section 105 is amended by inserting "following a legal blow from his opponent" after "ring mat" in paragraph 1.

**9.** Section 127 is amended by replacing paragraph 1 by the following:

"(1) the recurrence and power of legal blows;"

**10.** Section 130 is amended by replacing "7" in the second paragraph by "6".

**11.** Section 131 is amended by replacing paragraph 20 by the following:

"(20) indulging in any unsportsmanlike conduct or any conduct that could be detrimental to the good name of boxing;"

**12.** Section 137 is replaced by the following:

"**137.** Notwithstanding section 136, where circumstances described in that section occur and where the contestants have fought less than half the scheduled number of rounds for the bout, the decision shall be a "technical draw"."

**13.** Section 139 is amended by replacing "following" by "preceding".

**14.** The following section is inserted after section 148:

"**148.1.** A contestant who obtains a positive result in an anti-doping test, or who refuses or fails to submit to an anti-doping test, shall be disqualified."

**15.** Section 149 is amended by adding "in a men's bout, and 2 minutes in a women's bout" after "minutes".

**16.** Section 151 is revoked.

**17.** Section 159 is amended by adding the following subparagraph at the end of the first paragraph:

"(6) where a contestant is domiciled in Québec, a CAT scan of the brain when the contestant makes his professional debut and every two years thereafter."

**18.** Section 166 is amended by adding the following paragraph at the end:

"(6) his reflexes, physical condition and state of health."

**19.** Section 168 is amended by replacing "that is drawn up in the form in Schedule 2-A provided by the board." by "that is valid for a single sports event and that provides for or stipulates, in particular,

(1) the minimum amount of the purse or the percentage of the receipts from the sports event that the contestant is entitled to receive as remuneration, which shall not be less than \$100 for each round covered by the contract;

(2) the place and date of the sports event;

(3) that the organizer undertakes to pay the contestant's accommodation expenses and the remuneration to which the contestant is entitled under the contract where the contestant is present at the official weigh-in but where his opponent or a substitute opponent is unable to fight as scheduled;

(4) that, except as provided for by law or required by an organization sanctioning a championship bout, the organizer undertakes not to deduct any amount from the purse or remuneration of the contestant;

(5) that the organizer undertakes not to require the contestant to repay any amount disbursed for the contestant's benefit;

(6) that the organizer undertakes not to require the contestant to pay any amount of money for any purpose;

(7) the maximum weight that the contestant must achieve at the official weigh-in;

(8) that 20% of the purse or of the contestant's remuneration will be deducted and paid to his opponent where the contestant fails to achieve the weight specified in the contract at the official weigh-in;

(9) the number of rounds in which the contestant must take part;

(10) the name, weight, and results of the previous bouts of the contestant's opponent;

(11) that the contestant undertakes to provide the organizer with the official results of his previous bouts;

(12) the cancellation of the contract

(a) if the contestant's or organizer's licence is cancelled or suspended; or

(b) if the contestant is declared unfit to fight following a medical examination; and

(13) that the organizer undertakes not to transfer any or all of his rights and obligations to a third person.”.

**20.** Section 169 is amended

(1) by replacing “1 year” by “2 years”;

(2) by adding “along with any amendment to the contract, no later than before the holding of the sports event” after “signing”.

**21.** The following section is inserted after section 169:

“**169.1.** A contract binding an organizer and a contestant for more than one sports event shall provide for or stipulate, in particular,

(1) the duration of the contract and the number of scheduled bouts;

(2) the amount of the purse for each bout;

(3) the renegotiation of the contestant's remuneration if the contestant takes part in a championship bout before the end of his contract; the renegotiation will involve, in particular, the contestant's remuneration and the expenses relating to sparring partners and training camps;

(4) that the organizer may not charge more than 10% of the contestant's purse if he provides him with the services of a trainer;

(5) that the organizer undertakes to pay all the contestant's travel expenses if a bout is to take place outside Québec;

(6) except if the contract is cancelled, that the contestant undertakes not to sign a contract with another organizer before the expiry date of the contract;

(7) that the organizer undertakes not to transfer his rights to a third person, unless the contestant agrees to the transfer and benefits from at least 80% of the difference between the consideration paid for the transfer of the rights for each bout and the amount of the purse to which the contestant is entitled for each bout; and

(8) the cancellation of the contract

(a) if the organizer's or contestant's licence is cancelled or suspended for the unexpired duration of the contract; or

(b) if the contestant is declared unfit to fight following a medical examination for the unexpired duration of the contract.”.

**22.** Section 172 is amended by striking out “and shall not exceed \$500 or 25% of the amount of the contestant's purse or remuneration, whichever sum is greater”.

**23.** Section 173 is amended by replacing the second paragraph by the following:

“The contract shall provide for or stipulate, in particular,

(1) that the manager undertakes not to require the contestant to repay any amount disbursed for the contestant's benefit;

(2) that neither the manager nor the contestant may transfer his rights and obligations to a third person, except if both parties agree; and

(3) the cancellation of the contract

(a) if the manager's or contestant's licence is cancelled or suspended for the unexpired duration of the contract; or

(b) if the contestant is declared unfit to fight following a medical examination, for the unexpired duration of the contract.”.

**24.** Section 175 is amended by replacing the second paragraph by the following:

“The contract shall provide for or stipulate, in particular,

(1) that the trainer undertakes not to require the contestant to repay any amount disbursed for the contestant's benefit;

(2) that both the trainer and the contestant undertake not to transfer their rights and obligations to a third person, except if both parties agree; and

(3) the cancellation of the contract

(a) if the trainer's or contestant's licence is cancelled or suspended for the unexpired duration of the contract; or

(b) if the contestant is declared unfit to fight following a medical examination, for the unexpired duration of the contract.”.

**25.** Section 195.1 is amended in the English text by inserting “submission” after “permitted”.

**26.** Section 195.2 is amended

(1) by striking out “124 to 130”;

(2) by striking out “150”;

(3) by striking out “155”;

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

“Paragraphs 2, 3 and 5 of section 68 apply with the necessary modifications to mixed boxing.”.

**27.** Chapter II.1 is amended by striking out Division IV.

**28.** Section 195.7 is amended

(1) by replacing “6.85” in the first paragraph by “6.80”;

(2) by replacing “88.45 kg (195 lbs)” in the second paragraph by “90.71 kg (200 lbs)”.

**29.** Section 195.8 is replaced by the following:

“**195.8.** Only 1 person may be present in a contestant's corner during a bout. Only that person is authorized to ask the referee to stop the bout by entering the ring, or to speak to the referee to obtain information between rounds.

The name of the person must be given to the referee before the bout begins.”.

**30.** Section 195.9 is amended

(1) by striking out the second sentence of the first paragraph;

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

“The referee may stop the bout and declare the opponent the winner when a contestant is no longer able to defend himself adequately.”.

**31.** Sections 195.10 and 195.12 are revoked.

**32.** Section 195.14 is amended by striking out “and the counts at knock-downs”.

**33.** Section 195.15 is revoked.

**34.** Section 195.22 is replaced by the following:

“**195.22.** Notwithstanding section 195.21, where the circumstances described in that section occur before the first round of a 3-round bout or before the second round of a 5-round bout, except during a ladder tournament, the decision shall be a “technical draw”.”.

**35.** Section 195.24 is amended by replacing “2 formal warnings” by “1 formal warning”.

**36.** Section 195.28 is amended

(1) by replacing paragraph 12 by the following:

“(12) hitting the opponent with the bent knee or bent elbow;”;

(2) by replacing paragraph 17 by the following:

“(17) indulging in any unsportsmanlike conduct or conduct which could be detrimental to the good name of boxing;”.

**37.** Section 195.32 is replaced by the following:

“**195.32.** A bout shall last a maximum of 15 minutes, including between 1 and 3 rounds lasting no more than 5 minutes each and including a 1-minute break between rounds.

A championship bout shall last a maximum of 25 minutes, including a maximum of 5 rounds lasting no more than 5 minutes each and including a 1-minute break between rounds.

In a ladder tournament, a contestant may not fight more than 3 bouts.

There shall be a 7-day rest period between bouts for a contestant who has fought a bout of 2 rounds or fewer. The rest period shall last 14 days for a contestant who

has fought a 3-round bout, 21 days for a contestant who has fought a 4-round bout, and 28 days for a contestant who has fought a 5-round bout.

During a rest period, a contestant shall not participate as a contestant in the program of a combat sports event.

For the purpose of determining a rest period, a ladder tournament is deemed to be a single bout.”.

**38.** Schedules 2-A, 2-B and 2-C are revoked.

**39.** 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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Gouvernement du Québec

## **O.C. 393-2004, 21 April 2004**

An Act respecting safety in sports  
(R.S.Q., c. S-3.1)

### **Combat sports licensing — Amendments**

Regulation to amend the Regulation respecting combat sports licensing

WHEREAS, under subparagraph 1 of the first paragraph of section 55.3 of the Act respecting safety in sports (R.S.Q., c. S-3.1), the Régie des alcools, des courses et des jeux may, by regulation approved by the Government, determine the form and content of a permit relating to a combat sports event and the terms and conditions of its issuance;

WHEREAS, under subparagraph 2 of the first paragraph of that section, the board may, by regulation approved by the Government, determine the conditions a person applying for a permit relating to a sports event must fulfil, the information and documents to be furnished, the fees payable, the terms and conditions of payment of the fees and of the duties referred to in section 45 of the Act, the time when they must be paid and the percentage of the gross receipts derived from a sports event or the amount on the basis of which the duties referred to in the first paragraph of that section 45 are established;

WHEREAS, under subparagraph 3 of the first paragraph of that section, the board may, by regulation approved by the Government, determine the amount and nature of

the deposit and of the liability-insurance policy required of a person applying for a sports event organizer's licence or for a licence to act as an official at a sports event;

WHEREAS, under subparagraph 4 of the first paragraph of that section, the board may, by regulation approved by the Government, determine the cases of licence cancellation or suspension, and the duration thereof;

WHEREAS, under subparagraph 6 of the first paragraph of that section, the board may, by regulation approved by the Government, fix the tariff of fees for officials at the holding of a sports event, and specify the cases where only a person designated and remunerated by the board may be an official;

WHEREAS, under the second paragraph of that section, the duties payable under section 45 of the Act may vary according to the categories or classes of licences or permits or the capacity of the premises where sports events are held, as prescribed by the regulation;

WHEREAS the Regulation respecting combat sports licensing was approved by Order in Council 663-95 dated 17 May 1995 and it is expedient to amend it;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 30 December 2003 with a notice that it could be adopted by the board with or without amendments and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS no comments were received following that publication;

WHEREAS the board, in plenary session on 4 March 2004, adopted the Regulation to amend the Regulation respecting combat sports licensing without amendment;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Regulation to amend the Regulation respecting combat sports licensing, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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## Regulation to amend the Regulation respecting combat sports licensing\*

An Act respecting safety in sports  
(R.S.Q., c. S-3.1, s. 55.3, 1st par., subpars. 1 to 4 and 6 and 2nd par.)

**1.** Section 3 of the Regulation respecting combat sports licensing is amended by striking out “supported by oath,” in the first paragraph.

**2.** Section 9 is amended by replacing the second paragraph by the following:

“In addition, the applicant’s right to obtain a licence must not have been suspended pursuant to section 63.”.

**3.** Section 10 is amended

(1) by replacing “in the form prescribed in Schedule 2-A to” in paragraph 5 by “as provided for in section 168 of”;

(2) by replacing paragraph 8 by the following:

“(8) submit, using the form provided by the board, an attestation from an insurer certifying that the applicant holds a civil liability insurance policy of the type and in the amount prescribed in sections 49 and 50;”;

(3) by adding “or an attestation of payment” at the end of paragraph 9;

(4) by adding “or an attestation of payment” at the end of paragraph 10.

**4.** Section 12 is amended by replacing the second paragraph by the following paragraph:

“In addition, the applicant’s right to obtain a licence must not have been suspended pursuant to section 63.”.

**5.** Section 13 is amended

(1) by inserting “documents attesting to” after “provide” in paragraph 2;

(2) by replacing paragraph 8 by the following:

“(8) not have had his right to obtain a licence suspended pursuant to section 63.”

**6.** Section 15 is amended

(1) by striking out “and 8” in the part preceding paragraph 1;

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

“(4) an attestation showing that his name is entered in the register provided for in the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.) as it reads at the time of application, if the applicant is required to be registered.”.

**7.** Section 17 is amended by replacing paragraph 3 by the following:

“(3) not have had his right to obtain a licence suspended pursuant to section 63.”.

**8.** Section 19 is amended by replacing paragraph 3 by the following:

“(3) not have had his right to obtain a licence suspended pursuant to section 63.”.

**9.** Section 24 is amended by replacing paragraph 6 by the following:

“(6) not have had his right to obtain a licence suspended pursuant to section 63.”.

**10.** Section 27 is amended by adding “Every fraction of a dollar of remuneration shall be rounded up to the next highest dollar.” at the end of the second paragraph.

**11.** Section 31 is replaced by the following:

“**31.** A licence application shall be made using the form provided by the board and contain the following information:

(1) the applicant’s name;

(2) the applicant’s address;

(3) the class of licence applied for; and

(4) a description of the applicant’s judicial record, if any.”.

**12.** Section 35 is amended by replacing the second and third paragraphs by the following:

\* The Regulation respecting combat sports licensing, approved by Order in Council 663-95 dated 17 May 1995 (1995, G.O. 2, 1543), has not been amended since.

“However, the duties payable for an application for an organizer’s licence for 1 sports event are the aggregate of

(1) 5% of the gross receipts from ticket sales, up to \$500,000 of gross receipts;

(2) 3% of the gross receipts from ticket sales in excess of \$500,000 where applicable; and

(3) 3% of the gross receipts from broadcasting and rebroadcasting rights.

The maximum amount of duties payable shall be \$55,000 on ticket sales and \$75,000 on broadcasting and rebroadcasting rights.

In all cases, the duties payable for an application for an organizer’s licence valid for 1 sports event shall not be less than \$2,512 nor more than \$130,000.

Where the amount of duties payable is greater than the minimum duties required, the organizer of a sports event shall pay the balance from ticket sales within 15 days following the sports event and the balance from broadcasting and rebroadcasting rights within 120 days following the sports event.

The duties payable pursuant to this section bear interest at the legal rate.”

**13.** Section 36 is amended by replacing “\$0.25 or multiple thereof” by “dollar”.

**14.** Section 38 is amended

(1) by replacing “\$150” in the first paragraph by “\$300”;

(2) by replacing “\$300” in the second paragraph by “\$600”.

**15.** Section 43 is amended

(1) by replacing “in the form prescribed in Schedule C-1” in the first paragraph by “made using the form provided by the board”;

(2) by replacing “in the form prescribed in Schedule C-2” in the second paragraph by “made using the form provided by the board”.

**16.** The heading of Division XI is replaced by the following:

“CIVIL LIABILITY”.

**17.** Section 49 is replaced by the following:

“**49.** An applicant for an organizer’s licence valid for 1 sports event shall submit an attestation, using the form provided by the board, certifying that he holds a civil liability insurance contract providing at least \$1,000,000 coverage per incident for the financial liability arising from an incident occurring in the performance of his duties or at the time he is performing his duties, throughout the term of the licence, for bodily injury, moral damage or material damage.”.

**18.** Section 54 is amended by replacing “45” in paragraph 4 by “46.2.1”.

**19.** Section 55 is amended

(1) by replacing paragraph 1 by the following:

“(1) has a financial interest of any kind whatsoever with a manager or an official”;

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

“(3) concurrently acts as a manager.”.

**20.** Section 56 is amended

(1) by adding the following paragraphs at the end:

“(7) obtains a positive result at or refuses or neglects to undergo an anti-doping test pursuant to Division IX.1 of Chapter I of the Regulation respecting combat sports; or

(8) concurrently acts as an organizer and manager, except if acting for himself.”.

**21.** Section 57 is amended by adding the following paragraphs at the end:

“(4) concurrently acts as an organizer; or

(5) has a financial interest of any kind whatsoever with an organizer.”.

**22.** Section 58 is amended by adding the following paragraph at the end:

“(4) concurrently acts as an organizer.”.

**23.** Section 60 is revoked.



**24.** Section 63 is amended by replacing the first paragraph by the following:

“**63.** Where a person’s licence has been cancelled or suspended, the board may suspend that person’s right to obtain a new licence under this Regulation, for a maximum period of 3 years in the case of a cancellation and for a maximum period of 1 year in the case of a suspension.”.

**25.** Section 66 is amended

(1) by replacing “paragraph 3 of” by “paragraph 3 of each of”;

(2) by inserting “, the third paragraph of section 29” after “section 24”.

**26.** The following is inserted after section 70:

#### “CHAPTER II.1 MIXED BOXING

**70.1.** The provisions of Chapter I apply with the necessary modifications to mixed boxing within the meaning of section 195.1 of the Regulation respecting combat sports, except for paragraph 3 of section 15, section 16, paragraph 3 of section 25, the last paragraph of section 29 and paragraphs 3 and 4 of section 62 of this Regulation.

**70.2.** The board may suspend, for a maximum period of 1 year, the licence of a contestant who has committed a foul listed in sections 195.28 to 195.30 of the Regulation respecting combat sports.”.

**27.** Schedules A-1, B1 to B4, C-1, C-2 and D-1 are revoked.

**28.** 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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## M.O., 2004-006F

### Order of the Minister of Natural Resources, Wildlife and Parks dated 22 April 2004

Wild-life Conservation Act  
(R.S.Q., c. C-61)

#### CONCERNING the Nordique Controlled Zone

THE MINISTER OF NATURAL RESOURCES, WILDLIFE  
AND PARKS,

GIVEN the establishment of the Nordique Controlled Zone in accordance with section 81.2 of the Wild-life Conservation Act (R.S.Q., c. C-61) made by the Regulation respecting the Nordique Controlled Zone (R.R.Q., 1981, c. C-61, r.137), amended by Order in Council number 954-83 dated May 11, 1983 and by Order in Council number 1065-95 dated August 9, 1995 and replaced by Order number 99005 of the Minister responsible for Wildlife and Parks dated March 31, 1999;

GIVEN that under section 104 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Minister may establish controlled zones on land in the domain of the State for the development, harvesting and conservation of wildlife or a species of wildlife and accessorially, for the practice of recreational activities;

CONSIDERING that it is expedient to alter the territorial boundaries of the Nordique Controlled Zone;

CONSIDERING that it is expedient to replace Order number 99005 of the Minister responsible for Wildlife and Parks dated March 31, 1999;

#### ORDERS THAT:

The territory, the boundaries of which are shown on the map appended to the present order, be established as a controlled hunting and fishing zone designated by the name of “Nordique Controlled Zone”;

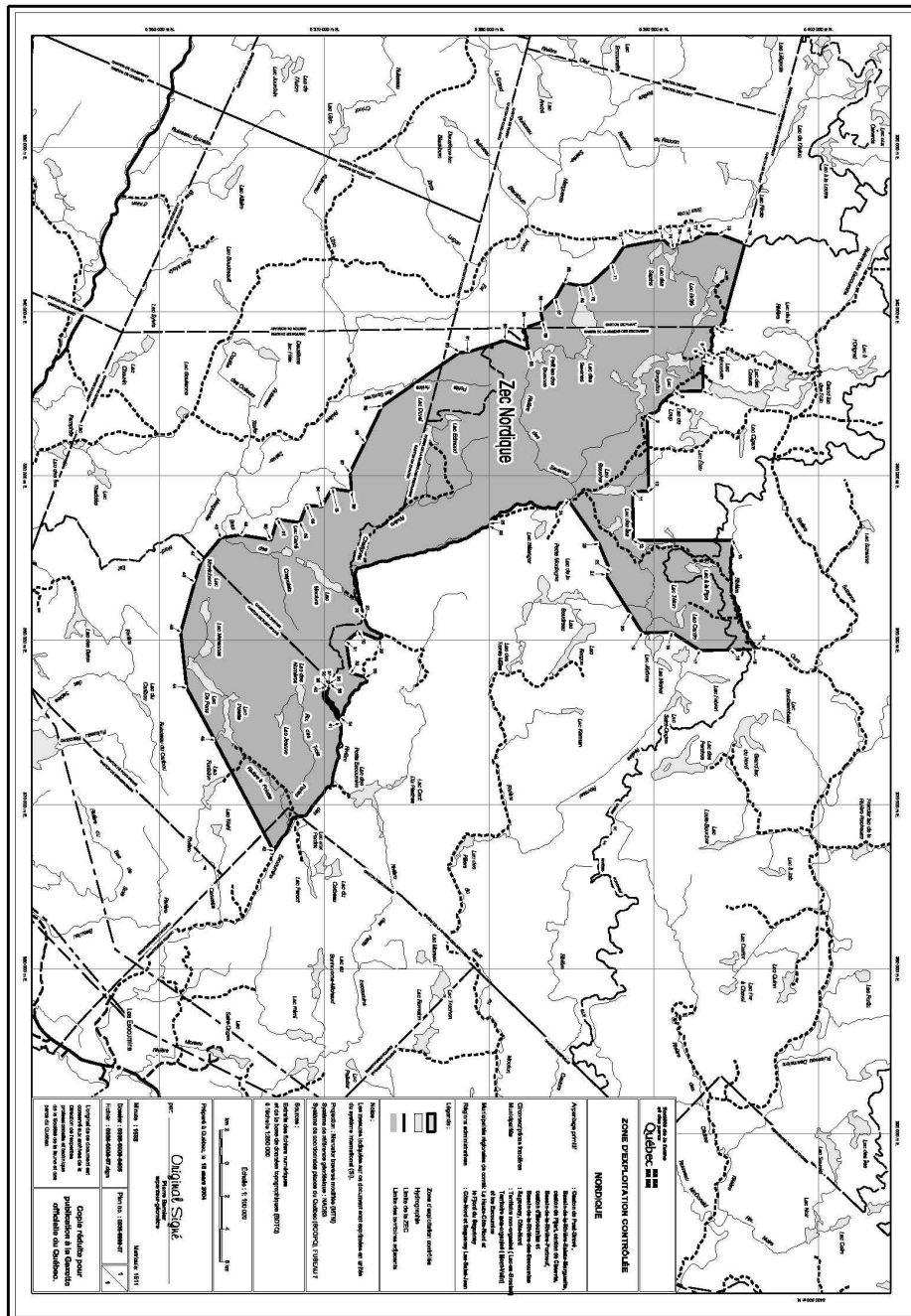
This Order be substituted for Order number 99005 of the Minister responsible for Wildlife and Parks dated March 31, 1999;

This Order come into force on the day of its publication in the *Gazette officielle du Québec*.

Québec, 22 April 2004

PIERRE CORBEIL,  
*Minister of Natural Resources,  
Wildlife and Parks*

## SCHEDULE





**M.O., 2004-007F**

**Order of the Minister of Natural Resources,  
Wildlife and Parks dated 22 April 2004**

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

Replacement of Schedules 128, 133, 137 and 147 to  
Order in Council 573-87 dated 8 April 1987 concerning  
the designation and delimitation of land in the domain  
of the State

THE MINISTER OF NATURAL RESOURCES, WILDLIFE  
AND PARKS,

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

CONSIDERING that the Government, by Order in  
Council 573-87 dated 8 April 1987, as amended by  
Orders in Council 497-91 dated 10 April 1991, 534-93  
dated 7 April 1993, 904-95 dated 28 June 1995, 25-96  
dated 10 January 1996, 952-97 dated 30 July 1997,  
1439-97 dated 5 November 1997, 98-98 dated 28 January  
1998, 245-98 dated 4 March 1998 and 739-98 dated  
3 June 1998, designated and delimited the areas on land  
in the domain of the State described in Schedules 1 to 201  
to that Order in Council in view to increasing utilization  
of wildlife resources;

CONSIDERING section 33 of the Act to amend the Act  
respecting the conservation and development of wildlife  
and the Act respecting commercial fisheries and  
aquaculture (1998, c. 29) which provides that orders  
made by the Government under section 85 of the Act  
respecting the conservation and development of wildlife  
before 17 June 1998 remain in force until they are replaced  
by an order of the Minister;

CONSIDERING the making by the Government of Order  
in Council 573-87 dated 8 April 1987 concerning the  
designation and delimitation of land in the domain of the  
State;

CONSIDERING that it is expedient to replace schedules  
128, 133, 137 and 147 of Order in Council 573-87 dated  
8 April 1987;

ORDERS THAT:

Schedules 128, 133, 137 and 147, attached hereto be  
substituted for Schedules 128, 133, 137 and 147 to Order  
in Council 573-87 dated 8 April 1987.

This Minister's Order comes into force on the date of  
its publication in the *Gazette officielle du Québec*.

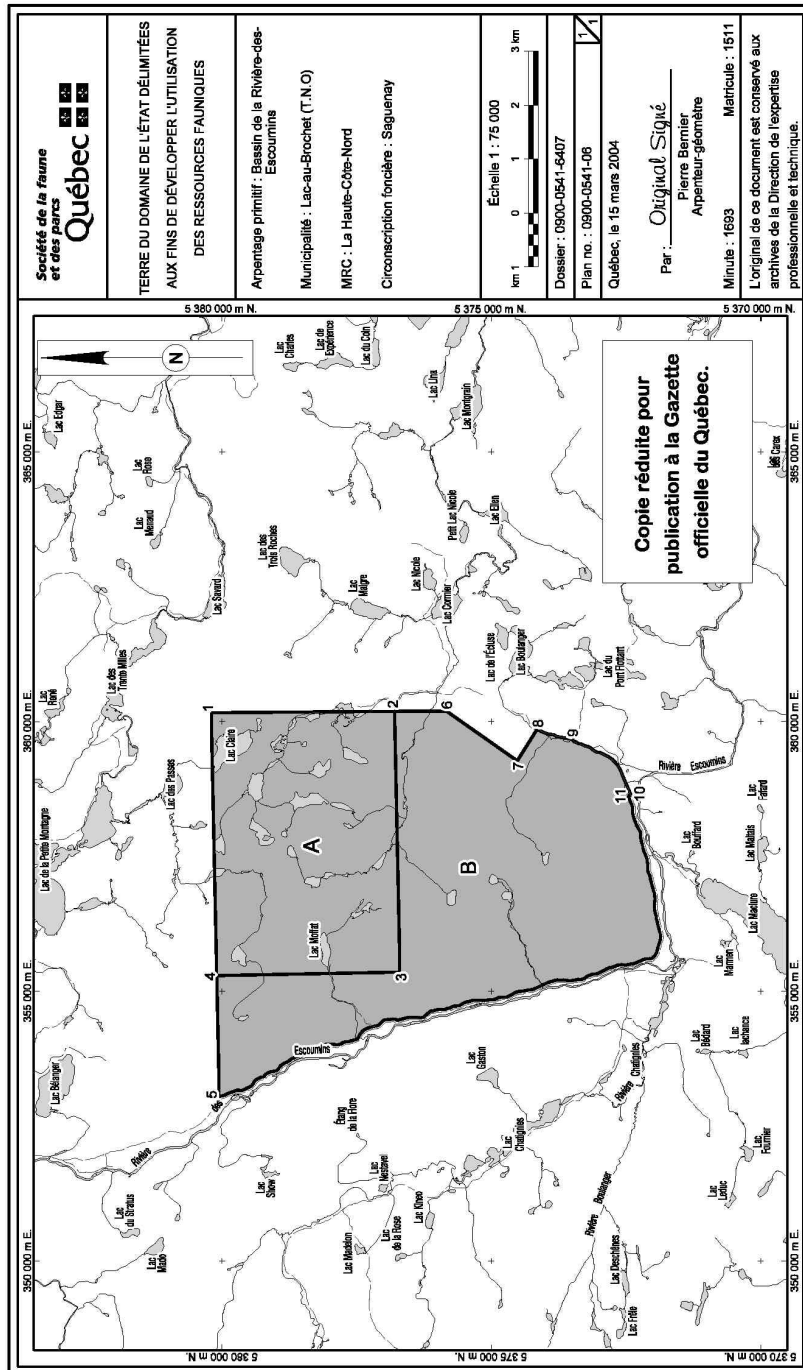
Québec, 22 April 2004

PIERRE CORBEIL,  
*Minister of Natural Resources,  
Wildlife and Parks*

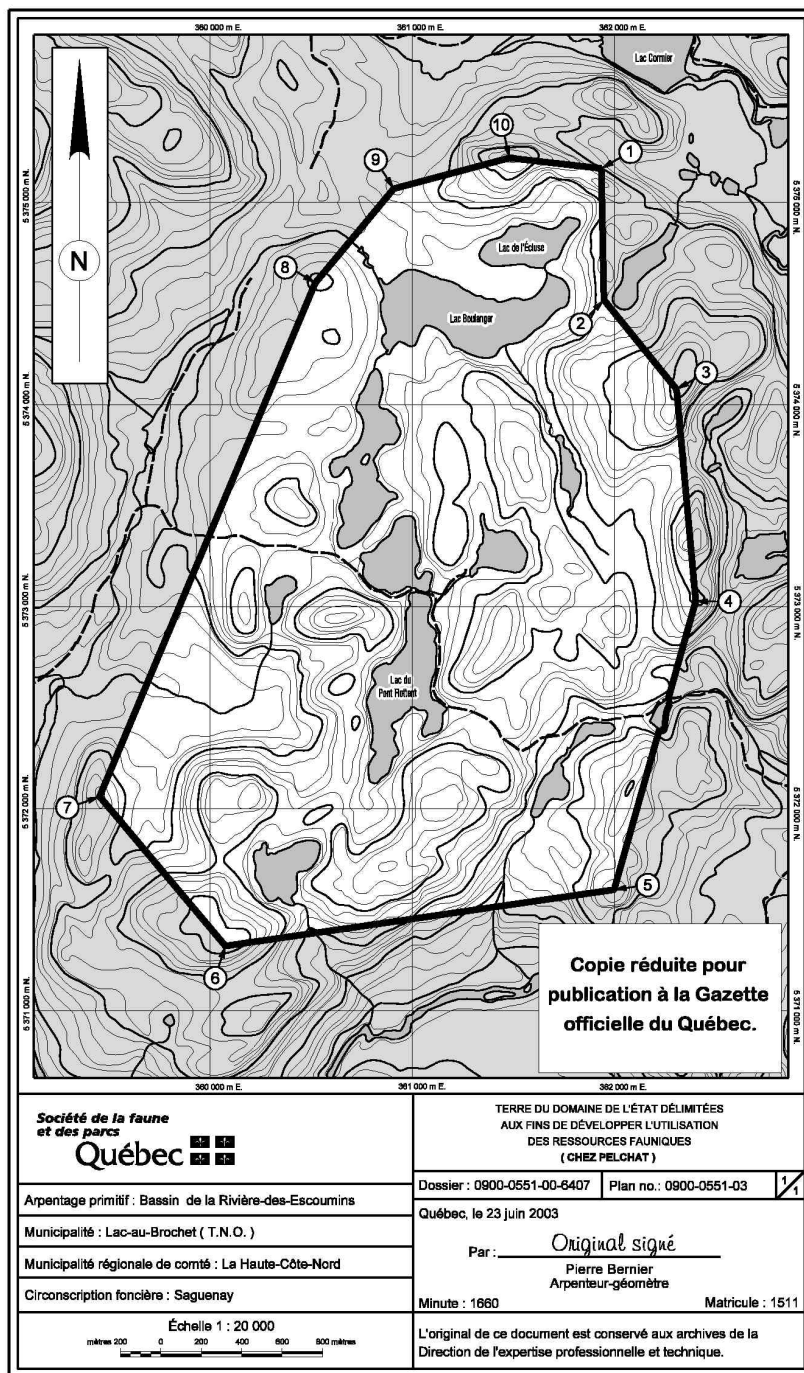
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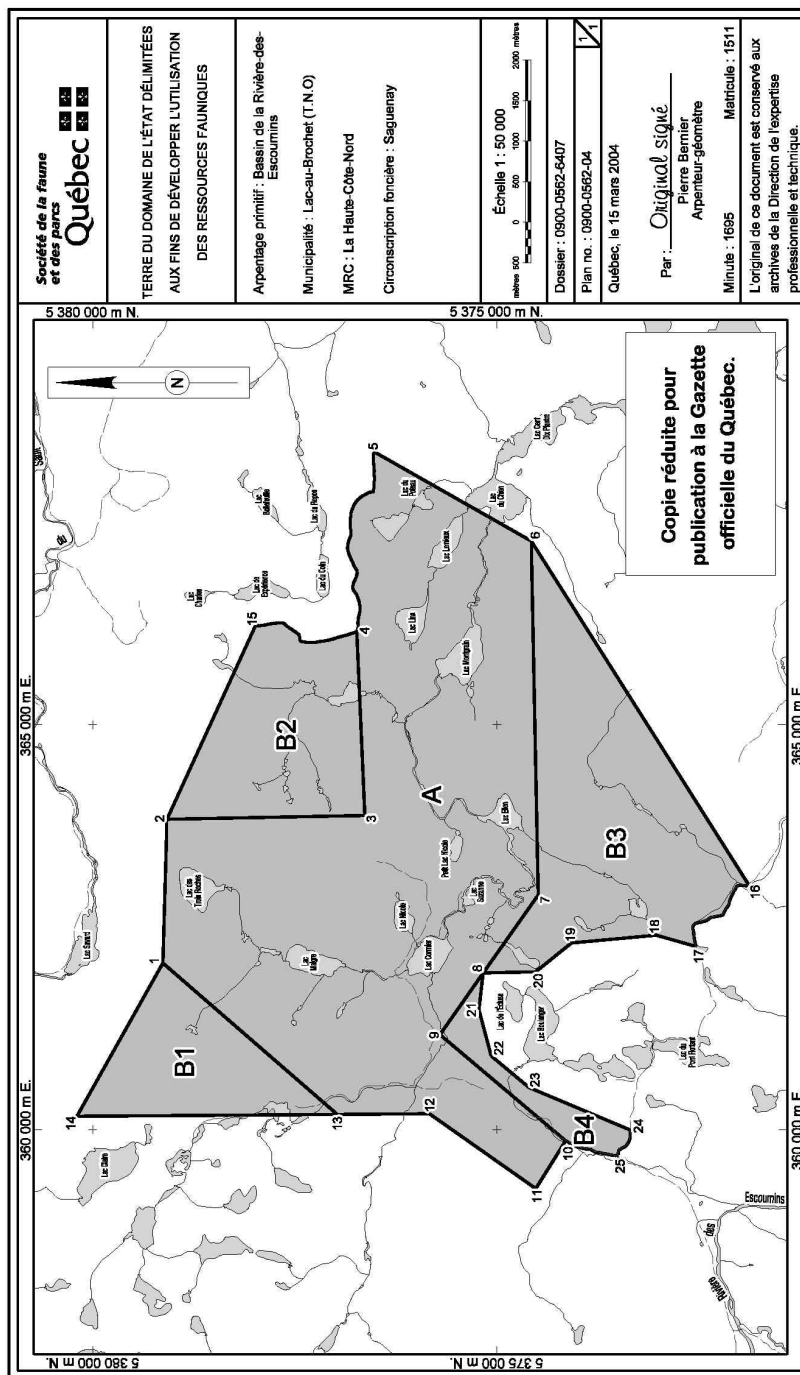


## SCHEDULE 133



## SCHEDULE 137



**SCHEDULE 147**





## Draft Regulations

### Draft Regulation

An Act respecting labour relations, vocational training and manpower management in the construction industry  
(R.S.Q., c. R-20)

#### Remuneration of arbitrators

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 remuneration of arbitrators of grievances or complaints in the construction industry, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation, which replaces the current Regulation applicable to arbitration in the construction industry, updates certain elements of the remuneration of arbitrators of grievances or complaints in that industry. Under the draft Regulation, the hourly rate for an arbitrator is fixed at \$120.

Further information may be obtained by contacting Normand Pelletier: telephone (418) 646-2472; fax: (418) 644-6969.

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 undersigned, Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec) G1R 5S1.

MICHEL DESPRÉS,  
*Minister of Labour*

### Regulation respecting the remuneration of arbitrators of grievances or complaints in the construction industry

An Act respecting labour relations, vocational training and manpower management in the construction industry  
(R.S.Q., c. R-20, ss. 62, 105 and 123, 1st par., subpars. 8.5 and 9)

**1.** This Regulation applies to arbitrators of grievances and arbitrators appointed under section 105 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20).

**2.** An arbitrator is entitled to fees of \$120 for each hour of arbitration hearing and, subject to section 3, for each hour of deliberation and drafting of an award.

An arbitrator is entitled, for each day of hearing, to a minimum remuneration of \$360.

**3.** For deliberation and the drafting of an award, an arbitrator is entitled to fees at the rate fixed by section 2 up to a maximum of 14 hours per day of hearing, 22 hours for 2 days of hearing and, where there are 3 days of hearing or more, 22 hours for the first 2 days and 5 hours for each subsequent day.

An arbitrator is entitled to fees at the rate fixed by section 2 up to a maximum of 14 hours if no arbitration hearing is held.

**4.** An arbitrator is entitled to a travel allowance when performing duties outside an 80-kilometre radius from the office.

The amount of the allowance corresponds to the amount obtained by multiplying the rate of \$80 by the number of hours required for a return trip using the fastest means of transportation.

**5.** An arbitrator's transportation costs and meal and accommodation expenses are reimbursed in accordance with the Règles sur les frais de déplacement des personnes engagées à honoraires (C.T. 170100 dated 14 March 1989).

**6.** For all expenses related to the arbitration, namely fees for opening files, telephone calls, correspondence and the drafting and filing of duplicates or copies of the arbitration award, an arbitrator is entitled to \$120.

**7.** Where a case is discontinued or fully settled more than 30 days before the hearing date, an arbitrator is entitled to \$120 as an indemnity.

Where a case is discontinued, fully settled or postponed at the request of a party 30 days or less before the hearing date, an arbitrator is entitled to \$360 but is not entitled to the expenses provided for in section 6 related to the arbitration.

**8.** An arbitrator is entitled to reimbursement of the actual costs incurred in renting a room for a hearing.

**9.** An arbitrator must submit a detailed account of fees making it possible to verify its merits for each day for which fees, expenses, allowances or indemnities are claimed.

**10.** An arbitrator may not claim any fees, expenses, allowances or indemnities other than those fixed by sections 2 to 8.

**11.** The parties assume jointly and equally payment of the fees, expenses, allowances and indemnities of an arbitrator.

**12.** An arbitrator must file two duplicates or true copies of the award at one of the offices of the Commission des relations du travail.

**13.** This Regulation replaces the Regulation respecting the remuneration of the grievance or complaint arbitrator in the construction industry made by Order in Council 1205-83 dated 8 June 1983.

**14.** The provisions of the Regulation respecting the remuneration of the grievance or complaint arbitrator in the construction industry as they read before being replaced by this Regulation continue to apply to grievances and complaints referred to arbitration before (*insert the date of coming into force of this Regulation*).

**15.** 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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## Draft Regulation

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

### Forest engineers — Committee on training — Replacement

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

The draft Regulation is intended to replace the Regulation establishing a joint committee on training in forest engineering (R.R.Q., 1981, c. I-10, r.3). Its purpose is to fix, in accordance with the second paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), new terms of cooperation between the Ordre des ingénieurs forestiers and the authorities of the educational institutions which issue the diplomas giving access to the permit of the Order. It provides for the setting up of an advisory committee the composition of which is simpler and more functional than that of the existing training committee. It also specifies the mandate of that new committee, which includes in particular examining or reviewing the objectives of the training programs of educational institutions and of courses, training periods or professional examinations prescribed by the Order, so as to ensure that the training is relevant to the professional skills to be learned.

The draft Regulation is not likely to have a significant impact on businesses, including small and medium-sized businesses.

The draft Regulation will be submitted for consultation to the Office des professions du Québec, which will send to the Minister responsible for the administration of legislation respecting the professions the results of the consultation with educational institutions and other bodies mentioned in the Professional Code.

Further information may be obtained by contacting Réal Gauvin or Jocelyne Roy, Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; telephone: (418) 643-6912; fax: (418) 643-0973.

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

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

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## Regulation respecting the committee on training of forest engineers

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

**1.** A committee on training shall be set up within the Ordre des ingénieurs forestiers du Québec.

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

“Quality of training” means the adequacy of the training in respect of the professional skills required for the practice of the profession of forest engineer.

As regards training, the committee shall consider

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

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

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

**3.** The committee shall be composed of five members chosen for their knowledge and the responsibilities carried out in respect of the matters referred to in section 2.

The Conférence des recteurs et des principaux des universités du Québec shall appoint two members to the committee.

The Minister of Education or the Minister’s representative, the Deputy Minister or the Assistant Deputy Minister for Higher Education shall appoint one member to the committee and, if necessary, one alternate.

The Bureau shall appoint two members of the Order to the committee, and the committee shall select one of those two members as its chair.

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

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

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

**5.** The duties of the committee shall be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**14.** This Regulation replaces the Regulation establishing a joint committee on training in forest engineering (R.R.Q., 1981, c. I-10, r.3).

**15.** 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. 200976, 20 April 2004**

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

#### **Amendments to Schedules I and II.1**

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

#### **Amendment to Schedule II**

Amendments to Schedules I and II.1 to the Act  
respecting the Government and Public Employees  
Retirement Plan and to Schedule II to the Act respecting  
the Pension Plan of Management Personnel

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under paragraph 3 of section 2 of the Act, the plan applies to an employee who is released without pay by his or her employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body;

WHEREAS, under section 16.1 of the Act, the pensionable salary of an employee who is released with pay for union activities is the salary paid to the employee by the employer and the salary, if any, paid to the employee by a body designated in Schedule II.1 and the body concerned must pay its employer's contributory amount and deduct the contributions from the pensionable salary it pays to such an employee;

WHEREAS, under the first paragraph of section 220 of the Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1, VI and VII and where the Government amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) and any such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 1 of the Act respecting the Pension Plan of Management Personnel, the Pension Plan of Management Personnel applies, to the extent provided for in Chapter I of that Act, to employees and persons appointed or engaged on or after 1 January 2001 to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and referred to in Schedule II;

WHEREAS, under the first paragraph of section 207 of that Act, the Government may, by order, amend Schedule II to that Act, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan and any such order may have effect 12 months or less before it is made;

WHEREAS, in accordance with 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 the powers referred to in paragraphs 1 to 6 of that provision;

WHEREAS the Minister of Finance was consulted;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988, determines, in accordance with subparagraph 25 of the first paragraph of section 134 of the Act, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1;

WHEREAS, under the first paragraph of section 416 of the Act respecting the Pension Plan of Management Personnel, the regulations and orders made under the provisions of the Act respecting the Government and Public Employees Retirement Plan that are in force on 20 June 2001 shall be considered, for the purposes of the former Act, as the regulations and orders made under the corresponding provisions of the former Act, and they shall apply, with the necessary modifications, until they are replaced by regulations and orders made under such corresponding provisions;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan has not been replaced and must be considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, as a regulation made under subparagraph 25 of the first paragraph of section 196 of the latter Act;

WHEREAS the Syndicat de l'enseignement de l'Outaouais and the Syndicat du soutien en éducation de la Pointe-de-l'Île (CSQ) meet the requirements provided for in the Regulation in order to be designated in Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS the Association des établissements privés conventionnés – santé services sociaux, the Centre régional des achats en commun des régions Bas-St-Laurent, Gaspésie/Îles-de-la-Madeleine, the body known as “Les Infirmières et Infirmiers Unis inc.” and the Syndicat de l'enseignement de L'Amiante meet the requirements provided for in the Regulation in order to be designated in Schedule I to the Act respecting the Government and Public Employees Retirement Plan and in Schedule II to the Act respecting the Pension Plan of Management Personnel;

THE CONSEIL DU TRÉSOR DECIDES :

THAT the Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, are hereby made.

SERGE MARTINEAU,  
*Clerk of the Conseil du trésor*

## **Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan\* and to Schedule II to the Act respecting the Pension Plan of Management Personnel\*\***

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10, s. 220, 1st par.)

An Act respecting the Pension Plan of Management Personnel  
(R.S.Q., c. R-12.1, s. 207, 1st par.)

**1.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the following bodies in paragraph 1 in alphabetical order:

- (1) the Association des établissements privés conventionnés-santé services sociaux;
- (2) the Centre régional des achats en commun des régions Bas-St-Laurent, Gaspésie/Îles-de-la-Madeleine;
- (3) Les Infirmières et Infirmiers Unis inc.; and
- (4) the Syndicat de l'enseignement de L'Amiante.

\* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) has been amended, since the last updating of the Revised Statutes of Québec to 1 April 2003, by T.B. 200156 dated 9 September 2003 (2003, *G.O.* 2, 2949), T.B. 200157 dated 9 September 2003 (2003, *G.O.* 2, 2951), T.B. 200158 dated 9 September 2003 (2003, *G.O.* 2, 2954), T.B. 200479 dated 9 December 2003 (2003, *G.O.* 2, 3810) and T.B. 200671 dated 24 February 2004 (2004, *G.O.* 2, 1103).

Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan has been amended, since the last updating of the Revised Statutes of Québec to 1 April 2003, by T.B. 199903 dated 3 June 2003 (2003, *G.O.* 2, 1946), T.B. 200157 dated 9 September 2003 (2003, *G.O.* 2, 2951), T.B. 200158 dated 9 September 2003 (2003, *G.O.* 2, 2954), T.B. 200478 dated 9 December 2003 (2003, *G.O.* 2, 3809), T.B. 200479 dated 9 December 2003 (2003, *G.O.* 2, 3810), T.B. 200583 dated 20 January 2004 (2004, *G.O.* 2, 981) and T.B. 200671 dated 24 February 2004 (2004, *G.O.* 2, 1103).

\*\* Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) has been amended, since the last updating of the Revised Statutes of Québec to 1 April 2003, by T.B. 200156 dated 9 September 2003 (2003, *G.O.* 2, 2949), T.B. 200157 dated 9 September 2003 (2003, *G.O.* 2, 2951), T.B. 200158 dated 9 September 2003 (2003, *G.O.* 2, 2954), T.B. 200479 dated 9 December 2003 (2003, *G.O.* 2, 3810) and T.B. 200671 dated 24 February 2004 (2004, *G.O.* 2, 1103).

**2.** Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan is amended by inserting the following bodies in alphabetical order:

(1) the Syndicat de l'enseignement de l'Outaouais;  
and

(2) the Syndicat du soutien en éducation de la Pointe-de-l'Île (CSQ).

**3.** Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) is amended by inserting the following bodies in paragraph 1 in alphabetical order:

(1) the Association des établissements privés conventionnés - santé services sociaux;

(2) the Centre régional des achats en commun des régions Bas-St-Laurent, Gaspésie/Îles-de-la-Madeleine;

(3) Les Infirmières et Infirmiers Unis inc.; and

(4) the Syndicat de l'enseignement de L'Amiante.

**4.** This Decision comes into force on the date it is made by the Conseil du trésor, but has effect as of the date mentioned opposite each of the following bodies:

|                                                                                  |                                                  |
|----------------------------------------------------------------------------------|--------------------------------------------------|
| (1) Association des établissements privés conventionnés – santé services sociaux | 12 months before the date this Decision is made; |
|----------------------------------------------------------------------------------|--------------------------------------------------|

|                                                                                                    |                                                  |
|----------------------------------------------------------------------------------------------------|--------------------------------------------------|
| (2) Centre régional des achats en commun des régions Bas-St-Laurent, Gaspésie/Îles-de-la-Madeleine | 12 months before the date this Decision is made; |
|----------------------------------------------------------------------------------------------------|--------------------------------------------------|

|                                             |                 |
|---------------------------------------------|-----------------|
| (3) Les Infirmières et Infirmiers Unis inc. | 1 January 2004; |
|---------------------------------------------|-----------------|

|                                             |                                                  |
|---------------------------------------------|--------------------------------------------------|
| (4) Syndicat de l'enseignement de L'Amiante | 12 months before the date this Decision is made; |
|---------------------------------------------|--------------------------------------------------|

|                                               |                  |
|-----------------------------------------------|------------------|
| (5) Syndicat de l'enseignement de l'Outaouais | 1 July 2003; and |
|-----------------------------------------------|------------------|

|                                                                  |              |
|------------------------------------------------------------------|--------------|
| (6) Syndicat du soutien en éducation de la Pointe-de-l'Île (CSQ) | 1 July 2003. |
|------------------------------------------------------------------|--------------|



## Decisions

### Decision

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

#### Chief electoral officer

##### — Qualified voters who have changed domiciles

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 90.5 of the Act respecting elections and referendums in municipalities concerning qualified voters who have changed domiciles

WHEREAS under section 8 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14) the chief electoral officer must, not later than 8 March 2004, send clerks or secretary-treasurers of the cities governed by that Act a list of the electors whose names are entered, on 1 March 2004, on the permanent list of electors for each sector as defined in section 5 of that Act;

WHEREAS the chief electoral officer sent that list on 4 March 2004;

WHEREAS pursuant to the fourth paragraph of section 9 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, the chief electoral officer may advise clerks or secretary-treasurers of the changes made to the permanent list of electors with regard to qualified voters who have changed domiciles since 1 March 2004;

WHEREAS the changes that have occurred in the permanent list of electors as a result of changes in domicile registered since 1 March 2004 may not, under the current provisions of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities and of the Act respecting elections and referendums in municipalities, be incorporated into the list of qualified voters drawn up by clerks or secretary-treasurers or processed, if no application is made by the qualified voter, by the board of revisors established in each sector concerned;

WHEREAS since the list of electors entered on the permanent list of electors on 1 March 2004 was sent, a substantial number of changes of domicile has been entered on the permanent list of electors for the cities

governed by the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, a fact that constitutes an exceptional circumstance;

WHEREAS the changes have a major impact on the accuracy of the referendum list to be used during the consultation process provided for in Chapter II of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities;

WHEREAS pursuant to section 4 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities and as a result of section 561 of the Act respecting elections and referendums in municipalities, the provisions of Division II of Chapter VI of Title I apply, adapted as required and so far as consistent with Title II, to the preparation, revision and coming into force of the referendum list of each sector concerned;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities prescribes that, where a provision referred to in Chapters V to VII.1, Division I of Chapter XII and Chapters XIII and XIV of Title I, does not meet the demands of the resultant situation, in particular subsequent to an exceptional circumstance, the chief electoral officer may adapt the provision in order to achieve its object;

WHEREAS as a result of section 516.1 of the Act respecting elections and referendums in municipalities, section 90.5 applies to Title II of that Act;

WHEREAS the chief electoral officer has just informed the Minister of Municipal Affairs, Sports and Recreation of the decision that he intends to make;

The chief electoral officer, pursuant to the powers conferred upon him by section 90.5 of the Act respecting elections and referendums in municipalities, has decided to adapt, in accordance with section 561 of that Act, the Act respecting elections and referendums in municipalities to allow the board of revisors established in each sector concerned to process, even if no application has been made by qualified voters, in accordance with the second paragraph of sections 134 and 136, the information relating to changes of domicile that have occurred since 1 March 2004 and has been entered on the permanent list of electors.

For the purposes of this decision, the Act respecting elections and referendums in municipalities is amended by adding the following subparagraph to the first paragraph of section 121 :

“(3) the information transmitted by the chief electoral officer concerning changes of domicile that occurred after 1 March 2004 and that are within the competence of the board.”

This decision shall take effect on 2 April 2004.

MARCEL BLANCHET,  
*Chief Electoral Officer and  
Chairman of the Commission de  
la représentation électorale*

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## Transport

Gouvernement du Québec

### **O.C. 395-2004, 21 April 2004**

An Act respecting roads  
(R.S.Q., c. V-9)

Management and property of parts of Autoroute 15 in the towns of Sainte-Adèle and Saint-Jérôme

WHEREAS, under section 7 of the Act respecting roads (R.S.Q., c. V-9), as it read on 17 December 1997, Autoroute 15 situated in the towns of Sainte-Adèle and Saint-Jérôme is the property of the State since it was acquired and administered by the Office des autoroutes du Québec before 1 January 1983;

WHEREAS, under section 2 of the Act, the Government confirmed, by Order in Council 292-93 dated 3 March 1993, amended by Order in Council 533-2003 dated 11 April 2003, that Autoroute 15 situated in the towns of Sainte-Adèle and Saint-Jérôme is under the management of the Minister of Transport;

WHEREAS, the Exit 64 interchange of Autoroute 15 in Ville de Sainte-Adèle has been redeveloped for safety reasons and to facilitate access to Chemin du Mont-Gabriel;

WHEREAS part of Lot 7-3 of Seigneurie des Mille-Îles, of the cadastre of the Parish of Sainte-Adèle-d'Abercrombie, registration division of Terrebonne, which part is shown as Parcel 5 on Plan AA20-5773-9943 prepared by Gilles Duchesne, l.s., under No. 1068 of his minutes, will no longer be part of the Exit 64 interchange of Autoroute 15 and it is expedient to surrender the management of that part of the lot;

WHEREAS that part of lot will no longer be part of the Exit 64 interchange of Autoroute 15 and it is expedient that it no longer be declared an autoroute in order that the Minister of Transport may dispose of it as a surplus immovable under an exchange of land consequential to an agreement referred to in section 64 of the Expropriation Act (R.S.Q., c. E-24), which provides that an expropriating party may offer to the expropriated party, to reduce the total cost of the expropriation and in lieu of indemnity, in whole or in part, another immovable owned by that party and capable of being used to put the expropriated party in the same position as that party was before the expropriation;

WHEREAS, under section 8 of the Act respecting roads, the Government may, by order, declare that a road is an autoroute so that it become, without indemnity, the property of the State from the publication of the order in the *Gazette officielle du Québec*;

WHEREAS, under section 6 of the Act, roads built or rebuilt by the Government are, shall remain or shall become the property of the local municipalities in whose territories they are situated;

WHEREAS parts of lots 5-9, 6-9, 6-6, 9-1 and both parts of Lot 7-3 of Seigneurie des Mille-Îles of the cadastre of the Parish of Sainte-Adèle-d'Abercrombie, registration division of Terrebonne, were acquired from Les stations de la Vallée de Saint-Sauveur Inc. by the Minister of Transport, under a notice of transfer of title published on 28 September 1999 under No. 1 211 749;

WHEREAS parts of lots 5-9, 6-9, 6-6, 9-1 and both parts of Lot 7-3 of Seigneurie des Mille-Îles of the cadastre of the Parish of Sainte-Adèle-d'Abercrombie, registration division of Terrebonne, which are shown as parcels 1, 2, 8, 10, 3 and 9 on Plan AA20-5773-9943 prepared by Gilles Duchesne, l.s., under No. 1068 of his minutes, will be part of the Exit 64 interchange of Autoroute 15;

WHEREAS those parts of lots 5-9, 6-9, 6-6, 9-1 and those two parts of Lot 7-3 of Seigneurie des Mille-Îles of the cadastre of the Parish of Sainte-Adèle-d'Abercrombie, registration division of Terrebonne, are part of the road owned by Ville de Sainte-Adèle, and it is expedient to declare those parts to be an autoroute of the State from the publication of this Order in Council in the *Gazette officielle du Québec*;

WHEREAS the Exit 41 interchange of Autoroute 15 in Ville de Saint-Jérôme has been redeveloped for safety reasons and to facilitate access to Rue Brière;

WHEREAS Lot 454-33-1, the parts of lots 447, 448, 450, 450-6-1, both parts of Lot 454 and the three parts of Lot 455 of the cadastre of the Parish of Saint-Jérôme, registration division of Terrebonne, which are shown as parcels 2, 5, 4, 3, 11, 1, 9, 7, 8 and 10 on Plan 622-96-65021 prepared by Gilles Vanasse, l.s., under No. 5304 of his minutes, will be part of the Exit 41 interchange of Autoroute 15;

WHEREAS the said Lot 454-33-1, parts of lots 447, 448, 450, 450-6-1, two parts of Lot 454 and three parts of Lot 455 of the cadastre of the Parish of Saint-Jérôme, registration division of Terrebonne, are part of the road owned by Ville de Saint-Jérôme, and it is expedient to declare those lots to be an autoroute of the State from the publication of this Order in Council in the *Gazette officielle du Québec*;

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

THAT the management of the part of the Exit 64 interchange of Autoroute 15 known as the part of Lot 7-3 of Seigneurie des Mille-Îles of the cadastre of the Parish of Sainte-Adèle-d'Abercrombie, registration division of Terrebonne, which is shown as Parcel 5 on Plan AA20-5773-9943 prepared by Gilles Duchesne, l.s., under No. 1068 of his minutes, be surrendered and that the said part of lot no longer be declared an autoroute in order that the Minister of Transport may dispose of it as a surplus immovable in accordance with section 64 of the Expropriation Act (R.S.Q., c. E-24);

THAT the part of the road identified by parts of lots 5-9, 6-9, 6-6, 9-1 and both parts of Lot 7-3 of Seigneurie des Mille-Îles of the cadastre of the Parish of Sainte-Adèle-d'Abercrombie, registration division of Terrebonne, which are shown as parcels 1, 2, 8, 10, 3 and 9 on Plan AA20-5773-9943 prepared by Gilles Duchesne, l.s., under No. 1068 of his minutes, be declared to be an autoroute of the State;

THAT the part of the road identified by Lot 454-33-1, parts of lots 447, 448, 450, 450-6-1, both parts of Lot 454 and the three parts of Lot 455 of the cadastre of the Parish of Saint-Jérôme, registration division of Terrebonne, which are shown as parcels 2, 5, 4, 3, 11, 1, 9, 7, 8 and 10 on Plan 622-96-65021 prepared by Gilles Vanasse, l.s., under No. 5304 of his minutes, be declared to be an autoroute of the State;

THAT the Schedules to Orders in Council 292-93 dated 3 March 1993 and 533-2003 dated 11 April 2003 be amended accordingly;

THAT this Order in Council take effect on the date of its publication in the *Gazette officielle du Québec*.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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