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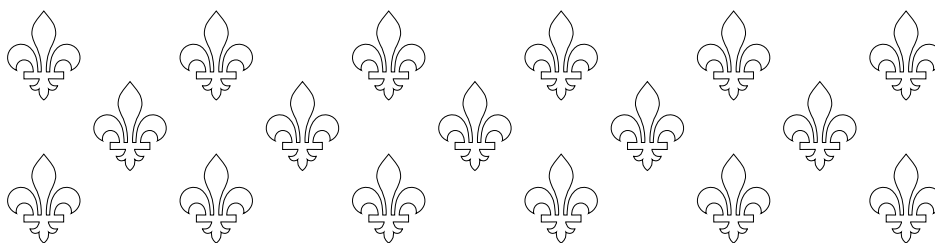
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NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 11

(2004, chapter 3)

**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**

Introduced 20 June 2003

Passage in principle 30 October 2003

Passage 22 April 2004

Assented to 22 April 2004

Québec Official Publisher
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EXPLANATORY NOTES

This bill provides that the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, set out in the schedule, has force of law in Québec.

The bill then specifies how the Convention is to apply in Québec. It designates the Minister of Health and Social Services as the Central Authority for Québec and harmonizes certain rules of the Civil Code with those of the Convention.

The bill makes amendments to the Civil Code primarily to entrust the adoption process in respect of children domiciled outside Québec exclusively to bodies certified under the Youth Protection Act, unless an order of the Minister of Health and Social Services provides otherwise. The possibility for the court to recognize decisions granting adoptions made outside Québec is extended to all such decisions, whether judicial or not, whereas decisions made within the framework of the Convention will be recognized by the sole operation of law. The bill enables the registrar of civil status, following the adoption of a child domiciled outside Québec, to draw up an act of birth on the basis of the judgment rendered in Québec or the decision judicially recognized in Québec, or on the strength of any other act which, under the law, produces the effects of adoption in Québec.

Lastly, the bill amends the Youth Protection Act to define the functions of the Minister as regards intercountry adoption, to review the certification system for adoption bodies, to broaden the Minister's powers to supervise certified bodies, adding in particular the powers of inspection and inquiry, and to adjust the penalties for offences related to adoption.

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec (1991, chapter 64);
- Act respecting adoptions of children domiciled in the People's Republic of China (R.S.Q., chapter A-7.01);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Youth Protection Act (R.S.Q., chapter P-34.1).

Bill 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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, made on 29 May 1993 at The Hague and set out in the schedule to this Act, has force of law in Québec. The Convention takes effect on (*insert the date of coming into force of this section*).

2. The Minister of Health and Social Services is the Central Authority for Québec for the purposes of the Convention.

The Minister shall perform the duties of the Central Authority, unless such duties, insofar as they are not exclusive to the Central Authority, are assigned by law to other authorities or bodies.

3. Where Québec is the State of origin, any consent to adoption referred to in article 4 of the Convention, whether general or special, shall be received by the director of youth protection.

4. The certification issued to a body in accordance with the Youth Protection Act (R.S.Q., chapter P-34.1) shall, in Québec, stand in place of the authorization required by article 12 of the Convention.

5. The report provided for in article 16 of the Convention may not be transmitted before the expiry of the period of thirty days allowed by article 557 of the Civil Code for the withdrawal of consent to adoption and no application for the return of the child is admissible after that period, notwithstanding article 558 of the Civil Code.

6. The adoption may proceed under subparagraph *c* of article 17 of the Convention only if the consents required for adoption have been given for the purposes of an adoption resulting in the dissolution of the pre-existing bond of filiation between the child and the child's family of origin.

7. A child habitually resident in Québec may not be adopted by a person habitually resident outside Québec unless that person obtains an order of the competent tribunal in Québec conferring parental authority on the person and authorizing the transfer of the child outside Québec with a view to his or her adoption.

Before granting such an order, the court shall ascertain that the rules of the Convention have been complied with and, in particular, that the agreements referred to in subparagraph *c* of article 17 have been given.

The rules of the Civil Code pertaining to orders of placement do not apply to the order referred to in the first paragraph.

8. The adopter shall transmit to the Minister the certificate issued to the adopter by the competent authority of the Contracting State where the adoption took place, within sixty days after its issue.

9. The Minister shall ensure that the certificate issued by the foreign competent authority contains the elements required under article 23 of the Convention.

The Minister may, where the Minister considers it necessary, apply to the Court of Québec for a ruling on the validity of the certificate or on the recognition of the adoption in Québec having regard to article 24 of the Convention.

Where the certificate was issued in respect of an adoption which did not result in the dissolution of the pre-existing bond of filiation between the child and the child's family of origin, the Minister shall, after ascertaining that the consents required under section 6 of this Act have been given, draw up a certificate attesting to the conversion of the adoption into an adoption dissolving the pre-existing bond of filiation. The Minister shall give a copy of the certificate to the adopter.

10. For the purposes of the Convention, any reference in a legislative provision to the concept of domicile must be understood as a reference to the concept of habitual residence.

11. The Minister of Health and Social Services is responsible for the administration of this Act.

AMENDMENTS TO THE CIVIL CODE

12. Article 109 of the Civil Code of Québec (1991, chapter 64) is amended by adding the following sentence at the end of the first paragraph: "Where necessary to obtain the information required to draw up the act of civil status, the registrar makes a summary investigation."

13. The said Code is amended by inserting the following article after article 132 :

“132.1. Where a child domiciled outside Québec is adopted by a person domiciled in Québec, the registrar of civil status draws up the act of birth on the basis of the judgment rendered in Québec, the decision judicially recognized in Québec or any other act notified to the registrar which, under the law, produces the effects of adoption in Québec.

The clerk of the court notifies the judgment to the registrar of civil status as soon as it becomes *res judicata* and, where applicable, attaches the decision or the act thereto.

The clerk of the court also notifies to the registrar of civil status any certificate the clerk issues under the Act respecting adoptions of children domiciled in the People’s Republic of China.

The Minister of Health and Social Services notifies to the registrar of civil status the certificate issued by the foreign competent authority and transmitted to the Minister pursuant to the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, unless the certificate was notified with the judgment. Where applicable, the Minister also notifies the certificate drawn up by the Minister under section 9 of that Act attesting to the conversion of the adoption.”

14. Articles 564 and 565 of the said Code are replaced by the following articles :

“564. The adoption arrangements are made by a body certified by the Minister of Health and Social Services pursuant to the Youth Protection Act, unless an order of the Minister published in the *Gazette officielle du Québec* provides otherwise.

“565. The adoption of a child domiciled outside Québec must be granted abroad or granted by judicial decision in Québec. A judgment granted in Québec is preceded by an order of placement. A decision granted abroad must be recognized by the court in Québec, unless the adoption has been certified by the competent authority of the State where it took place as having been made in accordance with the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.”

15. Article 568 of the said Code is amended

(1) by adding “for the purposes of an adoption resulting in the dissolution of the pre-existing bond of filiation between the child and the child’s family of origin” after “given” at the end of the first paragraph ;

(2) by adding the following sentence at the end of the second paragraph :
“Where the placement of a child is made within the framework of the

Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, the court verifies that the conditions provided therein have been complied with.”

16. The said Code is amended by inserting the following article after article 573 :

“573.1. Where the court, within the framework of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, grants an adoption in Québec of a child habitually residing outside Québec, it issues the certificate provided for in the Convention as soon as the adoption judgment becomes *res judicata*.”

17. Article 574 of the said Code is amended

(1) by replacing “an adoption judgment rendered” in the first paragraph by “a decision granting an adoption made”;

(2) by replacing “à l’admissibilité” in the French text of the first paragraph by “l’admissibilité”;

(3) by adding “and that the consents have been given for the purposes of an adoption resulting in the dissolution of the pre-existing bond of filiation between the child and the child’s family of origin” after “observed” at the end of the first paragraph;

(4) by replacing “the adoption judgment has been rendered” in the second paragraph by “the decision granting the adoption has been made”.

18. Article 575 of the said Code is amended by replacing “an adoption judgment rendered” in the second paragraph by “a decision granting an adoption made”.

19. Article 581 of the said Code is replaced by the following article :

“581. The recognition of a decision granting an adoption produces the same effects as an adoption judgment rendered in Québec from the time the decision granting the adoption was pronounced outside Québec.

The recognition by operation of law of an adoption as provided for in the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption produces the same effects as an adoption judgment rendered in Québec from the time the decision granting the adoption is pronounced, subject to section 9 of the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.”

AMENDMENTS TO THE CODE OF CIVIL PROCEDURE

20. The heading of Section V of Chapter VI of Title IV of Book V of the Code of Civil Procedure (R.S.Q., chapter C-25) is replaced by the following heading :

“RECOGNITION OF DECISIONS MADE OUTSIDE QUÉBEC”.

21. Article 825.6 of the said Code is amended

(1) by replacing “judgment of adoption rendered” in the first paragraph by “decision granting an adoption made”;

(2) by replacing “judgment of adoption” in the second paragraph by “decision granting the adoption”.

AMENDMENTS TO THE YOUTH PROTECTION ACT

22. Division VII of Chapter IV of the Youth Protection Act (R.S.Q., chapter P-34.1) is replaced by the following division :

“DIVISION VII

“ADOPTION

“§1. — *Provisions relating to the adoption of a child domiciled in Québec*

“**71.** Where the director considers that adoption is the measure most likely to ensure that children’s rights are respected, the director shall take all reasonable means to facilitate their adoption, in particular,

(1) by examining applications for adoption as the need arises ;

(2) by receiving the general consents required for adoption ;

(3) by taking charge of children entrusted to the director for adoption ;

(4) where necessary, by having children judicially declared eligible for adoption ; and

(5) by seeing to the placement of children.

“**71.1.** As soon as an order of placement is granted and where requested by the adopter, the director shall give the adopter a summary of the child’s antecedents.

As well, where requested by the parents, the director shall give them a summary of the adopter’s antecedents.

A child 14 years of age or over is entitled to receive, on request, a summary of his or her antecedents.

“71.2. Every summary must preserve the parents’ or the adopter’s anonymity and be in conformity with the standards prescribed by regulation.

“71.3. An institution operating a child and youth protection centre may, in the cases and in accordance with the criteria and conditions prescribed by regulation, grant financial assistance to facilitate the adoption of a child.

“§2. — Provisions relating to the adoption of a child domiciled outside Québec by a person domiciled in Québec

“71.4. The Minister shall exercise the following responsibilities :

(1) counsel adopters and certified bodies, particularly by informing them of the services available to them ;

(2) intervene in all cases of adoption of a child domiciled outside Québec, in accordance with the applicable legislative provisions or when required by the competent authorities of the State of origin ; and

(3) retain the files respecting the adoption of children domiciled outside Québec and grant requests for research into family and medical antecedents and requests for reunions, to the extent provided for in the Civil Code and in cooperation with the persons exercising authority in matters of adoption in Québec and abroad.

“71.5. When the arrangements for the adoption of children domiciled outside Québec are made by a certified body, it shall receive the applications and transmit a copy to the Minister.

The applications must contain the information specified in the form furnished by the Minister and be accompanied by any documents the Minister may require.

“71.6. The Government may, by regulation, prescribe the terms and conditions of the adoption process.

Where a ministerial order is made under article 564 of the Civil Code, the order shall specify any special terms and conditions that apply to the adoption process.

“71.7. A psychosocial assessment of persons wishing to adopt a child domiciled outside Québec shall be made by the director of youth protection or by any person acting under section 33. It shall deal in particular with the capacity of the adopters to meet the physical, psychological and social needs of the child.

Where the adoption is to be granted outside Québec in a State that is not a State Party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, the assessment may be made by a member of the Ordre des psychologues du Québec or the Ordre des travailleurs sociaux du Québec, chosen by the adopter from a list of names supplied by the order concerned and transmitted to the Minister.

The assessment shall be made, at the expense of the adopter, on the basis of criteria agreed between the two professional orders, the directors of youth protection and the Minister. Additional criteria shall be established for cases involving an older child, a child with special needs or siblings, and the assessment must deal specifically with the adopter's capacity to ensure the integration of the child or children into their new environment. The Minister shall see to the dissemination of the assessment criteria.

“71.8. Where a child domiciled outside Québec is to be adopted, the adopter or the body may not proceed with the adoption process unless the Minister issues a written attestation to the effect that the Minister has no grounds for objection, in accordance with the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, chapter M-23.1, r.2).

“71.9. Where the adoption of a child domiciled outside Québec is to be granted in Québec, the director shall take charge of the child and see to the child's placement. The director shall intervene in accordance with the terms and conditions determined by regulation.

In urgent or seriously problematic circumstances, the situation of a child who is the subject of a motion for recognition of the decision granting an adoption made abroad may be referred to the director by the court or by any person acting in the child's interest. The director shall take charge of the situation of the child and see that the necessary measures provided by law for the child's protection are carried out.

“71.10. The Minister may, in accordance with the applicable legislative provisions, enter into an agreement with another government or with any of its departments or bodies concerning the adoption of children domiciled outside Québec.

“71.11. The Minister may, in accordance with the applicable legislative provisions, after consulting the Minister of International Relations and subject to observance of international commitments applicable to Québec, take various supervisory measures relating to the adoption of children domiciled outside Québec, which may go as far as the suspension of adoptions involving a State or a territorial unit if the circumstances so warrant.

“71.12. The persons and the courts having responsibilities under the law in matters of adoption of children domiciled outside Québec may exchange, communicate or obtain confidential information concerning the adoption,

family and medical antecedents or reunions, to the extent necessary for the exercise of those responsibilities.

“71.13. The Minister may, for the purposes of research into family and medical antecedents or reunions, obtain information from public bodies to locate the parties concerned.

“71.14. The Minister shall give the adopter a summary of the child’s antecedents on request.

The Minister shall also give the parents a summary of the adopter’s antecedents on request.

A child 14 years of age or over is entitled to receive, on request, a summary of his or her antecedents.

“71.15. Every summary must preserve the parents’ or the adopter’s anonymity and be in conformity with the standards prescribed by regulation.

“§3. — Certification

“71.16. The Minister may grant certification to a body whose mission is to defend children’s rights, promote their interests and improve their living conditions, so that it may make arrangements on behalf of adopters domiciled in Québec for the adoption of children domiciled outside Québec.

“71.17. A body applying for certification must be a legal person established under a statute of Québec for non-profit purposes and be directed and managed by persons who, by their ethical standards, training and experience, are qualified to work in the field of intercountry adoption. In addition, the body must demonstrate its ability to fulfil its mission effectively.

The Minister shall, by an order published in the *Gazette officielle du Québec*, determine the qualifications required of a body applying for certification or renewal of certification, and of the persons directing and managing the body, the requirements and terms and conditions the body and those persons must comply with as well as the documents, information and reports they must furnish.

“71.18. The Minister may grant certification if the Minister considers it warranted in the public interest and in the interests of children and after considering such factors as

(1) the number of certifications necessary to meet the needs in the State concerned; and

(2) the situation in the State concerned and the guarantees given to the children, their parents and the future adopters.

The Minister may, in addition, impose any condition, restriction or prohibition the Minister considers necessary, and may at any time modify them or impose new conditions, restrictions or prohibitions.

“71.19. The certification shall indicate the place for which it is issued, its period of validity and any conditions, restrictions or prohibitions attached. The certification may not be transferred.

“71.20. The certification shall be issued for an initial two-year period. It may be renewed for a three-year period and thereafter for the same period on the conditions determined by this Act and by an order of the Minister published in the *Gazette officielle du Québec*.

The Minister may issue or renew certification for a shorter period where the Minister considers that the circumstances so warrant.

Upon renewal of certification, the Minister may consider the factors mentioned in section 71.18 and modify any condition, restriction or prohibition imposed on the certification holder. The Minister may, at any time, modify the conditions, restrictions or prohibitions or impose new ones.

“71.21. The Minister shall, by an order published in the *Gazette officielle du Québec*, determine the conditions, responsibilities and obligations that a certified body must comply with to maintain certification, and the documents, information and reports it must furnish.

“71.22. A certification holder wishing to terminate activities in the place for which the certification was issued must first notify the Minister in writing and comply with the conditions determined by the Minister.

“71.23. The Minister may suspend, revoke or refuse to renew certification

(1) if the body no longer meets the requirements for certification or has failed to comply with a condition, restriction or prohibition specified in the certification ;

(2) if the Minister considers it warranted in the public interest, in the interests of children or owing to urgent circumstances ;

(3) if the Minister considers it necessary, in view of the situation in the State concerned to suspend, revoke or refuse to renew the certification ;

(4) if the competent authorities of the place for which the certification is issued no longer authorize adoption or, where applicable, have withdrawn the authorization they had granted to the body ;

(5) if the Minister considers that the body is not complying with this Act or a regulation or a ministerial order under this Act; or

(6) if the body or any of its officers, managers or directors has been convicted of an offence under a ministerial order made under the second paragraph of section 71.17 or under section 71.21 or of an offence under any of sections 135.1, 135.1.1 and 135.1.2.

The Minister may decide that the revocation or suspension of certification or the refusal to renew certification will only take effect on the expiry of a period determined by the Minister during which the body may continue its activities so as to complete the adoption processes it has begun.

The Minister may also, where the Minister considers it expedient, complete the adoption processes begun by a certified body.

“71.24. The Minister may, instead of suspending, revoking or refusing to renew a body’s certification, order the body to take the necessary corrective measures within the time the Minister specifies.

If the body fails to comply with the Minister’s order within the specified time, the Minister may suspend, revoke or refuse to renew the certification.

“71.25. Except in urgent cases, the Minister shall, before refusing to issue certification or before suspending, revoking or refusing to renew certification, notify the body in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the body at least 10 days to present observations.

“71.26. Any body whose certification has been suspended or revoked or has not been renewed may appeal to the court by motion within 30 days after receiving the decision to be appealed. The decision may be overturned if the grounds of law or fact invoked therein are manifestly erroneous or if there is a serious procedural irregularity.

The motion shall be heard and decided by preference and the judgment is final.

The appeal does not suspend execution of the Minister’s decision, unless the court decides otherwise.

The judgment of the court must be in writing and give reasons. The clerk shall transmit a copy of the judgment to each of the parties.

“71.27. A certified body must send the Minister the file respecting the adoption of a child domiciled outside Québec

(1) upon ceasing its activities or if its certification is revoked or not renewed; or

(2) within two years after the arrival of the child in Québec or withdrawal from the adoption process.

The Minister may, in the situations and on the conditions the Minister determines, authorize a body to consult a file it has sent to the Minister.

“§4. — *Inspections and inquiries*

“71.28. A person authorized in writing by the Minister to make an inspection may at any reasonable time enter any premises in which the person has grounds to believe that operations or activities for which certification is required by this Act are carried on, in order to ascertain whether this Act, the regulations and any ministerial order, and the laws and regulations governing the adoption of a child domiciled outside Québec, are being complied with.

That person may, during an inspection,

(1) examine and make a copy of any document relating to operations and activities for which certification is required under this Act; and

(2) require any information relating to the application of this Act or any law governing the adoption of a child domiciled outside Québec, and the production of any document connected therewith.

Any person having custody, possession or control of such documents shall, on request, make them available to the person making the inspection.

A person making an inspection shall, if so required, produce a certificate signed by the Minister attesting to the person's capacity.

“72. No person may, in any manner whatsoever, hinder an inspector performing inspection duties, mislead the inspector through concealment or false statements or refuse to provide a document or information the inspector is entitled to obtain under this Act, a regulation or a ministerial order.

“72.1. An inspector may not be prosecuted for any act done in good faith in the performance of inspection duties.

“72.2. The Minister may entrust a person with making an inquiry into any matter in connection with the administration or operation of a certified body.

“72.3. The person so designated has, for the purposes of the inquiry, the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

“72.4. Where an inquiry is so ordered, the Minister may suspend the powers of the certification holder and appoint an administrator to exercise those powers for the duration of the inquiry.”

23. Sections 131.1 and 131.2 of the said Act are repealed.

24. Section 132 of the said Act is amended

(1) by replacing “72.3.1” in subparagraph *g* of the first paragraph by “71.9”;

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

“(h) to determine in what cases and on what terms and conditions a person must undergo training prior to adopting a child domiciled outside Québec, and determine the persons qualified to give that training and the criteria applicable thereto.”

25. The said Act is amended by inserting the following section after section 135:

“135.0.1. Every person who contravenes section 72 is guilty of an offence and is liable to a fine of \$1,000 to \$6,000 and, in the case of a second or subsequent conviction, to a fine of \$3,000 to \$18,000.”

26. Section 135.1 of the said Act is replaced by the following section:

“135.1. Whether the placement or the adoption takes place in Québec or elsewhere and whether or not the child is domiciled in Québec, no person may

(a) give, receive or offer or agree to give or receive, directly or indirectly, a payment or a benefit either for giving or obtaining a consent to adoption, for finding a placement or contributing to a placement with a view to adoption or for obtaining the adoption of a child;

(b) contrary to this Act or to any other legislative provision relating to the adoption of a child, place or contribute to the placement of a child with a view to the child’s adoption or contribute to the child’s adoption;

(c) contrary to this Act or to any other legislative provision relating to the adoption of a child, adopt a child.”

27. Section 135.1.1 of the said Act is amended

(1) by striking out “by a third person” in the third line;

(2) by replacing “72.3 and 72.3.2” in the fourth line by “71.7 and 71.8”.

28. Section 135.1.3 of the said Act is replaced by the following section :

“135.1.3. Every person who contravenes a provision of any of sections 135.1, 135.1.1 and 135.1.2 is guilty of an offence and is liable

(a) to a fine of \$10,000 to \$100,000 in the case of a natural person or to a fine of \$25,000 to \$200,000 in the case of a legal person, for a contravention of paragraph *a* or *b* of section 135.1 or a contravention of section 135.1.1 or 135.1.2;

(b) to a fine of \$2,500 to \$7,000 for a contravention of paragraph *c* of section 135.1.”

29. Section 135.2 of the said Act is amended by replacing “and 135.1 to” by “and”.

30. The said Act is amended by inserting the following section after section 135.2 :

“135.2.1. Every person who assists another person in committing an offence under any of sections 135.1, 135.1.1 and 135.1.2 or who, by encouragement, advice or consent, or by an authorization or an order, induces another person to commit such an offence, is guilty of an offence. The same applies to any person who attempts to commit an offence under any of those sections.

A person convicted of an offence under this section is liable to the same penalty as that prescribed for the offence the person assisted in committing or induced or attempted to commit.”

AMENDMENT TO THE ACT RESPECTING ADOPTIONS OF CHILDREN DOMICILED IN THE PEOPLE’S REPUBLIC OF CHINA

31. Section 6 of the Act respecting adoptions of children domiciled in the People’s Republic of China (R.S.Q., chapter A-7.01) is amended

(1) by replacing “entre” in the French text by “entrera”;

(2) by adding “or when adoptions between China and Québec become subject to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption” at the end.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

32. Permanent certifications issued under Division VII of Chapter IV of the Youth Protection Act remain valid until (*insert the date corresponding to the first day of the 19th month following the date of coming into force of section 71.20 of that Act enacted by section 22*).

33. An adoption process in respect of a child domiciled outside Québec undertaken by an adopter and authorized by the Minister in writing before the coming into force of section 14 may be continued by the adopter.

34. An adoption process in respect of a child domiciled outside Québec which the Minister agreed, in writing, to undertake on behalf of the adopter before the coming into force of section 14 may be continued by the Minister.

35. The Government may, by regulation, prescribe transitional measures for the purposes of this Act.

Such a regulation must be made not later than (*insert the date occurring one year after the date of coming into force of this section*) and may, if it so provides, be applicable from a date not prior to (*insert the date of coming into force of this section*).

36. This Act comes into force on the date or dates to be fixed by the Government.

SCHEDULE

CONVENTION ON PROTECTION OF CHILDREN AND CO-OPERATION IN RESPECT OF INTERCOUNTRY ADOPTION (*Concluded 29 May 1993*)

The States signatory to the present Convention,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Recalling that each State should take, as a matter of priority, appropriate measures to enable the child to remain in the care of his or her family of origin,

Recognizing that intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin,

Convinced of the necessity to take measures to ensure that intercountry adoptions are made in the best interests of the child and with respect for his or her fundamental rights, and to prevent the abduction, the sale of, or traffic in children,

Desiring to establish common provisions to this effect, taking into account the principles set forth in international instruments, in particular the *United Nations Convention on the Rights of the Child*, of 20 November 1989, and the United Nations Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally (General Assembly Resolution 41/85, of 3 December 1986),

Have agreed upon the following provisions:

CHAPTER I

SCOPE OF THE CONVENTION

Article 1

The objects of the present Convention are:

(a) to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognized in international law;

(b) to establish a system of co-operation amongst Contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children;

(c) to secure the recognition in Contracting States of adoptions made in accordance with the Convention.

Article 2

(1) The Convention shall apply where a child habitually resident in one Contracting State (“the State of origin”) has been, is being, or is to be moved to another Contracting State (“the receiving State”) either after his or her adoption in the State of origin by spouses or a person habitually resident in the receiving State, or for the purposes of such an adoption in the receiving State or in the State of origin.

(2) The Convention covers only adoptions which create a permanent parent-child relationship.

Article 3

The Convention ceases to apply if the agreements mentioned in Article 17, sub-paragraph *c*, have not been given before the child attains the age of eighteen years.

CHAPTER II

REQUIREMENTS FOR INTERCOUNTRY ADOPTIONS

Article 4

An adoption within the scope of the Convention shall take place only if the competent authorities of the State of origin:

- (a) have established that the child is adoptable;
- (b) have determined, after possibilities for placement of the child within the State of origin have been given due consideration, that an intercountry adoption is in the child’s best interests;
- (c) have ensured that:
 - (1) the persons, institutions and authorities whose consent is necessary for adoption, have been counselled as may be necessary and duly informed of the effects of their consent, in particular whether or not an adoption will result in the termination of the legal relationship between the child and his or her family of origin,
 - (2) such persons, institutions and authorities have given their consent freely, in the required legal form, and expressed or evidenced in writing,
 - (3) the consents have not been induced by payment or compensation of any kind and have not been withdrawn, and
 - (4) the consent of the mother, where required, has been given only after the birth of the child; and
- (d) have ensured, having regard to the age and degree of maturity of the child, that:
 - (1) he or she has been counselled and duly informed of the effects of the adoption and of his or her consent to the adoption, where such consent is required,

- (2) consideration has been given to the child's wishes and opinions,
- (3) the child's consent to the adoption, where such consent is required, has been given freely, in the required legal form, and expressed or evidenced in writing, and
- (4) such consent has not been induced by payment or compensation of any kind.

Article 5

An adoption within the scope of the Convention shall take place only if the competent authorities of the receiving State :

- (a) have determined that the prospective adoptive parents are eligible and suited to adopt ;
- (b) have ensured that the prospective adoptive parents have been counselled as may be necessary ; and
- (c) have determined that the child is or will be authorized to enter and reside permanently in that State.

CHAPTER III

CENTRAL AUTHORITIES AND ACCREDITED BODIES

Article 6

(1) A Contracting State shall designate a Central Authority to discharge the duties which are imposed by the Convention upon such authorities.

(2) Federal States, States with more than one system of law or States having autonomous territorial units shall be free to appoint more than one Central Authority and to specify the territorial or personal extent of their functions. Where a State has appointed more than one Central Authority, it shall designate the Central Authority to which any communication may be addressed for transmission to the appropriate Central Authority within that State.

Article 7

(1) Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their States to protect children and to achieve the other objects of the Convention.

(2) They shall take directly all appropriate measures to :

- (a) provide information as to the laws of their States concerning adoption and other general information, such as statistics and standard forms ;
- (b) keep one another informed about the operation of the Convention and, as far as possible, eliminate any obstacles to its application.

Article 8

Central Authorities shall take, directly or through public authorities, all appropriate measures to prevent improper financial or other gain in connection

with an adoption and to deter all practices contrary to the objects of the Convention.

Article 9

Central Authorities shall take, directly or through public authorities or other bodies duly accredited in their State, all appropriate measures, in particular to:

(a) collect, preserve and exchange information about the situation of the child and the prospective adoptive parents, so far as is necessary to complete the adoption;

(b) facilitate, follow and expedite proceedings with a view to obtaining the adoption;

(c) promote the development of adoption counselling and post-adoption services in their States;

(d) provide each other with general evaluation reports about experience with intercountry adoption;

(e) reply, in so far as is permitted by the law of their State, to justified requests from other Central Authorities or public authorities for information about a particular adoption situation.

Article 10

Accreditation shall only be granted to and maintained by bodies demonstrating their competence to carry out properly the tasks with which they may be entrusted.

Article 11

An accredited body shall:

(a) pursue only non-profit objectives according to such conditions and within such limits as may be established by the competent authorities of the State of accreditation;

(b) be directed and staffed by persons qualified by their ethical standards and by training or experience to work in the field of intercountry adoption; and

(c) be subject to supervision by competent authorities of that State as to its composition, operation and financial situation.

Article 12

A body accredited in one Contracting State may act in another Contracting State only if the competent authorities of both States have authorized it to do so.

Article 13

The designation of the Central Authorities and, where appropriate, the extent of their functions, as well as the names and addresses of the accredited

bodies shall be communicated by each Contracting State to the Permanent Bureau of the Hague Conference on Private International Law.

CHAPTER IV

PROCEDURAL REQUIREMENTS IN INTERCOUNTRY ADOPTION

Article 14

Persons habitually resident in a Contracting State, who wish to adopt a child habitually resident in another Contracting State, shall apply to the Central Authority in the State of their habitual residence.

Article 15

(1) If the Central Authority of the receiving State is satisfied that the applicants are eligible and suited to adopt, it shall prepare a report including information about their identity, eligibility and suitability to adopt, background, family and medical history, social environment, reasons for adoption, ability to undertake an intercountry adoption, as well as the characteristics of the children for whom they would be qualified to care.

(2) It shall transmit the report to the Central Authority of the State of origin.

Article 16

(1) If the Central Authority of the State of origin is satisfied that the child is adoptable, it shall:

(a) prepare a report including information about his or her identity, adoptability, background, social environment, family history, medical history including that of the child's family, and any special needs of the child;

(b) give due consideration to the child's upbringing and to his or her ethnic, religious and cultural background;

(c) ensure that consents have been obtained in accordance with Article 4; and

(d) determine, on the basis in particular of the reports relating to the child and the prospective adoptive parents, whether the envisaged placement is in the best interests of the child.

(2) It shall transmit to the Central Authority of the receiving State its report on the child, proof that the necessary consents have been obtained and the reasons for its determination on the placement, taking care not to reveal the identity of the mother and the father if, in the State of origin, these identities may not be disclosed.

Article 17

Any decision in the State of origin that a child should be entrusted to prospective adoptive parents may only be made if:

(a) the Central Authority of that State has ensured that the prospective adoptive parents agree ;

(b) the Central Authority of the receiving State has approved such decision, where such approval is required by the law of that State or by the Central Authority of the State of origin ;

(c) the Central Authorities of both States have agreed that the adoption may proceed ; and

(d) it has been determined, in accordance with Article 5, that the prospective adoptive parents are eligible and suited to adopt and that the child is or will be authorized to enter and reside permanently in the receiving State.

Article 18

The Central Authorities of both States shall take all necessary steps to obtain permission for the child to leave the State of origin and to enter and reside permanently in the receiving State.

Article 19

(1) The transfer of the child to the receiving State may only be carried out if the requirements of Article 17 have been satisfied.

(2) The Central Authorities of both States shall ensure that this transfer takes place in secure and appropriate circumstances and, if possible, in the company of the adoptive or prospective adoptive parents.

(3) If the transfer of the child does not take place, the reports referred to in Articles 15 and 16 are to be sent back to the authorities who forwarded them.

Article 20

The Central Authorities shall keep each other informed about the adoption process and the measures taken to complete it, as well as about the progress of the placement if a probationary period is required.

Article 21

(1) Where the adoption is to take place after the transfer of the child to the receiving State and it appears to the Central Authority of that State that the continued placement of the child with the prospective adoptive parents is not in the child's best interests, such Central Authority shall take the measures necessary to protect the child, in particular :

(a) to cause the child to be withdrawn from the prospective adoptive parents and to arrange temporary care ;

(b) in consultation with the Central Authority of the State of origin, to arrange without delay a new placement of the child with a view to adoption or, if this is not appropriate, to arrange alternative long-term care ; an adoption shall not take place until the Central Authority of the State of origin has been duly informed concerning the new prospective adoptive parents ;

(c) as a last resort, to arrange the return of the child, if his or her interests so require.

(2) Having regard in particular to the age and degree of maturity of the child, he or she shall be consulted and, where appropriate, his or her consent obtained in relation to measures to be taken under this Article.

Article 22

(1) The functions of a Central Authority under this Chapter may be performed by public authorities or by bodies accredited under Chapter III, to the extent permitted by the law of its State.

(2) Any Contracting State may declare to the depositary of the Convention that the functions of the Central Authority under Articles 15 to 21 may be performed in that State, to the extent permitted by the law and subject to the supervision of the competent authorities of that State, also by bodies or persons who :

(a) meet the requirements of integrity, professional competence, experience and accountability of that State ; and

(b) are qualified by their ethical standards and by training or experience to work in the field of intercountry adoption.

(3) A Contracting State which makes the declaration provided for in paragraph 2 shall keep the Permanent Bureau of the Hague Conference on Private International Law informed of the names and addresses of these bodies and persons.

(4) Any Contracting State may declare to the depositary of the Convention that adoptions of children habitually resident in its territory may only take place if the functions of the Central Authorities are performed in accordance with paragraph 1.

(5) Notwithstanding any declaration made under paragraph 2, the reports provided for in Articles 15 and 16 shall, in every case, be prepared under the responsibility of the Central Authority or other authorities or bodies in accordance with paragraph 1.

CHAPTER V

RECOGNITION AND EFFECTS OF THE ADOPTION

Article 23

(1) An adoption certified by the competent authority of the State of the adoption as having been made in accordance with the Convention shall be recognized by operation of law in the other Contracting States. The certificate shall specify when and by whom the agreements under Article 17, subparagraph c, were given.

(2) Each Contracting State shall, at the time of signature, ratification, acceptance, approval or accession, notify the depositary of the Convention of the identity and the functions of the authority or the authorities which, in that State, are competent to make the certification. It shall also notify the depositary of any modification in the designation of these authorities.

Article 24

The recognition of an adoption may be refused in a Contracting State only if the adoption is manifestly contrary to its public policy, taking into account the best interests of the child.

Article 25

Any Contracting State may declare to the depositary of the Convention that it will not be bound under this Convention to recognize adoptions made in accordance with an agreement concluded by application of Article 39, paragraph 2.

Article 26

(1) The recognition of an adoption includes recognition of:

(a) the legal parent-child relationship between the child and his or her adoptive parents;

(b) parental responsibility of the adoptive parents for the child;

(c) the termination of a pre-existing legal relationship between the child and his or her mother and father, if the adoption has this effect in the Contracting State where it was made.

(2) In the case of an adoption having the effect of terminating a pre-existing legal parent-child relationship, the child shall enjoy in the receiving State, and in any other Contracting State where the adoption is recognized, rights equivalent to those resulting from adoptions having this effect in each such State.

(3) The preceding paragraphs shall not prejudice the application of any provision more favourable for the child, in force in the Contracting State which recognizes the adoption.

Article 27

(1) Where an adoption granted in the State of origin does not have the effect of terminating a pre-existing legal parent-child relationship, it may, in the receiving State which recognizes the adoption under the Convention, be converted into an adoption having such an effect:

(a) if the law of the receiving State so permits; and

(b) if the consents referred to in Article 4, sub-paragraphs *c* and *d*, have been or are given for the purpose of such an adoption.

(2) Article 23 applies to the decision converting the adoption.

CHAPTER VI

GENERAL PROVISIONS

Article 28

The Convention does not affect any law of a State of origin which requires that the adoption of a child habitually resident within that State take place in

that State or which prohibits the child's placement in, or transfer to, the receiving State prior to adoption.

Article 29

There shall be no contact between the prospective adoptive parents and the child's parents or any other person who has care of the child until the requirements of Article 4, sub-paragraphs *a* to *c*, and Article 5, sub-paragraph *a*, have been met, unless the adoption takes place within a family or unless the contact is in compliance with the conditions established by the competent authority of the State of origin.

Article 30

(1) The competent authorities of a Contracting State shall ensure that information held by them concerning the child's origin, in particular information concerning the identity of his or her parents, as well as the medical history, is preserved.

(2) They shall ensure that the child or his or her representative has access to such information, under appropriate guidance, in so far as is permitted by the law of that State.

Article 31

Without prejudice to Article 30, personal data gathered or transmitted under the Convention, especially data referred to in Articles 15 and 16, shall be used only for the purposes for which they were gathered or transmitted.

Article 32

(1) No one shall derive improper financial or other gain from an activity related to an intercountry adoption.

(2) Only costs and expenses, including reasonable professional fees of persons involved in the adoption, may be charged or paid.

(3) The directors, administrators and employees of bodies involved in an adoption shall not receive remuneration which is unreasonably high in relation to services rendered.

Article 33

A competent authority which finds that any provision of the Convention has not been respected or that there is a serious risk that it may not be respected, shall immediately inform the Central Authority of its State. This Central Authority shall be responsible for ensuring that appropriate measures are taken.

Article 34

If the competent authority of the State of destination of a document so requests, a translation certified as being in conformity with the original must

be furnished. Unless otherwise provided, the costs of such translation are to be borne by the prospective adoptive parents.

Article 35

The competent authorities of the Contracting States shall act expeditiously in the process of adoption.

Article 36

In relation to a State which has two or more systems of law with regard to adoption applicable in different territorial units :

(a) any reference to habitual residence in that State shall be construed as referring to habitual residence in a territorial unit of that State ;

(b) any reference to the law of that State shall be construed as referring to the law in force in the relevant territorial unit ;

(c) any reference to the competent authorities or to the public authorities of that State shall be construed as referring to those authorized to act in the relevant territorial unit ;

(d) any reference to the accredited bodies of that State shall be construed as referring to bodies accredited in the relevant territorial unit.

Article 37

In relation to a State which with regard to adoption has two or more systems of law applicable to different categories of persons, any reference to the law of that State shall be construed as referring to the legal system specified by the law of that State.

Article 38

A State within which different territorial units have their own rules of law in respect of adoption shall not be bound to apply the Convention where a State with a unified system of law would not be bound to do so.

Article 39

(1) The Convention does not affect any international instrument to which Contracting States are Parties and which contains provisions on matters governed by the Convention, unless a contrary declaration is made by the States Parties to such instrument.

(2) Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention.

Article 40

No reservation to the Convention shall be permitted.

Article 41

The Convention shall apply in every case where an application pursuant to Article 14 has been received after the Convention has entered into force in the receiving State and the State of origin.

Article 42

The Secretary General of the Hague Conference on Private International Law shall at regular intervals convene a Special Commission in order to review the practical operation of the Convention.

CHAPTER VII

FINAL CLAUSES

Article 43

(1) The Convention shall be open for signature by the States which were Members of the Hague Conference on Private International Law at the time of its Seventeenth Session and by the other States which participated in that Session.

(2) It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, depositary of the Convention.

Article 44

(1) Any other State may accede to the Convention after it has entered into force in accordance with Article 46, paragraph 1.

(2) The instrument of accession shall be deposited with the depositary.

(3) Such accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the six months after the receipt of the notification referred to in sub-paragraph *b* of Article 48. Such an objection may also be raised by States at the time when they ratify, accept or approve the Convention after an accession. Any such objection shall be notified to the depositary.

Article 45

(1) If a State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in the Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that this Convention shall extend to all its territorial units or only to one or

more of them and may modify this declaration by submitting another declaration at any time.

(2) Any such declaration shall be notified to the depositary and shall state expressly the territorial units to which the Convention applies.

(3) If a State makes no declaration under this Article, the Convention is to extend to all territorial units of that State.

Article 46

(1) The Convention shall enter into force on the first day of the month following the expiration of three months after the deposit of the third instrument of ratification, acceptance or approval referred to in Article 43.

(2) Thereafter the Convention shall enter into force :

(a) for each State ratifying, accepting or approving it subsequently, or acceding to it, on the first day of the month following the expiration of three months after the deposit of its instrument of ratification, acceptance, approval or accession ;

(b) for a territorial unit to which the Convention has been extended in conformity with Article 45, on the first day of the month following the expiration of three months after the notification referred to in that Article.

Article 47

(1) A State Party to the Convention may denounce it by a notification in writing addressed to the depositary.

(2) The denunciation takes effect on the first day of the month following the expiration of twelve months after the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation takes effect upon the expiration of such longer period after the notification is received by the depositary.

Article 48

The depositary shall notify the States Members of the Hague Conference on Private International Law, the other States which participated in the Seventeenth Session and the States which have acceded in accordance with Article 44, of the following :

(a) the signatures, ratifications, acceptances and approvals referred to in Article 43 ;

(b) the accessions and objections raised to accessions referred to in Article 44 ;

(c) the date on which the Convention enters into force in accordance with Article 46 ;

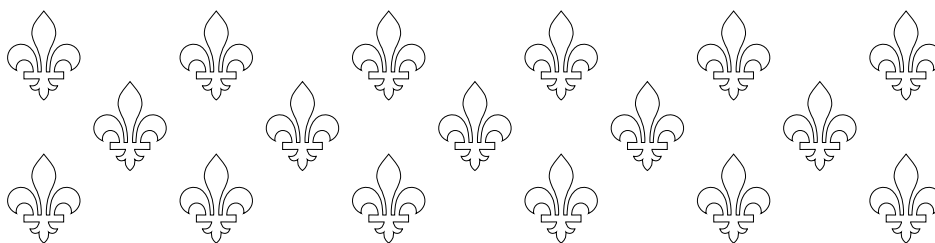
(d) the declarations and designations referred to in Articles 22, 23, 25 and 45 ;

(e) the agreements referred to in Article 39 ;

(f) the denunciations referred to in Article 47.

In witness whereof the undersigned, being duly authorized thereto, have signed this Convention.

Done at The Hague, on the 29th day of May 1993, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the States Members of the Hague Conference on Private International Law at the date of its Seventeenth Session and to each of the other States which participated in that Session.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 20

(2004, chapter 4)

An Act to amend the Act respecting the Ministère du Revenu and other legislative provisions

Introduced 29 October 2003

Passage in principle 11 November 2003

Passage 22 April 2004

Assented to 22 April 2004

**Québec Official Publisher
2004**

EXPLANATORY NOTES

This bill amends the Act respecting the Ministère du Revenu to adapt certain rules of procedure specific to fiscal legislation to the new rules introduced by the Code of Civil Procedure on 1 January 2003, to specify certain rules of procedure applicable to taxation matters, to introduce the notion of general authorization and to change certain rules relating to the liability of directors and governmental tax compensation.

The bill includes amendments to ensure the concordance of the Act to facilitate the payment of support and the Act respecting property tax refund with the Act respecting the Ministère du Revenu in the area of procedure.

The bill amends the Tobacco Tax Act and the Fuel Tax Act to specify the obligations of a person who intends to retail tobacco or fuel in Québec.

The bill also amends certain Acts to ensure that notices of assessment sent by the Minister of Revenue can be sent otherwise than by mail.

Lastly, certain rules applicable to successions opened before 28 May 1986 are also amended.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Tobacco Tax Act (R.S.Q., chapter I-2);
- Taxation Act (R.S.Q., chapter I-3);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act to facilitate the payment of support (R.S.Q., chapter P-2.2);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);
- Act respecting property tax refund (R.S.Q., chapter R-20.1);

- Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001);
- Act respecting the Québec sales tax (R.S.Q., chapter T-0.1);
- Fuel Tax Act (R.S.Q., chapter T-1).

Bill 20

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DU REVENU AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING MUNICIPAL TAXATION

- 1.** Section 220.8 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing “the mailing” in paragraph 1 by “the sending”.
- 2.** Section 220.9 of the said Act is amended by replacing “the mailing” by “the sending”.

TOBACCO TAX ACT

- 3.** Section 5.1 of the Tobacco Tax Act (R.S.Q., chapter I-2) is amended

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

“In addition, a person already holding a registration certificate issued under Title I of the Act respecting the Québec sales tax shall, before engaging in the retail sale of tobacco in Québec, inform the Minister thereof by registered or certified mail and, at the same time, provide a declaration to the Minister containing the addresses of the establishments the person intends to operate or cause to be operated by a third person.”;

(2) by replacing “The retail vendor” in the second paragraph by “A person to whom this section applies”.

TAXATION ACT

- 4.** Section 429 of the Taxation Act (R.S.Q., chapter I-3) is amended by replacing “the mailing” in the portion of the second paragraph before subparagraph *a* by “the sending”.
- 5.** Section 736 of the said Act is amended by replacing “is mailed” in subparagraph *c* of the second paragraph by “is sent”.
- 6.** Section 737.18.4 of the said Act is amended by replacing “of mailing” in subparagraph *i* of subparagraph *b* of the second paragraph by “of sending”.

7. Section 851.22.29 of the said Act is amended by replacing “is mailed” in the portion of the first paragraph before subparagraph *a* by “is sent”.

8. Section 851.50 of the said Act is amended by replacing “of mailing” in paragraph *a* by “of sending”.

9. Section 1010 of the said Act is amended by replacing “of mailing” in paragraph *a* of subsection 2 by “of sending”.

10. Section 1010.0.0.1 of the said Act is amended by replacing “of mailing” in subparagraph *i* of subparagraph *b* of the first paragraph by “of sending”.

11. Section 1029.8.36.91 of the said Act is amended by replacing “of mailing” in subparagraph *i* of subparagraph *b* of the second paragraph by “of sending”.

12. Section 1044.2 of the said Act is amended by replacing “mailed” in the definition of “underpayment amount” by “sent”.

13. Section 1044.3 of the said Act is amended by replacing “mailed” in paragraph *b* by “sent”.

14. Section 1044.4 of the said Act is amended, in paragraph *c*,

(1) by replacing “of mailing” in subparagraphs *i* and *ii* by “of sending”;

(2) by replacing “of mailing” and “mailed” in subparagraph *v* by “of sending” and “sent”, respectively.

15. Section 1079.14 of the said Act is amended by replacing “of mailing” wherever those words appear by “of sending”.

16. Section 1129.29 of the said Act is amended by replacing “of mailing” by “of sending”.

ACT RESPECTING THE MINISTÈRE DU REVENU

17. Section 7 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended

(1) by striking out the second paragraph;

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

“The regulation may allow that a facsimile of the signature of the Minister, Deputy Minister or that public servant be affixed on the documents determined therein. Such a facsimile shall have the same force as the signature itself.”

18. Section 12.0.2 of the said Act is amended by replacing “of mailing” in the first paragraph by “of sending”.

19. Section 20 of the said Act is replaced by the following section:

“**20.** Every person who deducts, withholds or collects any amount under a fiscal law is deemed to hold it in trust for the State, separately from the person’s patrimony and the person’s own funds, for payment to the State in the manner and at the time provided under a fiscal law.

Where at any time an amount deemed by the first paragraph to be held by a person in trust for the State is not paid to the State in the manner and at the time provided under a fiscal law, an amount equal to the amount thus deducted, withheld or collected is deemed, from the time the amount is deducted, withheld or collected, to be held in trust for the State, separately from the person’s patrimony and the person’s own funds, and to form a separate fund not forming part of the property of that person, whether or not the amount has in fact been held separately from that person’s patrimony or that person’s own funds.

However, the person may, when filing a return with the Minister under section 468 or 470 of the Act respecting the Québec sales tax (chapter T-0.1), withdraw from the total amount that the person is deemed by the first paragraph to hold in trust for the State, the amounts that the person is entitled to deduct and that the person has actually deducted in the calculation of the amount to be remitted.”

20. Section 24.0.1 of the said Act is amended by adding the following subparagraph to the first paragraph:

“(c) where the corporation has instituted proceedings for its liquidation or dissolution, or where it has been dissolved.”

21. Section 27.0.1 of the said Act is amended

(1) by replacing “mailed” in the first paragraph by “sent”;

(2) by replacing “mailed” in the second paragraph by “sent”.

22. Section 28.2 of the said Act is amended by replacing “of mailing” in the first paragraph by “of sending”.

23. Section 31.1.4 of the said Act is amended

(1) by replacing “designated therein as administering trust funds or as being joint stock companies or agencies of the Government, except the Société immobilière du Québec” in the second paragraph by “carrying on trust activities and government businesses or bodies with share capital, with respect to amounts paid to persons other than their employees or suppliers of goods or services”;

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

“Notwithstanding the second paragraph, the Société immobilière du Québec is a public body.”

24. Section 32 of the said Act is replaced by the following section :

“32. Where the Minister, by error or on the basis of inaccurate or incomplete information, has refunded to a person or allocated to a person’s account an amount greater than that which should have been refunded or allocated, the excess amount is exigible from the date on which it was paid or allocated by the Minister, and the Minister may, within four years following the day on which the Minister refunded or allocated such excess amount, assess the person for that amount. The Minister may also assess, within that time, another person who obtained the amount without being entitled to it.

The assessments may be issued at any time if the amount was obtained by false representation of the facts through voluntary omission or if fraud was committed.”

25. The said Act is amended by inserting the following sections after section 40.1 :

“40.1.1. A judge of the Court of Québec may, on an *ex parte* application following an information laid in writing and under oath by a public servant of the Ministère du Revenu authorized by regulation, issue an authorization in writing permitting any public servant of the Ministère du Revenu to use any investigative technique or procedure or do anything described by the judge that would, if not so authorized, constitute an unreasonable search or seizure in respect of a person or a person’s property ; the public servant so authorized may call upon the assistance of a peace officer.

The judge may not, however, authorize the interception of a private communication, as defined in section 183 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46). Nor may the judge authorize the observation by means of a television camera or other similar electronic device of any person who is engaged in an activity in circumstances in which the person has a reasonable expectation of privacy.

The judge may issue the authorization if the judge is satisfied

(a) that there are reasonable grounds to believe that an offence against a fiscal law for which a person is liable to imprisonment has been or will be committed and information concerning the offence will be obtained through the use of the technique, procedure or device or the doing of the thing ;

(b) that it is in the best interests of the administration of justice to issue the authorization ; and

(c) that there is no other provision in a fiscal law or in the Code of Penal Procedure (chapter C-25.1) that would provide for a warrant, authorization or order permitting the technique, procedure or device to be used or the thing to be done.

Nothing in the first paragraph shall be construed as permitting interference with the physical integrity of any person.

The authorization shall set out such terms and conditions as the judge considers appropriate, in the circumstances, to ensure that the search or seizure is reasonable, to protect the reasonable expectation of privacy and to protect lawyers' and notaries' professional secrecy.

In the case of an authorization to enter and search a place covertly, the judge shall require that notice of the entry and search be given after its execution within the time that the judge considers appropriate in the circumstances.

Where the judge who grants an authorization to enter and search covertly or any other judge having jurisdiction to grant such an authorization is satisfied, on an *ex parte* application made on the basis of an affidavit submitted in support of an application for extension of the period referred to in the sixth paragraph, that the interests of justice warrant the granting of the application, the judge may grant an extension, or a subsequent extension, of the period, but no extension may exceed one year.

The execution of an authorization issued under this section may not commence more than 15 days after it is issued or end more than 30 days after the expiry of that 15-day period. However, where the judge is satisfied, on an *ex parte* application made on the basis of an affidavit submitted in support of an application for extension to complete the execution of the authorization, that the interests of justice warrant the granting of the application, the judge may grant an extension of not more than 30 days. The execution of the authorization may not commence, without the written authorization of the judge who granted it, before 7 a.m. or after 8 p.m., or on a non-judicial day.

The authorization provided for in this section may be obtained by telewarrant in accordance with the procedure set out in the Code of Penal Procedure, with the necessary modifications.

“40.1.2. The judge who granted an authorization under section 40 or 40.1.1 may order any person to provide assistance, where the person's assistance may reasonably be considered to be required to give effect to the authorization.

“40.1.3. At an inquiry relating to an offence against a fiscal law or a regulation made by the Government under a fiscal law, a judge of the Court of Québec may, on an *ex parte* application following an information laid in writing and under oath by a public servant of the Ministère du Revenu, order a person, other than the person under inquiry,

(a) to produce documents, or copies of them certified by affidavit to be true copies, or to produce information; or

(b) to prepare a document based on documents or information already in existence and produce it.

The order shall require the documents or information to be produced within the time, at the place and in the form specified and given to a public servant named in the order.

Before making an order, the judge must be satisfied that there are reasonable grounds to believe that

(a) an offence against a fiscal law or a regulation made by the Government under a fiscal law is being or has been committed;

(b) the documents or information will afford evidence respecting the commission of the offence; and

(c) the person who is subject of the order has possession or control of the documents or information.

The order may contain any terms and conditions that the judge considers appropriate, including terms and conditions to protect lawyers' and notaries' professional secrecy.

Where the judge who makes the order or any other judge having jurisdiction to make such an order is satisfied, on an *ex parte* application made on the basis of an affidavit submitted by a public servant of the Ministère du Revenu in support of the application, that the interests of justice warrant the granting of the application, the judge may vary or revoke the order or set a new time limit.

The documents or information so produced shall be kept until they are produced in judicial proceedings.

Every copy of a document produced under this section, on proof by affidavit that it is a true copy, is admissible in evidence in any proceeding and has the same probative force as the original document would have if it had been proved in the ordinary way."

26. Section 40.2 of the said Act is amended by replacing "section 40 or 40.1" in the first paragraph by "any of sections 40, 40.1, 40.1.1 and 40.1.3".

27. Section 61 of the said Act is amended by striking out "20,".

28. Section 61.2 of the said Act, amended by section 300 of chapter 2 of the statutes of 2003, is again amended by replacing "section 39.2 or 61.1" by "any of sections 39.2, 40.1.3 and 61.1".

29. Section 72.5 of the said Act is amended by striking out the second paragraph.

30. The said Act is amended by inserting the following section after section 72.5:

“**72.5.1.** For the purposes of the Code of Penal Procedure (chapter C-25.1), a person referred to in section 38 or 72.4 is a person responsible for the enforcement of a fiscal law.”

31. Section 74 of the said Act is amended by striking out the second paragraph.

32. Section 83 of the said Act is amended by replacing “mailed or otherwise communicated” by “sent”.

33. Section 87 of the said Act is amended by replacing “of mailing” in the first paragraph by “of sending”.

34. Section 88 of the said Act is amended by replacing “of mailing” by “of sending”.

35. Section 93 of the said Act is amended

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

“In addition, any proceeding to which the Deputy Minister is a party shall be served upon the Deputy Minister at the Montréal or Québec office of the legal department of the Ministère du Revenu, by leaving a copy of the proceeding with a person in charge of that office.”;

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

“The return of service must mention the name of the person with whom the copy of the proceeding was left.”

36. Section 93.1 of the said Act is amended by replacing the second paragraph by the following paragraph:

“No expert may be heard at the hearing unless a written report has been filed at the office of the court and served upon the parties with the notice.”

37. Section 93.1.1 of the said Act is amended by replacing “of mailing” in the first paragraph by “of sending”.

38. Section 93.1.17 of the said Act is replaced by the following section:

“93.1.17. An appeal before the Court of Québec is brought by means of a motion in accordance with the ordinary procedure governing actions and applications in civil matters.

Two or more assessments may be the subject of a single appeal. However, two or more persons appealing assessments may not join in the same appeal.”

39. Section 93.1.18 of the said Act is amended by replacing the first paragraph by the following paragraph :

“93.1.18. A fee in the amount determined by regulation must be paid to the clerk upon the filing of the motion.”

40. Section 93.1.19 of the said Act is amended by replacing “ordinary actions” by “actions and applications”.

41. The said Act is amended by inserting the following sections after section 93.1.19 :

“93.1.19.1. No case may be inscribed for judgment by default against the Deputy Minister before the lapse of 30 days after the expiry of the time fixed to appear.

“93.1.19.2. Notice of inscription for judgment or for proof and hearing must be given to the Deputy Minister, when in default for failure to appear or to plead, at least 15 days prior to the date when such inscription is to be proceeded upon.

“93.1.19.3. The Deputy Minister shall file a written defence and serve it within 60 days of the date indicated in the notice to the defendant provided for in article 119 of the Code of Civil Procedure (chapter C-25) accompanying the motion for appeal, unless the parties agreed, before the date indicated in the notice, on another time limit.

“93.1.19.4. A party may conduct an examination on discovery, before or after the filing of the defence, regardless of the amount in dispute.

A party must fulfill any undertakings made during an examination at least 30 days before the date of the hearing. If the party fails to fulfill such undertakings, the court may make any order it considers appropriate.”

42. Section 93.1.23 of the said Act is amended by replacing “\$500” in the third paragraph by “\$2,000”.

43. Section 93.1.25 of the said Act is amended by replacing “The deposits of \$90 mentioned in this chapter” in the first paragraph by “The fee payable under section 93.1.18”.

44. Section 93.13 of the said Act is amended

- (1) by replacing “dépose” in the French text by “produit”;
- (2) by striking out “together with \$35 to cover costs”;
- (3) by adding the following paragraphs at the end :

“A fee in the amount determined by regulation must be paid upon the filing or sending of the form.

Two or more assessments may be the subject of a single appeal. However, two or more persons may not join in the same summary appeal.”

ACT TO FACILITATE THE PAYMENT OF SUPPORT

45. Section 78 of the Act to facilitate the payment of support (R.S.Q., chapter P-2.2) is amended by inserting “and the second and third paragraphs of section 93 of that Act” after “(chapter M-31)” in the third paragraph.

ACT RESPECTING THE QUÉBEC PENSION PLAN

46. Section 68 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by replacing “of mailing” by “of sending”.

47. Section 69 of the said Act is amended by replacing “of the mailing” in the third paragraph by “of the sending”.

ACT RESPECTING PROPERTY TAX REFUND

48. Section 21 of the Act respecting property tax refund (R.S.Q., chapter R-20.1) is amended by replacing “of mailing” in paragraph *a* by “of sending”.

49. Section 22 of the said Act is amended by replacing “mailing of” by “sending of”.

50. Section 23 of the said Act is amended by replacing “of mailing” by “of sending”.

51. Section 27 of the said Act is amended by replacing “of mailing” by “of sending”.

52. Section 28 of the said Act is replaced by the following section :

“28. The provisions of Chapter III.2 of the Act respecting the Ministère du Revenu (chapter M-31) apply, with the necessary modifications, to a decision rendered by the Minister under section 25.

However, the fee payable upon the filing of a motion to appeal a decision referred to in the first paragraph is the fee payable in respect of a summary appeal referred to in section 93.13 of the Act respecting the Ministère du Revenu.”

53. Sections 29 to 38 of the said Act are repealed.

ACT RESPECTING INCOME SUPPORT, EMPLOYMENT ASSISTANCE AND SOCIAL SOLIDARITY

54. Section 95 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) is amended by replacing “of mailing” in the second and third paragraphs by “of sending”.

55. Section 97 of the said Act is amended by replacing “of mailing” in paragraph 1 by “of sending”.

ACT RESPECTING THE QUÉBEC SALES TAX

56. Section 483 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) is amended by replacing “of mailing” wherever those words appear by “of sending”.

FUEL TAX ACT

57. Section 10.2 of the Fuel Tax Act (R.S.Q., chapter T-1) is amended by striking out “and a permit issued under the Act respecting petroleum products and equipment (chapter P-29.1)” in the first paragraph.

58. Section 26 of the said Act is amended

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

“In addition, a person already holding a registration certificate issued under Title I of the Act respecting the Québec sales tax shall, before engaging in the retail sale of fuel in Québec, inform the Minister thereof by registered or certified mail and, at the same time, provide a declaration to the Minister containing the addresses of the establishments the person intends to operate or cause to be operated by a third person.”;

(2) by replacing “The retail dealer” in the second paragraph by “A person to whom this section applies”.

TRANSITIONAL AND FINAL PROVISIONS

59. Section 20 applies in respect of a director of a corporation that instituted proceedings for its liquidation or dissolution or that was dissolved on or after 22 April 2004.

60. Section 24 is applicable also to refunds and allocations made before 22 April 2004.

61. Section 31 applies to proceedings in which the trial in first instance has been held but judgment has yet to be rendered on 22 April 2004 and to judgments already rendered on that date but for which the time for appeal has not yet expired.

62. Sections 35 and 36, section 38 where it enacts the first paragraph of section 93.1.17 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), and sections 40 to 42 and 45 apply to motions filed at the office of the Court on or after 22 April 2004.

63. Section 14 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) applies in respect of property of a succession opened before 28 May 1986 that has not yet been transferred on 22 April 2004.

64. Notwithstanding subsection 2 of section 6 of the Act to amend various fiscal laws and other legislation (1986, chapter 15), sections 55 and 56 of the Succession Duty Act (R.S.Q., chapter D-13.2) do not apply in respect of property of a succession opened before 28 May 1986.

In addition, in respect of a succession opened before 28 May 1986, the title relating to property transferred without the permit required by sections 55 and 56 of the Succession Duty Act is valid notwithstanding non-compliance with those provisions.

65. This Act comes into force on 22 April 2004, except section 38 where it enacts the second paragraph of section 93.1.17 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) and sections 39 and 44, which come into force on the date of coming into force of the first regulation made after that date by the Government for the purposes of sections 93.1.18 and 93.13 of the Act respecting the Ministère du Revenu, which they enact.

Coming into force of Acts

Gouvernement du Québec

O.C. 433-2004, 6 May 2004

An Act to amend the Act respecting childcare centres and childcare services and the Act respecting the Ministère de la Famille et de l'Enfance (2002, c. 17)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting childcare centres and childcare services and the Act respecting the Ministère de la Famille et de l'Enfance (2002, c. 17)

WHEREAS the Act to amend the Act respecting childcare centres and childcare services and the Act respecting the Ministère de la Famille et de l'Enfance (2002, c. 17) was assented to on 8 June 2002;

WHEREAS the Act came into force on 8 June 2002 pursuant to section 30 of the Act, except the provisions of sections 1, 8 to 11, 13, 14, paragraphs 1 to 3 and 7 of section 18 and sections 20 and 23 which will come into force on the date or dates to be determined by the Government;

WHEREAS it is expedient to fix 1 June 2004 as the date of coming into force of sections 1, 8 to 11, 13, 14, paragraphs 1 to 3 and 7 of section 18 and sections 20 and 23 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment, Social Solidarity and Family Welfare and the Minister for Family Welfare:

THAT the provisions of sections 1, 8 to 11, 13, 14, paragraphs 1 to 3 and 7 of section 18 and sections 20 and 23 of the Act to amend the Act respecting childcare centres and childcare services and the Act respecting the Ministère de la Famille et de l'Enfance (2002, c. 17) come into force on 1 June 2004.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulations and other acts

Gouvernement du Québec

O.C. 415-2004, 28 April 2004

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

An Act to facilitate the establishment of a pension plan
for employees working in childcare services
(R.S.Q., c. E-12.011)

Charter of Ville de Montréal
(R.S.Q., c. C-11.4; 2003, c. 3)

Supplemental Pension Plans Act — Exemption of certain pension plans

IN THE MATTER OF the Regulation respecting the exemp-
tion of certain pension plans from the application of
provisions of the Supplemental Pension Plans Act

WHEREAS in accordance with the second paragraph
of section 2 of the Supplemental Pension Plans Act
(R.S.Q., c. R-15.1), the Government may, by regulation
and on the conditions it determines :

— exempt any pension plan or category of pension
plan it designates from the application of all or part of
the Act, particularly by reason of the special characteris-
tics of the plan or category or by reason of the complex-
ity of the Act in relation to the number of members in the
plan;

— prescribe special rules applicable to the plan or
category;

WHEREAS in accordance with section 8 of the Act to
facilitate the establishment of a pension plan for employees
working in childcare services (R.S.Q., c. E-12.001), a
regulation made under the second paragraph of section 2
of the Supplemental Pension Plans Act relating to the
pension plan referred to in section 1 of the Act to facili-
tate the establishment of a pension plan for employees
working in childcare services may, if it so provides, have
retroactive effect from a date prior to the date of its
coming into force;

WHEREAS in accordance with section 37.1 of
Schedule C of the Charter of Ville de Montréal (R.S.Q.,
c. C-11.4), enacted by section 2 of chapter 3 of the
statutes of 2003, a regulation under the second para-
graph of section 2 of the Supplemental Pension Plans
Act relating to the pension plans referred to in sec-
tion 135.1 of that Act may have retroactive effect from
any date that it determines and may also, from any date
that it determines and that may be prior to the date of its
coming into force, amend or repeal any provision con-
tained in sections 135.1 to 135.5 and 306.2 to 306.6 of
the Supplemental Pension Plans Act and in sections 29
to 32 of the Act respecting the negotiation of agreements
concerning the reduction of labour costs in the municipal
sector (1998, c. 2);

WHEREAS in accordance with the third paragraph of
section 2 of the Supplemental Pension Plans Act, a
regulation made under the second paragraph of that
section in relation to a pension plan administered by the
Commission de la construction du Québec or a mandatary
of the Commission de la construction du Québec may, if
it so provides, have retroactive effect from a date that is
prior to the date of its coming into force;

WHEREAS pursuant to sections 10 and 11 of the Regula-
tions Act (R.S.Q., c. R-18.1), the draft regulation attached
hereto was published in Part 2 of the *Gazette officielle
du Québec* on 30 December 2003 with a notice that it
could be made by the Government upon expiry of a
period of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with
an amendment;

IT IS ORDERED, therefore, upon the recommendation
of the Minister of Employment, Social Solidarity and
Family Welfare :

THAT the Regulation respecting the exemption of
certain pension plans from the application of provisions
of the Supplemental Pension Plans Act attached hereto
be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 2)

An Act to facilitate the establishment of a pension plan for employees working in childcare services
(R.S.Q., c. E-12.011, s. 8)

Charter of Ville de Montréal
(R.S.Q., c. C-11.4, Schedule C (s. 37.1); 2003, c. 3, s. 2)

DIVISION I

PROVISIONS CONCERNING THE RÉGIME DE RETRAITE DU PERSONNEL DES CPE ET DES GARDERIES PRIVÉES CONVENTIONNÉES DU QUÉBEC

1. The Régime de retraite du personnel des CPE et des garderies privées conventionnées du Québec is exempted from the following provisions of the Supplemental Pension Plans Act:

- (1) subparagraph 3 of the second paragraph of section 24;
- (2) sections 142 to 146;
- (3) sections 198 to 203.

DIVISION II

PROVISIONS CONCERNING CERTAIN PENSION PLANS TO WHICH THE VILLE DE MONTRÉAL IS PARTY

2. This division applies to the following pension plans:

- (1) the Régime de retraite des contremaîtres de la Ville de Montréal, registered with the Régie des rentes du Québec under number 27693;
- (2) the Régime de retraite des fonctionnaires de la Ville de Montréal, registered under number 27543;
- (3) the Régime de retraite des professionnels de la Ville de Montréal, registered under number 28739;
- (4) the Régime de retraite des cadres de la Ville de Montréal, registered under number 27542.

3. The second paragraph of section 132 and section 133 of the Supplemental Pension Plans Act notwithstanding, the contribution paid by Ville de Montréal to the pension fund of a plan in execution of an agreement referred to in the resolutions of the Council of the Ville de Montréal bearing the numbers CM03 0504 and CM03 0618 and made between the Ville de Montréal and the person, or if such be the case, the worker's association representing the majority of the plan's members, adjusted where required according to the said agreement, shall be used for the immediate reduction of the outstanding amortization amounts related to the initial unfunded actuarial liability identified in the report on the most recent complete actuarial valuation of the plan submitted to the Régie prior 1 July 2003.

4. Any excess amount determined by the application of the first paragraph of section 134 of the Supplemental Pension Plans Act shall, if need be, and sections 133 and 134 of the Act notwithstanding, be allocated to the redemption of the bond credited to the pension fund of the plan concerned as a result of the execution of the agreement referred to in section 3 until the value as at 1 July 2003 of the excess amounts thus allocated is equal to the amount related to the plan among the following amounts:

- (1) in the case of the plan referred to in paragraph 1 of section 2: \$16 974 000;
- (2) in the case of the plan referred to in paragraph 2 of section 2: \$27 195 000;
- (3) in the case of the plan referred to in paragraph 3 of the said section: \$37 191 000;
- (4) in the case of the plan referred to in 4 of the said section 2: nil.

5. Sections 133 and 134 of the Supplemental Pension Plans Act notwithstanding, where the value as at 1 July 2003 of the excess amounts determined by applying the first paragraph of section 134 of the Act to a pension plan reaches the amount indicated in section 4 with respect to the said plan, a portion equal to 40% of any excess amount thus determined shall be allocated to increasing the benefits of the plan's members and beneficiaries, the balance of such excess being allocated, if need be, to the redemption of the bond referred to in section 4.

The first paragraph applies with respect to a pension plan until the later of the following events: the value referred to therein reaches the amount set for that plan by the second paragraph of section 32 of the Act respecting the negotiation of agreements concerning the reduction of labour costs in the municipal sector (1998, c. 2) or the bond credited to the pension fund of the plan concerned as a result of the execution of the agreement referred to in section 3 has been redeemed in full.

6. The first paragraph of section 172 of the Supplemental Pension Plans Act applies to the said pension plans by replacing the percentage “10%” by the percentage “17.5%”.

7. The said pension plans are exempted from the application of sections 135.2 to 135.5 and 306.2 to 306.6 of the Supplemental Pension Plans Act.

8. Section 32 of the Act respecting the negotiation of agreements concerning the reduction of labour costs in the municipal sector (1998, c. 2), as amended by section 6 of the Act to amend various legislative provisions concerning municipal affairs (2003, c. 3), is further amended by inserting the following paragraphs, after the first paragraph:

“As at 1 July 2003, the value of the actuarial gains to be used for the purposes provided for in the first paragraph is, for the following plans referred to in the first paragraph, set at the following corresponding amount:

1° the pension plan referred to in paragraph 1: \$32 719 000;

2° the pension plan referred to in paragraph 3: \$219 669 000;

3° the pension plan referred to in paragraph 5: \$83 951 000;

4° the pension plan referred to in paragraph 6: \$33 793 000.

Upon agreement thereto between the Ville de Montréal and the person, or if such be the case, worker's association representing the majority of the members of a pension plan referred to in the second paragraph, such gains may likewise be used, in accordance with the terms and conditions set out in a regulation made pursuant to section 2 of the Supplemental Pension Plans Act, to provide for the redemption of a bond referred to in such regulation or to pay the employer portion of the current service contribution. Where such gains are not sufficient to redeem in full such bond, gains determined subsequently may also, insofar as the agreement so provides,

be used to provide for the redemption of the bond or to increase the benefits of the plan's members or beneficiaries, until the balance of the bond is nil.”.

DIVISION III

PROVISIONS CONCERNING THE SUPPLEMENTAL PENSION PLAN FOR EMPLOYEES OF THE QUÉBEC CONSTRUCTION INDUSTRY

9. The Supplemental Pension Plan for Employees of the Québec Construction Industry, registered with the Régie des rentes du Québec under number 25299, is, on the conditions set forth hereinafter, exempted from the application of the following provisions:

(1) subparagraph 13 of the second paragraph of section 14, subparagraph 3 of the second paragraph of section 24, sections 26, 48, 51, 60.1, 66.1, 69.1, 77, 89.1, 91.1 and 92.1, the third paragraph of section 99, sections 166 and 198 to 203 of the Supplemental Pension Plans Act;

(2) section 44 of the Act, provided any contribution referred to therein bears interest, from the first day of the month following the one in which it must be paid into the pension fund, at the rate of return obtained on the investment of the assets credited to the account to which it must be paid, or in the case of a member contribution that must be paid to the general account, at the rate obtained monthly on five-year personal term deposits in chartered banks, as compiled by the Bank of Canada;

(3) section 66 of the Act, provided a member who ceased to be an active member but who is not entitled to a pension benefit is entitled to the refund of his member contributions, with accrued interest;

(4) section 69 of the Act, provided that every member who ceases to be an active member after having accumulated at least 2,800 hours worked as an active member is entitled to a deferred pension at least equal to the sum of the basic pension from the general account and the pension related to his complementary account;

(5) the first paragraph of section 71 of the Act, provided every member who ceases to be an active member after having accumulated at least 2,800 hours worked as an active member and whose period of continuous service ended within the ten years preceding the date on which he reaches the normal retirement age is entitled to an early pension;

(6) section 78 of the Act, provided the member is entitled to the refund of all the contributions paid in his behalf during the postponement period;

(7) the third paragraph of section 87 and the provisions of the first paragraph of section 88.1 of the Act that allow the spouse of a member to waive the benefits granted him under section 87 of the Act, provided the said spouse has the right to waive, to the benefit of such member, the right to receive a portion of the pension provided for in the second paragraph of section 87;

(8) the provisions of the first paragraph of section 88.1 of the Act that allow the spouse of a member to renounce the rights accorded to said spouse pursuant to section 86 of the Act;

(9) the second sentence of the first paragraph of section 99 of the Act but only to allow further restriction of the transfer right of a member who is entitled to an early pension;

(10) section 112 of the Act, provided the Commission de la construction du Québec transmits:

(a) within nine months following the end of each of the Plan's fiscal year, to each active member, a statement containing the information referred to in section 112 of the Act and, where appropriate, the notice provided for in the second paragraph of that section;

(b) every five years, to each non-active member and beneficiary, a statement and a notice containing information similar to that contained, respectively, in the statement and notice provided for in subparagraph *a*, which applies with the required adaptations;

(11) the third paragraph of section 299 of the Act, with respect to the right of the spouse of a member to renounce the pension benefit referred to therein;

(12) section 15 of the Regulation respecting supplemental pension plans approved by Order in Council 1158-90, dated 8 August 1990, provided the Commission has made with the Régie des rentes du Québec an agreement related to the application of section 165 of the Act and provided such agreement is in effect;

(13) the provisions of Division V of the Regulation that prescribe the determination in months of the period between two dates, provided such determination is made on the basis of the hours worked credited to the worker between those dates;

(14) sections 56.2 to 59.0.2 of the Regulation, provided the information provided for in sections 57, 58, excluding the information provided for in subparagraph *n* of paragraph 5 of that section, and 59 of the Regulation as it read on 30 December 2002 is provided to those concerned thereby;

(15) subparagraphs *b* and *c* of subparagraph 8 of section 58 as well as subparagraphs *e* and *f* of subparagraph 4 of section 59 of the Regulation, provided the information provided for by those provisions are provided to the applicant for a refund or transfer of his benefits or the payment of a pension benefit.

10. The following provisions of the Supplemental Pension Plans Act apply to the plan, subject to the following changes:

(1) section 46, by replacing, in the first paragraph, the words "the actuary" with the words "a person who is a member of the Canadian Institute of Actuaries";

(2) section 60.1, by replacing, in the second paragraph, the words "the date the member ceases to be an active member" with the words "the end of the member's last period of active membership in the plan";

(3) section 66, by replacing, in the first paragraph, the words "ceases to be an active member" with the words "applies for a refund";

(4) section 111, by replacing, in the second paragraph, the number "90" with the number "120";

(5) section 290.1, by replacing, in the first paragraph, the number "2001" with the number "2006".

11. For applying sections 60 and 61 of the Supplemental Pension Plans Act where a member has had several periods of active membership in the plan, the sum of the member's member contributions and the value of any pension benefit to which he is entitled shall be determined at the last date as of which he became entitled to such pension benefit, taking into account his accrued benefits and the member contributions that he has paid with respect to all of such periods, with the exception of any periods for which he has already obtained a refund or transfer of his benefits.

12. A member or spouse who has become entitled to a pension whose value is less than 4% of the Maximum Pensionable Earnings established pursuant to the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) for the year in which he becomes entitled to such pension, may elect, before payment of the pension begins, to receive instead a lump-sum payment.

13. The spouse of a member is entitled to a refund of the value of the benefits payable to him as a result of the member's death if such value is less than 20% of the Maximum Pensionable Earnings established pursuant to the Act respecting the Québec Pension Plan for the year

in which the member died. The spouse may not exercise that right once a pension arising from the death begins to be paid to him.

Where the conditions set forth in the first paragraph are met, the Commission may likewise make a full payment of the spouse's benefits by refunding to him the sum corresponding to the value of his pension. Beforehand, the Commission must ask the spouse by notice in writing to make known to it his instructions as to the method of refund; failing receipt of a reply with 30 days from the transmission of such notice, the Commission may make the refund. The notice transmitted to the spouse must mention that eventuality.

14. The Commission may, upon application of the spouse who benefits therefrom, make a refund of the residual value of a pension that began to be paid prior to the coming into effect of this section, provided the value is less than 20% of the Maximum Pensionable Earnings established pursuant to the Act respecting the Québec Pension Plan for the year in which the refund application is made.

DIVISION IV FINAL PROVISIONS

15. This Regulation replaces the Order in Council number 215-98 dated 25 February 1998 respecting the exemption of the Supplemental Pension Plan for Employees in the Québec Construction Industry from the application of certain provisions of the Supplemental Pension Plans Act.

16. The following provisions have effect from:

(1) 26 April 1998, the provisions of paragraph 1 of section 9 with respect to section 91.1 and the third paragraph of section 99 of the Supplemental Pension Plan Act, paragraph 6 of the same section, paragraph 1 of section 10 and section 11;

(2) 1 January 2001, the provisions of paragraph 1 of section 9 with respect to sections 60.1, 66.1, 89.1, 92.1 and 198 to 203 of the Supplemental Pension Plans Act, paragraphs 2, 3, 7, 8, 10 and 11 of the same section, paragraphs 4 and 5 of section 10 and section 12;

(3) 31 December 2002, the provisions of paragraph 14 of section 9;

(4) 1 April 2003, the provisions of Division I;

(5) 1 July 2003, the provisions of Division II.

17. Section 6 will cease to have effect with respect to a pension plan to which Division II applies upon the expiry of the period prescribed for transmitting to the Régie the report on the complete actuarial valuation of the plan the date of which is after 1 July 2003 and that shows, for the first time, that the bond referred to in section 4 has been fully redeemed.

Furthermore, the following provisions will cease to have effect:

(1) 1 July 2004, paragraphs 3, 4 and 5 of section 9 and the provisions of section 12 respecting a member;

(2) 1 January 2005, the provisions of paragraph 1 of section 9 respecting section 92.1 of the Supplemental Pension Plans Act;

(3) 1 July 2005, the provisions of paragraph 1 of section 9 respecting section 89.1 of the Supplemental Pension Plans Act and the provisions of paragraph 2 of the same section that refer in particular to the member contribution that must be paid into the general account of the plan's pension fund;

(4) 1 January 2006, the provisions of paragraph 1 of section 9 respecting section 60.1 of the Supplemental Pension Plans Act, paragraphs 8, 11 and 14 of the same section, paragraph 3 of section 10 as well as the provisions of section 12 respecting a spouse;

(5) 1 July 2006, the provisions of paragraph 1 of section 9 respecting sections 66.1 and 91.1 of the Supplemental Pension Plans Act;

(6) 31 December 2007, the provisions of section 14.

18. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, with the exception of paragraph 3 of section 9, which will have effect from 1 July 2004 and paragraph 15 of section 9, paragraph 2 of section 10 and sections 13 and 14, which will have effect from 1 January 2006.

Gouvernement du Québec

O.C. 434-2004, 6 May 2004

An Act respecting childcare centres and childcare services
(R.S.Q., c. C-8.2)

Childcare centres — Amendments

Regulation to amend the Regulation respecting childcare centres

WHEREAS paragraphs 1, 1.1, 1.2, 2, 5, 6, 10.2, 13, 13.1, 14, 17 to 19.1 and 24 of section 73 of the Act respecting childcare centres and childcare services (R.S.Q., c. C-8.2) provide that the Government may make regulations, for the whole or part of the Québec territory, on the matters referred to therein;

WHEREAS the Government made the Regulation respecting childcare centres by Order in Council 1069-97 dated 20 August 1997;

WHEREAS it is expedient to amend the Regulation to provide for the screening of the directors and employees of childcare centres as well as the persons involved in home childcare, and to establish new requirements with respect to the qualifications of childcare staff, the safety of the outdoor play area and play equipment and the administration of medications;

WHEREAS it is also expedient to amend the Regulation as regards the provision of home childcare to provide for the occasional replacement of the provider, to establish new requirements related to the qualifications of the provider and home childcare staff members, and to provide for additional reasons for revoking or suspending recognition, including voluntary suspension;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting childcare centres was published in Part 2 of the *Gazette officielle du Québec* of 27 December 2002 with a notice that it could be made on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment, Social Solidarity and Family Welfare and the Minister for Family Welfare:

THAT the Regulation to amend the Regulation respecting childcare centres, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting childcare centres*

An Act respecting childcare centres and childcare services
(R.S.Q., c. C-8.2, s. 73, pars. 1, 1.1, 1.2, 2, 5, 6, 10.2, 13, 13.1, 14, 17 to 19.1 and 24; 2002, c. 17, s. 18)

1. Section 1 of the Regulation respecting childcare centres is amended by striking out “, date of birth” in paragraph 6.

2. Section 2 is amended

(1) by replacing paragraph 4 by the following:

“(4) a certified true copy of a resolution attesting to the capacity as a parent and user of each of the directors forming the majority required by the first paragraph of section 7 of the Act and of the chair of the board of directors;

(4.1) for each director, a current attestation establishing that no impediment exists or a current attestation of information that may establish an impediment under the first paragraph of section 9.1;”;

(2) by replacing subparagraph *b* of paragraph 6 by the following:

“(b) a true plan, to scale, of the outdoor play space referred to in the first paragraph of section 97.2, together with

i. a site plan for the play space showing its location in relation to the facility, as well as the location and layout of the outdoor play area, if there is one;

* The Regulation respecting childcare centres, made by Order in Council 1069-97 dated 20 August 1997 (1997, *G.O.* 2, 4368), was last amended by the Act to amend the Act respecting childcare centres and childcare services as regards places giving entitlement to grants (2003, c. 27, s. 7). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

ii. in the case of the outdoor space referred to in subparagraph 2 of the first paragraph of that section, a copy of the duly registered title of ownership, lease or authorization referred to in that subparagraph;

iii. the certificate referred to in section 97.4, where applicable, current to the application;”;

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

“In this Regulation,

“attestation establishing that no impediment exists” means the document issued by a police force in Québec confirming that the data banks accessible to the force do not contain any information needed to ascertain the existence of an impediment under subparagraph 2 or 3 of the first paragraph of section 18.1 of the Act or an impediment within the meaning of those provisions under sections 12, 41, 41.2 and 67.1; and

“attestation of information that may establish an impediment” means the document issued by a police force in Québec setting out the information needed to ascertain the existence of an impediment under subparagraph 2 or 3 of the first paragraph of section 18.1 of the Act or an impediment within the meaning of those provisions under sections 12, 41, 41.2 and 67.1, and contained in the data banks accessible to the force.”.

3. Section 7 is replaced by the following :

“7. An application for the renewal of a childcare centre permit must be submitted at least 90 days prior to the expiry date of the permit, together with the information and documents required by paragraph 6 of section 1 and paragraph 4.1 of section 2. The application must also be accompanied by the other information and documents listed in section 2 if the information and documents previously submitted are no longer accurate or are incomplete.”.

4. The following sections are inserted after the heading of Division I of Chapter II :

“9.1. Where an application for a childcare centre permit is submitted, every director must, at the permit applicant’s request, consent in writing to an investigation of the information needed to ascertain the existence of an impediment under subparagraph 2 or 3 of the first paragraph of section 18.1 of the Act. The director must also consent to the communication of the attestation establishing that no impediment exists to the permit applicant and to the Minister or, as the case may be, provide the permit applicant with the attestation of information that may establish an impediment and consent to its communication to the Minister for the Minister’s assessment.

A director is also subject to the requirements prescribed above, with the necessary modifications, where a permit holder must provide such an attestation in respect of the director pursuant to sections 7 and 9.2.

9.2. Where there is a change of director, a permit holder must, within 60 days of the change, provide the information and documents required by paragraph 6 of section 1 and paragraph 4.1 of section 2 in respect of the new director.

The permit holder must also provide a new attestation for a director if the Minister, on being made aware that the information referred to in section 9.1 has changed, requires a new attestation be provided.”.

5. Section 12 is replaced by the following :

“12. No person working in a centre or facility during its operating hours, including a trainee or a volunteer who is present on a regular basis at the centre or facility, may have an impediment within the meaning of subparagraph 2 or 3 of the first paragraph of section 18.1 of the Act that is connected, in the latter case, with the aptitudes and conduct required to hold a position in a centre, unless the impediment relates to an indictable or criminal offence other than an offence listed in the schedule to the Criminal Records Act (R.S.C. 1985, c. C-47) for which a pardon has been granted.

12.1. Before being hired, the person must, at the request of the permit applicant or permit holder, consent in writing to an investigation of the information needed to ascertain the existence of an impediment within the meaning of subparagraph 2 or 3 of the first paragraph of section 18.1 of the Act. The person must also consent to the communication of the attestation establishing that no impediment exists to the permit applicant or permit holder or, as the case may be, submit the attestation of information that may establish an impediment to the permit applicant or permit holder for assessment.

Once hired, the person is also subject to the requirements prescribed above where the attestation dates back three or more years or where the permit holder must have a new investigation carried out pursuant to section 12.3.

12.2. Every person who regularly transports children on behalf of a permit holder is subject to the requirements prescribed by sections 12 and 12.1, with the necessary modifications.

12.3. A permit holder must provide a new attestation for a person referred to in section 12 or 12.2 if the Minister, on being made aware that the information referred to in section 12.1 has changed, requires a new attestation be provided.”.

6. Section 17 is replaced by the following:

“17. In a facility where childcare is provided, the centre permit holder must ensure that at least two childcare staff members out of three hold

(1) a diploma of college studies in early childhood education or in childcare education;

(2) a diploma of college studies in special education, together with an attestation of college studies in early childhood education or in childcare education or a university certificate in early childhood studies or in childcare education;

(3) an attestation of college studies in early childhood education or in childcare education in a program requiring a minimum of 1,200 hours of training, a university certificate in early childhood studies or childcare education or in child studies, together with three years of experience, on a full-time basis or the equivalent, in duties involving the implementation of a program of educational activities for groups of pre-school-age children in a home childcare service operated by a person recognized by the holder of a home childcare agency permit before 1 September 1999 or, after that date, by the holder of a childcare centre permit, both issued under the Act, in a day care or childcare centre operated by the holder of a permit issued under the Act, or in a pre-school, a kindergarten or a school childcare service, all operated by an establishment recognized by the Ministère de l'Éducation;

(4) a bachelor's degree with a minimum of one minor in one of the following fields of study: early childhood studies, pre-school education, psycho-education, child development (psychology), remedial and special education, including or together with three university-level or college-level courses of a minimum of 45 hours each in child health, child safety and the educational approach; or

(5) an attestation of college studies for early childhood educators working with Native children.

The holder of a new centre permit has until the third anniversary of the permit issue date to comply with the first paragraph. During that time, at least one childcare staff member out of three must have one of the qualifications listed in the first paragraph.

The holder of a centre permit which has been modified to increase the maximum number of children that may be received in the permit holder's facility has until the third anniversary of the modification to comply with the first paragraph. During that time, at least one childcare

staff member out of three in the facility affected by the modification must have one of the qualifications listed in the first paragraph.”.

7. The following is added after section 18:

“18.1. Any person who, on 31 May 2004, has one of the qualifications listed in section 17, as it read on that date, is deemed to have the qualifications required by section 17.

This also applies to any person who, on 31 May 2004, holds an attestation in childcare studies or in family studies and has three years of experience, on a full-time basis or the equivalent, in duties involving the implementation of a program of activities for groups of pre-school-age children in a childcare service or in a health, social services or educational establishment.

18.2. Any person who, on 31 May 2004, is enrolled in a program of studies leading to one of the qualifications listed in section 17, as it read on that date, is deemed to have the qualification on the date the person completes the program.

18.3. Any person who, on 31 May 2004, is enrolled in one of the courses leading to the qualification referred to in subparagraph 4 of the first paragraph of section 17, as it read on that date, is deemed to have the qualification on the date the person completes the courses.

18.4. Any person who, on 31 May 2004, is in the process of acquiring the experience leading to the qualification referred to in subparagraph 5 of the first paragraph of section 17, as it read on that date, as well as any person who, on that date, holds an attestation in family studies, is deemed to have the qualification on the date the person acquires the required three years of experience.”.

8. Section 19 is deleted.

9. Section 22 is amended

(1) by replacing “18” in paragraph 2 by “18 to 18.4”;

(2) by replacing paragraph 3 by the following:

“(3) for each person referred to in sections 12 and 12.2, the attestation required by section 12.1 dating back less than three years and, in the case of the attestation of information that may establish an impediment, accompanied by a certified true copy of the board of directors' resolution attesting that there is no impediment under section 12 in respect of the person;”;

(3) by adding the following at the end of subparagraph *a* of paragraph 5:

“and, as the case may be, the documents attesting that the person designated under the second paragraph of section 67 meets the requirements prescribed by section 67.1.

The attestation referred to in sections 41.1, 41.3 and 67.2 must date back less than three years and, in the case of an attestation of information that may establish an impediment, must be accompanied by a certified true copy of the board of directors’ resolution attesting that the person concerned is not the subject of an impediment referred to in section 41, 41.2 or 67.1, as the case may be.”.

10. Section 23 is amended by replacing “the refusal of a person to be recognized as such” by “the permit holder has refused to grant the recognition”.

11. Section 24 is amended

(1) by adding the following after paragraph 3:

“(3.1) proof that the person meets the requirements of section 44;”;

(2) by adding the following after subparagraph *c* of paragraph 10:

“(d) proof that the person meets the requirements of the first paragraph of section 47;”;

(3) by replacing paragraph 11 by the following:

“(11) for the applicant and, where applicable, for the person who will be assisting the applicant, and for each person of full age living in the residence where childcare will be provided, the current attestation referred to in section 41.1 and, as the case may be, section 41.3.”.

12. Section 25 is amended by striking out “and ascertain that the person has minimum knowledge of how to provide first aid to children” in the second paragraph.

13. The following is added after section 28:

“**28.1.** Incidental to the annual reevaluation, the recognized person must ensure that the centre permit holder is provided with a new attestation establishing that no impediment exists or an attestation of information that may establish an impediment if the attestation previously provided dates back three or more years, for himself or herself, for any other person referred to in

section 41.1 and, where applicable, for the person who assists the recognized person and the person designated under the second paragraph of section 67.”.

14. Section 31 is amended by adding the following after the second paragraph:

“However, when the change relates to the information required by sections 41.1 and 41.3, the permit holder must obtain a new attestation in respect of the person concerned. A new attestation is also required when the permit holder is otherwise made aware of such a change.”.

15. Section 34 is amended

(1) by adding the following after paragraph 1:

“(1.0.1) the person refuses or neglects to comply with a remedial notice issued by the Minister under section 36.1 of the Act;”;

(2) by replacing “30” in paragraph 1.1 by “28.1, 30”.

16. Section 38 is amended

(1) by replacing “or pregnancy” in the first paragraph by “, pregnancy or adoption of a minor child”;

(2) by replacing “6” in the second paragraph by “12”.

17. Section 39 is amended

(1) by adding “The permit holder must also visit the residence.” at the end of the first paragraph;

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

“The provider must, within the time prescribed in the first paragraph, ensure that a new attestation is provided in respect of himself or herself, for any person referred to in section 41.1 and, where applicable, for the person who assists the provider and the person designated under the second paragraph of section 67, if the most recent attestation dates back three or more years or on request in the circumstances described in the third paragraph of section 31 and in section 67.2.”.

18. Section 40 is amended by inserting “except in the circumstances described in section 67,” before “be able to” in paragraph 2.

19. Section 41 is replaced by the following:

“**41.** A centre permit holder may refuse to grant recognition to an applicant who has an impediment within the meaning of subparagraph 2 or 3 of the first para-

graph of section 18.1 of the Act that is connected, in the latter case, with the aptitudes and conduct required to operate a home childcare service.

41.1. A person applying for recognition must have an investigation of the information needed to ascertain the existence of an impediment under section 41 carried out in respect of himself or herself and every person of full age living in the residence where childcare will be provided, and must ensure that for each of those persons an attestation establishing that no impediment exists or, as the case may be, an attestation of information that may establish an impediment is provided to the centre permit holder for assessment.

41.2. No person expecting to be assisting a recognized person may have an impediment within the meaning of subparagraph 2 or 3 of the first paragraph of section 18.1 of the Act that is connected, in the latter case, with the aptitudes and conduct required to hold a position in a home childcare service, unless the impediment relates to an indictable or criminal offence other than an offence listed in the schedule to the Criminal Records Act (R.S.C. 1985, c. C-47) for which a pardon has been granted.

41.3. The person referred to in section 41.2 must consent in writing to an investigation of the information needed to ascertain the existence of an impediment within the meaning of subparagraph 2 or 3 of the first paragraph of section 18.1 of the Act.

The person must also consent to the communication of the attestation establishing that no impediment exists to the person applying for recognition or the recognized person and to the permit holder or, as the case may be, ensure that the applicant or the recognized person is provided with the attestation of information that may establish an impediment and consent to its communication to the permit holder for assessment. The person must do the same when the attestation dates back three or more years and a new attestation in his or her respect is required pursuant to sections 28.1, 31 and 39.

41.4. The following persons shall not be granted recognition as a provider:

(1) a person whose permit was cancelled under section 19 of the Act or was not renewed under paragraphs 3 and 4 of that section in the three years preceding the application for recognition; and

(2) a person who was a member of the board of directors of a permit holder whose permit was cancelled under section 19 of the Act or was not renewed under paragraphs 3 and 4 of that section in the three years preceding the application for recognition.”.

20. Section 42 is amended by deleting the second paragraph.

21. Section 43 is amended by replacing “of the adult assisting that person” in the first paragraph by “of the adult assisting that person and of the person designated under the second paragraph of section 67,”.

22. Section 44 is amended by striking out “, within 6 months of being recognized,” in the introductory sentence.

23. Section 47 is amended

(1) by striking out “, within one year of its hiring” in the introductory sentence;

(2) by replacing “during the first year of his hiring, receive” in the second paragraph by “within one year of being hired, have received”.

24. Section 53 is replaced by the following:

“**53.** A centre permit holder or provider must ensure that any climbing apparatus, swing, slide or similar device installed indoors and designed for indoor use has smooth surfaces with no sharp edges. It must be safe and placed on a surface that can absorb the impact of a fall.”.

25. Section 55 is amended by replacing “wading pool shall be” by “portable wading pool is”.

26. Section 60 is amended by replacing the third paragraph by the following:

“Despite the first paragraph, acetaminophen may be administered and insect repellent applied without medical authorization to a child received, provided it is done in accordance with the protocol set out in Schedule I. Saline nasal drops and oral hydration solutions may be administered and zinc oxide-based cream for the seat area, calamine lotion and sun cream without PABA applied without medical authorization to a child received, provided the child’s parent has given written authorization.”.

27. Section 61 is replaced by the following:

“**61.** No person other than the person designated for that purpose in writing by a centre permit holder, the person designated in emergencies under section 76, the person recognized as a home childcare provider, the person assisting the home childcare provider or the person designated under the second paragraph of section 67 may administer medication to a child.”.

28. Section 62 is amended by inserting “, insect repellent, calamine lotion, zinc oxide-based cream for the seat area” after “hydration solutions” in the first paragraph.

29. Section 64 is amended by inserting “, sun creams” after “saline nasal drops” in the third paragraph.

30. Section 67 is amended by adding the following after the first paragraph:

“That requirement also applies when the provider must occasionally be away. The childcare provider must take all reasonable means available to inform the parents of the children received as soon as possible.”.

31. The following is added after section 67:

67.1. The person designated under the second paragraph of section 67 must hold the certificate required by the first paragraph of section 47 and must not have an impediment within the meaning of subparagraph 2 or 3 of the first paragraph of section 18.1 of the Act that is connected, in the latter case, with the aptitudes and conduct required to hold a position in a home childcare service, unless the impediment relates to an indictable or criminal offence other than an offence listed in the schedule to the Criminal Records Act (R.S.C. 1985, c. C-47) for which a pardon has been granted.

67.2. A recognized person who intends to designate a person under the second paragraph of section 67 must, prior to being replaced for the first time, provide the centre permit holder with proof that the person meets the requirements of the first paragraph of section 47 and ensure that the permit holder is given the attestation required by section 41.3. The recognized person must notify the permit holder of any change with respect to the designated person; when the change affects the information needed to ascertain the existence of an impediment under section 67.1, the permit holder must require a new attestation. A new attestation must also be required when the permit holder is otherwise made aware of such a change.

The provisions of section 41.3 apply to the designated person and to the recognized person, with the necessary modifications.”.

32. The following is inserted after section 72:

72.1. A home childcare provider must ensure that any climbing apparatus, swing, slide or similar device installed outdoors has smooth surfaces with no sharp edges. It must be safe, anchored and placed on a surface that can absorb the impact of a fall.”.

33. Section 87 is revoked.

34. The following is inserted after section 97:

“CHAPTER V.1

LAYOUT, EQUIPMENT, MAINTENANCE AND SAFETY OF OUTDOOR PLAY SPACES AND OUTDOOR PLAY AREAS

97.1. In this Chapter, “outdoor play area” means the part of the outdoor play space that has play equipment intended for the children who attend the childcare service.

97.2. A centre permit holder must provide the children with

(1) an outdoor play space enclosed by a safe fence at least 1.20 m in height, contiguous to the building housing the rooms where the permit holder provides childcare in a facility;

(2) an outdoor play space enclosed by a safe fence at least 1.20 m in height located less than 500 m from the facility, to which the permit holder has access during the operating hours of the facility by a duly registered title of ownership, by a lease with a term of at least 5 years or by a written authorization guaranteeing free access for the same period; or

(3) an outdoor children’s play space in a public park; the play space must be within 500 m of the facility, be enclosed by a fence and be accessible during the operating hours of the facility.

The play space must have a suitable and safe layout and, if it has an outdoor play area, that area must be adapted to the age of the children received.

The minimum surface area of the play space referred to in subparagraphs 1 and 2 of the first paragraph must be 4 m² per child, while allowing at least one third of the maximum number of children indicated on the permit to be accommodated at a time.

The distance of 500 m referred to in subparagraphs 2 and 3 of the first paragraph is measured by the shortest route normally taken to walk the distance between the outdoor play space and the building housing the facility.

97.3. The centre permit holder must ensure that the outdoor play area and the play equipment in that area meet Canadian Standards Association Standard CAN/CSA-Z614-03, Children’s Playspaces and Equipment (Etobicoke, 2003).

The permit holder must also comply with the standard as it pertains to inspections and maintenance, and must prepare the annual report and maintain all the records referred to in the standard.

97.4. A centre permit holder who equips the outdoor play space of a centre with an outdoor play area or play equipment must, within 30 days of laying out the area, provide the Minister with a current layout certificate certifying that the outdoor play area and the play equipment in that area comply with the requirements of the second paragraph of section 97.2 and the first paragraph of section 97.3. The certificate must be issued by an architect, engineer or technologist who is a member of his or her respective professional order or by a landscape architect who is a member of the Association des architectes paysagistes du Québec under which the landscape architect is authorized for that purpose.

97.5. The centre permit holder must, no later than 30 June of the third year following the year in which the certificate was issued, provide the Minister with a new certificate in conformity with the requirements of section 97.4 that dates back less than four months.

97.6. The centre permit holder must notify the Minister in writing within 10 days of any change affecting the outdoor play area or play equipment. The permit holder must, on request, provide the Minister with a new certificate in conformity with the requirements of section 97.4.

97.7. Sections 97.3 to 97.6 do not apply to an outdoor play area located in a public park.

97.8. A centre permit holder must ensure that the childcare staff members supervise the children and watch them at all times when they are using play equipment.”.

35. Section 98 is amended by replacing “to organized eatings” at the end of subparagraph 4 of the first paragraph by “in organized outings”.

36. Section 99 is amended by deleting subparagraph 3 of the first paragraph.

37. Section 100 is replaced by the following :

“**100.** A centre permit holder who contravenes any of the provisions of sections 17, 20 to 23, 49 to 59, 62, 64, 73 to 81, 83 to 86, 88 to 91, subparagraphs 1 and 2 of the first paragraph of section 97.2, sections 97.3 to 97.6, 97.8, 98 or 99 is liable to the fine prescribed in section 74.9 of the Act.”.

38. Section 108 is amended by replacing “section 87” by “section 97.2”.

39. The following is inserted after section 109.1 :

“**109.2.** A centre permit holder must provide the Minister with the attestation referred to in section 9.1, in respect of each director, no later than 1 December 2004. The requirements of section 9.1 apply to a director.

109.3. Unless the permit holder has an attestation establishing that no impediment exists or an attestation of information that may establish an impediment that dates back less than three years, the permit holder must have an investigation of the information needed to ascertain the existence of any impediment under section 12 carried out no later than 1 December 2004 in respect of each person who works at the centre or at a facility during its operating hours or who regularly transports children on behalf of the permit holder. The requirements of section 12.1 apply to a person referred to above, with the necessary modifications.

109.4. A person recognized as a home childcare provider must, no later than 1 December 2004, ensure that the permit holder who granted the recognition is provided with an attestation establishing that no impediment exists or the attestation of information that may establish an impediment, for himself or herself, for any person referred to in section 41.1 and, as the case may be, for a person referred to in section 41.2, unless the provider has such an attestation dating back less than three years. The requirements of section 41.3 apply to a person referred to in section 41.2, with the necessary modifications.

109.5. A person recognized by a permit holder as a home childcare provider who, on 1 June 2004, does not hold the first aid certificate required by section 44 must obtain the certificate within 8 months of receiving recognition.

109.6. A person who, on 1 June 2004, assists a person recognized as a home childcare provider and does not hold the first aid certificate required by section 47 must obtain the certificate within one year of being hired.

109.7. A person who, on 31 May 2004, has submitted an application for recognition must obtain the first aid certificate required by section 44 within six months of receiving recognition. The centre permit holder must, however, ensure that the person has basic knowledge of child first aid.

The person who is expected to be assisting the applicant must obtain the certificate required by section 47 within one year of being hired.

109.8. The person designated under the second paragraph of section 67 must have obtained the first aid certificate referred to in the first paragraph of section 47 no later than 1 June 2005. The centre permit holder must, however, ensure that the person has basic knowledge of child first aid.

109.9. A centre permit holder who, on 1 June 2004, had already equipped the outdoor play space of a centre with an outdoor play space and play equipment must provide the Minister, no later than 1 October 2004, with a certificate in conformity with the requirements of section 97.4 that dates back less than four months.

A centre permit holder is not required to comply with sections 7.1 to 7.5, 7.7, 9.1.1, 9.2 to 9.6.3 and 9.8 of the standard referred to in section 97.3 before 1 June 2007. However, the permit holder must comply with the provisions of those sections upon repairing, replacing or adding to the equipment.”.

40. The protocol entitled “1. PROCEDURE FOR ADMINISTERING ACETAMINOPHEN” in Schedule I is replaced by the following:

“1. PROTOCOL FOR ADMINISTERING ACETAMINOPHEN

Acetaminophen is the generic name of the medication that is commercially available under the following brand names: Atasol, Temptra, Tylenol and other house brand names.

Under the Regulation respecting childcare centres, acetaminophen may be administered without medical authorization to a child received in a childcare centre or home childcare service, provided it is administered in accordance with this Protocol and that a parent has given written consent.

A parent is not required to consent to the application of this Protocol. However, if a parent does not sign the authorization form, the medication may not be administered to the child unless the parent and a member of the Collège des médecins du Québec give written authorization.

BASIC RULES

Within the framework of this Protocol, acetaminophen may be administered solely to reduce fever. It may not be administered

— to children under two months of age;

— to relieve pain;

— during more than 48 consecutive hours (two days); or

— to children who have received medication containing acetaminophen in the preceding four hours.

In those four cases, the Protocol does not apply and written authorizations from a physician and the parent are required to administer the medication.

Centres or persons recognized as home childcare providers may have their own acetaminophen container, in which case the brand name, the dosage form (drops, tablets, syrup) and the concentration must be indicated on the authorization form.

To avoid confusion, acetaminophen should be kept on hand in only one of its two liquid forms: drops or syrup. If children under 24 months of age are received, it is recommended that drops be used instead of syrup. If the centre or provider elects to use syrup for the other children, it is recommended to use only one concentration.

The dosage must not under any circumstances exceed the dosage guidelines below or the dosage prescribed on the medication container.

An adult tablet must never be cut up and administered to a child as it could alter the dosage: an inadequate dose would not provide the expected result, while an overdose could pose serious risks to the child.

It is important to always check the concentration of acetaminophen and to follow the dosage instructions on the container since new products of greater or lesser strength may appear on the market. It is also recommended to use only one concentration if the brand name selected is available in more than one concentration.

Any administration of acetaminophen must be recorded in the register of medications prescribed by the Regulation and the parent must be informed.

WHAT YOU SHOULD KNOW

What is a normal temperature ?

The normal temperature range will vary depending on the measurement method, used as illustrated in the table below.

Measurement Method	Normal Variation in Temperature
Rectal	37.2°C to 37.5°C
Oral	35.5°C to 37.5°C
Axillary (underarm)	34.7°C to 37.0°C
Tympanic (ear)	35.8°C to 37.5°C

What is fever ?

Fever is defined as a body temperature that is higher than normal. Normal temperature may vary somewhat depending on the child, the time of day, the outdoor temperature and the level of activity. The cause of the fever is more important than the temperature itself.

It is generally considered that there is fever if the rectal, oral or tympanic temperature is above 38.0°C or if the axillary temperature is above 37.5°C.

The only sure way to measure fever is to take the child's temperature. A child's temperature must be checked whenever the child's general condition (frantic crying, loss of energy, change in general condition, loss of appetite, etc.) or physical symptoms (flushed cheeks, excessively warm skin, sweating) could be signs of fever. The following measures are recommended:

- take the rectal temperature of children under two years of age;
- take the rectal, tympanic or axillary temperature of children between two and five years of age;
- take the oral temperature of children over five years of age;
- use the appropriate thermometer;
- always use disposable plastic tips as they are more hygienic; otherwise, disinfect the thermometer properly before and after each use;
- if the child has just been physically active, wait approximately 15 minutes as the child's body temperature may be higher than normal if it is taken immediately after an activity;
- always comply with the time requirements for the thermometer being used since the time required may vary with the thermometer. A digital thermometer, which requires less time to take the temperature, is recommended.

WHAT YOU SHOULD DO

If you notice the start of an increase in body temperature (a rectal, oral or tympanic temperature between 37.5°C and 38.0°C or an axillary temperature between 37°C and 37.5°C), and if the child's general condition is good and there are no specific medical precautions that need to be taken,

- dress the child comfortably;
- have the child drink (water, fruit juice or milk) at more frequent intervals;
- keep an eye on the child and take the child's temperature again after 60 minutes, or sooner if the child's condition seems to be worsening; and
- inform the parent of the child's condition.

If a child under two months of age has a fever (a rectal temperature above 38.0°C or an axillary temperature above 37.5°C),

- apply the measures listed above for an increase in body temperature (dress comfortably, have the child drink and keep an eye on the child);
- notify the parent immediately; ask the parent to come and pick up the child and, in the meantime, apply the measures listed above; and
- if the parent cannot come to pick up the child, call the persons designated by the parent as emergency contacts and if they cannot be reached, take the child to a medical service, to the local community service centre or to a hospital emergency department; do not administer acetaminophen without a written medical authorization for the child.

If a child two months of age or older has a fever (a rectal, oral or tympanic temperature above 38.0°C or an axillary temperature above 37.5°C),

- apply the measures listed above for an increase in body temperature (dress comfortably, have the child drink and keep an eye on the child);
- inform the parent of the child's condition;
- administer acetaminophen according to the dosage guidelines below or the dosage instructions on the medication container, in accordance with the rules in this Protocol; and

— one hour after administering acetaminophen, take the child's temperature again; if the temperature is still high, ask the parent to come and pick up the child. If the parent cannot be reached, call the persons designated by the parent as emergency contacts and if they cannot be reached, take the child to a medical service, to the local community service centre or to a hospital emergency department.

When you administer acetaminophen,

— always use simple words, appropriate to the child's age, to explain to the child the relationship between his or her condition, the medication being taken and the expected results;

— wash your hands before handling the medication;

— check the concentration, dosage instructions and expiry date on the medication container;

— pour the medication (drops or syrup) into a medicine spoon calibrated in ml, then administer it to the child; never put a medicine dropper directly into a child's mouth, unless it is a disposable dropper. The spoon must be washed in very hot water after use;

OR

— if administering a tablet, put it in a goblet then have the child take it. If the child wants to, he or she may drink a little water after taking the tablet; and

— wash your hands after administering the medication.

ACETAMINOPHEN: DOSAGE

CONCENTRATION

Weight	Drops 80 mg/ml	Syrup 80 mg/5 ml	160 mg/5 ml	Tablets 80 mg/tablet	160 mg/tablet
2.4-5.4 kg	0.5 ml (40 mg)	2.5 ml (40 mg)	1.25 ml (40 mg)	-	-
5.5-7.9 kg	1.0 ml (80 mg)	5.0 ml (80 mg)	2.5 ml (80 mg)	-	-
8.0-10.9 kg	1.5 ml (120 mg)	7.5 ml (120 mg)	3.75 ml (120 mg)	-	-
11.0-15.9 kg	2.0 ml (160 mg)	10.0 ml (160 mg)	5 ml (160 mg)	2 tablets (160 mg)	1 tablet (160 mg)
16.0-21.9 kg	3.0 ml (240 mg)	15.0 ml (240 mg)	7.5 ml (240 mg)	3 tablets (240 mg)	1.5 tablets (240 mg)
22.0-26.9 kg	4.0 ml (320 mg)	20 ml (320 mg)	10 ml (320 mg)	4 tablets (320 mg)	2 tablets (320 mg)
27.0-31.9 kg	5 ml (400 mg)	25.0 ml (400 mg)	12.5 ml (400 mg)	5 tablets (400 mg)	2.5 tablets (400 mg)
32.0-43.9 kg	6 ml (480 mg)	30.0 ml (480 mg)	15.0 ml (480 mg)	6 tablets (480 mg)	3 tablets (480 mg)

— The dosage unit may be repeated every four hours.

— Do not exceed six doses in a 24-hour period.

— The dosages shown in the chart above are based on a maximum dose of 10 to 15 mg/kg.

WARNING
ACETAMINOPHEN
IN RELATION TO
IBUPROFEN AND OTHER MEDICATIONS

IBUPROFEN :

— A warning is needed since a clear distinction must be made between acetaminophen and ibuprofen.

— Although both medications have antipyretic (fever-reducing) properties, they must not be confused because they belong to different classes of medications and work differently. Ibuprofen must not, under any circumstances, be substituted for acetaminophen for the following reasons :

– acetaminophen and ibuprofen belong to different classes of medications ;

– ibuprofen is a non-steroidal anti-inflammatory drug (NSAID) ;

– the dosage and frequency of administration are different for the two medications ;

– it has been established that all NSAIDs may affect respiratory functions ; that is why ibuprofen is contraindicated in persons who have or have had asthma ; and

– a cross-sensitivity has been observed between salicylates and ibuprofen (allergic reaction).

— When applying this Protocol, care must be taken to never confuse ibuprofen and acetaminophen or substitute one for the other.

— This Protocol may be applied as indicated even if a child has received ibuprofen at home before arriving at the childcare service, regardless of the time elapsed. There is no contra-indication to or danger in giving acetaminophen to a child who received ibuprofen earlier since the two medications do not work in the same way.

OTHER MEDICATIONS :

— The availability of an increasing number of combination medications containing acetaminophen and another pharmaceutical product on the market calls for greater care in applying this Protocol. A number of cough syrups, for example, contain acetaminophen.

— Good communication between the parents and the person authorized to administer the medication is important. The person authorized to administer the medi-

cation must know what medication the child received in the four hours before arriving at the childcare service so the Protocol may be applied safely, for the health and well-being of the child.

— If an educator or a person recognized as a home childcare provider notices fever in a child within four hours of the child's arrival and has been made aware that the child took syrup or other medication earlier, the educator or provider may contact a pharmacist to obtain the necessary information concerning the medication and apply the Protocol accordingly.

AUTHORIZATION FORM FOR THE
ADMINISTRATION OF ACETAMINOPHEN

A parent is not required to consent to the application of this Protocol. However, if a parent does not sign the authorization form, acetaminophen may not be administered to the child unless the parent and a member of the Collège des médecins du Québec give written authorization. A parent may limit the period of validity of the authorization by indicating the duration of the authorization in the space provided.

I hereby authorize _____
(name of childcare centre, person recognized as home childcare provider or person who assists the provider, as the case may be, or person designated under the second paragraph of section 67 of the Regulation respecting childcare centres) to administer to my child, in accordance with this Protocol, acetaminophen sold under the following brand name :

Brand name, form (drops, syrup or tablets)
and concentration

Child's surname and given name

Authorization period

Parent's signature

____ / ____ / ____
Date

This Protocol was prepared by the Ministère de l'Emploi, de la Solidarité sociale et de la Famille and approved by a working group composed of representatives from the health and social services network and childcare services. The information it contains reflects the state of knowledge on the subject in 2002.”.

41. The protocol entitled “2. PROCEDURE FOR ADMINISTERING ORAL HYDRATION SOLUTIONS” in Schedule I is replaced by the following:

“2. PROTOCOL FOR APPLYING INSECT REPELLENT

Under the Regulation respecting childcare centres, insect repellent may be applied without medical authorization to a child received in a childcare centre or home childcare service, provided it is applied in accordance with this Protocol and that a parent has given written consent.

A parent is not required to consent to the application of this Protocol. However, if a parent does not sign the authorization form, the insect repellent may not be applied to a child unless the parent and a member of the Collège des médecins du Québec give written authorization.

BASIC RULES

The insect repellent used must contain a concentration of less than 10% DEET (N,N-diethyl-m-toluamide); read the product label carefully because the concentration of DEET varies significantly from product to product.

Centres or persons recognized as home childcare providers may have their own insect repellent container; the brand name, the form (lotion, cream, gel, non-aerosol or aerosol spray) and the concentration of the active ingredient DEET must be indicated on the authorization form. To avoid confusion, only one form of insect repellent should be kept on hand.

Repeated or excessive applications of insect repellent are unnecessary for effectiveness; it is recommended to apply the repellent sparingly to the skin. The product should not be used for extended periods of time.

Under no circumstances should insect repellent be applied

- to the eyes or mucous membranes;
- to open wounds or broken skin;
- to irritated or sunburned skin;
- under clothing;
- to the hands; or
- in excessive amounts.

Insect repellent may not be used on children under two years of age without written authorization from a parent and a physician. Hence, this Protocol does not apply to children under two years of age.

It is recommended to apply insect repellent only once a day to children between six months and two years of age, and a maximum of three times a day to children over two years of age.

Insecticides and pesticides are made for use on land or in houses, and should never be used on the body.

DEET-based products should first be tested by applying a small amount to a small area of the child's skin, preferably on the inside of the forearm, then waiting eight to twelve hours. It is suggested that testing be done in the morning to see how well the children tolerate the product through the day; it is important to let parents know that the test will be done on that day. The test should be done in early spring, well before the Protocol is applied. If a reaction occurs, wash the treated skin immediately and consult a physician; make sure to give the physician a list of the product's ingredients.

Never combine insect repellent and sunscreen. Avoid all “2-in-1” products that act as both an insect repellent and a sunscreen. To adequately protect the children from the harmful effects of the sun, apply sunscreen generously to exposed skin and under clothing; apply insect repellent, in contrast, in small amounts and never under clothing. If suntan lotion is applied after insect repellent, both products become less effective. Sunscreens also lose approximately 20% of their effectiveness when DEET is applied. When a sunscreen and an insect repellent are used, it is recommended to use a cream with a sun protection factor (SPF) of 30 and to apply the insect repellent 30 to 45 minutes after the sunscreen.

Insect repellent must be used in well-ventilated areas and away from food.

Any application of insect repellent must be recorded in the register of medications prescribed by the Regulation and the parent informed of the number of daily applications.

PRECAUTIONARY MEASURES

Insect repellent should be used only during periods when mosquitoes are abundant or if the area around the childcare service provides a breeding ground for mosquitoes, and only after the precautionary measures below have been taken.

To avoid insect bites when they are outside, the children should

- wear a long-sleeved sweater and long pants that ideally fit tightly at the wrists and ankles;
- wear loose-fitting, light-coloured clothes made of a tightly woven fabric;
- wear shoes and socks;
- avoid using perfumed products; and
- avoid going outside at times of the day when mosquitoes are most abundant, such as early morning or late afternoon.

To prevent mosquitoes from multiplying in the area around the childcare service

- eliminate any source of standing water, which is conducive to mosquito breeding;
- turn over any objects that are not stored indoors, such as boats, wading pools, gardening containers and children's toys;
- cover outdoor garbage cans and any other container that may collect water;
- replace pool or wading pool water or make sure it is treated daily;
- use insect screens in the areas where younger children play; and
- repair damaged insect screens at the centre or home childcare service as quickly as possible.

Protect children under six months of age from coming into contact with mosquitoes by using mosquito netting on strollers and by using screened-in verandas.

WHAT YOU SHOULD KNOW

DEET-based products remain the preferred and most effective insect repellents against a wide variety of insects; insect repellents with a DEET concentration of less than 10% provide two to three hours of protection.

Although the safety of these products has been proven, they may pose certain risks, especially to children, if they are misused. DEET is partially absorbed through the skin and may make its way into the bloodstream. It may also accumulate in the body fat, brain and heart. A

few cases of poisoning have been cited in literature. However, there is little risk to human health if insect repellents are used with discretion and only occasionally.

Applying insect repellent to clothing (except synthetics or plastic material) may be a way of decreasing the risk of poisoning in children over two years of age, but it is important to watch that children do not put the saturated clothing in their mouths, or touch it and accidentally get repellent in their eyes. DEET-based products can cause severe eye irritation.

In choosing a product, the following benefits and inconveniences should be considered:

- products in the form of a lotion, gel or cream are generally easy to apply but heavy application should be avoided;
- insect repellents in non-aerosol or aerosol spray form require additional caution; they should not be applied in closed or poorly-ventilated areas to avoid breathing in the harmful fumes, and care must be taken to avoid getting repellent on children's faces or hands.

WHAT YOU SHOULD DO

Insect repellent must always be applied by a person authorized to do so. Under no circumstances should children be allowed to apply insect repellent themselves, regardless of their age.

When you go outdoors with the children, you must

- apply the precautionary measures; and
- follow the steps below to apply the insect repellent:
 - use simple words to explain to the child the relationship between the situation, the insect repellent being applied and the expected results;
 - wash your hands before handling the product;
 - read the product label carefully before applying, and make sure that the DEET concentration is less than 10% and that the product does not contain sunscreen;
 - it is preferable to wear gloves to apply the product;
 - use single-use gloves and change gloves if a child has broken skin, such as insect bites (which often lead to a secondary infection), to eliminate the risk of transmitting a skin infection to another child;

– put a small amount of the product in your hand, apply it sparingly to exposed areas only or to clothing, only at the nape of the neck and ankles, as far as possible;

– make sure the children do not touch the areas to which the insect repellent has been applied. If they do touch those areas, they should wash their hands with soapy water; and

– wash your hands after applying the insect repellent to all the children in the group, even if you wore gloves to apply it.

Wash the treated skin with soap and water when the children come inside or when protection is no longer needed. This is particularly important if insect repellent is applied several times in the same day or on several consecutive days.

AUTHORIZATION FORM FOR THE APPLICATION OF INSECT REPELLENT

A parent is not required to consent to the application of this Protocol. However, if a parent does not sign the authorization form, insect repellent may not be applied to a child unless the parent and a member of the Collège des médecins du Québec give written authorization. A parent may limit the period of validity of the authorization by indicating the duration of the authorization in the space provided.

I hereby authorize _____
(name of the childcare centre, person recognized as home childcare provider or person who assists the provider, as the case may be, or person designated under the second paragraph of section 67 of the Regulation respecting childcare centres, where applicable) to use on my child, in accordance with this Protocol, insect repellent sold under the following brand name:

Brand name, form (lotion, cream, gel, non-aerosol or aerosol spray) and concentration of the active ingredient DEET

Child's surname and given name

Authorization period

_____/_____/_____
Parent's signature Date

This Protocol was prepared by the Ministère de l'Emploi, de la Solidarité sociale et de la Famille and approved by a working group composed of representatives from the health and social services network and childcare services. The information it contains reflects the state of knowledge on the subject in 2003.”.

42. This Regulation comes into force on 1 June 2004.

6300

Gouvernement du Québec

O.C. 435-2004, 6 May 2004

An Act respecting childcare centres
and childcare services
(R.S.Q., c. C-8.2)

Day care centres — Amendments

Regulation to amend the Regulation respecting day care centres

WHEREAS paragraphs 1, 1.1, 1.2, 2, 5, 6, 10.2, 17, 18, 19.1 and 24 of section 73 of the Act respecting childcare centres and childcare services (R.S.Q., c. C-8.2) provide that the Government may make regulations, for the whole or part of the Québec territory, on the matters referred to therein;

WHEREAS the Government made the Regulation respecting day care centres by Order in Council 1971-83 dated 28 September 1983;

WHEREAS it is expedient to amend the Regulation to provide for the screening of day care centre permit applicants and permit holders as well as day care centre directors and employees, and to establish new qualification requirements for the staff;

WHEREAS it is expedient to amend the Regulation with respect to the safety of the outdoor play area and play equipment and the administration of medications;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting day care centres was published in Part 2 of the *Gazette officielle du Québec* of 5 March 2003 with a notice that it could be made on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment, Social Solidarity and Family Welfare and the Minister for Family Welfare:

THAT the Regulation to amend the Regulation respecting day care centres, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting day care centres*

An Act respecting childcare centres and childcare services
(R.S.Q., c. C-8.2, s. 73, pars. 1, 1.1, 1.2, 2, 5, 6, 10.2, 17, 18, 19.1 and 24; 2002, c. 17, s. 18)

1. Section 1 of the Regulation respecting day care centres is amended by striking out “, date of birth” in paragraph 4.

2. Section 2 is amended

(1) by replacing paragraph 4 by the following:

“(4) for himself or, if the applicant is a legal person, for each director, a current attestation establishing that no impediment exists or a current attestation of information that may establish an impediment under section 5.1 or 5.2, as the case may be;”;

(2) by replacing paragraph 7 by the following:

“(7) a true plan, to scale, of the outdoor play space referred to in the first paragraph of section 47.2, together with

(a) a site plan for the play space showing its location in relation to the facility, as well as the location and layout of the outdoor play area, if there is one;

(b) in the case of the outdoor space referred to in subparagraph 2 of the first paragraph of that section, a copy of the duly registered title of ownership, lease or authorization referred to in that subparagraph; and

(c) the certificate referred to in section 47.4, where applicable, current to the application;”;

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

“In this Regulation,

“attestation establishing that no impediment exists” means the document issued by a police force in Québec confirming that the data banks accessible to the force do not contain any information needed to ascertain the existence of an impediment under subparagraph 2 or 3 of the first paragraph of section 18.1 of the Act or an impediment within the meaning of those provisions under section 8; and

“attestation of information that may establish an impediment” means the document issued by a police force in Québec setting out the information needed to ascertain the existence of an impediment under subparagraph 2 or 3 of the first paragraph of section 18.1 of the Act or an impediment within the meaning of those provisions under section 8, and contained in the data banks accessible to the force.”.

3. The following is inserted after section 5:

“§1.1. Requirements for permit holders

5.1. Where an application for a day care permit is submitted by a natural person, the applicant must have an investigation of the information needed to ascertain the existence of an impediment under subparagraph 2 or 3 of the first paragraph of section 18.1 of the Act carried out in respect of himself or herself and provide the Minister with an attestation establishing that no impediment exists or, as the case may be, an attestation of information that may establish an impediment for the Minister’s assessment.

A permit holder must provide a new attestation if the Minister, on being made aware that the information referred to in the first paragraph has changed, requires a new attestation be provided.

5.2. Where an application is submitted by a legal person, every director must, at the permit applicant’s request, consent in writing to an investigation of the information needed to ascertain the existence of an impediment under subparagraph 2 or 3 of the first paragraph of section 18.1 of the Act. The director must also

* The Regulation respecting day care centres, made by Order in Council 1971-83 dated 28 September 1983 (1983, *G.O.* 2, 3527), was last amended by the Act to amend the Act respecting childcare centres and childcare services as regards places giving entitlement to grants (2003, c. 27, s. 13). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

consent to the communication of the attestation establishing that no impediment exists to the permit applicant and to the Minister or, as the case may be, provide the permit applicant with the attestation of information that may establish an impediment and consent to its communication to the Minister for the Minister's assessment.

A director is also subject to the requirements prescribed above, with the necessary modifications, where a permit holder must provide such an attestation in respect of the director pursuant to sections 5.3 and 6.

5.3. Where there is a change of director, a permit holder must, within 60 days of the change, provide the information and documents required by paragraph 4 of sections 1 and 2 in respect of the new director.

The permit holder must also provide a new attestation for a director if the Minister, on being made aware that the information referred to in the first paragraph of section 5.2 has changed, requires a new attestation be provided.”.

4. The first paragraph of section 6 is replaced by the following:

“6. An application for the renewal of a day care centre permit must be submitted at least 90 days before the expiry date of the permit, together with the information and documents required by paragraph 4 of section 1 and subparagraph 4 of the second paragraph of section 2. The application must also be accompanied by the other information and documents listed in section 2 if the information and documents previously submitted are no longer accurate or are incomplete.”.

5. Section 8 is replaced by the following:

“8. No person working in a day care centre during its operating hours, including a trainee or a volunteer who is present on a regular basis at the day care centre, may have an impediment within the meaning of subparagraph 2 or 3 of the first paragraph of section 18.1 of the Act that is connected, in the latter case, with the aptitudes and conduct required to hold a position in a day care centre, unless the impediment relates to an indictable or criminal offence other than an offence listed in the schedule to the Criminal Records Act (R.S.C. 1985, c. C-47) for which a pardon has been granted.”.

6. The following is added after section 8.1:

“8.2. Before being hired, the person must, at the request of the permit applicant or permit holder, consent in writing to an investigation of the information needed to ascertain the existence of an impediment within the

meaning of subparagraph 2 or 3 of the first paragraph of section 18.1 of the Act. The person must also consent to the communication of the attestation establishing that no impediment exists to the permit applicant or permit holder or, as the case may be, submit the attestation of information that may establish an impediment to the permit applicant or permit holder for assessment.

Once hired, the person is also subject to the requirements prescribed above where the attestation dates back three or more years or where the permit holder must have a new investigation carried out pursuant to section 8.4.

8.3. Every person who regularly transports children on behalf of a permit holder is subject to the requirements prescribed by sections 8 and 8.2, with the necessary modifications.

8.4. A permit holder must provide a new attestation for a person referred to in section 8 or 8.3 if the Minister, on being made aware that the information referred to in section 8.2 has changed, requires a new attestation be provided.”.

7. Section 9 is replaced by the following:

“9. In a day care centre, the permit holder must ensure that at least one day care staff member out of three holds

(1) a diploma of college studies in early childhood education or in childcare education;

(2) a diploma of college studies in special education, together with an attestation of college studies in early childhood education or in childcare education or a university certificate in early childhood studies or in childcare education;

(3) an attestation of college studies in early childhood education or in childcare education in a program requiring a minimum of 1,200 hours of training, a university certificate in early childhood studies or childcare education or in child studies, together with three years of experience, on a full-time basis or the equivalent, in duties involving the implementation of a program of educational activities for groups of preschool-age children in a home childcare service operated by a person recognized by the holder of a home childcare agency permit before 1 September 1999 or, after that date, by the holder of a childcare centre permit, both issued under the Act, in a day care or childcare centre operated by the holder of a permit issued under the Act, or in a preschool, a kindergarten or a school childcare service, all operated by an establishment recognized by the Ministère de l'Éducation;

(4) a bachelor's degree with a minimum of one minor in one of the following fields of study: early childhood studies, pre-school education, psycho-education, child development (psychology), remedial or special education, including or together with three university-level or college-level courses of a minimum of 45 hours each in child health, child safety and the educational approach; or

(5) an attestation of college studies for early childhood educators working with Native children.

9.0.1. A day care staff member who meets the following requirements is deemed to have the qualifications referred to in section 9:

(1) the staff member worked 60% or more of the time on a full-time basis for one or more day care centre permit holders between 19 October 1983 and 19 October 1988 and was assigned to implementing the program of activities for the children;

(2) the staff member has successfully completed one college-level or university-level course of a minimum of 45 hours in each of the following fields:

(a) child development;

(b) hygiene and health of young children;

(c) development of programs of activities for preschool-age children; and

(d) childcare services in Québec.

9.0.2. Any person who, on 31 May 2004, has one of the qualifications listed in section 9, as it read on that date, is deemed to have the qualifications required by section 9.

This also applies to any person who, on 31 May 2004, holds an attestation in childcare studies or in family studies and has three years of experience, on a full-time basis or the equivalent, in duties involving the implementation of a program of activities for groups of preschool-age children in a childcare service or in a health, social services or educational establishment.

9.0.3. Any person who, on 31 May 2004, is enrolled in a program of studies leading to one of the qualifications listed in section 9, as it read on that date, is deemed to have the qualification on the date the person completes the program.

9.0.4. Any person who, on 31 May 2004, is enrolled in one of the courses leading to the qualification referred to in subparagraph 4 of the first paragraph of section 9, as it read on that date, is deemed to have the qualification on the date the person completes the courses.

9.0.5. Any person who, on 31 May 2004, is in the process of acquiring the experience leading to the qualification referred to in subparagraph 5 of the first paragraph of section 9, as it read on that date, as well as any person who, on that date, holds an attestation in childcare studies or in family studies is deemed to have the qualification on the date the person acquires the required three years of experience.

9.0.6. The holder of a day care permit must ensure that the one day care staff member out of three who has one of the qualifications required by section 9 is present each day with the children for at least half of the centre's operating hours.

Where the number of day care staff members is fewer than three, at least one of those staff members must have one of the qualifications required by section 9."

8. Section 9.1 is amended

(1) by replacing "in sections 9" in subparagraph 1 of the first paragraph by "of sections 9 to 9.0.5";

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

"(2) for each person referred to in sections 8 and 8.3, the attestation required by section 8.2 dating back less than three years and, in the case of the attestation of information that may establish an impediment, accompanied by a declaration by the permit holder or by a certified true copy of the board of directors' resolution attesting that there is no impediment under section 8 in respect of the person."

9. Section 17 is amended by replacing the third paragraph by the following:

"Despite the first paragraph, acetaminophen may be administered and insect repellent applied without medical authorization to a child received, provided it is done in accordance with the protocol set out in Schedule I. Saline nasal drops and oral hydration solutions may be administered and zinc oxide-based cream for the seat area, calamine lotion and sun cream without PABA applied without medical authorization to a child received, provided the child's parent has given written authorization."

10. Section 19 is amended by inserting “, insect repellent, calamine lotion, zinc oxide-based cream for the seat area” after “hydration solutions” in the first paragraph.

11. Section 26 is replaced by the following:

“**26.** A day care centre permit holder must ensure that any climbing apparatus, swing, slide or similar device installed indoors and designed for indoor use has smooth surfaces with no sharp edges. It must be safe and placed on a surface that can absorb the impact of a fall.”.

12. Section 28 is amended by replacing “wading pool is” by “portable wading pool is”.

13. Section 41 of the French text is amended by replacing “jeux” in the first paragraph by “jeu”.

14. Section 43 is revoked.

15. The following is inserted after section 47:

“DIVISION V.1

LAYOUT, EQUIPMENT, MAINTENANCE AND SAFETY OF OUTDOOR PLAY SPACES AND OUTDOOR PLAY AREAS

47.1. In this Division, “outdoor play area” means the part of the outdoor play space that has play equipment intended for the children who attend the day care centre.

47.2. A day care centre permit holder must provide the children with

(1) an outdoor play space enclosed by a safe fence at least 1.20 m in height, contiguous to the building housing the rooms where the permit holder provides day care;

(2) an outdoor play space enclosed by a safe fence at least 1.20 m in height located less than 500 m from the facility, to which the permit holder has access during the operating hours of the day care centre by a duly registered title of ownership, by a lease with a term of at least 5 years or by a written authorization guaranteeing free access for the same period; or

(3) an outdoor children’s play space in a public park; the play space must be within 500 m of the facility, be enclosed by a fence and be accessible during the operating hours of the day care centre.

The play space must have a suitable and safe layout and, if it has an outdoor play area, that area must be adapted to the age of the children received.

The minimum surface area of the play space referred to in subparagraphs 1 and 2 of the first paragraph must be 4 m² per child, while allowing at least one third of the maximum number of children indicated on the permit to be accommodated there at a time.

The distance of 500 m referred to in subparagraphs 2 and 3 of the first paragraph is measured by the shortest route normally taken to walk the distance between the outdoor play space and the building housing the day care centre.

47.3. The day care centre permit holder must ensure that the outdoor play area and the play equipment in that area meet Canadian Standards Association Standard CAN/CSA-Z614-03, Children’s Playspaces and Equipment (Etobicoke, 2003).

The permit holder must also comply with the standard as it pertains to inspections and maintenance, and must prepare the annual report and maintain all the records referred to in the standard.

47.4. A day care permit holder who equips the outdoor play space of a day care centre with an outdoor play area or play equipment must, within 30 days of laying out the area, provide the Minister with a current layout certificate certifying that the outdoor play area and the play equipment in that area comply with the requirements of the second paragraph of section 47.2 and the first paragraph of section 47.3. The certificate must be issued by an architect, engineer or technologist who is a member of his or her respective professional order or by a landscape architect who is a member of the Association des architectes paysagistes du Québec under which the landscape architect is authorized for that purpose.

47.5. The day care centre permit holder must, no later than 30 June of the third year following the year in which the certificate was issued, provide the Minister with a new certificate in conformity with the requirements of section 47.4 that dates back less than four months.

47.6. The day care centre permit holder must notify the Minister in writing within 10 days of any change affecting the outdoor play area or play equipment. The permit holder must, on request, provide the Minister with a new certificate in conformity with the requirements of section 47.4.

47.7. Sections 47.3 to 47.6 do not apply to an outdoor play area located in a public park.

47.8. A day care centre permit holder must ensure that the day care staff members supervise the children and watch them at all times when they are using play equipment.”.

16. Section 49 is amended by deleting subparagraph 3 of the first paragraph.

17. Section 51 is replaced by the following :

“**51.** A day care centre permit holder who contravenes any of the provisions of sections 9, 9.0.6, 9.1 to 13, 15, 19, 19.2 to 36, 39 to 42, 44 to 47, subparagraphs 1 and 2 of the first paragraph of section 47.2, sections 47.3 to 47.6, 47.8, 48 or 49 is liable to the fine prescribed in section 74.9 of the Act.”.

18. Section 56 is amended

(1) by replacing “section 43” in the first paragraph by “section 47.2”; and

(2) by replacing “jeux” wherever it appears in the French text by “jeu”.

19. The following is inserted after section 56:

“**56.1.** A day care centre permit holder must provide the Minister with the attestation required by section 5.1 or 5.2, in respect of himself or herself or, if the holder is a legal person, in respect of each director, no later than 1 December 2004. The requirements of section 5.1 or 5.2, as the case may be, apply to the person referred to above.

56.2. Unless a day care centre permit holder has an attestation establishing that no impediment exists or an attestation of information that may establish an impediment that dates back less than three years, the permit holder must have an investigation of the information needed to ascertain the existence of any impediment under section 8 carried out no later than 1 December 2004 in respect of each person who works at the day care centre during its operating hours or who regularly transports children on behalf of the permit holder. The requirements of section 8.2 apply to a person referred to above, with the necessary modifications.

56.3. A day care centre permit holder who, on 1 June 2004, had already equipped the outdoor play space of the day care centre with an outdoor play area and play equipment must provide the Minister, no later than 1 October 2004, with a certificate in conformity with the requirements of section 47.4 that dates back less than four months.

A day care centre permit holder is not required to comply with sections 7.1 to 7.5, 7.7, 9.1.1, 9.2 to 9.6.3 and 9.8 of the standard referred to in section 47.3 before 1 June 2007. However, the permit holder must comply with the provisions of those sections upon repairing, replacing or adding to the equipment.”.

20. The protocol entitled “1. PROCEDURE FOR ADMINISTERING ACETAMINOPHEN” in Schedule I is replaced by the following:

“1. PROTOCOL FOR ADMINISTERING ACETAMINOPHEN

Acetaminophen is the generic name of the medication that is commercially available under the following brand names: Atasol, Temptra, Tylenol and other house brand names.

Under the Regulation respecting day care centres, acetaminophen may be administered without medical authorization to a child received in a day care centre, provided it is administered in accordance with this Protocol and that a parent has given written consent.

A parent is not required to consent to the application of this Protocol. However, if a parent does not sign the authorization form, the medication may not be administered to the child unless the parent and a member of the Collège des médecins du Québec give written authorization.

BASIC RULES

Within the framework of this Protocol, acetaminophen may be administered solely to reduce fever. It may not be administered

— to children under two months of age;

— to relieve pain;

— during more than 48 consecutive hours (two days);
or

— to children who have received medication containing acetaminophen in the preceding four hours.

In those four cases, the Protocol does not apply and written authorizations from a physician and the parent are required to administer the medication.

A day care centre may have its own acetaminophen container, in which case the brand name, the dosage form (drops, tablets, syrup) and the concentration must be indicated on the authorization form.

To avoid confusion, acetaminophen should be kept on hand in only one of its two liquid forms: drops or syrup. If children under 24 months of age are received, it is recommended that drops be used instead of syrup. If the centre elects to use syrup for the other children, it is recommended to use only one concentration.

The dosage must not under any circumstances exceed the dosage guidelines below or the dosage prescribed on the medication container.

An adult tablet must never be cut up and administered to a child as it could alter the dosage: an inadequate dose would not provide the expected result, while an overdose could pose serious risks to the child.

It is important to always check the concentration of acetaminophen and to follow the dosage instructions on the container since new products of greater or lesser strength may appear on the market. It is also recommended to use only one concentration if the brand name selected is available in more than one concentration.

Any administration of acetaminophen must be recorded in the register of medications prescribed by the Regulation and the parent must be informed.

WHAT YOU SHOULD KNOW

What is a normal temperature ?

The normal temperature range will vary depending on the measurement method used, as illustrated in the table below.

Measurement Method	Normal Variation in Temperature
Rectal	37.2°C to 37.5°C
Oral	35.5°C to 37.5°C
Axillary (underarm)	34.7°C to 37.0°C
Tympanic (ear)	35.8°C to 37.5°C

What is fever ?

Fever is defined as a body temperature that is higher than normal. Normal temperature may vary somewhat depending on the child, the time of day, the outdoor temperature and the level of activity. The cause of the fever is more important than the temperature itself.

It is generally considered that there is fever if the rectal, oral or tympanic temperature is above 38.0°C or if the axillary temperature is above 37.5°C.

The only sure way to measure fever is to take the child's temperature. A child's temperature must be checked whenever the child's general condition (frantic crying, loss of energy, change in general condition, loss of appetite, etc.) or physical symptoms (flushed cheeks, excessively warm skin, sweating) could be signs of fever. The following measures are recommended:

— take the rectal temperature of children under two years of age ;

— take the rectal, tympanic or axillary temperature of children between two and five years of age ;

— take the oral temperature of children over five years of age ;

— use the appropriate thermometer ;

— always use disposable plastic tips as they are more hygienic ; otherwise, disinfect the thermometer properly before and after each use ;

— if the child has just been physically active, wait approximately 15 minutes as the child's body temperature may be higher than normal if it is taken immediately after an activity ;

— always comply with the time requirements for the thermometer being used since the time required may vary with the thermometer. A digital thermometer, which requires less time to take the temperature, is recommended.

WHAT YOU SHOULD DO

If you notice the start of an increase in body temperature (a rectal, oral or tympanic temperature between 37.5°C and 38.0°C or an axillary temperature between 37°C and 37.5°C), and if the child's general condition is good and there are no specific medical precautions that need to be taken,

— dress the child comfortably ;

— have the child drink (water, fruit juice or milk) at more frequent intervals ;

— keep an eye on the child and take the child's temperature again after 60 minutes, or sooner if the child's condition seems to be worsening ; and

— inform the parent of the child's condition.

If a child under two months of age has a fever (a rectal temperature above 38.0°C or an axillary temperature above 37.5°C),

— apply the measures listed above for an increase in body temperature (dress comfortably, have the child drink and keep an eye on the child);

— notify the parent immediately; ask the parent to come and pick up the child and, in the meantime, apply the measures listed above; and

— if the parent cannot come to pick up the child, call the persons designated by the parent as emergency contacts and, if they cannot be reached, take the child to a medical service, to the local community service centre or to a hospital emergency department; do not administer acetaminophen without a written medical authorization for the child.

If a child two months of age or older has a fever (a rectal, oral or tympanic temperature above 38.0°C or an axillary temperature above 37.5°C),

— apply the measures listed above for an increase in body temperature (dress comfortably, have the child drink and keep an eye on the child);

— inform the parent of the child's condition;

— administer acetaminophen according to the dosage guidelines below or the dosage instructions on the medication container, in accordance with the rules in this Protocol; and

— one hour after administering acetaminophen, take the child's temperature again; if the temperature is still high, ask the parent to come and pick up the child. If the parent cannot be reached, call the persons designated by the parent as emergency contacts and if they cannot be reached, take the child to a medical service, to the local community service centre or to a hospital emergency department.

When you administer acetaminophen,

— always use simple words, appropriate to the child's age, to explain to the child the relationship between his or her condition, the medication being taken and the expected results;

— wash your hands before handling the medication;

— check the concentration, dosage instructions and expiry date on the medication container;

— pour the medication (drops or syrup) into a medicine spoon calibrated in ml, then administer it to the child; never put a medicine dropper directly into a child's mouth, unless it is a disposable dropper. The spoon must be washed in very hot water after use;

OR

— if administering a tablet, put it in a goblet then have the child take it. If the child wants to, he or she may drink a little water after taking the tablet; and

— wash your hands after administering the medication.

ACETAMINOPHEN: DOSAGE

CONCENTRATION

Weight	Drops	Syrup		Tablets	
	80 mg/ml	80 mg/5 ml	160 mg/5 ml	80 mg/tablet	160 mg/tablet
2.4-5.4 kg	0.5 ml (40 mg)	2.5 ml (40 mg)	1.25 ml (40 mg)	-	-
5.5-7.9 kg	1.0 ml (80 mg)	5.0 ml (80 mg)	2.5 ml (80 mg)	-	-
8.0-10.9 kg	1.5 ml (120 mg)	7.5 ml (120 mg)	3.75 ml (120 mg)	-	-
11.0-15.9 kg	2.0 ml (160 mg)	10.0 ml (160 mg)	5 ml (160 mg)	2 tablets (160 mg)	1 tablet (160 mg)

CONCENTRATION

Weight	Drops	Syrup		Tablets	
	80 mg/ml	80 mg/5 ml	160 mg/5 ml	80 mg/tablet	160 mg/tablet
16.0-21.9 kg	3.0 ml (240 mg)	15.0 ml (240 mg)	7.5 ml (240 mg)	3 tablets (240 mg)	1.5 tablets (240 mg)
22.0-26.9 kg	4.0 ml (320 mg)	20 ml (320 mg)	10 ml (320 mg)	4 tablets (320 mg)	2 tablets (320 mg)
27.0-31.9 kg	5 ml (400 mg)	25.0 ml (400 mg)	12.5 ml (400 mg)	5 tablets (400 mg)	2.5 tablets (400 mg)
32.0-43.9 kg	6 ml (480 mg)	30.0 ml (480 mg)	15.0 ml (480 mg)	6 tablets (480 mg)	3 tablets (480 mg)

— The dosage unit may be repeated every four hours.

— Do not exceed six doses in a 24-hour period.

— The dosages shown in the chart above are based on a maximum dose of 10 to 15 mg/kg.

WARNING**ACETAMINOPHEN IN RELATION TO IBUPROFEN AND OTHER MEDICATIONS****IBUPROFEN :**

— A warning is needed since a clear distinction must be made between acetaminophen and ibuprofen.

— Although both medications have antipyretic (fever-reducing) properties, they must not be confused because they belong to different classes of medications and work differently. Ibuprofen must not, under any circumstances, be substituted for acetaminophen for the following reasons:

— acetaminophen and ibuprofen belong to different classes of medications;

— ibuprofen is a non-steroidal anti-inflammatory drug (NSAID);

— the dosage and frequency of administration are different for the two medications;

— it has been established that all NSAIDs may affect respiratory functions; that is why ibuprofen is contraindicated in persons who have or have had asthma; and

— a cross-sensitivity has been observed between salicylates and ibuprofen (allergic reaction).

— When applying this Protocol, care must be taken to never confuse ibuprofen and acetaminophen or substitute one for the other.

— This Protocol may be applied as indicated even if a child has received ibuprofen at home before arriving at the day care centre, regardless of the time elapsed. There is no contra-indication to or danger in giving acetaminophen to a child who received ibuprofen earlier since the two medications do not work in the same way.

OTHER MEDICATIONS :

— The availability of an increasing number of combination medications containing acetaminophen and another pharmaceutical product on the market calls for greater care in applying this Protocol. A number of cough syrups, for example, contain acetaminophen.

— Good communication between the parents and the person authorized to administer the medication is important. The person authorized to administer the medication must know what medication the child received in the four hours before arriving at the day care centre so the Protocol may be applied safely, for the health and well-being of the child.

— If the person authorized to administer the medication notices fever in a child within four hours of the child's arrival and the person has been made aware that the child took syrup or other medication earlier, the person may contact a pharmacist to obtain the necessary information concerning the medication and apply the Protocol accordingly.

AUTHORIZATION FORM FOR THE ADMINISTRATION OF ACETAMINOPHEN

A parent is not required to consent to the application of this Protocol. However, if a parent does not sign the authorization form, acetaminophen may not be administered to the child unless the parent and a member of the Collège des médecins du Québec give written authorization. A parent may limit the period of validity of the authorization by indicating the duration of the authorization in the space provided.

I hereby authorize _____
(name of day care centre)
to administer to my child, in accordance with this Protocol, acetaminophen sold under the following brand name:

Brand name, form (drops, syrup or tablets) and concentration

Child's surname and given name

Authorization period

_____/_____/_____
Parent's signature Date

This Protocol was prepared by the Ministère de l'Emploi, de la Solidarité sociale et de la Famille and approved by a working group composed of representatives from the health and social services network and childcare services. The information it contains reflects the state of knowledge on the subject in 2002.”.

21. The protocol entitled “2. PROCEDURE FOR ADMINISTERING ORAL HYDRATION SOLUTIONS” in Schedule I is replaced by the following:

“2. PROTOCOL FOR APPLYING INSECT REPELLENT

Under the Regulation respecting day care centres, insect repellent may be applied without medical authorization to a child received in a day care centre, provided it is applied in accordance with this Protocol and that a parent has given written consent.

A parent is not required to consent to the application of this Protocol. However, if a parent does not sign the authorization form, the insect repellent may not be applied to a child unless the parent and a member of the Collège des médecins du Québec give written authorization.

BASIC RULES

The insect repellent used must contain a concentration of less than 10% DEET (N,N-diethyl-m-toluamide); read the product label carefully because the concentration of DEET varies significantly from product to product.

A day care centre may have its own insect repellent container, in which case the brand name, the form (lotion, cream, gel, non-aerosol or aerosol spray) and the concentration of the active ingredient DEET must be indicated on the authorization form. To avoid confusion, only one form of insect repellent should be kept on hand.

Repeated or excessive applications of insect repellent are unnecessary for effectiveness; it is recommended to apply the repellent sparingly to the skin. The product should not be used for extended periods of time.

Under no circumstances should insect repellent be applied

- to the eyes or mucous membranes;
- to open wounds or broken skin;
- to irritated or sunburned skin;
- under clothing;
- to the hands; or
- in excessive amounts.

Insect repellent may not be used on children under two years of age without written authorization from a parent and a physician. Hence, this Protocol does not apply to children under two years of age.

It is recommended to apply insect repellent only once a day to children between six months and two years of age, and a maximum of three times a day to children over two years of age.

Insecticides and pesticides are made for use on land or in houses, and should never be used on the body.

DEET-based products should first be tested by applying a small amount to a small area of the child's skin, preferably on the inside of the forearm, then waiting eight to twelve hours. It is suggested that testing be done in the morning to see how well the children tolerate the product through the day; it is important to let parents know that the test will be done on that day. The test should be done in early spring, well before the Protocol

is applied. If a reaction occurs, wash the treated skin immediately and consult a physician; make sure to give the physician a list of the product's ingredients.

Never combine insect repellent and sunscreen. Avoid all "2-in-1" products that act as both an insect repellent and a sunscreen. To adequately protect the children from the harmful effects of the sun, apply sunscreen generously to exposed skin and under clothing; apply insect repellent, in contrast, in small amounts and never under clothing. If suntan lotion is applied after insect repellent, both products become less effective. Sunscreens also lose approximately 20% of their effectiveness when DEET is applied. When a sunscreen and an insect repellent are used, it is recommended to use a cream with a sun protection factor (SPF) of 30 and to apply the insect repellent 30 to 45 minutes after the sunscreen.

Insect repellent must be used in well-ventilated areas and away from food.

Any application of insect repellent must be recorded in the register of medications prescribed by the Regulation and the parent informed of the number of daily applications.

PRECAUTIONARY MEASURES

Insect repellent should be used only during periods when mosquitoes are abundant or if the area around the day care centre provides a breeding ground for mosquitoes, and only after the precautionary measures below have been taken.

To avoid insect bites when they are outside, the children should

- wear a long-sleeved sweater and long pants that ideally fit tightly at the wrists and ankles;
- wear loose-fitting, light-coloured clothes made of a tightly woven fabric;
- wear shoes and socks;
- avoid using perfumed products; and
- avoid going outside at times of the day when mosquitoes are most abundant, such as early morning and late afternoon.

To prevent mosquitoes from multiplying in the area around the centre,

- eliminate any source of standing water, which is conducive to mosquito breeding;

— turn over any objects that are not stored indoors, such as boats, wading pools, gardening containers and children's toys;

— cover outdoor garbage cans and any other container that may collect water;

— replace pool or wading pool water or make sure it is treated daily;

— use insect screens in the areas where younger children play; and

— repair damaged insect screens at the day care centre as quickly as possible.

Protect children under six months of age from coming into contact with mosquitoes by using netting on strollers and by using screened-in verandas.

WHAT YOU SHOULD KNOW

DEET-based products remain the preferred and most effective insect repellents against a wide variety of insects; insect repellents with a DEET concentration of less than 10% provide two to three hours of protection.

Although the safety of these products has been proven, they may pose certain risks, especially to children, if they are misused. DEET is partially absorbed through the skin and may make its way into the bloodstream. It may also accumulate in the body fat, brain and heart. A few cases of poisoning have been cited in literature. However, there is little risk to human health if insect repellents are used with discretion and only occasionally.

Applying insect repellent to clothing (except synthetics or plastic material) may be a way of decreasing the risk of poisoning in children over two years of age, but it is important to watch that children do not put the saturated clothing in their mouths, or touch it and accidentally get repellent in their eyes. DEET-based products can cause severe eye irritation.

In choosing a product, the following benefits and inconveniences should be considered:

- products in the form of a lotion, gel or cream are generally easy to apply but heavy application should be avoided;
- insect repellents in non-aerosol or aerosol spray form require additional caution; they should not be applied in closed or poorly-ventilated areas to avoid breathing in the harmful fumes, and care must be taken to avoid getting repellent on children's faces or hands.

WHAT YOU SHOULD DO

Insect repellent must always be applied by a person authorized to do so. Under no circumstances should children be allowed to apply insect repellent themselves, regardless of their age.

When you go outdoors with the children, you must

- apply the precautionary measures; and
- follow the steps below to apply the insect repellent :
 - use simple words to explain to the child the relationship between the situation, the insect repellent being applied and the expected results;
 - wash your hands before handling the product;
 - read the product label carefully before applying, and make sure that the DEET concentration is less than 10% and that the product does not contain sunscreen;
 - it is preferable to wear gloves to apply the product;
 - use single-use gloves and change gloves if a child has broken skin, such as insect bites (which often lead to a secondary infection), to eliminate the risk of transmitting a skin infection to another child;
 - put a small amount of the product in your hand, apply it sparingly to exposed areas only or to clothing, only at the nape of the neck and ankles, as far as possible;
 - make sure the children do not touch the areas to which the insect repellent has been applied. If they do touch these areas, they should wash their hands with soapy water; and
 - wash your hands after applying the insect repellent to all the children in the group, even if you wore gloves to apply it.

Wash the treated skin with soap and water when the children come inside or when protection is no longer needed. This is particularly important if insect repellent is applied several times in the same day or on several consecutive days.

AUTHORIZATION FORM FOR THE APPLICATION OF INSECT REPELLENT

A parent is not required to consent to the application of this Protocol. However, if a parent does not sign the authorization form, insect repellent may not be applied to a child unless the parent and a member of the Collège des médecins du Québec give written authorization. A

parent may limit the period of validity of the authorization by indicating the duration of the authorization in the space provided.

I hereby authorize _____
(name of day care centre)
to use on my child, in accordance with this Protocol, insect repellent sold under the following brand name :

Brand name, form (lotion, cream, gel, non-aerosol or aerosol spray) and concentration of the active ingredient DEET

Child's surname and given name

Authorization period

_____/_____/_____
Parent's signature Date

This Protocol was prepared by the Ministère de l'Emploi, de la Solidarité sociale et de la Famille and approved by a working group composed of representatives from the health and social services network and childcare services. The information it contains reflects the state of knowledge on the subject in 2003.”

22. This Regulation comes into force on 1 June 2004.
6301

M.O., 2004-002

Order of the Minister of the Environnement dated 20 April 2004

Ecological Reserves Act
(R.S.Q., c. R-26.1)

Respecting the revocation of the plans of five proposed ecological reserves

WHEREAS, under section 4 of the Ecological Reserves Act (R.S.Q., c. R-26.1), the following five areas were set aside with a view to establishing an ecological reserve :

- the proposed Chicobi ecological reserve;
- the proposed Coleraine ecological reserve;
- the proposed Manche-d'Épée ecological reserve;
- the proposed Léon-Provancher ecological reserve;
- the proposed Lac-Malakisis ecological reserve (western and north-eastern portions);

WHEREAS, under section 86 of the Natural Heritage Conservation Act (2002, c. 74), that Act replaced the Ecological Reserves Act (R.S.Q., c. R-26.1);

WHEREAS, under section 88 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), the proposed ecological reserves in whose respect a notice was published in the *Gazette officielle du Québec* before 19 December 2002 are maintained, are deemed to have been set aside, in accordance with Title III of the Act, for a period of 4 years beginning on 19 December 2002, and the Minister of the Environment has one year to have the Government approve their conservation plan;

WHEREAS the five proposed ecological reserves listed above are residual portions of larger areas that had been set aside, the majority of which have been established as ecological reserves;

WHEREAS the Minister of the Environment does not envisage assigning permanent protection status to that excess land;

WHEREAS it therefore appears neither necessary to propose a conservation plan for each of those five proposed ecological reserves nor appropriate to maintain the temporary protection status of the five areas;

WHEREAS, under section 32 of the Natural Heritage Conservation Act, land ceases to be set aside when permanent protection status is assigned, when the term for which the land has been set aside expires, or on publication in the *Gazette officielle du Québec* of a notice of revocation of the plans by the Minister, with the approval of the Government;

WHEREAS, by Order in Council 1364-2003 dated 17 December 2003, the Government authorized the Minister of the Environment to terminate the setting aside of the land of the five proposed ecological reserves by the publication of a notice of revocation of their respective plans in the *Gazette officielle du Québec*;

THEREFORE, the Minister of the Environment hereby orders as follows:

(1) the plans of the following five proposed ecological reserves are revoked:

- the proposed Chicobi ecological reserve;
- the proposed Coleraine ecological reserve;
- the proposed Manche-d'Épée ecological reserve;
- the proposed Léon-Provancher ecological reserve;
- the proposed Lac-Malakisis ecological reserve (western and north-eastern portions);

(2) the revocation takes effect on the date of publication in the *Gazette officielle du Québec* of the notice referred to in section 32 of the Natural Heritage Conservation Act.

Québec, 20 April 2004

THOMAS J. MULCAIR,
Minister of the Environment

6298

Draft Regulations

Draft Regulation

Education Act
(R.S.Q., c. I-13.3)

Childcare services provided at school — Amendments

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

The main purpose of the draft Regulation is to introduce provisions relating to the criminal background of staff members who work in childcare services into the Regulation respecting childcare services provided at school. The draft Regulation provides that no childcare staff member shall have been convicted of an offence listed in Schedule I attached to the draft Regulation or of an equivalent offence or an offence of the same nature outside Québec, unless the staff member has been granted a pardon. The draft Regulation will also require childcare staff members to provide the school board each year with the declaration relating to the criminal background of staff members in the Schedule attached to the draft Regulation.

The Regulation will have no negative impact on small and medium-sized businesses.

Further information may be obtained by contacting Mireille Godard-Dubois, ministère de l'Éducation, Direction générale des relations du travail, 150, boulevard René-Lévesque Est, 17^e étage, Québec (Québec) G1R 5X1; telephone: (418) 644-6274; fax: (418) 643-7926; e-mail: mireille.godard-dubois@meq.gouv.qc.ca.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Education, 1035, rue De La Chevrotière, 16^e étage, Québec (Québec) G1R 5A5.

PIERRE REID,
Minister of Education

Regulation to amend the Regulation respecting childcare services provided at school*

Education Act
(R.S.Q., c. I-13.3, s. 454.1)

1. The Regulation respecting childcare services provided at school is amended by inserting the following after section 5:

“**5.1.** No childcare staff member shall have been convicted of an offence listed in Schedule I or of an equivalent offence or an offence of the same nature outside Québec, unless the staff member has been granted a pardon.

This provision does not prevent the school board from taking into account, as conditions for hiring and retaining a person, other offences in relation to the person's employment, except if the person has been granted a pardon for the offences.

5.2. A childcare staff member shall provide the school board each year with the declaration in Schedule II.”.

2. Section 9 is amended by replacing “medication, toxic and household cleaning products” by “toxic products, in particular certain household cleaning products, and medication, except medication that needs to be administered quickly, generally by the child himself or herself, and that is harmless to other children.”.

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

* The Regulation respecting childcare services provided at school, made by Order in Council 1316-98 dated 14 October 1998 (1998, G.O. 2, 4288), has not been amended since it was made.

SCHEDULE I

(s. 5.1)

OFFENCES REFERRED TO IN SECTION 5.1

1. The following provisions of the Criminal Code (R.S.C. 1985, c. C-46) relating to

(1) sexual offences involving children committed outside Canada under section 7(4.1);

(2) offences against public order under sections 75 to 82;

(3) terrorism under sections 83.02 to 83.04 and 83.18 to 83.23;

(4) firearms and other weapons under sections 85 and 86(1), 87 to 96 and 99 to 108;

(5) sexual offences, offences against public morals and disorderly conduct under sections 151 to 153.1, 155, 160, 161(4), 163, 163.1, 167, 168, 170 to 174, 175(1)*b* and 179(1)*b*;

(6) common bawdy-houses, procuring and other offences related to prostitution under sections 210 to 213;

(7) offences against the person under sections 215, 218 to 222, 229, 233, 234, 238 to 246, 264, 264.1, 266 to 273, 273.3, 279 to 283, 318 and 319;

(8) offences against property under sections 343 and 346; and

(9) attempts, conspiracies and accessories under sections 463 to 465, where they relate to offences referred to in this paragraph.

2. The provisions relating to certain drugs and other substances under sections 5 to 7 of the Controlled Drugs and Substances Act (S.C. 1996, c. 19).

3. The provisions relating to offences that may endanger the security or development of a child under section 135 of the Youth Protection Act (R.S.Q., c. P-34.1) or section 136 of the Youth Criminal Justice Act (S.C. 2002, c. 1).

4. The offences of the same nature as those referred to in this Schedule under other former or subsequent legislative provisions.

SCHEDULE II

(s. 5.2)

DECLARATION

I, (name) _____, residing at (address) _____, have not been indicted for an indictable or criminal offence, in Québec or outside Québec, and have not been convicted of such an offence or if I have been convicted of such an offence I have been granted a pardon.

or

I, (name) _____, residing at (address) _____, am under an order issued on (date) _____, under a provision set out in subsection (3), (3.1) or (4) of section 810.1 or subsection (3), (4) or (5) of section 810.2 of the Criminal Code, relating to the fear of sexual offence or the fear of serious personal injury offence.

or

I, (name) _____, residing at (address) _____, was indicted on (date) _____, in Québec or outside Québec, for the following indictable or criminal offence: _____.

or

I, (name) _____, residing at (address) _____, was convicted on (date) _____ of the following offence: _____ and was sentenced to: _____ in file No. _____ of the (name of the court) _____ in the judicial district of _____ in the Province or State of _____.

I certify that the information given in this declaration is accurate and complete and I undertake to report to the school board any change that would modify this declaration.

Name in block letters

Date of birth

Signature

Date

Draft Regulation

Education Act
(R.S.Q., c. I-13.3; 2002, c. 63 and 75)

Teaching licences — Amendments

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

The purpose of the Regulation is to introduce provisions into the Regulation respecting teaching licences that pertain to the criminal background of a person who applies for the issuance or renewal of a teaching licence. The Regulation prescribes that no teaching licence shall be issued or renewed to a person who has been convicted of an offence listed in Schedule III.1 attached to the Regulation or of an equivalent offence or an offence of a like nature outside Québec, unless the person has been granted a pardon.

The Regulation will have no negative impact on small and medium-sized businesses.

Further information may be obtained by contacting Mireille Godard-Dubois, ministère de l'Éducation, Direction générale des relations du travail, 150, boulevard René-Lévesque Est, 17^e étage, Québec (Québec) G1R 5X1; telephone: (418) 644-6274; fax: (418) 643-7926; email: mireille.godard-dubois@meq.gouv.qc.ca.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Education, 1035, rue De La Chevrotière, 16^e étage, Québec (Québec) G1R 5A5.

Québec, 6 April 2004

PIERRE REID,
Minister of Education

Regulation to amend the Regulation respecting teaching licences*

Education Act
(R.S.Q., c. I-13.3, s. 456)

1. Section 3 of the Regulation respecting teaching licences is amended by adding the following paragraph:

“No teaching licence shall be issued or renewed to a person who has been convicted of an offence listed in Schedule III.1 or of an equivalent offence or an offence of a like nature outside Québec, unless the person has been granted a pardon.”.

2. Section 26 is amended by inserting the following after subparagraph 5:

“(5.1) the declaration in Schedule V;”.

3. The Regulation is amended by inserting Schedule III.1 attached to this Regulation after Schedule III.

4. The Regulation is amended by adding Schedule V attached to this Regulation after Schedule IV.

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

SCHEDULE III.1 (s. 3)

OFFENCES PREVENTING THE ISSUANCE OR RENEWAL OF A TEACHING LICENCE

1. The following provisions of the Criminal Code (R.S.C. 1985, c. C-46) relating to

(1) sexual offences involving children committed outside Canada under section 7(4.1);

(2) offences against public order under sections 75 to 82;

(3) terrorism under sections 83.02 to 83.04 and 83.18 to 83.23;

(4) firearms and other weapons under sections 85, 86(1), 87 to 96 and 99 to 108;

* The Regulation respecting teaching licences, made by Order of the Minister of Education dated 19 August 1997 (1997, *G.O.* 2, 4399), was last amended by the regulation made by Order of the Minister of Education dated 12 June 2000 (2000, *G.O.* 2, 2664).

(5) sexual offences, offences against public morals and disorderly conduct under sections 151 to 153.1, 155, 160, 161(4), 163, 163.1, 167, 168, 170 to 174, 175(1)*b* and 179(1)*b*;

(6) common bawdy-houses, procuring and other offences in relation to prostitution under sections 210 to 213;

(7) offences against the person under sections 215, 218 to 222, 229, 233, 234, 238 to 246, 264, 264.1, 266 to 273, 273.3, 279 to 283, 318 and 319;

(8) offences against property under sections 343 and 346; and

(9) attempts, conspiracies and accessories under sections 463 to 465, where they relate to offences referred to in this section.

2. The provisions relating to certain drugs and other substances under sections 5 to 7 of the Controlled Drugs and Substances Act (S.C. 1996, c. 19).

3. The provisions relating to offences that may endanger the security or development of a child under section 135 of the Youth Protection Act (R.S.Q., c. P-34.1) or section 136 of the Youth Criminal Justice Act (S.C. 2002, c. 1).

4. The offences of the same nature as those referred to in this Schedule under other former or subsequent legislative provisions.

SCHEDULE V

(s. 26)

DECLARATION

I, (*name*) _____, residing at (*address*) _____, have not been indicted for an offence referred to in the second paragraph of section 3 of the Regulation respecting teaching licences and have not been convicted of such an offence or if I have been convicted of such an offence I have been granted a pardon.

or

I, (*name*) _____, residing at (*address*) _____, was indicted on (*date*) _____ for the following offence: _____, referred to in the second paragraph of section 3 of the Regulation respecting teaching licences.

or

I, (*name*) _____, residing at (*address*) _____, was convicted on (*date*) _____ of the following offence: _____, referred to in the second paragraph of section 3 of the Regulation respecting teaching licences, and was sentenced to: _____ in file No. _____ of the (*name of the court*) _____ in the judicial district of _____ in the Province or State of _____.

I certify that the information given in this declaration is accurate and complete and I undertake to report to the Minister of Education any change that would modify this declaration.

Name in block letters _____ Date of birth _____

Signature _____ Date _____

6305

Draft Regulation

Education Act
(R.S.Q., c. I-13.3; 2002, c. 63 and 75)

Teaching permits and teaching diplomas — Amendments

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

The purpose of the Regulation is to introduce provisions into the Regulation respecting teaching permits and teaching diplomas that pertain to the criminal background of a person who applies for the issuance or renewal of a teaching permit or a teaching diploma. The Regulation prescribes that no teaching permit or teaching diploma shall be issued or renewed to a person who has been convicted of an offence listed in Schedule C attached to the Regulation or of an equivalent offence or an offence of a like nature outside Québec, unless the person has been granted a pardon.

The Regulation will have no negative impact on small and medium-sized businesses.

Further information may be obtained by contacting Mireille Godard-Dubois, ministère de l'Éducation, Direction générale des relations du travail, 150, boulevard René-Lévesque Est, 17^e étage, Québec (Québec) G1R 5X1; telephone: (418) 644-6274; fax: (418) 643-7926; email: mireille.godard-dubois@meq.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Education, 1035, rue De La Chevrotière, 16^e étage, Québec (Québec) G1R 5A5.

Québec, 6 April 2004

PIERRE REID,
Minister of Education

Regulation to amend the Regulation respecting teaching permits and teaching diplomas*

Education Act
(R.S.Q., c. I-13.3, s. 456)

1. The Regulation respecting teaching permits and teaching diplomas is amended by adding the following after section 1:

“1.1. No teaching permit or teaching diploma shall be issued or renewed to a person who has been convicted of an offence listed in Schedule C or of an equivalent offence or an offence of a like nature outside Québec, unless the person has been granted a pardon.

Every person applying for a teaching permit or a teaching diploma must submit to the Minister the declaration in Schedule D.”.

2. The Regulation is amended by adding Schedules C and D attached to this Regulation after Schedule B.

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

* The Regulation respecting teaching permits and teaching diplomas (R.R.Q., c. C-60, r.7) was last amended by the regulation made by Order of the Minister of Education dated 19 August 1997 (1997, G.O. 2, 4399).

SCHEDULE C (s. 1.1)

OFFENCES PREVENTING THE ISSUANCE OR RENEWAL OF A TEACHING PERMIT OR A TEACHING DIPLOMA

1. The following provisions of the Criminal Code (R.S.C. 1985, c. C-46) relating to

(1) sexual offences involving children committed outside Canada under section 7(4.1);

(2) offences against public order under sections 75 to 82;

(3) terrorism under sections 83.02 to 83.04 and 83.18 to 83.23;

(4) firearms and other weapons under sections 85, 86(1), 87 to 96 and 99 to 108;

(5) sexual offences, offences against public morals and disorderly conduct under sections 151 to 153.1, 155, 160, 161(4), 163, 163.1, 167, 168, 170 to 174, 175(1)b and 179(1)b;

(6) common bawdy-houses, procuring and other offences in relation to prostitution under sections 210 to 213;

(7) offences against the person under sections 215, 218 to 222, 229, 233, 234, 238 to 246, 264, 264.1, 266 to 273, 273.3, 279 to 283, 318 and 319;

(8) offences against property under sections 343 and 346; and

(9) attempts, conspiracies and accessories under sections 463 to 465, where they relate to offences referred to in this section.

2. The provisions relating to certain drugs and other substances under sections 5 to 7 of the Controlled Drugs and Substances Act (S.C. 1996, c. 19).

3. The provisions relating to offences that may endanger the security or development of a child under section 135 of the Youth Protection Act (R.S.Q., c. P-34.1) or section 136 of the Youth Criminal Justice Act (S.C. 2002, c. 1).

4. The offences of the same nature as those referred to in this Schedule under other former or subsequent legislative provisions.

SCHEDULE D

(s. 1.1)

DECLARATION

I, (name) _____, residing at (address) _____, have not been indicted for an offence referred to in section 1.1 of the Regulation respecting teaching permits and teaching diplomas and have not been convicted of such an offence or if I have been convicted of such an offence I have been granted a pardon.

or

I, (name) _____, residing at (address) _____, was indicted on (date) _____ for the following offence: _____, referred to in section 1.1 of the Regulation respecting teaching permits and teaching diplomas.

or

I, (name) _____, residing at (address) _____, was convicted on (date) _____ of the following offence: _____, referred to in section 1.1 of the Regulation respecting teaching permits and teaching diplomas, and was sentenced to: _____ in file No. _____ of the (name of the court) _____ in the judicial district of _____ in the Province or State of _____.

I certify that the information given in this declaration is accurate and complete and I undertake to report to the Minister of Education any change that would modify this declaration.

Name in block letters Date of birth

Signature Date

6304

Draft Regulation

Travel Agents Act
(R.S.Q., c. A-10)

**Travel agents
— Amendments**

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

The main purpose of the draft Regulation is to give effect to the new regulatory powers introduced in December 2002 to modernize the provisions applicable to travel agents (2002, c. 55). An indemnity fund for the customers of travel agents is established. The fund will be financed by the contributions of the customers of travel agents. The composition and functions of an advisory committee for travel agents are also set out.

The draft Regulation completes the legislative provisions recently enacted relating to the issue and transfer of licences, the obligations of travel agents and the supervision of their operations. Technical amendments are also proposed to harmonize the Regulation with the latest amendments to the Act.

The draft Regulation will have an impact on the persons doing business with travel agents since their customers will be required to contribute to the indemnity fund.

The draft Regulation will also have an impact on businesses since the amount of individual security required of travel agents is increased. On the other hand, they will no longer be required to contribute to a collective security fund.

Further information may be obtained by contacting Maryse Côté, Office de la protection du consommateur, Village olympique – 5199, rue Sherbrooke Est, bureau 3721, Montréal (Québec) H1T 3X2; telephone: (514) 873-3247; fax: (514) 864-2400.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Relations with the Citizens and Immigration, 360, rue McGill, Montréal (Québec) H2Y 2E9.

MICHELLE COURCHESNE,
*Minister of Relations with the Citizens
and Immigration*

Regulation to amend the Regulation respecting travel agents*

Travel Agents Act

(R.S.Q., c. A-10, s. 36, 1st par., subpars. *b*, *c*, *c.1*, *e*, *g*, *h*, *i*, *l*, *m* and *p*; 2002, c. 55, s. 25)

1. Section 1 of the Regulation respecting travel agents is amended by adding “, including the sums transmitted directly to another travel agent or supplier” at the end of paragraph *b*.

2. Section 2 is amended by inserting “or other wholesale travel agents” after “retail travel agents” in paragraph *b*.

3. Section 4 is amended

(1) by replacing “25% of the fees indicated in paragraph *a*, *b*, *c* or *d*” in subparagraph *f* of the first paragraph by “50% of the fees set out in paragraph *a*, *b*, *c* or *d* or \$1,000, whichever is less”;

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

“For the purposes of subparagraph *f* of the first paragraph, an applicant is deemed to have withdrawn an application if the requested additional information is not provided within three months after receiving a notice to that effect.”.

4. Section 5 is amended by replacing “, a change in the fiscal year of the travel agent, or a renewal of licences expiring on 31 December 1986” in the third paragraph by “or a change in the travel agent’s fiscal year”.

5. Section 6 is amended

(1) by replacing “Immigration Act (R.S.C., 1985, c. I-2)” in subparagraph *i* of paragraph *a* by “Immigration and Refugee Protection Act (S.C. 2001, c. 27)”;

(2) by replacing subparagraph *v* of paragraph *a* by the following:

“v. in the case of a person acting on account of an association, partnership or person, furnish the names and addresses of the officers and silent partners and specify their status and interest in the enterprise;”;

(3) by replacing “on behalf of a legal person” in subparagraph *ii* of paragraph *b* by “on account of a person”, by replacing “partnership or legal person” in that subparagraph by “partnership or person” and by striking out “, director, administrator, partner” in that subparagraph;

(4) by replacing “The subparagraph *ii*” in the second paragraph of paragraph *b* by “Subparagraph *ii*” and by striking out “legal” and “, director, administrator, partner” in that paragraph;

(5) by replacing “on behalf of a partnership, association, legal person” in subparagraph *ii* of paragraph *c* by “on account of a partnership, association or person” and by striking out “, directors, administrators, partners” in that subparagraph;

(6) by striking out “, director, administrator, partner” in subparagraph *i* of paragraph *c.1*;

(7) by inserting “or the Fonds d’indemnisation des clients des agents de voyages” after “collective security funds” in subparagraph *i* of paragraph *c.1*;

(8) by striking out “legal” and “, director, administrator, partner” wherever those words appear in subparagraph *ii* of paragraph *c.1*;

(9) by inserting “or the Fonds d’indemnisation des clients des agents de voyages” after “collective security funds” in subparagraph *ii* of paragraph *c.1*;

(10) by replacing “subparagraph *b*” in paragraph *e* by “subparagraph *c*”;

(11) by replacing “as employee or for the account” in paragraph *e* by “as employee and for the account”;

(12) by adding the following paragraphs after subparagraph *ii* of paragraph *f*:

“For the purposes of this paragraph, accounts receivable or payable between a travel agent and a person, association or partnership to which the agent is related or over which the agent exercises control are excluded from the calculation of the working capital.

The financial statements must also show separately the amount of sales from travel services subject to contribution to the indemnity fund.”;

(13) by adding “and be signed by an officer of the travel agent” at the end of the last paragraph of paragraph *f*;

* The Regulation respecting travel agents (R.R.Q., 1981, c. A-10, r.1) was last amended by the regulation made by Order in Council 1420-2002 dated 4 December 2002 (2002, *G.O.* 2, 6488). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

(14) by striking out “certifiée” in the French text of subparagraph *ii* of paragraph *g*;

(15) by replacing paragraphs *j.1* and *k* by the following paragraph:

“For the purposes of this section, in the case of a travel agent whose shares are listed on a stock exchange, “silent partner” refers only to a shareholder holding 10% or more of the voting shares.”.

6. Section 7 is amended

(1) by replacing “of Schedule A” in the part preceding paragraph *a* by “appearing as a schedule to this Regulation”;

(2) by replacing paragraph *b* by the following:

“(b) the security as provided in Division XI.”.

7. Section 8 is amended

(1) by replacing “of Schedule A” in the introductory paragraph by “appearing as a schedule to this Regulation”;

(2) by striking out “and, where required in accordance with paragraph 3 of section 38, of the additional collective security provided for in Division XII” in paragraph *b*.

8. The following is inserted after section 9:

“9.1. A licence for which an application for renewal has been made remains in force until the president has made a decision on the application.”.

9. Section 10 is replaced by the following:

“10. **Transfer:** Any person wishing to transfer a licence must submit an application to the president in Form LAV-1 appearing as a schedule to this Regulation.”.

10. The following is inserted after section 11:

“DIVISION V OBLIGATIONS OF TRAVEL AGENTS

12. A travel agent must, within seven days of the event, notify the president in writing of any

(a) change of officer or silent partner;

(b) change of the person authorized to perform banking transactions affecting the trust account;

(c) change of address of the principal establishment or any other establishment;

(d) change of fiscal year end; or

(e) change of the travel agent’s name or any name under which the travel agent carries on business.

In the case of a travel agent whose shares are listed on a stock exchange, the requirement to give notice of a change of silent partner applies only where 10% or more of the voting shares are held by the shareholder, or where a person comes to hold 10% or more of such shares.

13. A travel agent shall not issue or offer to issue a voucher for the booking or reservation of air transportation services with a departure or arrival point in Canada or the United States unless the air carrier holds the licences and approvals necessary to provide the services and complies with the requirements prescribed by the competent authorities of the jurisdictions concerned.”.

11. The following paragraphs are added at the end of section 14.1:

“For the purposes of this section, the total cost of the services may or may not include the Québec sales tax, the goods and services tax of Canada or the amount payable as a contribution to the Fonds d’indemnisation des clients des agents de voyages.

The advertising must indicate whether or not those taxes and that amount are included. If they are not included, the advertising must state the fund contribution rate in dollars. In written advertising, those particulars must appear in Helvetica typeface of at least 12 points.”.

12. Section 15 is amended

(1) by replacing paragraph *a* by the following:

“(a) a listing of the transportation, accommodation and food services included in the trip, the name of the scheduled air carrier at the time of publication and the duration of the trip; and”;

(2) by striking out paragraph *c*;

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

“Prices advertised in a brochure may not be increased during the period of 60 days after their publication, unless the increase results from an increase in taxes, royalties or charges authorized by a competent public authority. Mention to that effect must appear on the front page in bold Helvetica typeface of at least 12 points on a contrasting background.”.

13. Section 16 is replaced by the following :

“**16.** A travel agent must inform customers in writing of the conditions for reimbursement or non-reimbursement of the sums required before accepting a deposit, unless those conditions are stated in a brochure given to the customer.

Despite the foregoing, the conditions may be communicated orally if the services are requested less than seven days before they are provided and otherwise than in the presence of a travel agent or a representative of the travel agent.”.

14. Section 18 is amended

(1) by inserting “retail” before “travel” in paragraph 1 ;

(2) by adding the following after subparagraph *f* of paragraph 2 :

“(g) the amount of the contribution to the Fonds d’indemnisation des clients des agents de voyages.”.

15. Section 22 is amended

(1) by replacing “on behalf of” in the first paragraph by “on account of” and by adding “or until he remits them in accordance with section 42” at the end ;

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

“Despite the foregoing, a retail travel agent having no contract with a credit card issuer may send directly to the wholesale travel agent or to the service supplier a payment received from a customer by credit card.”.

16. The following is inserted after section 22 :

“**22.1.** A travel agent must notify the president of the opening, closing and transfer of a trust account and provide the name and address of the financial institution and the account number.”.

17. Section 24 is replaced by the following :

“**24.** Withdrawals from the trust account must be made by cheque.

Withdrawals may, however, be made by bank transfer if the transaction is evidenced by a writing indicating the date, the amount, the name of the recipient and the name and signature of the person who performed the transaction.

The withdrawal must be in favour of the travel agent in the cases referred to in subparagraphs *c* and *e* of the second paragraph of section 23.”.

18. Section 27 is replaced by the following :

“**27.** Banking transactions affecting the trust account must be performed by the licensee. The licensee may, however, authorize in writing an officer or a member of the travel agent’s staff to perform the transactions, alone or jointly.”.

19. The following is inserted after section 27 :

“**27.1.** A travel agent must, within 30 days of the end of each half year of the travel agent’s fiscal year, send the president a statement of the status of the trust account signed by the licensee or another officer, along with the last monthly statement issued by the financial institution.

The status statement must show

(a) the sums received from customers for services to be rendered ;

(b) the amounts paid to suppliers on account of customers ; and

(c) the balance on the last monthly statement and the deposits and withdrawals outstanding on the date of the statement.”.

20. The title of Division X is replaced by the following :

“INDIVIDUAL SECURITY AND INDEMNITY FUND”.

21. Section 28 is amended

(1) by replacing “The securities provided for in Division XI and XII are” in the part preceding subparagraph *a* by “The individual security under Division XI is” ;

(2) by replacing “exemplary” in subparagraph *a* of the first paragraph by “punitive” ;

(3) by replacing “Those securities are” in the second paragraph by “The security is” ;

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

“If the individual security is not sufficient to indemnify or reimburse a customer or to pay the administrative expenses and provisional administrator’s fees, a claim may be made against the Fonds d’indemnisation des clients des agents de voyage provided for in Division XII.”.

22. Section 29 is amended

(1) by replacing “\$10,000” and “\$35,000” in subparagraph *a* of paragraph 1 by “\$20,000” and “\$50,000”;

(2) by replacing the tables in subparagraph *b* of paragraph 1 by the following :

RETAILERS					
SECURITY					
Turnover (\$ millions)	2nd year (\$)	3rd year (\$)	4th year (\$)	5th year (\$)	6th year and up (\$)
Up to 0.25 M	10,000	10,000	10,000	10,000	10,000
Up to 0.5 M	15,000	15,000	15,000	15,000	15,000
Up to 1 M	20,000	15,000	15,000	15,000	15,000
Up to 2 M	35,000	30,000	25,000	20,000	20,000
Up to 3 M	55,000	45,000	40,000	30,000	30,000
Up to 4 M	70,000	60,000	50,000	40,000	35,000
Up to 5 M	90,000	75,000	65,000	50,000	45,000
Up to 6 M	105,000	90,000	75,000	60,000	55,000
Up to 7 M	125,000	105,000	90,000	70,000	65,000
Up to 8 M	130,000	110,000	95,000	75,000	65,000
Up to 9 M	135,000	115,000	100,000	80,000	70,000
Up to 10 M	150,000	130,000	110,000	85,000	75,000
Up to 11 M	150,000	145,000	120,000	95,000	85,000
Up to 12 M	150,000	150,000	130,000	105,000	90,000
Up to 13 M	150,000	150,000	140,000	110,000	95,000
Up to 14 M	150,000	150,000	150,000	115,000	100,000
Up to 15 M	150,000	150,000	150,000	120,000	105,000
Up to 16 M	150,000	150,000	150,000	125,000	110,000
Up to 17 M	150,000	150,000	150,000	130,000	115,000
Up to 18 M	150,000	150,000	150,000	135,000	120,000
Up to 19 M	150,000	150,000	150,000	145,000	125,000
Up to 20 M	150,000	150,000	150,000	150,000	135,000
20 M and over	150,000	150,000	150,000	150,000	150,000

WHOLESALE					
SECURITY					
Turnover (\$ millions)	2nd year (\$)	3rd year (\$)	4th year (\$)	5th year (\$)	6th year and up (\$)
Up to .25 M	35,000	35,000	35,000	35,000	35,000
Up to 0.5 M	50,000	50,000	50,000	50,000	50,000
Up to 1 M	50,000	50,000	50,000	50,000	50,000
Up to 2 M	70,000	60,000	50,000	50,000	50,000
Up to 3 M	105,000	90,000	75,000	60,000	55,000
Up to 4 M	140,000	120,000	100,000	80,000	70,000
Up to 5 M	175,000	150,000	125,000	100,000	90,000
Up to 6 M	210,000	180,000	150,000	120,000	105,000
Up to 7 M	225,000	210,000	175,000	140,000	125,000
Up to 8 M	225,000	210,000	185,000	150,000	130,000
Up to 9 M	225,000	225,000	200,000	160,000	140,000
Up to 10 M	225,000	225,000	220,000	175,000	155,000
Up to 11 M	225,000	225,000	225,000	195,000	170,000
Up to 12 M	225,000	225,000	225,000	210,000	185,000
Up to 13 M	225,000	225,000	225,000	225,000	200,000
Up to 14 M	225,000	225,000	225,000	225,000	215,000
14 M and over	225,000	225,000	225,000	225,000	225,000

(3) by inserting the following after paragraph 1:

“(1.1) Where a travel agent provides services to persons domiciled outside Québec through a travel enterprise outside Québec, the amount of the security is the greater of \$20,000 and the amount under subparagraph *b* of paragraph 1 after the amount of the sums collected from those persons is subtracted from the turnover; those sums must be shown in the financial statements required under section 6.”.

23. The following is inserted after section 35:

“**35.1.** Where recourse to the security is necessary, the president shall notify the surety and declare the security payable where it is provided in the form of a security contract or realize on the security provided in any other form.”.

24. Division XII is replaced by the following:

“DIVISION XII INDEMNITY FUND

37. The Fonds d’indemnisation des clients des agents de voyages is hereby established to guarantee the indemnification or reimbursement of customers of a travel agent required to contribute to the fund, if the travel agent’s individual security is insufficient or in the case provided for in the third paragraph of section 36 of the Act.

The fund also guarantees the payment of the administrative expenses and provisional administrator’s fees if there is no individual security or if it is insufficient.

38. The fund shall be made up of

(a) the contributions paid by customers;

(b) the contributions paid by wholesale travel agents for advances made to their collective security fund before (*insert the date of coming into force of this Regulation*);

(c) the sums recovered by the president by way of subrogation to the position of customers who received indemnities from the fund;

(d) the growth of the fund's assets; and

(e) the advances that the Minister may make to the fund as provided in section 41.1 of the Act.

39. The customers of retail travel agents in Québec are required to contribute to the fund.

The amount of that contribution is 0.35% of the total cost of the travel services purchased.

The contribution shall be collected by the retail travel agent.

40. A travel agent must, within 30 days of the end of each quarter, remit the contributions to the president, less management expenses equal to 10% of the contributions collected between (*insert the date of coming into force of this Regulation*) and (*insert the date occurring one year after the coming into force of this Regulation*) and 3% thereafter.

The travel agent shall determine the fiscal quarter and notify the president thereof.

The remittance must be accompanied by a report signed by the licensee or another officer showing

(a) the amount of the sales subject to the contribution;

(b) the total of the contributions collected; and

(c) the amount remitted.

41. Wholesale travel agents are required to contribute to the Fonds d'indemnisation des agents de voyages for the reimbursement of the advance made by the president to the collective security fund of wholesale travel agents on 2 December 2002.

The amount of that contribution is 0.16% of the total cost of the travel services sold through a retail travel agent in Québec.

The contribution is payable until the advance and related interest are reimbursed.

42. A wholesale travel agent must remit the contribution to the president within 30 days of the end of each quarter.

The travel agent shall determine the fiscal quarter and notify the president thereof.

The remittance must be accompanied by a report showing the amount of the services sold subject to the contribution and the amount remitted and whose accuracy is certified in a sworn statement by the licensee or another officer.

43. The president shall be the manager of the sums making up the Fonds d'indemnisation des clients des agents de voyages.

The president shall hold those sums in trust.

The sums must be deposited with the financial institution chosen by the president and may be invested in accordance with the rules pertaining to investments presumed sound set out in the Civil Code of Québec.

The sums may also be deposited with the Caisse de dépôt et placement du Québec according to the terms and conditions determined by the president and the Caisse.

43.1. Fund management expenses are chargeable to the fund.

43.2. The president shall pay out of the fund

(a) the sums necessary for the indemnification, excluding moral damages, or reimbursement of a customer of a travel agent in the cases referred to in subparagraphs *a* and *b* of the first paragraph of section 28;

(b) the sums paid by a customer for travel services purchased from a travel agent where the obligations of a service supplier are not fulfilled in the case provided for in the third paragraph of section 36 of the Act;

(c) the sums necessary for the immediate departure or repatriation of a customer, instead of a reimbursement of the amounts paid;

(d) the sums reimbursed by a travel agent to customers required to contribute to the fund because of the non-fulfilment of a service supplier's obligations in the case provided for in the third paragraph of section 36 of the Act;

(e) the administrative expenses and provisional administrator's fees; and

(f) advances made by the Minister of Finance.

The president shall reimburse himself or herself, out of the contributions referred to in section 41, for the advance made to the collective security fund of travel agents on 2 December 2002.

43.3. The amount of the indemnity may not exceed \$3,000 per person per trip and \$3,000,000 per event.

43.4. At the end of each six-month period following an event giving rise to a claim against the fund, the president shall reimburse the claims received in the preceding six months. If the amount of the claims at the end of a six-month period exceeds the amount of sums available for the reimbursement, the president shall reimburse the claims on a pro rata basis.

43.5. The president is automatically subrogated to the rights of a customer against a travel agent or a service supplier for the sums paid by the fund.

A customer of a travel agent is not entitled to be indemnified by the fund if the customer is otherwise reimbursed for the damages incurred. However, if the reimbursement is lower than the reimbursement under the fund, the customer may claim the difference from the fund.”.

25. Division XIII is deleted.

26. The following is added after section 45:

“DIVISION XV PENAL

46. Every person who contravenes section 22, 23, 24, 25, 26 or 27 commits an offence against section 33 of the Act and is liable to the fine under section 39 of the Act.

47. Every person who contravenes section 12, 13, 14, 14.1, 15, 16, 17, 18, 19, 20, 22.1, 27.1, 34, 35 or 41 commits an offence and is liable to the fine under section 40 of the Act.

DIVISION XVI ADVISORY COMMITTEE

48. The Comité consultatif des agents de voyages is hereby established.

49. The committee shall be composed of the president of the Office de la protection du consommateur and eight members appointed by the Minister.

Four members shall be appointed after consultation with representatives of the travel sector, two after consultation with consumer representatives and two to represent the Administration.

50. The term of the members, excluding the president, may not exceed three years; however, three of the first members of the committee shall be appointed for three years, three for two years and two for one year.

The term of a member may be renewed consecutively only once. At the end of their terms, the members shall remain in office until replaced or re-appointed.

51. Any vacancy during a term must be filled in accordance with the rules of appointment set out in section 49 for the unexpired portion of the term.

52. The members of the committee, other than those representing the Administration, are entitled, to the extent provided by regulation of the Government and on presentation of vouchers, to be reimbursed for expenses incurred to attend meetings of the committee.

53. The president shall chair the committee.

The president may designate a person to act as substitute chair.

The president shall also designate a member of the staff to act as secretary of the committee.

54. A majority of the members constitutes a quorum and the president has a casting vote in the case of a tie-vote.

The committee may adopt an internal by-law. The by-law may provide that absence from a specific number of meetings constitutes a vacancy in the cases and circumstances specified in the by-law.

55. The committee shall meet at least three times a year, at the call of the president.

The president shall also hold a meeting of the committee at the request of the Minister or of at least three members of the committee.

56. The function of the committee is to advise the Minister on all issues concerning the activities of travel agents.

The committee must also advise the Minister on any matter referred to it by the Minister relating to the activities of travel agents.

57. The committee shall report to the Minister on its activities for the preceding year no later than 31 March of each year.”.

27. The Schedule is replaced by the following :

See attached document

28. The assets and liabilities of the collective security funds of travel agents shall be transferred to the Fonds d’indemnisation des clients des agents de voyages on (*insert the date of coming into force of this Regulation*).

A travel agent may, however, two years after ceasing activities as a travel agent and on written notice to the president or, in the case of a retail travel agent, no later than (*insert the date occurring five years after the coming into force of this Regulation*) and, in the case of a wholesale travel agent, no later than the date of final reimbursement of the advance made by the president to the collective security fund on 2 December 2002, be reimbursed for the basic contribution to the collective security fund of travel agents, provided that

(1) the travel agent has not been the cause of a supplemental contribution ;

(2) any supplemental contribution requested by the president for a claim that was the subject of a final judgment relating to the period during which the activities as a travel agent were carried on has been made by the travel agent to the collective security fund of the class concerned ; and

(3) in the case of a wholesale travel agent, payment of the contribution referred to in section 41 of the Regulation has also been made to the Fonds d’indemnisation des clients des agents de voyages.

However, even if those conditions are met, a travel agent that was the cause of the payment of one or more claims by the fund to which the travel agent has contributed is entitled to a reimbursement only of the amount by which the basic contribution to the fund exceeds the payment of which the travel agent was the cause.

Any contribution that is not claimed or reimbursed remains the property of the fund.

29. The new amounts of individual security for travel agents introduced by section 22 of this Regulation apply to existing licensees upon renewal of their licence.

30. Claims filed with the president before (*insert the date of coming into force of this Regulation*) shall be paid out of the Fonds d’indemnisation des clients des agents de voyages. Despite the foregoing, the exclusion of moral damages under section 43.2 and the maximum amounts set out in section 43.3 introduced by section 24 of this Regulation do not apply to such claims.

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



APPLICATION FOR A TRAVEL AGENT'S LICENCE

Form LAV-1

FOR OFFICE USE ONLY

LICENCE NO.

MERCHANT NO.

Section 1 – Type of application and class of licence

1.1 TYPE OF APPLICATION (Check ☐ the appropriate box)First application ☐Renewal ☐Transfer: Death ☐Resignation ☐Other ☐

1.2 THIS APPLICATION IS MADE BY:

Retailer ☐Wholesaler ☐

Carrier, specify the category:

Air ☐Water ☐Road ☐Railway ☐

1.3 DOES THE TRAVEL AGENT ON WHOSE BEHALF THIS APPLICATION IS MADE ALSO CARRY ON BUSINESS AS:

Retailer / Licence No.:

Wholesaler / Licence No.:

Carrier / Licence No.:

Section 2 – Personal identification of applicant (Natural person)

2.1 LAST NAME, FIRST NAME AND PERSONAL ADDRESS

Ms. ☐Mr. ☐

Last name:

First name:

Street No. and name:

City:

Province:

Postal code:

Telephone:

2.2 DATE OF BIRTH: Y ____ M ____ D ____

2.3 MAILING ADDRESS, IF DIFFERENT

Last name:

First name:

Street No. and name:

City:

Province:

Postal code:

Language: French ☐English ☐

Section 3 – Legal registration of merchant (IGFI) (Sole proprietorship, partnership or legal person)

3.1 NAME AND ADDRESS AS REGISTERED WITH THE INSPECTOR GENERAL OF FINANCIAL INSTITUTIONS (IGFI)

Name of legal entity:

Address:

Street No. and name:

City:

Province:

Postal code:

Telephone:

Fax:

E-mail:

3.2 NAME AND ADDRESS OF PRINCIPAL ESTABLISHMENT IN QUÉBEC FOR WHICH A LICENCE IS APPLIED FOR (if different from 3.1)

Name of legal entity:

Address of principal establishment in Québec:

Street No. and name:

City:

Province:

Postal code:

Telephone:

Fax:

3.3 STATE ANY OTHER NAME(S) USED IN QUÉBEC (Attach registration copies)

CHECK ☐ THE NAME(S) THAT MUST APPEAR ON YOUR LICENCE:☐☐☐☐☐

3.4 DATE OF THE BEGINNING OF COMMERCIAL ACTIVITIES IN QUÉBEC Y ____ M ____ D ____

3.5 NUMBER OF ESTABLISHMENTS IN QUÉBEC, OTHER THAN THE PRINCIPAL ESTABLISHMENT, COVERED BY THE LICENCE: Fill out and attach Schedule A.

3.6 TYPE OF ENTERPRISE (CHECK ☐ THE APPROPRIATE BOX)SOLE PROPRIETORSHIP ☐PARTNERSHIP ☐LEGAL PERSON (COMPANY) ☐ASSOCIATION ☐

3.7 REGISTRATION

Date: Y ____ M ____ D ____

Registration number:

Attachments ☐ (Attach a copy of the declaration of registration provided by the IGFI and any amending declarations.)

3.8 CONSTITUTING ACT (CHARTER)

Federal ☐Provincial ☐Other ☐Attachments ☐ (Attach a copy of the constituting act and any amending documents.)

3.9 NAME AND ADDRESS OF OFFICERS AND SILENT PARTNERS OF THE ENTERPRISE

Fill out and attach Schedule B.

Section 4 – Application of the Act			
4.1	A) Has the applicant, association, partnership or person on whose behalf the licence is applied for, an officer or a silent partner of the association, partnership or person on whose behalf the licence is applied for:	Yes	No
	<ul style="list-style-type: none"> performed the operations of a travel agent and become bankrupt in the course of the five preceding years? 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> been found guilty of an offence under the <i>Travel Agents Act</i> or of fraud, forgery or fraudulent operations in any contractual or commercial matter? 	<input type="checkbox"/>	<input type="checkbox"/>
B)	Has the applicant, an officer or a silent partner of the association, partnership or person on whose behalf the licence is applied for been an officer or silent partner of an association, partnership or person that has performed the operations of a travel agent and		
	<ul style="list-style-type: none"> become bankrupt in the course of the five preceding years? 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> been found guilty of an offence under the <i>Travel Agents Act</i> or of fraud, forgery or fraudulent operations in any contractual or commercial matter? 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> been the cause of the payment of a claim out of a collective security fund or out of the Fonds d'indemnisation des clients des agents de voyages and not reimbursed the fund? 	<input type="checkbox"/>	<input type="checkbox"/>
4.2	If the answer to any of the above questions is "Yes", please state the name of the person, the nature of the offence, the date of the judgment, the file number and any other relevant information on a separate sheet.		

Section 5 – Security and fees	
COST OF LICENCE	
5.1 FEES:	\$ <input type="text"/>
5.2 FORM OF PAYMENT:	
Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Money order <input type="checkbox"/> Bank draft <input type="checkbox"/> (Enclose a cheque payable to the Minister of Finance bearing the same date as the application date.)	
INDIVIDUAL SECURITY	
5.3 TYPE OF SECURITY AND AMOUNT PROVIDED:	
(Check the applicable box(es).)	
Individual guarantee bond <input type="checkbox"/>	Amount: \$ <input type="text"/>
Cheque <input type="checkbox"/>	Amount: \$ <input type="text"/>
Bond <input type="checkbox"/>	Amount: \$ <input type="text"/>
Cash <input type="checkbox"/>	Amount: \$ <input type="text"/>
5.4 INDIVIDUAL GUARANTEE BOND NUMBER:	<input type="text"/>
5.5 NAME OF THE SURETY PROVIDING THE SECURITY: <input type="text"/>	
Attach the original of the security bond.	
Note: Your security bond must bear the same name(s) and address(es) as your declaration of registration with the Inspector General of Financial Institutions.	

Section 6 – Financial information	
6.1 FISCAL YEAR END	M ____ D ____
6.2 DECLARATION OF A TRUST ACCOUNT	Fill out and attach Schedule C.
6.3 DESIGNATION OF A PERSON AUTHORIZED TO PERFORM BANKING TRANSACTIONS AFFECTING THE TRUST ACCOUNT	
Optional: Fill out and attach Schedule C-1, if necessary.	

Section 7 – Personal information concerning the licence applicant

7.1 ARE YOU A CANADIAN CITIZEN OR PERMANENT RESIDENT WITHIN THE MEANING OF THE IMMIGRATION AND REFUGEE PROTECTION ACT? Yes ☐ No ☐

ACTIVITIES OF A TRAVEL AGENT

7.2 HAS THE APPLICANT EVER HELD A TRAVEL AGENT'S LICENCE IN QUÉBEC? Yes ☐ No ☐

If yes, enter the name of the agency and the licence number and continue with 7.4:

Licence number: Name of travel agency:

If no, have you carried on the activities of a travel agent on a permanent full-time basis for at least two years?

A) On your own account Yes ☐ No ☐

B) On the account of other travel agents? Yes ☐ No ☐

7.3 APPLICANT'S EXPERIENCE

Fill out Schedule D and attach supporting documents.

7.4 DO YOU HAVE FINANCIAL OR OTHER INTERESTS WITH A TRAVEL AGENT OTHER THAN THE AGENT FOR WHOM THIS APPLICATION IS MADE? Yes ☐ No ☐

If yes, what is your position?

Specify the name(s) of the travel agent(s)

7.5 DO YOU INTEND TO EXERCISE THE PROFESSION OF TRAVEL AGENT ON A PERMANENT, FULL-TIME BASIS AT THE PRINCIPAL ESTABLISHMENT OF THE AGENCY? Yes ☐ No ☐

Section 8 – Certification

I _____
(Block letters)

certify that the information in this application and in any attached documents is true and complete.

Signed at _____, this _____ day of _____ 20 _____.

Applicant's Signature

Position

The applicant agrees to notify the president in writing and without delay of any change in the above information while the licence is valid.

The applicant acknowledges that to obtain the security necessary for the issue of a licence, the surety will be bound with the applicant's express consent within the meaning of the first paragraph of article 2356 of the Civil Code of Québec, even if the applicant does not sign the security.

Any person who makes a false declaration in an application for a licence or for the renewal of a licence commits an offence.



Schedule A – Identification of establishments

LIST ALL THE OTHER ESTABLISHMENTS OF THE TRAVEL AGENT IN QUÉBEC FOR WHICH A LICENCE DUPLICATE IS REQUIRED.

(Attach an additional sheet if more space is required.)

Last name: _____	Last name: _____
First name: _____	First name: _____
Street No. and name: _____	Street No. and name: _____
City: _____	City: _____
Province: _____ Postal code: _____	Province: _____ Postal code: _____
Telephone: _____ Fax: _____	Telephone: _____ Fax: _____

Last name: _____	Last name: _____
First name: _____	First name: _____
Street No. and name: _____	Street No. and name: _____
City: _____	City: _____
Province: _____ Postal code: _____	Province: _____ Postal code: _____
Telephone: _____ Fax: _____	Telephone: _____ Fax: _____

Last name: _____	Last name: _____
First name: _____	First name: _____
Street No. and name: _____	Street No. and name: _____
City: _____	City: _____
Province: _____ Postal code: _____	Province: _____ Postal code: _____
Telephone: _____ Fax: _____	Telephone: _____ Fax: _____

Schedule B – Identification of officers and silent partners

LIST THE NAMES AND PERSONAL ADDRESSES OF THE OFFICERS AND SILENT PARTNERS OF THE ENTERPRISE.

FOR AN ENTERPRISE LISTED ON A STOCK EXCHANGE, THE INFORMATION REGARDING SILENT PARTNERS APPLIES ONLY TO A SHAREHOLDER HOLDING 10% OR MORE OF THE VOTING SHARES.

(Attach an additional sheet if more space is required.)

Last name: _____	Last name: _____
First name: _____	First name: _____
Date of birth: _____ % Participation: _____	Date of birth: _____ % Participation: _____
Position in enterprise: _____	Position in enterprise: _____
Street No. and name: _____	Street No. and name: _____
City: _____	City: _____
Province: _____ Postal code: _____	Province: _____ Postal code: _____
Telephone: _____ Fax: _____	Telephone: _____ Fax: _____

Last name: _____	Last name: _____
First name: _____	First name: _____
Date of birth: _____ % Participation: _____	Date of birth: _____ % Participation: _____
Position in enterprise: _____	Position in enterprise: _____
Street No. and name: _____	Street No. and name: _____
City: _____	City: _____
Province: _____ Postal code: _____	Province: _____ Postal code: _____
Telephone: _____ Fax: _____	Telephone: _____ Fax: _____

Last name: _____	Last name: _____
First name: _____	First name: _____
Date of birth: _____ % Participation: _____	Date of birth: _____ % Participation: _____
Position in enterprise: _____	Position in enterprise: _____
Street No. and name: _____	Street No. and name: _____
City: _____	City: _____
Province: _____ Postal code: _____	Province: _____ Postal code: _____
Telephone: _____ Fax: _____	Telephone: _____ Fax: _____

Office
de la protection
du consommateur

Québec

Schedule C

DECLARATION OF THE OPENING OF A TRAVEL AGENT'S TRUST ACCOUNT

- Every trust account must be opened and maintained in Québec.
- There must be a separate account for each currency and a separate opening declaration for each trust account.
- A new authorization must be provided whenever a person authorized to perform banking transactions affecting a trust account or a co-signer is replaced, added or removed.
- The travel agent must inform the Office de la protection du consommateur of the opening, closing and transfer of a trust account and provide the Office with the name and address of the financial institution and the account number.

Legal registration of merchant

Name of legal entity: _____	
Address of principal establishment: _____	
City and province: _____	Postal code: _____
Telephone: _____	Fax: _____
Other names (declared to the IGFI): _____	

Identification of trust account described in the opening declaration

Account number: _____	Currency: _____
Name of financial institution: _____	
Branch number: _____	
Address: _____	
City and province: _____	Postal code: _____
Telephone: _____	Fax: _____

Persons authorized to perform banking transactions affecting the trust account

1. Licensee ☐

Last name: _____ (Block letters)	First name(s): _____ (Block letters)
Signature of licensee (mandatory): _____	

2. Other authorized person ☐ or Co-signer ☐

Last name: _____ (Block letters)	First name(s): _____ (Block letters)
Signature of authorized person or co-signer: _____	

3. Other authorized person ☐ or Co-signer ☐

Last name: _____ (Block letters)	First name(s): _____ (Block letters)
Signature of authorized person or co-signer: _____	

Certification of financial institution

I have read the particulars and information above and I hereby certify their authenticity on behalf of the financial institution.

Last name: _____ (Block letters)	First name(s): _____ (Block letters)
Position: _____	
Signature: _____	Date: _____

The institution must affix its seal or other proof of certification on the copy to be sent to the Office de la protection du consommateur. The institution must also keep a copy.



Schedule D

APPLICANT FOR A TRAVEL AGENT'S LICENCE

An applicant who has never held a travel agent's licence must complete this document, starting with the most recent employment, to demonstrate that he or she meets the requirements of the Regulation. The applicant may use more than one sheet if needed. The applicant must provide proof of his or her experience.

Identification of applicant

Name and address of the applicant for a travel agent's licence:

Last name: _____ First name: _____

Street No.
and name: _____

City: _____

Province: _____ Postal code: _____

Telephone: _____ Fax: _____

Employment experience:

From: _____ to: _____
Year Month Year Month Name of employer: _____

Employment or title:

Paid employment ☐ Full-time ☐
Part-time ☐ In the case of part-time employment,
Commission ☐ specify the number of hours worked per
week. _____

Main duties: _____

Attachments ☐

Employment experience:

From: _____ to: _____
Year Month An Month Name of employer: _____

Employment or title:

Paid employment ☐ Full-time ☐
Part-time ☐ In the case of part-time employment,
Commission ☐ specify the number of hours worked per
week. _____

Main duties: _____

Attachments ☐

Employment experience:

From: _____ to: _____
Year Month Year Month Name of employer: _____

Employment or title:

Paid employment ☐ Full-time ☐
Part-time ☐ In the case of part-time employment,
Commission ☐ specify the number of hours worked per
week. _____

Main duties: _____

Attachments ☐

Decisions

Decision

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

Chief electoral officer

— Information contained on the reminder card

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 the information contained on the reminder card

WHEREAS section 38 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 4) provides that the chief electoral officer is responsible for the organization and holding of the referendum poll and has the powers and duties assigned to a municipality or its clerk or secretary-treasurer by Title II of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2);

WHEREAS pursuant to section 42 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, the public notice of referendum poll referred to in section 572 of the Act respecting elections and referendums in municipalities shall contain particulars of the polling station for the advance poll and the minimum number of affirmative votes required to reach the number corresponding to 35% of the number of qualified voters whose names are entered on the referendum list;

WHEREAS the minimum number of affirmative votes required to reach the number corresponding to 35% of the number of qualified voters whose names are entered on the referendum list will not be known until the boards of revisors have completed their work in the sectors concerned;

WHEREAS the Act respecting elections and referendums in municipalities provides that the board of revisors shall sit on set days and at set times during the period beginning on the date on which the public notice of revision is published and ending on the tenth day preceding the day set for the poll;

WHEREAS the chief electoral officer has chosen to have the boards of revisors sit as close as possible to the end of the period stipulated in the Act respecting elections and referendums in municipalities in order to foster the production of a referendum list that is as accurate as possible;

WHEREAS, pursuant to section 573 of the Act respecting elections and referendums in municipalities, a reminder card may be distributed to every person whose name is entered on the referendum list of the sector concerned, and whereas such distribution is mandatory if the municipality has 20,000 inhabitants or more;

WHEREAS, pursuant to the same section, the reminder card must contain all the particulars that must be set out in the public notice of referendum poll;

WHEREAS, pursuant to his powers and duties in the organization of a referendum poll, the chief electoral officer has decided that a reminder card will be distributed in every sector where a referendum poll is to be held;

WHEREAS it is not possible, within the time frames stipulated by the Act respecting elections and referendums in municipalities for the holding of the advance poll and the revision period fixed by the chief electoral officer, for the reminder card to contain the particulars on the advance poll and on the minimum number of affirmative votes required to reach the number corresponding to 35% of the number of qualified voters whose names are entered on the referendum list;

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

WHEREAS, by the effect of the reference in section 516.1 of the Act respecting elections and referendums in municipalities, section 90.5 applies to Title II of the said Act;

WHEREAS the chief electoral officer has first informed the Minister of Municipal Affairs, Sport and Recreation of the decision 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 the Act respecting elections and referendums in municipalities in order to stipulate that:

— the reminder card be distributed after the holding of the advance poll, and accordingly, that it should contain no particulars concerning the advance poll;

— that the notice of registration sent to every person entered on the referendum list contain particulars concerning the advance poll.

For the purposes of this decision, the Act respecting elections and referendums in municipalities is amended:

1. by adding the following at the end of subparagraph 2 of the first paragraph of section 126: “the notice shall also contain particulars concerning the holding of the advance poll;”;

2° by replacing the third paragraph of section 573 by the following paragraph:

“The reminder shall contain all the particulars that must be set out in the notice of referendum poll, except for the particulars concerning the advance poll; however, with the particulars relating to polling stations may concern only the polling station where the addressee is entitled to vote.”.

This decision shall come into force on April 22, 2004.

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

6306

Decision

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

Chief electoral officer — Revision of the referendum list in the Municipalité des Îles-de-la-Madeleine

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 the revision of the referendum list in the Municipalité des Îles-de-la-Madeleine

WHEREAS section 7 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14), provides that the referendum list of the sector concerned shall be drawn up and shall come into force for the purposes of the registration process;

WHEREAS, pursuant to section 4 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, and by the effect of the reference in section 561 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), the provisions of Division II of Chapter VI of Title I apply, adapted as required and provided they are consistent with Title II, to the preparation, revision and coming into force of the referendum list of the sector concerned;

WHEREAS, pursuant to section 125 of the Act respecting elections and referendums in municipalities, the clerk or secretary-treasurer shall give a public notice setting out the place, days and times for the making of applications to the boards of revisors for entry on, striking from or correction of the list of electors;

WHEREAS, pursuant to subparagraph 2 of the first paragraph of section 126 of the Act respecting elections and referendums in municipalities, the clerk or secretary-treasurer shall, not later than five days before the last day fixed for the making of applications to the board of revisors, forward to each person whose name is entered on the list of electors a note that reproduces the particulars concerning that person which appear on the list and that includes the particulars contained in the public notice of revision;

WHEREAS, in the Municipalité des Îles-de-la-Madeleine, the assistant clerk has been informed that delivery of the notices of entry by Canada Post was delayed and, in some sectors, took place after the end of the period fixed for the making of applications to the board of revisors announced in the public notice of revision, namely April 19 and 20, 2004;

WHEREAS, as a result of these delays, certain qualified voters were unable to go to the board of revisors in their sector in order to make an application for entry on, striking from or correction of the list of electors;

WHEREAS this situation has a significant impact on the quality and accuracy of the referendum list to be used in the Municipalité des Îles-de-la-Madeleine for the registration process provided for in Division II of Chapter II of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities states that if, subsequent to an exceptional circumstance, a provision of Chapters VI 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, the chief electoral officer may adapt the provision in order to achieve its object;

WHEREAS, by the effect of the reference in section 516.1 of the Act respecting elections and referendums in municipalities, section 90.5 applies to Title II of the said Act;

WHEREAS the chief electoral officer has first informed the Minister of Municipal Affairs, Sport and Recreation of the decision 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, in accordance with section 561 of the said Act, has decided to adapt the provisions of sections 122, 125 and 126 of the Act respecting elections and referendums in municipalities as follows:

1. The assistant clerk of the Municipalité des Îles-de-la-Madeleine is authorized to establish a board of revisors for each of the sectors concerned in order to receive applications for entry on, striking from or correction of the referendum list from qualified voters in the said sectors, at the following times:

— April 23, 2004, from 7:00 p.m. to 10:00 p.m.;

— April 24, 2004, from 1:00 p.m. to 5:30 p.m.

2. The work of the boards of revisors shall end not later than April 26, 2004.

3. The assistant clerk shall take the steps required to notify qualified voters in the Municipalité des Îles-de-la-Madeleine who are affected by this decision.

4. The assistant clerk shall, at the earliest opportunity, notify each representative of a group of qualified voters appointed pursuant to section 564.

This decision shall come into force on April 22, 2004.

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

6307

Notices

Notice

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Montagne-Rouge Nature Reserve — Recognition

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Minister of the Environment has recognized as a nature reserve a private property, situated in the territory of the Municipality of Arundel, Regional County Municipality of the Laurentides, known and designated as lots 10A and 11A of Range 1 and as part of lots 8, 10B, 11B and 12 of the aforementioned Range 1 of the Arundel Township land register, Argenteuil registry division. This property, which extends over 146.5 hectares, is more fully described in the plan and property description prepared and signed by Mr. Daniel Robidoux, land surveyor, on March 31, 2004, in his field note 2849.

This recognition takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

LÉOPOLD GAUDREAU,
*Director of Ecological Heritage and
Sustainable Development*

6295

Notice

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

CONCERNING termination of the setting aside of the land of five proposed ecological reserves

Proposed ecological reserves — Termination of the setting aside by revocation of their conservation plans

Notice is hereby given, pursuant to section 32 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Minister of the Environment, by M.O. 2004-002 dated 20 April 2004, has terminated the setting aside of the land of the following five proposed ecological reserves by revoking their respective plans:

- the proposed Chicobi ecological reserve;
- the proposed Coleraine ecological reserve;
- the proposed Manche-d'Épée ecological reserve;
- the proposed Léon-Provancher ecological reserve;
- the proposed Lac-Malakisis ecological reserve (western and north-eastern portions).

MADELEINE PAULIN,
Deputy Minister

6299

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

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