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Regulations and other acts

Gouvernement du Québec

O.C. 500-2004, 26 May 2004

Education Act
(R.S.Q., c. I-13.3)

School tax

— Computation of the maximum yield for the 2004-2005 school year

Regulation respecting computation of the maximum yield of the school tax for the 2004-2005 school year

WHEREAS, under subparagraphs 1, 2 and 3 of the first paragraph of section 455.1 of the Education Act (R.S.Q., c. I-13.3), the Government shall, by regulation, determine the rules for establishing the allowable number of students for computing the maximum yield of the school tax that the school board and the Comité de gestion de la taxe scolaire de l'île de Montréal may levy and the rates of increase of the amounts per student and of the base amount referred to in section 308 of the Education Act;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act, if the authority making it is of the opinion that the fiscal nature of the norms established, amended or repealed thereby warrants it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the fiscal nature of the norms established, amended or repealed thereby warrants it;

WHEREAS the Government is of the opinion that the fiscal nature of the norms established by the Regulation justifies the absence of prior publication and such coming into force;

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

THAT the Regulation respecting computation of the maximum yield of the school tax for the 2004-2005 school year, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting computation of the maximum yield of the school tax for the 2004-2005 school year

Education Act
(R.S.Q., c. I-13.3, s. 455.1, 1st par., subpars. 1, 2 and 3)

1. For the computation of the maximum yield of the school tax for the 2004-2005 school year, provided for in section 308 of the Education Act (R.S.Q., c. I-13.3), the allowable number of students shall be determined by

(1) calculating the number of four-year-old preschool students who may be taken into account, by multiplying by 1.00 the number of such students legally enrolled for a minimum of 144 half days on 30 September 2003 in the schools under the jurisdiction of the school board;

(2) calculating the number of five-year-old preschool students who may be taken into account, by multiplying by 1.80 the number of such students legally enrolled for a minimum of 180 days on 30 September 2003 in the schools under the jurisdiction of the school board, except students referred to in paragraphs 7 and 8;

(3) calculating the number of elementary school students who may be taken into account, by multiplying by 1.55 the number of such full-time students legally enrolled on 30 September 2003 in the schools under the jurisdiction of the school board, except students referred to in paragraphs 7 and 9;

(4) calculating the number of secondary school students who may be taken into account, by multiplying by 2.40 the number of such full-time students legally enrolled on 30 September 2003 in the schools under the jurisdiction of the school board, except students referred to in paragraphs 7 and 10;

(5) calculating the number of students admitted to a program of study leading to a secondary school vocational diploma, attestation of vocational specialization or attestation of vocational studies, who may be taken into account pursuant to paragraph 1 of section 4, by

(a) multiplying by 3.40 the number of full-time students admitted to a program of study leading to a secondary school vocational diploma, except students referred to in subparagraph b, or to an attestation of vocational specialization, legally enrolled during the

2002-2003 school year in the vocational training centres under the jurisdiction of the school board and recognized by the Minister of Education for the purposes of the budgetary rules for the 2002-2003 school year;

(b) multiplying by 3.40 the number of full-time students admitted to a program of study leading to an attestation of vocational studies, to the apprenticeship scheme program or admitted, following Secondary III, to a program of study leading to a secondary school vocational diploma, legally enrolled on 30 September 2002 in the vocational training centres under the jurisdiction of the school board and recognized by the Minister of Education for the purposes of the budgetary rules for the 2002-2003 school year;

(c) multiplying by 3.40 the number of students corresponding to the difference between the number of new places, in terms of the enrolment capacity of an educational institution, allotted by the Minister of Education for one or more vocational programs of study and the number of full-time students admitted to such program or programs of study during the 2002-2003 school year in the vocational training centres under the jurisdiction of the school board and recognized by the Minister of Education for the purposes of the budgetary rules for the 2002-2003 school year; and

(d) adding the products obtained under subparagraphs *a*, *b* and *c*;

(6) calculating the number of students admitted to adult education services who may be taken into account, in accordance with the Schedule to this Regulation, by

(a) multiplying by 2.40 the number of full-time students 16 to 18 years of age;

(b) multiplying by 2.10 the number of full-time students 19 years of age or over; and

(c) adding the products obtained under subparagraphs *a* and *b*;

(7) calculating the number of handicapped students who may be taken into account, by multiplying by 6.40 the number of such full-time students legally enrolled on 30 September 2003 in the schools under the jurisdiction of the school board and recognized by the Minister of Education for the purposes of the budgetary rules for the 2003-2004 school year;

(8) calculating the number of preschool students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by

2.25 the number of such full-time students enrolled in welcoming classes and francization classes and legally enrolled on 30 September 2003 in the schools under the jurisdiction of the school board;

(9) calculating the number of elementary school students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 2.40 the number of such full-time students enrolled in welcoming classes and francization classes and legally enrolled on 30 September 2003 in the schools under the jurisdiction of the school board;

(10) calculating the number of secondary school students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 3.40 the number of such full-time students enrolled in welcoming classes and francization classes and legally enrolled on 30 September 2003 in the schools under the jurisdiction of the school board;

(11) calculating the number of preschool and elementary school students enrolled in school day care services who may be taken into account pursuant to paragraph 3 of section 4, by multiplying by 0.05 the number of such students;

(12) calculating the number of students enrolled in the school board's school bussing services who may be taken into account pursuant to paragraph 4 of section 4, by

(a) multiplying by 0.70 the number of students enrolled on 30 September 2003 in a transport service employing vehicles used exclusively to transport such students;

(b) multiplying by 0.40 the number of students enrolled on 30 September 2003 in a transport service employing vehicles that have specific public transit routes and are not reserved exclusively to transport such students; and

(c) adding the products obtained under subparagraphs *a* and *b*; and

(13) adding the numbers obtained under paragraphs 1 to 12.

2. Where the sum obtained under paragraphs 2 to 4 and 7 to 10 of section 1 is more than 1% lower than the total obtained under paragraphs 2 to 4 and 7 to 10 of section 1 or, if applicable, under section 2 of the Regulation respecting computation of the maximum yield of the school tax for the 2003-2004 school year, made by Order in Council 663-2003 dated 18 June 2003, the sum shall be adjusted to correspond to 99% of the total.

3. Where the sum obtained under paragraphs 2 to 4 and 7 to 10 of section 1 exceeds the sum obtained by adding the numbers of full-time students referred to in paragraphs 2 to 4 and 7 to 10 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2003-2004 school year by 200 or 2%, and is at least 200 or 2% lower than the sum obtained by adding the numbers of full-time students in the categories referred to in paragraphs 2 to 4 and 7 to 10 of section 1, established according to the enrolment estimates of the Minister of Education for the 2004-2005 school year, paragraphs 2 to 4 of section 1 shall be read as follows:

“(2) calculating the number of five-year-old preschool students who may be taken into account, by multiplying by 1.80 the number of such full-time students, established according to the enrolment estimates of the Minister of Education for the 2004-2005 school year, except students referred to in paragraphs 7 and 8;

(3) calculating the number of elementary school students who may be taken into account, by multiplying by 1.55 the number of such full-time students, established according to the enrolment estimates of the Minister of Education for the 2004-2005 school year, except students referred to in paragraphs 7 and 9;

(4) calculating the number of secondary school students who may be taken into account, by multiplying by 2.40 the number of such full-time students, established according to the enrolment estimates of the Minister of Education for the 2004-2005 school year, except students referred to in paragraphs 7 and 10;”.

4. For the purposes of section 1,

(1) students who may be taken into account by a school board for the purposes of paragraph 5 of section 1 are students who were admitted for the 2002-2003 school year to a vocational training centre under the jurisdiction of the school board to receive educational services in vocational training, in vocational training programs authorized pursuant to section 467 of the Education Act;

(2) the number of full-time students is obtained by adding the number of students enrolled full-time who participate in the minimum number of hours of activities prescribed by the basic school regulation applicable to them and the number of students enrolled part-time converted into a number of full-time students by

(a) using the following equation to calculate the proportion of full-time attendance per student enrolled part-time:

the student's number of hours of activities per school year

the minimum number of hours of activities per school year prescribed by the basic school regulation applicable to the student; and

(b) adding, for each of the categories of students referred to in paragraphs 1 to 10 of section 1, the proportions obtained under subparagraph a; and

(3) the students that may be taken into account by a school board for the purposes of paragraph 11 of section 1 are

(a) four-year-old preschool students enrolled on 30 September 2003 in the day care services of the school board for a minimum of 5 hours per day, at least 3 days per week; and

(b) five-year-old preschool students and elementary students enrolled on 30 September 2003 in the day care services of the school board for a minimum of 2 1/2 hours per day, at least 3 days per week; and

(4) the students that may be taken into account by a school board for the purposes of paragraph 12 of section 1 are the students for whom the school board provides transportation at the beginning and end of classes each day.

5. For the computation of the maximum yield of the school tax for the 2004-2005 school year, the amount per student is \$681.07, or \$885.38 if the allowable number of students is less than 1,000, and the base amount is \$204,318, namely the amounts established for the 2003-2004 school year increased by 1.59%.

6. The Regulation respecting computation of the maximum yield of the school tax for the 2003-2004 school year, made by Order in Council 663-2003 dated 18 June 2003, is revoked.

7. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE

(s. 1, par. 6)

**NUMBER OF STUDENTS EQUIVALENT TO
FULL-TIME ADULTS IN GENERAL EDUCATION**

Code	School board	Over 18 years of age	18 years of age and under
711000	Monts-et-Marées, CS des	450.81	184.71
712000	Phares, CS des	372.89	85.12
713000	Fleuve-et-des-Lacs, CS du	291.24	86.41
714000	Kamouraska-Rivière-du-Loup, CS de	237.76	122.37
721000	Pays-des-Bleuets, CS du	320.98	208.49
722000	Lac-Saint-Jean, CS du	342.74	292.77
723000	Rives-du-Saguenay, CS des	696.77	462.58
724000	De La Jonquière, CS	368.68	194.73
731000	Charlevoix, CS de	67.51	72.44
732000	Capitale, CS de la	1,943.37	365.60
733000	Découvreurs, CS des	443.39	279.88
734000	Premières-Seigneuries, CS des	729.15	471.46
735000	Portneuf, CS de	129.78	122.24
741000	Chemin-du-Roy, CS du	524.78	167.82
742000	Énergie, CS de l'	292.62	157.15
751000	Hauts-Cantons, CS des	179.02	82.47
752000	Région-de-Sherbrooke, CS de la	834.05	252.00
753000	Sommets, CS des	238.48	93.45
761000	Pointe-de-l'Île, CS de la	2,001.49	528.05
762000	Montréal, CS de	6,063.86	1,076.34
763000	Marguerite-Bourgeoys, CS	2,501.16	808.01
771000	Draveurs, CS des	793.10	399.40
772000	Portages-de-l'Outaouais, CS des	771.50	272.76
773000	Cœur-des-Vallées, CS au	260.67	136.66
774000	Hauts-Bois-de-l'Outaouais, CS des	364.49	71.46
781000	Lac-Témiscamingue, CS du	101.87	74.65
782000	Rouyn-Noranda, CS de	302.26	195.80
783000	Harricana, CS	122.01	77.62
784000	Or-et-des-Bois, CS de l'	236.78	218.45
785000	Lac-Abitibi, CS du	125.80	73.25
791000	Estuaire, CS de l'	231.24	99.88
792000	Fer, CS du	214.63	98.81
793000	Moyenne-Côte-Nord, CS de la	40.00	20.00

Code	School board	Over 18 years of age	18 years of age and under
801000	Baie-James, CS de la	81.21	58.51
811000	Îles, CS des	60.38	17.50
812000	Chic-Chocs, CS des	252.06	113.37
813000	René-Lévesque, CS	353.99	116.15
821000	Côte-du-Sud, CS de la	170.22	145.77
822000	L'Amiante, CS de	225.22	131.71
823000	Beauce-Etchemin, CS de la	387.01	167.10
824000	Navigateurs, CS des	375.72	347.19
831000	Laval, CS de	1,161.03	448.43
841000	Affluents, CS des	543.69	440.04
842000	Samares, CS des	516.11	243.66
851000	Seigneurie-des-Mille-Îles, CS de la	533.78	233.85
852000	Rivière-du-Nord, CS de la	495.77	282.29
853000	Laurentides, CS des	227.56	99.29
854000	Pierre-Neveu, CS	189.93	125.82
861000	Sorel-Tracy, CS de	272.00	129.25
862000	Saint-Hyacinthe, CS de	395.53	161.50
863000	Hautes-Rivières, CS des	363.71	162.13
864000	Marie-Victorin, CS	1,130.40	405.84
865000	Patriotes, CS des	552.08	134.05
866000	Val-des-Cerfs, CS du	438.24	181.08
867000	Grandes-Seigneuries, CS des	376.88	145.64
868000	Vallée-des-Tisserands, CS de la	307.59	209.80
869000	Trois-Lacs, CS de la	152.31	93.87
871000	Riveraine, CS de la	154.71	52.07
872000	Bois-Francs, CS des	274.56	126.95
873000	Chênes, CS des	237.51	135.91
881000	Central Québec	66.99	19.20
882000	Eastern Shores	89.97	25.58
883000	Eastern Townships	125.72	80.86
884000	Riverside	85.15	61.13
885000	Sir Wilfrid Laurier	221.45	66.72
886000	Western Québec	205.08	114.99
887000	English Montréal	2,611.29	475.23
888000	Lester B. Pearson	793.75	273.43
889000	New Frontiers	67.32	65.39

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Gouvernement du Québec

O.C. 502-2004, 26 May 2004

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

Acupuncturists — Code of ethics

Code of ethics of acupuncturists

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

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

WHEREAS, in accordance with section 87 of the Professional Code, the Bureau of the Ordre professionnel des acupuncteurs du Québec made the Code of ethics of acupuncturists;

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

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

WHEREAS the Office des professions du Québec has received no comments following that publication;

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

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Code of ethics of acupuncturists, the text of which is attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Code of ethics of acupuncturists

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

CHAPTER I GENERAL

1. This Code, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), governs the general and special duties that acupuncturists must discharge.

CHAPTER II DUTIES TOWARDS PATIENTS, THE PROFESSION AND THE PUBLIC

DIVISION I COMPETENCE AND INTEGRITY

2. Acupuncturists shall discharge their professional duties with competence and integrity.

3. The primary duty of acupuncturists is to protect the health and well-being of the persons to whom care is given, both individually and collectively.

4. Acupuncturists shall practise their profession in accordance with the generally recognized standards of practice in the field of acupuncture. To that end, they shall, in particular, keep up-to-date and improve their knowledge as well as develop their proficiency, skills and attitudes.

5. Before accepting to render professional services, acupuncturists shall consider the extent of their competence and the means at their disposal. They shall refrain from guaranteeing the healing of any health condition.

6. In addition to the provisions of section 54 of the Professional Code, acupuncturists shall refrain from practising their profession or from performing certain professional acts in a condition or in a state that may compromise the quality of their services.

7. Where acupuncturists forward information that they know to be incomplete or preliminary or where they doubt the reliability of the information, they shall so notify the recipients.

8. Acupuncturists shall, in the practice of their profession, show respect for the life, dignity and freedom of human beings. No acupuncturist may refuse to provide professional services if a patient's life is in danger.

9. Acupuncturists shall consider all the foreseeable consequences that their research and work may have on society.

10. The conduct of acupuncturists must be irreproachable.

They shall, in particular, act with courtesy, dignity, moderation and objectivity.

DIVISION II IMPARTIALITY AND INDEPENDENCE

11. Acupuncturists shall subordinate their personal interests to those of their patients.

12. Acupuncturists shall safeguard their professional independence at all times. They shall, in particular, ignore any intervention by a third party which could affect the carrying out of their professional obligations and be prejudicial to their patients.

13. Except for the remuneration to which they are entitled, acupuncturists shall refrain from receiving any benefit, commission or discount relating to the practice of their profession. Nor shall they pay, offer to pay or agree to pay such benefit, commission or discount.

DIVISION III DILIGENCE AND AVAILABILITY

14. Acupuncturists shall demonstrate reasonable diligence and availability.

15. Unless they have sound and reasonable grounds therefor, acupuncturists may not terminate the professional services they provide to a patient.

The following in particular constitute sound and reasonable grounds:

- (1) loss of the patient's confidence;
- (2) lack of cooperation on the part of the patient to participate in his or her treatment;
- (3) personality conflict between the acupuncturist and the patient;
- (4) conflict of interest or any situation in which their professional independence might be called into question; and

(5) inducement by the patient to perform acts that he or she knows to be illegal, improper or fraudulent.

16. Before ceasing to provide professional services to a patient, an acupuncturist shall so inform the patient and make sure that the withdrawal will not be prejudicial to the patient.

The acupuncturist shall ensure that the patient can continue to receive the professional services needed and shall contribute to such services to the extent necessary.

DIVISION IV FEES

17. Acupuncturists shall charge fair and reasonable fees.

Fees are considered fair and reasonable if they are warranted by the circumstances and proportionate to the professional services provided.

18. To determine the amount of their fees, acupuncturists shall, in particular, consider the following factors:

- (1) their experience;
- (2) the time required to carry out the professional services;
- (3) the complexity and extent of the professional services; and
- (4) the need to perform unusual professional services or services requiring exceptional celerity or competence.

19. Acupuncturists shall, as soon as possible, inform their patients of the approximate cost, nature and method of providing the professional services required and obtain their agreement in that respect.

20. No acupuncturist may require advance payment of fees for professional services.

21. Acupuncturists may not claim payment from their patients for professional services paid for by a third party under a law unless under such law they have concluded an express agreement with their patients.

22. Acupuncturists who provide professional services with another acupuncturist may share fees only in the proportion of services rendered by each of them and according to their respective responsibility.

23. Acupuncturists who entrust their fee collection to another person shall ensure that the latter will act with tact and moderation.

DIVISION V LIABILITY

24. Acupuncturists shall assume full personal civil liability.

It is prohibited for acupuncturists to insert in a contract of professional services any clause excluding, directly or indirectly, in whole or in part, that liability. They may not sign a contract containing such a clause.

DIVISION VI ADDITIONAL DUTIES

25. If the good of the patient so requires, acupuncturists shall consult another member of the Order, a member of another professional order or any other qualified person, or refer the patient to one of those persons.

26. Acupuncturists shall, at all times, recognize a patient's right to consult with another member of the Order, a member of another professional order or any other qualified person.

27. Acupuncturists shall provide patients with, in addition to opinions and advice, the explanations necessary to evaluate and understand the professional services they are providing.

28. Acupuncturists shall seek to establish and maintain a relationship of trust with their patients.

29. No acupuncturist shall use physical, verbal or psychological abuse against his or her patients.

30. Acupuncturists shall refrain from intervening in the personal affairs of their patients on subjects not falling within their areas of professional expertise.

DIVISION VII RESEARCH

31. Before undertaking a research project, acupuncturists shall evaluate its possible repercussions on the participants. In particular they shall

(1) consult any person likely to help them in deciding whether to undertake the research or in taking measures intended to eliminate any risk to participants;

(2) ensure that all those working with them on the project share their concern for the full respect of the participants; and

(3) obtain the written consent of the participants or persons legally responsible for them, after informing them of all the foreseeable, major, special or unusual

risks inherent in the research, and of any other aspects likely to help them in their decision regarding their participation.

32. Acupuncturists shall be honest and frank in their dealings with participants. If the methodology followed makes it imperative that certain aspects of the project not be disclosed immediately, acupuncturists shall give the participants the reasons for this measure as soon as possible after the experiment.

33. No acupuncturist shall force a person to take part in research or to maintain that participation.

DIVISION VIII DEROGATORY ACTS

34. In addition to the acts referred to in sections 59 and 59.1 of the Professional Code and the act that may be determined pursuant to subparagraph 1 of the second paragraph of section 152 of the Code, the following acts are derogatory to the dignity of the profession:

(1) practising the profession of acupuncturist while under the influence of alcoholic beverages, hallucinogens, anaesthetics, narcotics, drugs or any other substance causing reduced or disturbed faculties, unconsciousness or intoxication;

(2) submitting a report or any other document that the acupuncturist knows to be false;

(3) failing to report to the Order, without delay, any person appropriating the title of acupuncturist;

(4) failing to report to the Order, without delay, any person practising acupuncture illegally;

(5) communicating with or attempting to intimidate the person who requested the holding of an inquiry without the prior written permission of a syndic, where the acupuncturist has been informed that he or she is the object of an inquiry or has been served with a complaint against him or her;

(6) marketing, selling, distributing or participating, for profit, in the distribution of material, substances or equipment related to an acupuncturist's professional activity, except

(a) in respect of a sale that addresses the immediate needs of a patient and is required for the acupuncture treatment but that is not included in the regular price for the treatment; the patient must in that event be notified of any profit realized by the acupuncturist in the sale; and

(b) where the acupuncturist's commercial activities are clearly separate from the acupuncture practice and the acupuncturist's professional title is not associated with the commercial activities; the patient must, in that event, be notified thereof;

(7) using his or her name or allowing it to be used for commercial purposes; and

(8) performing acts that are not required or that are disproportionate to the patient's needs or performing any unnecessary or superfluous professional acts.

DIVISION IX

CONFIDENTIAL INFORMATION

35. For the purposes of preserving the secrecy of confidential information brought to their knowledge in the practice of their profession, acupuncturists shall

(1) refrain from disclosing that a person has requested their professional services;

(2) avoid holding or participating in indiscreet conversations concerning patients and the services provided to them;

(3) refrain from making use of confidential information to the detriment of a patient or with a view to obtaining, directly or indirectly, a benefit for themselves or another person; and

(4) take reasonable means with respect to their associates, employees and the personnel working with them to preserve the secrecy of confidential information.

36. Acupuncturists may communicate information that is protected by professional secrecy in order to prevent an act of violence, including a suicide, where they have reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, acupuncturists may only communicate the information to a person exposed to the danger or that person's representative, or to the persons who can come to that person's aid.

They may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

37. An acupuncturist who, pursuant to section 36, communicates information protected by professional secrecy to prevent an act of violence shall

(1) communicate the information without delay; and

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

(a) the date and time of the communication;

(b) the reasons supporting the decision to communicate the information; and

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

DIVISION X

RIGHTS OF ACCESS TO OR CORRECTION OF INFORMATION AND RELEASE OF DOCUMENTS

§1. General

38. Acupuncturists may require that a request referred to in section 40, 43 or 46 be made and the right of access to or correction of information or the release of documents be exercised at their professional domicile during their regular working hours.

39. If they fail to reply within 20 days of receiving a request referred to in section 40 or 43, acupuncturists are deemed to have refused to grant the request.

§2. Terms and conditions of the exercise of the right of access

40. Acupuncturists shall respond promptly, at the latest within 20 days of its receipt, to any request made by patients whose purpose is

(1) to consult documents that concern them in any record made in their respect; or

(2) to obtain a copy of the documents that concern them in any record made in their respect.

41. Acupuncturists may, with respect to a request referred to in paragraph 2 of section 40, charge to the patient reasonable fees not exceeding the cost for reproducing or transcribing documents or the cost for transmitting a copy.

Acupuncturists who charge such fees shall, before proceeding with the copying, transcribing or transmitting of the information, inform the patient of the approximate amount to be paid.

42. Acupuncturists who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuse to allow a patient to have access to the information contained in a record established in the patient's respect shall notify the patient in writing that the disclosure would be likely to cause serious harm to the patient or to a third party.

§3. Terms and conditions of the exercise of the right of correction

43. Acupuncturists shall respond promptly, at the latest within 20 days of its receipt, to any request made by a patient to

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

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

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

44. Acupuncturists who grant a request referred to in section 43 shall issue to the patient, free of charge, a copy of the document or part of the document allowing the patient to determine that the information has been corrected or deleted or, as the case may be, an attestation that the written comments made by the patient have been filed in the record.

45. Upon written request from the patient, the acupuncturist shall send a copy, free of charge, of corrected information or an attestation that the information has been deleted or, as the case may be, that written comments have been filed in the record to any person from whom the acupuncturist received the information that was subject to the correction, deletion or comments and to any person to whom the information was communicated.

§4. Release of documents to patients

46. Acupuncturists shall respond promptly to any written request made by a patient, for the purpose of taking back a document entrusted to them by a patient.

Acupuncturists shall indicate in the patient's record, where applicable, the reasons supporting the patient's request.

47. Acupuncturists shall, within a reasonable time, provide a patient or anyone designated by the patient, on demand, with all the documents which would allow them to obtain a benefit to which they might be entitled.

DIVISION XI
ADVERTISING

48. Acupuncturists shall have their name and professional title appear in their advertising.

49. No acupuncturist shall, by any means whatsoever, engage in or allow the use of advertising that is unsuitable, false, incomplete, misleading or likely to be misleading.

50. Acupuncturists who, in their advertising, claim to possess skills or specific qualities, particularly in respect of the effectiveness or scope of their services and of those generally provided by other members of their profession or in respect of their level of competence, must be able to substantiate such claims.

Acupuncturists who, in their advertising, ascribe particular advantages to a service or certain performance characteristics, claim that a pecuniary benefit will result from the use of a service or claim that a service complies with determined standards must be able to substantiate such claims.

51. In the practice of their profession, no acupuncturist shall use advertising practices that are likely to denigrate or discredit any person they have dealings with, in particular another member of the Order or a member of another professional order.

52. Acupuncturists shall ensure that their advertising will not tarnish the image of the profession or impart to it a profit-seeking or mercantile character.

53. No acupuncturist shall advertise or allow to be advertised on his or her behalf or in his or her respect, by any means whatsoever, a product or equipment related directly or indirectly to the health sector.

54. No acupuncturist shall engage in advertising or allow advertising on his or her behalf or in his or her respect, by any means whatsoever, that is likely to influence persons who may be physically or emotionally vulnerable because of their age, their state of health, or the occurrence of a specific event.

55. Acupuncturists who express an opinion on acupuncture through any public information media shall inform the public of the generally accepted opinions on acupuncture on the issue dealt with and convey factual, exact and verifiable information.

56. Acupuncturists who advertise fees or prices shall

- (1) set fixed fees or prices;
- (2) indicate the period during which those fees or prices are in effect;
- (3) specify the nature and scope of the professional services included in the fees or prices;
- (4) indicate, as the case may be, whether additional professional services may be required that are not included in the fees or prices; and
- (5) indicate whether additional expenses are included in the fees or prices.

Those indications and explanations must be given in such manner as to reasonably inform persons who have no particular knowledge of acupuncture or the professional services covered by the advertisement.

Acupuncturists shall keep those fees or prices in effect for a minimum period of 90 days following the date on which they were last broadcast or published.

Acupuncturists and patients may however agree on fees or prices lower than those broadcast or published.

57. Acupuncturists shall keep a complete copy of their advertisement or that of their associates in its original form for at least five years following the date it was last authorized to be broadcast or published.**58.** Acupuncturists who reproduce the graphic symbol of the Order in their advertising shall ensure that it is identical to the original held by the secretary of the Order.**59.** Acupuncturists who use the graphic symbol of the Order in their advertising, except on business cards, shall include the following disclaimer:

“This is not an advertisement of the Ordre professionnel des acupuncteurs du Québec, and engages the liability of its author only.”.

DIVISION XII**RELATIONS WITH THE ORDER, OTHER PROFESSIONALS AND OTHER PERSONS****60.** An acupuncturist who is consulted by another member of the Order by reason of a particular competence on a given matter shall provide the latter with an opinion and recommendations as promptly as possible.**61.** An acupuncturist whom the Bureau or the administrative committee of the Order calls upon to be a member of the professional inspection committee, the committee on discipline, the review committee established under section 123.3 of the Professional Code or the council for the arbitration of accounts established pursuant to the provisions of the Regulation made under section 88 of the Code shall, if possible, accept that duty.**62.** Acupuncturists shall cooperate with any person they have dealings with in the practice of their profession, in particular with the other members of the Order and the members of other professional orders, and shall endeavour to establish and maintain harmonious relations.**63.** No acupuncturist shall, with respect to any person with whom he or she has dealings in the practice of the profession, in particular another member of the Order or a member of another professional order, breach the person's trust, voluntarily mislead the person, betray good faith or use unfair practices.

No acupuncturist shall take credit for work performed by another person, particularly by another member of the Order.

An acupuncturist shall refrain from soliciting the clientele of another acupuncturist with whom he or she was called upon to collaborate.

64. Any acupuncturist who has reason to believe that another acupuncturist practises his or her profession incompetently or dishonestly, or is contravening the provisions of the Professional Code, the Act respecting acupuncture (R.S.Q., c. A-5.1) or the regulations thereunder, in particular the provisions of this Code, shall so inform the secretary of the Order.**65.** An acupuncturist who holds a position within the Order or who is called upon to collaborate with the Order shall avoid any situation of conflict of interest.**66.** Acupuncturists shall reply promptly to all correspondence from the secretary of the Order or a syndic and from a member of the professional inspection committee, an investigator or an inspector of the committee.**DIVISION XIII****CONTRIBUTION TO THE PROFESSION****67.** Acupuncturists shall, insofar as possible, contribute to the development of the profession by sharing their knowledge and experience with the other members of the Order and students.

68. Acupuncturists shall promote education and information measures in the field in which they practise. They shall also perform the necessary acts to ensure that such education and information duties relating to the field are carried out.

69. Acupuncturists shall support every measure likely to improve the quality and availability of professional services in the field in which they practise.

CHAPTER III FINAL

70. Sections 30 to 32, 35, 38 to 40, 42 to 45, 47 to 51 and 52.1 of the Regulation respecting the practice of acupuncture by persons other than physicians, approved by Order in Council 1299-85 dated 26 June 1985 and maintained in force by the first paragraph of section 41 of the Act respecting acupuncture, cease to apply on the date of coming into force of this Code.

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

6335

Gouvernement du Québec

O.C. 504-2004, 26 May 2004

An Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2)

Renewal of the program for the delegation of the management of lands and the agreement respecting the transfer to the regional county municipalities in the Saguenay–Lac-Saint-Jean region and Ville de Saguenay of responsibilities regarding forest management

WHEREAS, by Order in Council 891-96 dated 10 July 1996, the Government approved the Programme relatif à une délégation de gestion de terres du domaine public en faveur de municipalités régionales de comté de la région administrative du Saguenay–Lac-Saint-Jean, pursuant to section 17.13 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2);

WHEREAS, by Order in Council 362-97 dated 19 March 1997, the Government authorized the Minister of Natural Resources to sign an agreement respecting the transfer to the regional county municipalities in the Saguenay–Lac-Saint-Jean region, on an experimental basis, of responsibilities regarding public forest management and land regulations, pursuant to article 10.5 of the Municipal Code of Québec (R.S.Q., c. C-27.1);

WHEREAS, on 1 April 1997, the Minister of Natural Resources signed, in accordance with the program and the agreement, land management agreements to entrust, for and on behalf of the Government, powers and responsibilities regarding planning, land management, land regulations and forest management to each of the four regional county municipalities in the administrative region of Saguenay–Lac-Saint-Jean;

WHEREAS the Act respecting the Ministère des Ressources naturelles was amended by chapter 93 of the Statutes of 1997 to authorize in particular a delegation regarding land regulations;

WHEREAS, on 24 August 2000, the Government, by Order in Council 997-2000, replaced the Programme relatif à une délégation de gestion de terres du domaine public en faveur de municipalités régionales de comté de la région administrative du Saguenay–Lac-Saint-Jean, in order to include a delegation regarding land regulations in the program;

WHEREAS that Order in Council extended the term of the agreement respecting the transfer to the regional county municipalities in the Saguenay–Lac-Saint-Jean region, on an experimental basis, of responsibilities regarding public forest management and land regulations to 1 April 2002;

WHEREAS the Government made Order in Council 394-2002 dated 27 March 2002 which renewed until 1 April 2004 the program for the delegation of the management of lands in the domain of the State to regional county municipalities in the administrative region of Saguenay–Lac-Saint-Jean and the agreement respecting the transfer to the regional county municipalities in the Saguenay–Lac-Saint-Jean region, on an experimental basis, of responsibilities regarding public forest management and land regulations;

WHEREAS article 10.5 of the Municipal Code of Québec was amended by section 36 of chapter 77 of the Statutes of 2002 in particular to delete the concept of experimental basis;

WHEREAS it is expedient to renew the program until 1 April 2005 and to enter into an agreement under article 10.5 of the Municipal Code of Québec on the same terms and conditions as those provided for in the agreement under Order in Council 362-97 dated 19 March 1997, to have effect until 1 April 2005;

WHEREAS to do so it is expedient to amend Order in Council 394-2002 dated 27 March 2002;

WHEREAS it is expedient to authorize the Minister of Natural Resources, Wildlife and Parks to make with the regional county municipalities in the administrative region of Saguenay–Lac-Saint-Jean and Ville de Saguenay the appropriate amendments to the land management agreements;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources, Wildlife and Parks and the Minister of Municipal Affairs, Sports and Recreation:

THAT the Program for the delegation of the management of lands in the domain of the State to the regional county municipalities in the administrative region of Saguenay–Lac-Saint-Jean, approved by Order in Council 997-2000 dated 24 August 2000 and amended by Order in Council 394-2002 dated 27 March 2002, be renewed until 1 April 2005;

THAT Order in Council 394-2002 dated 27 March 2002 be amended accordingly;

THAT the Minister of Natural Resources, Wildlife and Parks be authorized to enter into an agreement respecting the transfer of responsibilities regarding management of the forests in the domain of the State and land regulations to the regional county municipalities in the administrative region of Saguenay–Lac-Saint-Jean and Ville de Saguenay on the same terms and conditions as those provided for in the agreement under Order in Council 362-97 dated 19 March 1997, and that the agreement have effect until 1 April 2005;

THAT it be possible for the program and the agreement to end in whole or in part before 1 April 2005 to the extent that a land and forest management delegation program be developed before that date by the Minister of Natural Resources, Wildlife and Parks and approved by the Government in accordance with the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., c. M-25.2), amended by chapters 8 and 16 of the Statutes of 2003;

THAT the Minister of Natural Resources, Wildlife and Parks be authorized to make the appropriate amendments to the land management agreements with the regional county municipalities in the administrative region of Saguenay–Lac-Saint-Jean and with Ville de Saguenay.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Gouvernement du Québec

O.C. 505-2004, 26 May 2004

Labour Code
(R.S.Q., c. C-27)

Remuneration of arbitrators — Amendment

Regulation to amend the Regulation respecting the remuneration of arbitrators

WHEREAS, under section 103 of the Labour Code (R.S.Q., c. C-27), the Government made the Regulation respecting the remuneration of arbitrators by Order in Council 851-2002 dated 26 June 2002;

WHEREAS it is expedient to amend section 13 of the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the remuneration of arbitrators was published in Part 2 of the *Gazette officielle du Québec* of 3 March 2004 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments were made concerning that draft Regulation;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the remuneration of arbitrators, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the remuneration of arbitrators*

Labour Code
(R.S.Q., c. C-27, s. 103)

1. Section 13 of the Regulation respecting the remuneration of arbitrators is amended by replacing “as of 1 July that follows” by “on or after 1 September following”.

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

6337

Gouvernement du Québec

O.C. 525-2004, 2 June 2004

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

Labour standards — Amendments

Regulation to amend the Regulation respecting labour standards

WHEREAS, under the first paragraph of section 40, paragraph 1 of section 89 and section 91 of the Act respecting labour standards (R.S.Q., c. N-1.1), the Government, by regulation, may fix labour standards respecting the minimum wage;

WHEREAS, under section 88 of the Act, the Government may make regulations exempting such category or categories of employees as it may designate from the whole or a part of the application of Division I of Chapter IV, for such time and on such conditions as it may fix;

WHEREAS the Government made the Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r.3);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting labour standards was published in Part 2 of the *Gazette officielle du Québec* of 24 March 2004, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting labour standards, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting labour standards*

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

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

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

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

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

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

* The Regulation respecting the remuneration of arbitrators, made by Order in Council 851-2002 dated 26 June 2002 (2002, *G.O.* 2, 3809), has been amended once, by the regulation made by Order in Council 1303-2002 dated 6 November 2002 (2002, *G.O.* 2, 5849).

* The Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r.3) was last amended by the regulation made by Order in Council 327-2004 dated 31 March 2004 (2004, *G.O.* 2, 1187). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

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

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

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

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

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

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

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

4. The following is inserted after section 39:

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

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

6339

M.O., 2004

Order number 2004-007 of the Minister of Health and Social Services dated 25 May 2004

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

Regulation prescribing the optimum fluoride concentration to prevent tooth decay

WHEREAS, under section 57 of the Public Health Act (R.S.Q., c. S-2.2), the optimum fluoride concentration in fluoridated drinking water to prevent tooth decay is prescribed by the Minister of Health and Social Services;

WHEREAS, to that end, and in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation prescribing the optimum fluoride concentration to prevent tooth decay was pub-

lished in Part 2 of the *Gazette officielle du Québec* of 14 January 2004, with a notice that it could be made on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

THEREFORE, the Minister of Health and Social Services hereby makes the Regulation prescribing the optimum fluoride concentration to prevent tooth decay, the text of which is attached to this Order.

PHILIPPE COUILLARD,
Minister of Health and Social Services

Regulation prescribing the optimum fluoride concentration to prevent tooth decay

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

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

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

6330

Draft Regulations

Draft Regulation

Forest Act
(R.S.Q., c. F-4.1)

Forest management plans and reports — 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 forest management plans and reports, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting forest management plans and reports in order to

— take into account the amendments made to section 170 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6) by the Act to amend the Forest Act and other legislative provisions and to enact certain special provisions applicable to forest management activities prior to 1 April 2006 (2003, c. 16), which clarify certain aspects concerning the volumes of ligneous matter left on the harvest sites that must be evaluated yearly by the holders of forest management agreements; and to

— take into account the postponement for one year of the date of filing of the forest management plans provided for in the Act to amend the Forest Act and other legislative provisions and to enact certain special provisions applicable to forest management activities prior to 1 April 2006.

To date, the amendments proposed in the draft Regulation have shown no specific impact on businesses, in particular small and medium-sized businesses, owing to the fact that the provisions in the draft Regulation are harmonization provisions.

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Marc Ledoux, Associate Deputy Minister for Forests, ministère des Ressources naturelles, de la Faune et des Parcs, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4.

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

Regulation to amend the Regulation respecting forest management plans and reports*

Forest Act
(R.S.Q., c. F-4.1, s. 172, 1st par., subpars. 3.1 and 7)

1. The Regulation respecting forest management plans and reports is amended in section 12 by replacing “This part also contains, by forest management sector, the result of the evaluations referred to in section 170 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6), namely :” in paragraph 1 by “This part also contains the result of the evaluations referred to in section 170 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6), as amended by section 56 of the Act to amend the Forest Act and other legislative provisions and to enact certain special provisions applicable to forest management activities prior to 1 April 2006 (2003, c. 16), namely :” and “- an evaluation of the volume of ligneous matter usable but not harvested and left on the management sector by the agreement holder, once all silvicultural treatments and other forest management activities have been carried out in that sector.” by “- an evaluation of the volume of ligneous matter left on the harvest sites of the common area; the volume includes the trees or parts of trees, by species or group of species, that should have been harvested in carrying out the silvicultural treatments under the forest management permit in the fiscal year to which the report applies.”.

2. Section 16.1 is amended by replacing “31 March 2004” by “31 March 2005”.

3. Section 16.2 is amended by replacing “31 August 2006” by “31 August 2007” and “1 April 2005” by “1 April 2006”.

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

6333

* The Regulation respecting forest management plans and reports, made by Order in Council 418-89 dated 22 March 1989 (1989, G.O. 2, 1553), was last amended by the regulation made by Order in Council 192-2002 dated 28 February 2002 (2002, G.O. 2, 1575). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

Draft Regulation

Mining Act
(R.S.Q., c. M-13.1)

Mineral substances other than petroleum, natural gas and brine — 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 mineral substances other than petroleum, natural gas and brine, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the proposed draft Regulation is to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine to provide conditions to progressively reduce staking parks where a claim is obtained by ground staking on a parcel of land and not by map designation. A person will be able to obtain a claim by map designation provided there is no possible conflict with other mining titles. A statement and agreement procedure will be implemented to protect the rights of holders of staked claims. The proposed Regulation also permits the amalgamation of parcels of land to facilitate the management of mining titles. An agreement will be required between the holders of staked claims situated less than 400 metres from the mining right to be converted into a map designated claim. In addition, measures are introduced for the conversion of staked claims north of 52° north latitude.

The proposed Regulation makes it possible for a municipality or an intermunicipal board to obtain an exclusive lease to mine surface mineral substances provided a five-year plan is submitted for the construction, repair and maintenance of streets and the road network. It will also be possible to use the Universal Transverse Mercator (UTM) grid system to determine the location of the perimeter of a tailings site situated within an exclusive lease to mine surface mineral substances. The draft Regulation also prevents the granting or renewal of a lease to mine surface mineral substances if the applicant fails to file statements or pay royalties for any lease held. With respect to the restoration of mining sites, the Regulation proposes mining sites be subject to a rehabilitation and restoration requirement and the dismantling of a foundry and an iron ore or iron concentrate pelletizing plant.

Lastly, the proposed Regulation includes various consequential amendments to ensure harmonization with the Act to amend the Mining Act (2003, c. 15), the Geologists Act (R.S.Q., c. G-1.01) and the Forest Act (R.S.Q., c. F-4.1).

The draft Regulation has no significant impact on the public or businesses.

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 Jean-Marc Charbonneau, Director, Direction du développement minéral, Ministère des Ressources naturelles, de la Faune et des Parcs, 5700, 4^e Avenue Ouest, bureau C 408, Charlesbourg (Québec) G1H 6R1 ; telephone : 1 800 363-7233, extension 5455 ; fax : (418) 643-9297.

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

Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine *

Mining Act
(R.S.Q., c. M-13.1, s. 306, pars. 2, 3, 9, 10, 12.2, 26.1 and 27 ; 2003, c. 15, s. 32)

1. Section 5 of the Regulation respecting mineral substances other than petroleum, natural gas and brine is amended by striking out “and a declaration certifying that the information given is accurate” in paragraph 3.

2. Section 6 is amended

(1) by deleting paragraph 2 ;

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

“(4) in the case of a parcel of land referred to in subparagraph 1 of the second paragraph of section 49 of the Act, the name, address and telephone number of the holder of the claim held on the parcel of land situated less than 1,000 metres from the parcel of land that is subject to the notice of map designation, and the number or the alphanumeric code identifying the claim ;

(5) in the case of a parcel of land referred to in subparagraph 2 of the second paragraph of section 49 of the Act, an agreement containing the information referred to in section 18.”.

* The Regulation respecting mineral substances other than petroleum, natural gas and brine, made by Order in Council 1042-2000 dated 30 August 2000 (2000, *G.O.* 2, 4512), was amended by the regulation made by Order in Council 1336-2000 dated 15 November 2000 (2000, *G.O.* 2, 5323).

3. Section 10 is amended

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

“The fees for the first renewal following the conversion of a claim situated north of the fifty-second degree north latitude shall, however, be fixed by adding the renewal fees for each staked claim covered by the application for conversion and by allocating the resulting total renewal fees among the converted claims in proportion to the respective area of each.”;

(2) by adding “but before the date of expiry of the claim” at the end of the second paragraph.

4. Section 11 is revoked.**5.** Section 14 is amended by deleting paragraph 3.**6.** Section 18 is amended

(1) by replacing “contiguous to” by “situated less than 400 metres from” and by striking out the second occurrence of “contiguous” in the part preceding subparagraph 1 of the first paragraph ;

(2) by replacing “contiguous parcel of land to the lands” in subparagraph 1 of the first paragraph by “parcel of land located less than 400 metres from the parcels of land”.

7. Section 22 is amended by replacing “The number” at the beginning of the first paragraph by “Subject to section 22.1, the number”.

8. The following is inserted after section 22 :

“**22.1.** The term of the claims situated north of the fifty-second degree north latitude and converted into map designated claims is deemed, for the purposes of determining the minimum cost of the work referred to in section 22, to be the first turn.”.

9. The following is inserted after section 29 :

**“DIVISION VII.1
AMALGAMATION AND REPLACEMENT
OF MAP DESIGNATED CLAIMS**

29.1 Sections 17, 19 to 24 and 26 to 29 apply, with the necessary modifications, to the application for the amalgamation of map designated claims referred to in subdivision 7 of Division III of Chapter III of the Act.

29.2 Sections 17 to 24 and 26 to 29 apply, with the necessary modifications, to the application for replacement referred to in subdivision 8 of Division III of Chapter III of the Act.”.

10. Section 47 is amended by striking out “with respect to the production site that is subject to the application and”.

11. Section 51 is amended

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

“Where the application is submitted by a municipality or an intermunicipal board, the reports referred to in subparagraphs 3 and 4 of the first paragraph are replaced by a five-year plan for the construction, repair and maintenance of streets and the road network.”;

(2) by replacing “an engineer or a qualified geologist within the meaning of the fourth paragraph of section 101 of the Act” in the third paragraph by “a geologist who is a member of the Ordre des géologues du Québec or an engineer who is a member of the Ordre des ingénieurs du Québec”.

12. Section 66 is amended by replacing the definition following “qualified professional” by “means a geologist who is a member of the Ordre des géologues du Québec or an engineer who is a member of the Ordre des ingénieurs du Québec”.

13. Section 109 is amended

(1) by striking out “and the pelletizing of iron ore or iron concentrate” in the part preceding subparagraph *a* of paragraph 2 ;

(2) by deleting paragraph 4.

14. Section 125 is amended by adding the following at the end of subparagraph 2 of the first paragraph after “State;”: “if the site is situated on a parcel of land subject to an exclusive lease to mine surface mineral substances, its perimeter may be defined by UTM (Universal Transverse Mercator) rectangular coordinates and the zone, according to the North American Datum of 1983 (NAD83), and its system of geodesic coordinates in effect, in compliance with the National Topographic System (NTS) of Canada; in the latter case, the apexes of the perimeter shall be numbered on the map and a list of corresponding coordinates shall be attached to the map;”.

15. Sections 133 and 134, the first paragraph of section 135 and section 136 are revoked.

16. The following is inserted after section 138:

“**138.1.** The second paragraph of section 10 and section 22.1 of this Regulation apply only to applications for conversion filed after (*insert the date of coming into force of this Regulation*), but before (*insert the date occurring two years after the date of coming into force of this Regulation*).”.

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

6332

Draft Regulation

Forest Act
(R.S.Q., c. F-4.1)

Operating permits for wood processing plants — 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 operating permits for wood processing plants, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to include plants that manufacture mulch and absorbents such as bedding from round timber in the classes of wood processing plants, and to exclude plants that use 2,000 cubic metres or less of timber from those classes.

The impact on businesses is as follows: a new class of plants will need to obtain an operating permit and plants that use 2,000 cubic metres or less of timber will no longer need to obtain a permit.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Marc Ledoux, Associate Deputy Minister for Forests, Ministère des Ressources naturelles, de la Faune et des Parcs, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4.

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

Regulation to amend the Regulation respecting operating permits for wood processing plants*

Forest Act
(R.S.Q., c. F-4.1, s. 172, 1st par., subpar. 16)

1. Section 1 of the Regulation respecting operating permits for wood processing plants is amended

(1) by replacing “the classes of wood processing plants are:” in the first sentence by “only wood processing plants in any of the following classes are considered to be wood processing plants transforming more than 2,000 cubic metres of timber annually:”;

(2) by adding “, mulch and absorbents such as bedding” at the end of paragraph 7.

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

6331

* The Regulation respecting operating permits for wood processing plants, made by Order in Council 908-88 dated 8 June 1988 (1988, *G.O.* 2, 2351), was last amended by the regulation made by Order in Council 861-2003 dated 20 August 2003 (2003, *G.O.* 2, 2725). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

Decisions

Decision

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

Chief electoral officer — Entry of qualified voters on the referendum lists of the wrong polling subdivisions

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 entry of qualified voters on the referendum lists of the wrong polling subdivisions

WHEREAS section 8 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14) provides that, not later than March 8, 2004, the chief electoral officer shall send the clerk or secretary-treasurer of the city the list of electors whose names were entered as of March 1, 2004, on the permanent list of electors for the sector concerned as defined in section 5 of the said Act;

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

WHEREAS pursuant to section 101 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), the clerk or secretary-treasurer shall draw up the referendum list by adding to the names of the persons entered on the list sent by the chief electoral officer the names of those persons entitled to be entered on the list as the owners of buildings or business establishments;

WHEREAS pursuant to section 102 of the Act respecting elections and referendums in municipalities, the list shall be drawn up according to the location of the immovables, by road, range or other sector, in the order of the numbers of the immovables, including those of apartments or other premises, or if not, in the order of the cadastral numbers;

WHEREAS pursuant to section 104 of the Act respecting elections and referendums in municipalities, the clerk or secretary-treasurer shall divide the referendum list into polling subdivisions;

WHEREAS the chief electoral officer has asked the clerks and secretary-treasurers to divide the referendum lists of each sector according to the polling subdivisions used in provincial elections, in order to use those same subdivisions for the referendum polls;

WHEREAS following the addition of qualified voters to the referendum list as provided for in section 101 of the Act respecting elections and referendums in municipalities, and following the entries made during the revision period, the entries of 690 qualified voters in the sectors of Grenville, Anjou, Beaconsfield, Dollard-des-Ormeaux, Dorval, Kirkland, L'Île-Bizard, Montréal, Montréal-Est, Pierrefonds, Roxboro, Sainte-Anne-de-Bellevue, Sainte-Geneviève, Saint-Laurent, Westmount, Tremblay, Ascot, Sutton Canton, Sutton Ville, La Plaine, Lachenaie, Terrebonne, Val-d'Or, Dubuisson, Vassan, Adstock, Cap-aux-Meules, Fatima, Grande-Entrée, Grosse-Île, Havre-aux-Maisons, L'Étang-du-Nord, Matane, Petit-Matane, Saint-Jérôme-de-Matane, Saint-Luc-de-Matane, Mont-Joli, L'Annonciation, Marchand, Sainte-Véronique, Rouyn-Noranda, Cadillac, Bellecombe, Montbeillard, Évain, McWatters, Mont-Brun and D'Alembert do not correspond geographically to the polling subdivisions in which the addresses justifying their quality as qualified voters are located;

WHEREAS pursuant to section 33 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, no new referendum list shall be drawn up for a referendum poll in a given sector;

WHEREAS pursuant to section 38 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, the chief electoral officer is responsible for organizing and holding the referendum poll;

WHEREAS, if remedial action is not taken, certain qualified voters will have to travel significant distances to be able to exercise their right to vote in the referendum poll;

WHEREAS the measures provided for in this decision will have no impact on the quality of the qualified voters entered on the referendum list of the sectors concerned, or on the number of entries on each list;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities states that if, subsequent to an error, a provision of Chapters V to VII.1, Division I of Chapter XII and Chapters XIII and XIV of Title I does not meet the demands of the resultant situation, 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 sections 101 to 104 of the said Act, as adapted in accordance with section 561, as follows:

“The referendum list for the sectors of Grenville, Anjou, Beaconsfield, Dollard-des-Ormeaux, Dorval, Kirkland, L’Île-Bizard, Montréal, Montréal-Est, Pierrefonds, Roxboro, Sainte-Anne-de-Bellevue, Sainte-Genève, Saint-Laurent, Westmount, Tremblay, Ascot, Sutton Canton, Sutton Ville, La Plaine, Lachenaie, Terrebonne, Val-d’Or, Dubuisson, Vassan, Adstock, Cap-aux-Meules, Fatima, Grande-Entrée, Grosse-Île, Hâvre-aux-Maisons, L’Étang-du-Nord, Matane, Petit-Matane, Saint-Jérôme-de-Matane, Saint-Luc-de-Matane, Mont-Joli, L’Annonciation, Marchand, Sainte-Véronique, Rouyn-Noranda, Cadillac, Bellecombe, Montbeillard, Évain, McWatters, Mont-Brun and D’Alembert is amended by the transfer of the entries of the qualified voters contemplated by this decision from the polling subdivisions in which they currently appear to the polling subdivisions of the sectors attached to the addresses that justify their quality as qualified voters.”.

The new polling subdivision to which the entry of each qualified voter contemplated by this decision is attached shall be indicated in the notice of entry referred to in subparagraph 2 of section 126 of the Act respecting elections and referendums in municipalities, and in the reminder card mentioned in section 573 of the said Act, as amended by the decision of the chief electoral officer dated April 22, 2004, concerning the information contained on the reminder card.

This decision shall come into force on May 20, 2004.

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

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

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