

Gazette

officielle

^{DU} Québec

Part

2

No. 30

28 July 2004

Laws and Regulations

Volume 136

Summary

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Legal deposit—1st Quarter 1968
Bibliothèque nationale du Québec
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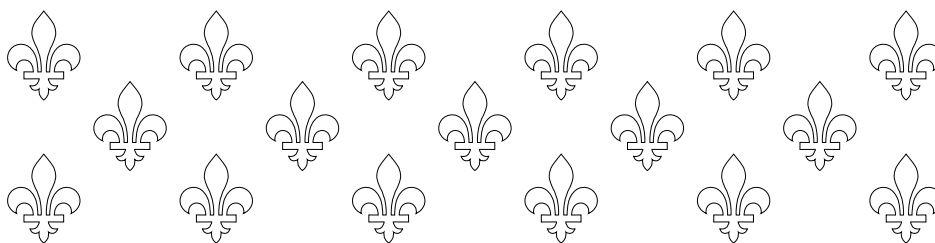
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NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 209

(Private)

An Act respecting Ville de La Pocatière

Introduced 12 May 2004

Passage in principle 17 June 2004

Passage 17 June 2004

Assented to 23 June 2004

**Québec Official Publisher
2004**

Bill 209

(Private)

AN ACT RESPECTING VILLE DE LA POCATIÈRE

AS it is in the interest of Ville de La Pocatière that it be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Ville de La Pocatière may adopt a program by by-law to grant a tax credit, on the conditions stipulated in the program, for the establishment or enlargement of high technology facilities on the territory described in the schedule.

For the purposes of this section, the expression “high technology” refers in particular to new technologies in the agri-forestry, agri-environmental and agri-food transformation fields used mainly for

- (1) scientific or technological research or development;
- (2) scientific or technological training;
- (3) the management of a technological business; or
- (4) the manufacturing of technological products, including scientific research and experimental development activities.

A by-law passed under this section may not provide for a tax credit exceeding five years and the eligibility period for the program may not extend beyond 31 December 2010.

The purpose of the tax credit is to offset any increase in property taxes that may result from a reassessment of the immovables after completion of the work. For the fiscal year in which the work is completed and for the next two fiscal years, the amount of the tax credit shall be the difference between the amount of the property taxes that would have been payable if the assessment of the immovables had not been changed and the amount of the taxes actually payable. For the next two fiscal years, the amount of the tax credit shall be, respectively, 80% and 60% of the amount of the tax credit for the first fiscal year.

The by-law referred to in the first paragraph must state that only those immovables where at least 50% of the net total floor space is used or intended to be used for the activities referred to in the second paragraph may give entitlement to a tax credit.

2. This Act comes into force on 23 June 2004.

SCHEDULE

DESCRIPTION OF THE TERRITORY CONCERNED

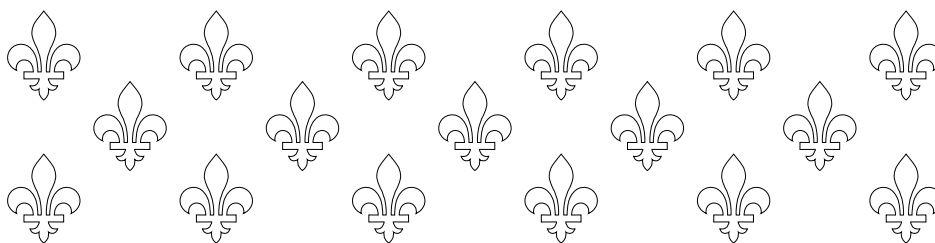
The immovable represented in this technical description is situated in Ville de La Pocatière, Municipalité régionale de comté de Kamouraska, and known and designated in the official cadastre of the Paroisse de Sainte-Anne-de-la-Pocatière, registration division of Kamouraska, as lots 311-1-1, 311-1-2, 314-1-1, 314-1-2, 317-1-1, 317-1-2, 317-1-3, 317-1-4, 317-1-5, 323-1-1, 323-1-2, 323-1-3, 331-1-1, 331-1-2, 333-1-1-1, 333-1-1-2, 962 and parts of lots 311-1, 314-1, 336, 337-1, 317-1, 323-1, 331-1 and 333-1-1.

The immovable is contained within the following perimeter: starting from the intersection of the boundary line of lots 307-1 and 311-1 with the northwest right of way of avenue Industrielle (highway 132), which point is identified as point "1"; from that point, southwesterly along the northwest right of way of avenue Industrielle on a bearing of $223^{\circ}42'40''$ for a distance of one hundred metres and eighty-four hundredths (100.84 m) to point "2"; from that point, southwesterly along the northwest right of way of avenue Industrielle on a bearing of $226^{\circ}51'44''$ for a distance of thirty-one metres and ten hundredths (31.10 m) to point "3"; from that point, southwesterly along the northwest right of way of avenue Industrielle on a bearing of $227^{\circ}51'23''$ for a distance of forty-one metres and fifty-eight hundredths (41.58 m) to point "4"; from that point, southwesterly along the northwest right of way of avenue Industrielle on a bearing of $227^{\circ}10'39''$ for a distance of ninety-six metres and fifteen hundredths (96.15 m) to point "5"; from that point, southwesterly along the northwest right of way of avenue Industrielle on a bearing of $227^{\circ}41'43''$ for a distance of eighty-nine metres and sixty-five hundredths (89.65 m) to point "6"; from that point, southwesterly along the northwest right of way of avenue Industrielle on a bearing of $227^{\circ}31'40''$ for a distance of ninety-two metres and ninety-eight hundredths (92.98 m) to point "7"; from that point, southwesterly along the northwest right of way of avenue Industrielle on a bearing of $221^{\circ}29'27''$ for a distance of forty-three metres and eighty-four hundredths (43.84 m) to point "8"; from that point, southwesterly along the northwest right of way of avenue Industrielle on a bearing of $217^{\circ}01'42''$ for a distance of thirty-nine metres and ten hundredths (39.10 m) to point "9"; from that point, southwesterly along the northwest right of way of avenue Industrielle on a bearing of $214^{\circ}47'15''$ for a distance of thirty-seven metres and twenty-six hundredths (37.26 m) to point "10"; from that point, northwesterly along the boundary line of lots 331-1 and 333-1-1 on a bearing of $315^{\circ}05'57''$ for a distance of seventy-five hundredths of a metre (0.75 m) to point "11"; from that point, southwesterly along the northwest right of way of avenue Industrielle for a distance of thirty-nine metres and fifty-seven hundredths (39.57 m) following the arc of a circle with a radius of 704.60 metres, to point "12"; from that point, southwesterly along the northwest right of way of avenue Industrielle on a bearing of $210^{\circ}53'22''$ for a distance of twenty metres and thirty-eight hundredths (20.38 m) to point "13"; from that point, southwesterly along the northwest right of way of avenue Industrielle on a bearing of $209^{\circ}13'52''$ for a distance of three metres

and seventy-three hundredths (3.73 m) to point “14”; from that point, northwesterly on a bearing of 301°52’19” for a distance of twelve metres and forty-four hundredths (12.44 m) to point “15”; from that point, southwesterly on a bearing of 247°00’31” for a distance of one hundred and seventy-seven metres and twenty-four hundredths (177.24 m) to point “16”; from that point, northwesterly on a bearing of 314°21’09” for a distance of thirty-nine metres and forty-eight hundredths (39.48 m) to point “17”; from that point, northeasterly on a bearing of 37°29’44” for a distance of eighty-seven metres and forty-nine hundredths (87.49 m) to point “18”; from that point, northwesterly on a bearing of 313°40’47” for a distance of twelve metres and twenty-six hundredths (12.26 m) to point “19”; from that point, northeasterly on a bearing of 32°52’00” for a distance of twenty-six metres and sixteen hundredths (26.16 m) to point “20”; from that point, northeasterly on a bearing of 33°41’30” for a distance of eighty-eight metres and forty-three hundredths (88.43 m) to point “21”; from that point, northeasterly on a bearing of 33°43’11” for a distance of twenty-nine metres and eighty-nine hundredths (29.89 m) to point “22”; from that point, northeasterly on a bearing of 29°19’18” for a distance of twenty metres and ten hundredths (20.10 m) to point “23”; from that point, northeasterly on a bearing of 29°24’28” for a distance of sixteen metres and twenty-five hundredths (16.25 m) to point “24”; from that point, northeasterly on a bearing of 46°07’14” for a distance of forty-two metres and ninety-seven hundredths (42.97 m) to point “25”; from that point, northeasterly on a bearing of 31°01’35” for a distance of ninety metres and ninety-six hundredths (90.96 m) to point “26”; from that point, northerly on a bearing of 16°12’02” for a distance of fifty-two metres and fifty-one hundredths (52.51 m) to point “27”; from that point, northeasterly on a bearing of 60°39’59” for a distance of sixty-four metres and sixty-four hundredths (64.64 m) to point “28”; from that point, northeasterly on a bearing of 60°40’50” for a distance of thirty-one metres and seventy-four hundredths (31.74 m) to point “29”; from that point, northeasterly on a bearing of 60°40’14” for a distance of twenty-eight metres and twenty-one hundredths (28.21 m) to point “30”; from that point, northeasterly on a bearing of 25°34’29” for a distance of twenty-three metres and eighty-seven hundredths (23.87 m) to point “31”; from that point, northeasterly on a bearing of 42°32’57” for a distance of twenty-three metres and forty-nine hundredths (23.49 m) to point “32”; from that point, northeasterly on a bearing of 42°33’04” for a distance of twenty-two metres and thirty-eight hundredths (22.38 m) to point “33”; from that point, northeasterly on a bearing of 40°20’35” for a distance of forty-one metres (41.00 m) to point “34”; from that point, southeasterly on a bearing of 135°17’51” for a distance of seven metres and forty-nine hundredths (7.49 m) to point “35”; from that point, northeasterly on a bearing of 44°28’05” for a distance of one hundred and thirty-three metres and sixty-two hundredths (133.62 m) to point “36”; from that point, southeasterly along the southwest boundary of lot 307-1 on a bearing of 135°50’21” for a distance of one hundred and eighty-two metres and eighty-eight hundredths (182.88 m) to starting point “1”.

All distances in this technical description are in metres (SI). As for directions, bearings are referenced to the Québec plane coordinate system (zone 7).

The territory thus described, as shown on the accompanying plan prepared by Guy Marion, land surveyor, dated 8 January 2004 under number 573 of his minutes, comprises an area of 126,602.1 square metres.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 211

(Private)

An Act respecting Ville de New Richmond

Introduced 12 May 2004

Passage in principle 17 June 2004

Passage 17 June 2004

Assented to 23 June 2004

**Québec Official Publisher
2004**

Bill 211

(Private)

AN ACT RESPECTING VILLE DE NEW RICHMOND

AS Ville de New Richmond intends to revitalize its territory, diversify its economy, create jobs and increase its population;

As it is in the interest of the town that it be granted certain powers for those purposes;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Ville de New Richmond may adopt a residential, commercial and industrial revitalization program by by-law for all or part of its territory.

The by-law must determine the amount of the expenses that the town may incur under the program, and is submitted for approval to persons qualified to vote in the entire territory of the town.

The program may provide for the awarding of financial assistance to promote access to home ownership and home renovation.

The eligibility period for the program may not extend beyond 31 December 2008.

2. The second paragraph of section 542.1 and sections 542.2 and 542.6 of the Cities and Towns Act (R.S.Q., chapter C-19) apply to the revitalization program, with the necessary modifications.

3. The program may provide for the awarding of a grant to the owner, lessee or occupant of an enterprise located outside the industrial zone determined in accordance with By-law 551-91 of Ville de New Richmond, for the relocation of the enterprise in the part of that zone that is located north of Route 132.

The town may make any agreement for that purpose.

4. The total amount of financial assistance that may be granted under the industrial component of the program may not exceed \$1,000,000.

5. The town may increase the amount specified in section 4 and extend the eligibility period for the program by a by-law approved by the Minister of Municipal Affairs, Sports and Recreation.

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- 6.** This Act comes into force on 23 June 2004.

Draft Regulations

Draft Rules

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

Bureau de décision et de révision en valeurs mobilières

— Rules of procedure

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

The purpose of the draft Rules is to establish the procedure applicable to requests brought before the Bureau de décision et de révision en valeurs mobilières under sections 93 and 94 of the Act respecting the Agence nationale d'encadrement du secteur financier and to any other application filed with the board under that Act.

Further information on the draft Rules may be obtained by contacting Claude St Pierre, Secretary of the Bureau de décision et de révision en valeurs mobilières, 800, carré Victoria, bureau RC 008, Montréal (Québec) H4Z 1J7, by telephone at (514) 873-5221, toll-free 1 877 873-2211, by fax at (514) 873-2162, or by e-mail at claud.stpierre@bdrvm.com.

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 Secretary.

CLAUDE ST PIERRE,
Secretary

Rules of procedure of the Bureau de décision et de révision en valeurs mobilières

Securities Act
(R.S.Q., c. V-1.1, s. 323.1)

DIVISION I

GENERAL PROVISIONS (ss. 1 to 16)

Object

1. These Rules establish the procedure applicable to matters brought before the Bureau de décision et de révision en valeurs mobilières established by the Act respecting the Agence nationale d'encadrement du secteur financier (R.S.Q., c. A-7.03), in keeping with the principles of natural justice and equality of the parties.

The purpose of the Rules is to simplify and accelerate the conduct of hearings and foster the cooperation of the parties and advocates.

Application

2. The Rules of procedure established by the Bureau de décision et de révision en valeurs mobilières apply to requests made under sections 93 and 94 of the Act respecting the Agence nationale d'encadrement du secteur financier (R.S.Q., c. A-7.03).

Compatible procedure

3. In the absence of provisions applicable to a particular case, the tribunal or the board may remedy the inadequacy by any procedure compatible with law or with its rules of procedure.

These Rules of procedure are intended to render effective the substantive law and to ensure that it is carried out, and failing a provision to the contrary, failure to observe the rules which are not of public order can only affect a proceeding if the defect has not been remedied when it was possible to do so. The provisions of these Rules must be interpreted the one by the other, and, so far as possible, in such a way as to facilitate rather than to delay or to end prematurely the normal advancement of hearings.

Definitions

4. In these Rules, unless the context indicates otherwise,

“administrative authority” means the Agence nationale d’encadrement du secteur financier or a self-regulating organization;

“Agency” means the Agence nationale d’encadrement du secteur financier;

“board” means the Bureau de décision et de révision en valeurs mobilières;

“chair” means the chair of the Bureau de décision et de révision en valeurs mobilières or a member designated by the chair;

“secretary” means the secretary of the Bureau de décision et de révision en valeurs mobilières or the secretary’s representative;

“tribunal” means the member or members of the board hearing a matter.

Defects of form

5. The tribunal or the board may, on conditions it considers fair, accept a written proceeding despite a defect of form or an irregularity.

Failure

6. The tribunal may relieve a party from failure to comply with a time period prescribed by these Rules if the party establishes that it was unable, for serious reasons, to act otherwise and if the tribunal considers that no other party to the proceedings suffers serious harm therefrom.

Opening hours

7. The secretariat of the board is open to the public on juridical days from Monday to Friday between 9:00 a.m. and 5:00 p.m.

Assistance

8. The secretary shall advise any person who so requests on the documents required to file an application with the board.

Non-juridical days

9. The following are non-juridical days:

- (1) Saturdays and Sundays;
- (2) 1 and 2 January;
- (3) Good Friday;
- (4) Easter Monday;
- (5) the Monday preceding 25 May;
- (6) 24 June;
- (7) 1 July;
- (8) the first Monday in September;
- (9) the second Monday in October;
- (10) 24, 25, 26 and 31 December; and
- (11) any other holiday fixed by the Government.

Expiry of time period

10. If a time period expires on a non-juridical day, it is extended to the next juridical day.

Computing time periods

11. In computing any time period, the day which marks the start of the period is not counted and, except for periods counted in clear days, the terminal day is.

Non-juridical days are counted but a period that would normally expire on such a day is extended to the next juridical day.

Exemption from hearing

12. The tribunal is exempted from hearing a party

- (1) to grant an uncontested application;
- (2) with the consent of all parties to proceed in the matter, subject to being able to call the parties to hear them;
- (3) if a party called does not appear at the fixed time for the hearing, without having justified the absence to the satisfaction of the tribunal or, having appeared, refuses to be heard; or

(4) where, under section 323.7 of the Securities Act (R.S.Q., c. V-1.1), it is imperative to do so, subject to giving the person the opportunity to be heard within 15 days.

Joinder

13. Cases in which the questions in dispute are substantially the same or whose subject-matters could suitably be combined, whether or not the same parties are involved, may be joined by order of the chair of the board or a member of the board if the chair is unable to act, on such conditions as the chair or member fixes.

An order made under the first paragraph may be revoked by the tribunal on hearing the matter if the tribunal is of the opinion that the interests of justice will be better served by doing so.

Urgency

14. A party requesting to be heard by preference must substantiate the request.

Filing of notes and authorities

15. The tribunal may require that the parties file notes and authorities with the secretary. The tribunal shall determine the number of copies and the time period for such filing.

Service

16. Unless the board decides otherwise, service is made by a bailiff or by registered or certified mail.

The return of service or the notice of delivery is proof, where applicable, of the service. The proof must be filed with the secretariat.

DIVISION II

INTRODUCTION OF AN APPLICATION (ss. 17 to 27)

Filing methods

17. An application instituting proceedings or any other application must be signed by the applicant or the applicant's advocate.

The application and any documents to be filed with the secretariat must

(1) be filed at the office of the secretariat;

(2) be sent by mail to the address of the secretariat;
or

(3) be delivered to the secretariat by courier.

Content

18. An application must state the facts giving rise to the application, contain the required documents and state

(1) the applicant's name, address, telephone number and, where applicable, e-mail address and fax number;

(2) if the applicant is represented, the advocate's name, address, telephone number and, where applicable, e-mail address and fax number;

(3) the grounds for the application in the form of allegations, supported by a sworn affidavit;

(4) the applicable statutory and regulatory provisions; and

(5) the conclusions sought.

An application for review must be filed within the period prescribed by law and must contain a copy of the contested decision.

Application based on a compelling reason

19. In the case of an application based on compelling reasons, the application instituting proceedings must be filed with a sworn affidavit in support of the reasons.

Oral application

20. An application may be presented orally if authorized by the tribunal or the board.

Filing date

21. The date of filing of an application is the date on which it is received at the secretariat.

Intervention

22. An interested person who makes a request pursuant to section 93 of the Act respecting the Agence nationale d'encadrement du secteur financier (R.S.Q., c. A-7.03) must serve a copy of the request on the Agency. Proof of service must also be filed with the secretariat.

Service of application

23. Unless the board decides otherwise, every application, except an application based on compelling reasons, must be served on the other party and include the proceeding and the documents in support of the proceeding.

Copy of file

24. The administrative authority whose decision is contested must, within 30 days of receipt of a copy of the application for review, send to the secretariat and the applicant, in addition to the name, address and telephone and fax numbers of its advocate, a true copy of

- (1) the decision of the administrative authority;
- (2) the observations of the applicant; and
- (3) all the documents relating to the matter, subject to any prohibitions provided by law.

Acknowledgement of receipt

25. On receipt of an application, the secretary shall send an acknowledgement to the applicant or the applicant's advocate.

Written communications

26. Written communication from a party to the board or the tribunal must be sent by the party to the other parties to the proceeding.

Changes

27. Any change in the address or telephone number of a party or advocate must immediately be notified to the secretariat.

DIVISION III

DETERMINATION OF HEARING DATE (ss. 28 to 30)

Determination of hearing date

28. The chair or a member of the board shall determine the date of the hearing when the file is ready to proceed.

Except in an emergency or where required by a compelling reason, a hearing date may be determined only if the applications to be heard and supporting documents have been filed with the secretariat two clear days before the date determined for the hearing.

Notice of hearing

29. The secretary shall send to the parties or their advocate, where applicable, a notice of hearing stating

- (1) the date, time and place of the hearing;
- (2) that the parties have the right to be assisted or represented by an advocate; and
- (3) that the board or the tribunal has the authority to proceed, without further delay or notice, despite the failure of a party to appear, if no valid excuse is provided.

Hearing roll

30. The hearing roll shall be published. The board may decide to postpone the publication of the roll in the interest of good morals and public order.

The hearing roll must specify

- (1) the name of the members, indicating the member presiding the hearing;
- (2) the file number;
- (3) the name of the parties and their advocates;
- (4) the nature of the proceeding; and
- (5) the date of the hearing.

DIVISION IV

REPRESENTATION (ss. 31 to 36)

Advocate

31. A party is entitled to be represented by an advocate.

Legal persons and entities

32. Legal persons and entities who have no juridical personality are required to be represented by an advocate before the tribunal.

Representation

33. The advocate representing a party shall file a signed written appearance with the secretariat.

The designation of an advocate in an application or any document from a party constitutes a notice of representation for the entire matter.

Communications

34. The secretary shall communicate directly with the advocate who filed a written appearance or whose name appears in a document from a party as the party's advocate.

Service to an advocate

35. Valid service may be made upon the advocate having appeared on the file on behalf of a party.

Discharge or withdrawal

36. A party who discharges or replaces the advocate shall so inform the tribunal or the board and the other parties in writing without delay.

An advocate who wishes to withdraw from the file, must make and serve a written application on the board or the tribunal and on the other party. The tribunal or the board may authorize the withdrawal on the conditions it considers necessary according to the attendant circumstances.

DIVISION V

INCIDENTAL PROCEEDINGS (ss. 37 to 52)

1. AMENDMENT (ss. 37 to 40)

Amendment before the hearing

37. At any time before the hearing, the parties may amend their application to

(1) modify, correct or complete allegations or conclusions;

(2) invoke facts arising during the proceedings; or

(3) assert a right accrued since the filing of the application and relating to the right exercised in the original application.

The party filing the amendment must serve a copy on the other party.

Amendment during a hearing

38. During a hearing, no amendment shall be made without the authorization of the tribunal.

New party to proceedings

39. Where a party is added by amendment before a hearing, a copy of the original application must be served on the party; the application in respect of that party is considered to be produced only on the date of service.

Amendment refused

40. No amendment shall be permitted if the board or tribunal considers it to be unnecessary or contrary to the interests of justice or if the amendment results in an entirely new application unrelated to the original application.

2. DISCONTINUANCE (s. 41)

Discontinuance by written declaration

41. A party may, at any time before the decision is rendered, discontinue the application by filing a written declaration to that effect.

The party must notify the secretary and the other party of the discontinuance, unless it is made at the hearing in the presence of the other party.

3. INTERVENTION (ss. 42 to 44)

Written application for intervention

42. A person who wishes to intervene in an application before the board or the tribunal must file a written application and show sufficient interest. The application must be filed and served on all parties before the hearing.

Oral application for intervention

43. The tribunal may, during a hearing, authorize an intervention on an oral application recorded in the minutes of the hearing. Where an intervention is authorized, the tribunal may impose such conditions as it considers necessary for the protection of the rights of the parties.

Impleading

44. The tribunal or the board may, on its own initiative, order the impleading of any person whose interests may be affected by its decision.

4. RECUSATION (ss. 45 to 47)

Notice of cause for recusation

45. A member who has knowledge of a valid cause for the member's recusation must so advise the parties.

Application for recusation

46. A party may, provided the party acts with dispatch, apply for the recusation of a member seized of the matter if the party has valid reason to believe that a cause for recusation exists.

Application to the chair

47. The application for recusation must be addressed to the chair of the board or to the tribunal. Except in the event of the member's own removal from the matter, the application shall be decided by the chair, the vice-chair or a member designated by either of them.

5. POSTPONEMENT (ss. 48 to 50)

Object

48. The tribunal or the board, as applicable, may, on its own initiative or at the request of a party, postpone the hearing to a date as close as possible, if it is of the opinion that the adjournment will not cause unreasonable delay in the proceeding or that it may foster a settlement.

Postponement before the hearing

49. A party who wishes to obtain a postponement before the hearing must file an application to that effect with the secretariat.

Postponement during the hearing

50. During the hearing, the tribunal may postpone the hearing on the written or oral request of a party.

A decision relating to a request for postponement must be recorded in the minutes of the hearing.

6. REPLACEMENT OF A MEMBER OF THE TRIBUNAL (ss. 51 and 52)

One-member tribunal

51. Where a member cannot continue a hearing owing to an inability to act, another member designated by the chair of the board may, with the consent of the parties, continue the hearing.

That member may, with the consent of the parties, rely on the evidence already submitted, but may also, on the member's own initiative or at the request of a party, recall a witness or require any other evidence.

Tribunal of more than one member

52. Where an application is heard before a tribunal composed of more than one member and one of them cannot continue the hearing, the hearing shall be continued by the remaining member or members.

DIVISION VI

PRE-HEARING CONFERENCE (ss. 53 to 56)

Convening

53. The chair of the board or a member designated by the chair may call the parties or their advocates to a pre-hearing conference. The conference may be held by telephone or by any other appropriate means.

Object

54. The purpose of the pre-hearing conference is to

- (1) define the questions to be dealt with at the hearing ;
- (2) assess the advisability of clarifying and specifying the pretensions of the parties and the conclusions sought ;
- (3) facilitate the exchange of evidence between the parties ;
- (4) plan the proceedings and the evidence to be presented ;
- (5) examine the possibility of admitting certain facts or of proving them by means of sworn statements ; and
- (6) examine any other question likely to simplify or accelerate the conduct of the hearing.

Minutes

55. The secretary shall draw up the minutes of the pre-hearing conference and sign them.

Publication ban

56. The minutes of the pre-hearing conference are subject to a publication ban.

DIVISION VII**HEARING (ss. 57 to 64)****Conduct of the hearing**

57. The tribunal has full authority over the conduct of the hearing.

Incidental proceeding

58. The tribunal may render a decision during the hearing or take under reserve any proceeding or preliminary, interlocutory or incidental objection.

Dismissal of an application

59. The board or tribunal may, on its own initiative or on request, summarily dismiss an application it considers to be frivolous, excessive or dilatory or subject it to certain conditions.

Public hearings

60. The hearings of the tribunal are public. The tribunal may, on its own initiative or at the request of a party, order a closed-door hearing in the interest of good morals and public order.

Conduct during the hearing

61. Every person addressing the tribunal or a witness shall, except with leave of the tribunal, rise and remain standing.

Attendance

62. Persons attending the hearing shall behave with dignity and respect towards justice. They shall refrain from any conduct that may interfere with the proper conduct of the hearing.

Prohibited publication

63. The tribunal may, on its own initiative or at the request of a party, prohibit or restrict the disclosure, publication or release of the information or documents it indicates, if doing so is necessary to preserve public order.

Copy of documents produced

64. A party who produces documents at a hearing must provide copies to the members of the tribunal, the secretary and the other parties.

DIVISION VIII**WITNESSES (ss. 65 to 72)****Subpoena**

65. Any party who wishes to summon a witness shall do so by means of a subpoena signed by a member of the board or the advocate representing the party.

Summons from the tribunal

66. The tribunal may, on its own initiative, summon a person to appear to testify or to produce a document at the hearing.

Service

67. The subpoena must be served by a bailiff, at the expense of the party summoning the witness and it is incumbent on the party to prove the date of service.

Time for service

68. The subpoena must be served at least ten days before the date of the hearing.

However, in cases of urgency, a member of the board or tribunal may allow a shorter time for service.

Assistance of an advocate

69. A person called to testify may be assisted by an advocate of the person's choosing.

Swearing in

70. Witnesses are authorized to testify only if they have been sworn or have made a solemn affirmation to tell the truth.

Presence at the hearing

71. Every person present at a hearing may be required to testify and the person is required to answer as if the person had been duly summoned.

Exclusion of witnesses

72. The tribunal may, on its own initiative or at the request of a party, order that witnesses testify outside each other's presence.

DIVISION IX**EVIDENCE (ss. 73 to 82)****Relevance of the evidence**

73. Each party may present evidence relevant to the determination of the party's rights and obligations.

Order of presentation

74. Where the tribunal hears a matter in the first instance, the applicant's advocate shall be given the first opportunity to present evidence and to examine witnesses.

In a review hearing, the tribunal shall determine the order of presentation of the evidence. In the exercise of that discretion, the tribunal shall consider, among other things,

(1) the nature and conduct of the decision-making process of the body whose decision is contested;

(2) the applicant's opportunity to be heard and to contest the evidence;

(3) the degree of adherence to the rules of natural justice and the equitable nature of the proceedings of the body whose decision is contested; and

(4) the existence of a file allowing the tribunal to recreate the full conduct of the proceedings of the body whose decision is contested.

Admissibility of evidence

75. The tribunal may make the admission of evidence subject to rules on prior communication.

Ordinary rules in civil matters

76. The tribunal is not required to follow the ordinary rules of evidence in civil matters.

Dismissal of evidence

77. The tribunal may dismiss any evidence obtained under such circumstances that fundamental rights and freedoms are breached and that its use would tend to bring the administration of justice into disrepute.

Judicial notice

78. The tribunal must take judicial notice of the law in force in Québec.

Statutory instruments not published in the *Gazette officielle du Québec* or in any other manner provided for by law must be pleaded.

The tribunal may take judicial notice of the law in the other provinces or in the territories of Canada and of the law of a foreign state in the fields within its jurisdiction.

Knowledge of facts

79. A member may take notice of generally recognized facts, opinions and information within the scope of the member's specialty.

Opening statements

80. Each party must, before commencing the evidence, present a summary of the facts the party intends to prove and the conclusions sought.

Hearsay

81. Hearsay is admissible if such evidence offers reasonable safeguards of credibility, subject to the rules of natural justice.

Preponderance of evidence

82. The tribunal is subject to the rule of preponderance of evidence.

DIVISION X**DECISION (ss. 83 to 91)****Advisement**

83. In any matter of whatever nature, the decision must be rendered within six months after being taken under advisement. The chair of the board must take into account the circumstances and interests of the parties, however, to extend that period or withdraw the matter from a member who has not rendered a decision within the required time.

Withdrawal

84. Where a member seized of a matter is unable or fails to render a decision within six months or, as the case may be, within such additional time as has been granted, the matter may be withdrawn from the member by the chair on the chair's own initiative or at the request of a party.

Quorum

85. In the event that an application is withdrawn from a member, it may be continued as provided in section 51 or 52 of these Rules.

Filing of the original with the secretary

86. The written decision of the tribunal terminating a matter shall be signed and filed with the secretary and constitutes the original of the tribunal's decision.

Decision from the bench

87. Decisions rendered orally during the hearing shall be recorded in the minutes of the hearing.

Reopening of the inquiry

88. A tribunal who takes a matter under advisement may, on its own initiative or at the request of a party, and until it renders its decision, order the inquiry reopened for the purposes and on the conditions it determines.

Filing in the register of decisions and true copy

89. The secretary shall file and keep the original of the decision in the register of decisions and a true copy of the decision in the record. The secretary is also responsible for issuing true copies of the decision, on request.

Transmittal

90. The secretary shall send a true copy of the decision to the parties and advocates and to the intervenors, if any.

Correction

91. A decision of the tribunal containing an error in writing or in calculation or any other clerical error may be corrected by the signatories of the decision, on their own initiative or at the request of a party. A copy of the correction shall immediately be sent to the interested parties.

DIVISION XI

COMING INTO FORCE (s. 92)

Coming into force

92. These Rules of procedure come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

6434

Draft Regulation

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

Guidance counsellors and psychoeducators — Equivalence standards for the issue of permits

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, made by the Bureau of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the Regulation is to specify, pursuant to paragraph *c* of section 93 of the Professional Code, the equivalence standards for diplomas issued by educational institutions located outside Québec for the purposes of the issue of guidance counsellors or psychoeducators permits, as well as the equivalence standards for the training of a person who does not hold a diploma required for such purpose.

The aim of the Regulation is to replace the regulation presently in force in order to take into account the integration of psychoeducators into the Ordre professionnel des conseillers et conseillères d'orientation du Québec, which came into force on 29 September 2000 (Order in Council 1037-2000 dated 30 August 2000).

The Order sees no impact on businesses, including small and medium-sized businesses, following these amendments.

Further information may be obtained by contacting Renée Verville, Director General and Secretary of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, 1600, boulevard Henri-Bourassa Ouest, bureau 520, Montréal (Québec) H3M 3E2, telephone: (514) 737-4717 or 1 800 363-2643; fax: (514) 737-2172.

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

GAÉTAN LEMOYNE,
*Chairman of the Office des
professions du Québec*

Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec

Professional Code
(R.S.Q., c. C-26, s. 93, par. c)

DIVISION I GENERAL

1. The secretary of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec shall forward a copy of this Regulation to a candidate who, for the purposes of obtaining a guidance counsellor's permit or a psychoeducator's permit from the Order, wishes to have a diploma issued by an educational institution outside Québec or training recognized as equivalent.

In this Regulation,

“diploma equivalence” means recognition by the Bureau of the Order that a diploma issued by an educational institution outside Québec certifies that a candidate's level of knowledge and skills is equivalent to the level attained by the holder of a diploma recognized by a government regulation, made under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), as meeting the requirements for a guidance counsellor's permit or psychoeducator's permit issued by the Order; and

“training equivalence” means recognition by the Bureau of the Order that a candidate's training has enabled him or her to attain a level of knowledge and skills equivalent to the level attained by the holder of a diploma recognized by a government regulation, made under the first paragraph of section 184 of the Professional Code, as meeting the requirements for a guidance counsellor's permit or psychoeducator's permit issued by the Order.

DIVISION II DIPLOMA EQUIVALENCE STANDARDS

§1. Guidance counsellor's permit

2. A candidate who holds a diploma in guidance counselling issued by a university-level educational institution located outside Québec shall be granted a diploma equivalence for the issue of a guidance counsellor's permit if the candidate demonstrates that the diploma was obtained upon completion of programs of university studies at the undergraduate and master's levels comprising a total of 135 credits. A credit represents 45 hours of training or learning activities spent in a classroom, a laboratory or a workshop, serving a training period or doing personal work. A minimum of 96 credits out of those 135 credits must pertain to the following subjects and be divided as follows:

(1) a minimum of 39 credits in situation evaluation, including at least 27 credits divided as follows:

(a) 9 credits in psychometrics and evaluation;

(b) 3 credits in human development;

(c) 3 credits in psychopathology;

(d) 6 credits in the human individual and his or her environment;

(e) 6 credits in vocational development and insertion;

(2) a minimum of 9 credits in the conception of guidance intervention, including the various clientele, contexts and organizations as well as their resources and intervention approaches;

(3) a minimum of 21 credits in direct intervention divided as follows:

(a) 12 credits in individual and group counselling;

(b) 6 credits in academic and professional information;

- (c) 3 credits in animation and training;
- (4) a minimum of 3 credits in consultation approaches, supervision models, work team management and conflict management;
- (5) a minimum of 6 credits in practice analysis methods and research methods;
- (6) a minimum of 3 credits in professional organization, ethics, the Québec professions system, the statutes and regulations governing the practice of the profession of guidance counsellor and the standards of practice applicable to the practice of the profession;
- (7) a minimum of 15 credits or 675 hours of internship in guidance counselling, including a minimum of 9 credits or 405 hours under the program of study leading to the master's degree and, under the same program, at least 170 hours of direct contact with the clientele and at least 40 hours of direct supervision. The internship shall consist of activities designed to familiarize the student with the various aspects of the profession of guidance counsellor with a diverse clientele, including evaluation, the conception of guidance intervention, intervention in the environment and management of the student's practice.

§2. *Psychoeducator's permit*

3. A candidate who holds a diploma in psychoeducation issued by a university-level educational institution located outside Québec shall be granted a diploma equivalence for the issue of a psychoeducator's permit if the candidate demonstrates that the diploma was obtained upon completion of programs of university studies at the undergraduate and master's levels comprising a total of 135 credits. A credit represents 45 hours of training or learning activities spent in a classroom, a laboratory or a workshop, serving a training period or doing personal work. A minimum of 99 credits out of those 135 credits must pertain to the following subjects and be divided as follows:

- (1) a minimum of 36 credits in situation evaluation, including
 - (a) 9 credits in normal development and adjustment difficulties;
 - (b) 9 credits in observation and in psychometrics and evaluation;
 - (c) 16 credits in the psychoeducational assessment of persons and environments, clinical diagnosis, case studies and report drafting;

- (2) a minimum of 9 credits in the conception and development of intervention plans and programs;

- (3) a minimum of 21 credits in direct intervention with a person or the person's environment, a group or organization, including organization, continuing evaluation, assistance interviews with a person, a family or group, the leading of activities or meetings, the use of situations in shared educational experiences, intervention in crisis situations and intervention in various environments with the various clienteles;

- (4) a minimum of 3 credits in the administration and planning of services, supervision, team work and conflict resolution;

- (5) a minimum of 12 credits in the psychoeducator's professional practice divided as follows:

- (a) 6 credits in scientific methodology and qualitative and quantitative analysis methods;

- (b) 3 credits in program evaluation;

- (c) 3 credits in professional organization, ethics, the Québec professions system, the statutes and regulations governing the practice of the profession of psychoeducator and the standards of practice applicable to the profession;

- (6) a minimum of 18 credits or 810 hours of internship in psychoeducation, including a minimum of 12 credits or 540 hours under the program of study leading to the master's degree. The internship shall consist of activities designed to familiarize the student with the various aspects of the profession of psychoeducator with a diverse clientele and in various environments, including observation and evaluation, planning and organization, animation and utilization, communication, clinical diagnosis and case studies.

4. Despite sections 2 and 3, where the diploma for which an equivalence application is made was obtained five years or more prior to the application, a diploma equivalence shall be denied if the knowledge acquired by the candidate no longer corresponds, taking into account developments in the profession of guidance counsellor or in the profession of psychoeducator, to the knowledge currently being taught.

However, equivalence shall be granted if the candidate's work experience and training acquired since the diploma was awarded have enabled the candidate to reach the required level of knowledge and skills.

DIVISION III

TRAINING EQUIVALENCE STANDARDS

§1. *Guidance counsellor's permit and psychoeducator's permit*

5. A candidate shall be granted a training equivalence for the issue of a guidance counsellor's permit or a psychoeducator's permit if the candidate demonstrates having, upon completion of relevant work experience in activities constituting the practice of the profession of guidance counsellor or psychoeducator, a level of knowledge and skills equivalent to the level that may be acquired by the holder of a diploma recognized as giving access to a guidance counsellor's permit or a psychoeducator's permit, as the case may be.

In assessing the training equivalence of a candidate, the Bureau shall take into account all the following factors:

- (1) the nature and duration of the candidate's experience;
- (2) the fact that the candidate holds one or more diplomas awarded in Québec or elsewhere;
- (3) the nature and content of courses taken and the marks obtained; and
- (4) the nature and content of training periods and other training activities.

§2. *Psychoeducator's permit*

6. A candidate shall be granted a training equivalence for the issue of a psychoeducator's permit if the candidate demonstrates that the following conditions are met:

(1) the candidate holds one of the following diplomas issued by the following universities before September 2000, or issued after September 2000 if the candidate was registered for the fall 2000 term or the winter 2001 term in a program of study leading to one of the diplomas:

- (a) a bachelor's degree in psychoeducation awarded by Université de Montréal or Université de Sherbrooke;
- (b) a bachelor's degree, a certificate of at least 90 credits or a licence in psychoeducation or in education of exceptional children awarded by Université de Montréal or Université de Sherbrooke;

(c) a bachelor's degree in psychoeducation or in education of exceptional children in the psychoeducation program, awarded by Université du Québec en Abitibi-Témiscamingue, Université du Québec à Hull or Université du Québec à Trois-Rivières;

(2) the candidate completed 270 hours of supervised internship in psychoeducation or, if the internship was not completed under the program of study leading to one of the diplomas referred to in paragraph 1, 270 hours of internship in psychoeducation supervised by a person trained in psychoeducation and having five years' relevant work experience in the field of psychoeducation;

(3) the candidate took at least 125 hours of training in ethics, measurement and evaluation as well as intervention planning and clinical management, including a minimum of 57 hours divided as follows:

- (a) 15 hours in ethics;
- (b) 21 hours in measurement and evaluation; and
- (c) 21 hours in intervention planning and clinical management.

DIVISION IV

TRAINING EQUIVALENCE RECOGNITION PROCEDURE

7. A candidate who wishes to have an equivalence recognized must provide the secretary with the following documents, which are required to support the candidate's application, together with the fees required under paragraph 8 of section 86.0.1 of the Professional Code:

- (1) the candidate's academic record, including a description of courses taken, the number of hours of each course, and an official transcript of the results obtained;
- (2) proof that the candidate's diploma was awarded;
- (3) proof that the candidate's diploma was officially recognized;
- (4) a document from the educational institution at the university level that issued the diploma attesting to the candidate's participation in and successful completion of the training sessions and practical work; and
- (5) a document attesting to and describing the candidate's relevant work experience.

8. Documents in a language other than English or French submitted in support of an application for diploma or training equivalence must be accompanied by a translation into English or French.

9. The secretary shall forward the documents prescribed in section 7 to a committee formed by the Bureau to study applications for diploma or training equivalence and make an appropriate recommendation.

In order to make an appropriate recommendation, the committee may require the applicant to pass an examination or to successfully complete a training period, or both.

10. At the first meeting following the date of receipt of that recommendation, the Bureau shall decide, in accordance with this Regulation, whether it will grant a diploma or training equivalence and shall notify the candidate in writing within 30 days of its decision.

11. Within 30 days of its decision not to grant a diploma or training equivalence, the Bureau must so inform the candidate in writing and indicate the programs of study, training sessions or examinations that should be successfully completed within the allotted time, taking into account the candidate's current level of knowledge, for the equivalence to be granted.

12. A candidate who is informed of the Bureau's decision not to recognize the equivalence requested may apply to the Bureau for review, provided that the candidate applies to the secretary in writing within 30 days after the date on which the decision is mailed.

The Bureau shall hear the candidate at the next regular meeting following the date of receipt of the application. It must summon the candidate by a written notice sent by registered mail not less than ten days before the date of the hearing.

The decision of the Bureau is final and must be sent to the candidate in writing by registered mail within 30 days following the date of the hearing.

13. This Regulation replaces the Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec (R.R.Q., 1981, c. C-26, r.44).

However, an application for equivalence shall be examined on the basis of the replaced Regulation if a recommendation in respect of that application is sent to the Bureau of the Order by the committee referred to in section 2.02 of that Regulation before the date of coming into force of this Regulation.

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

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Treasury Board

Gouvernement du Québec

T.B. 201367, 13 July 2004

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

Schedule II.1

— Amendments

Amendments to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under paragraph 3 of section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the plan applies to an employee who is released without pay by his or her employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body;

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

WHEREAS, under the first paragraph of section 220 of the Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1, VI and VII and such order may have effect 12 months or less before it is made;

WHEREAS, in accordance with section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers set out in paragraphs 1 to 6 of that provision;

WHEREAS the Minister of Finance was consulted;

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

WHEREAS the Syndicat de l'enseignement de l'Estrie and the Syndicat du personnel professionnel des commissions scolaires de la région de Québec (SPPREQ) meet the conditions prescribed by that Regulation in order to be designated in Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Amendments to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan attached to this Decision, are hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Amendments to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan*

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

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

* Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan has been amended, since the Revised Statutes of Québec were last updated to 1 April 2003, by T.B. 199903 dated 3 June 2003 (2003, *G.O.* 2, 1946), 200157 dated 9 September 2003 (2003, *G.O.* 2, 2951), 200158 dated 9 September 2003 (2003, *G.O.* 2, 2954), 200478 dated 9 December 2003 (2003, *G.O.* 2, 3809), 200479 dated 9 December 2003 (2003, *G.O.* 2, 3810), 200583 dated 20 January 2004 (2004, *G.O.* 2, 981), 200671 dated 24 February 2004 (2004, *G.O.* 2, 1103), 200976 dated 20 April 2004 (2004, *G.O.* 2, 1481) and 201230 dated 14 June 2004 (2004, *G.O.* 2, 2077).

(1) the Syndicat de l'enseignement de l'Estrie;

(2) the Syndicat du personnel professionnel des commissions scolaires de la région de Québec (SPPREQ).

2. This Decision comes into force on the date it is made by the Conseil du trésor but has effect from the date set out opposite each of the following bodies:

(1) Syndicat de l'enseignement de l'Estrie 12 months before
this Decision is made;

(2) Syndicat du personnel professionnel 1 September 2003.
des commissions scolaires de la région
de Québec (SPPREQ)

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

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