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Laws and Regulations

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Summary

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

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Table of Contents

Page

Regulations and other acts

810-2004 Selection of foreign nationals (Amend.)	2587
Agreement concerning new methods of voting using PERFAS-MV ballot boxes — Municipality of Ville de Saint-Sauveur	2588

Draft Regulations

Professional Code — Pharmacists — Code of ethics	2603
Professional Code — Pharmacists — Practice of pharmacy within a partnership or a joint-stock company	2606

Treasury Board

201440 Pension Plan of Peace Officers in Correctional Services, An Act respecting the... — Regulation (Amend.)	2611
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Regulations and other acts

Gouvernement du Québec

O.C. 810-2004, 26 August 2004

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2; 2004, c. 18)

Selection of foreign nationals — Amendments

Regulation to amend the Regulation respecting the selection of foreign nationals

WHEREAS, under subparagraph *f.2* of the first paragraph of section 3.3 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Government may make regulations establishing the fees payable for processing an application for a selection certificate or a certificate of acceptance and determining the cases where total or partial exemption from payment is to be granted, and the fees may vary, in the case of a selection certificate, according to the classes of foreign nationals or, in the case of a certificate of acceptance, according to the reason for the temporary admission of the foreign national to Québec;

WHEREAS, under subparagraph *f.3* of the first paragraph of that section, enacted by section 10 of chapter 18 of the Statutes of 2004, the Government may make regulations establishing the fees payable for processing an application by an employer relating to a temporary or permanent job for a foreign national, and the fees may vary according to whether the job is temporary or permanent or according to the class of employment;

WHEREAS, under the second paragraph of section 3.3 of the Act, enacted by section 10 of chapter 18 of the Statutes of 2004, a regulation under subparagraph *f.2* or *f.3* of the first paragraph of section 3.3 is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1) and, despite section 17 of that Act, comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date mentioned in the regulation;

WHEREAS the Government made the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r.2), which governs, *inter alia*, the processing of applications for a selection certificate or a certificate of acceptance;

WHEREAS it is expedient to modify the duties or fees to be paid for the processing of an application for a selection certificate or a certificate of acceptance and to prescribe the duties to be paid for an application by an employer relating to a temporary or permanent job for a foreign national;

WHEREAS it is expedient that the new duties or fees come into force on the date of their publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, on the recommendation of the Minister of Relations with the Citizens and Immigration:

THAT the Regulation to amend the Regulation respecting the selection of foreign nationals, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the selection of foreign nationals*

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2, s. 3.3, 1st par., subpars. *f.2* and *f.3*;
2004, c.18, s. 10)

1. The Regulation respecting the selection of foreign nationals is amended in section 56

(1) by replacing “\$100” in subparagraph *a* of the first paragraph by “\$150”;

(2) by replacing “\$700” in subparagraph *b* of the first paragraph by “\$950” and “\$100” by “\$150”;

(3) by replacing “\$300” in subparagraph *c* of the first paragraph by “\$390” and “\$100” by “\$150”.

* The Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r.2) was last amended by the regulation made by Order in Council 351-2003 dated 5 March 2003 (2003, G.O. 2, 1274). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

2. Section 57 is amended by replacing the first paragraph by the following:

“57. The duties to be paid for processing an application for a certificate of acceptance filed by a foreign national wishing to stay temporarily in Québec to study or receive medical treatment are \$100, and \$175 for a foreign national wishing to stay temporarily in Québec to work.”.

3. The following is inserted after section 57:

“57.1. The duties to be paid for processing an application filed by an employer for a foreign national relating to temporary employment, other than that of a farm worker, or permanent employment are \$175.”.

4. This Regulation comes into force on 8 September 2004.

6476

Gouvernement du Québec

Agreement

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

AGREEMENT CONCERNING NEW METHODS OF VOTING USING “PERFAS-MV” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF “VILLE DE SAINT-SAUVÉUR”, a legal person established in the public interest, having its head office at 2125, chemin Jean-Adam, Saint-Sauveur, Province of Québec, represented by the mayor, Georges Filion and the clerk, Normand Patrice, under a resolution bearing number 116-03-2004, hereinafter called

THE MUNICIPALITY

AND

Mtre Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, in Sainte-Foy, Province of Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

the Honourable Jean-Marc Fournier, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION, having his main office at 10, rue Pierre-Olivier-Chauveau, in Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 63-02-2004, passed at its meeting of February 16th 2004, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the municipal election of November 6th, 2005 in the MUNICIPALITY;

WHEREAS sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) provide the following:

“659.2. A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

659.3. After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions for the municipal election held on November 6th, 2005 and could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that municipal election;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY is solely responsible for the technological choice elected;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of March 15th, 2004, resolution No. 116-03-2004 approving the text of the agreement and authorizing the mayor and the clerk to sign this agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

2. INTERPRETATION

Unless stated otherwise, expressly or as a result of the context of a provision, the following expressions, terms and words have, for the purposes of this agreement, the meaning and application given in this section.

2.1 “electronic voting system” means an apparatus consisting of the following devices:

— a computer containing in its memory the list of electors, used for the preparation of electronic voting cards;

— a reader of electronic voting cards;

— one or more printers;

— one or more autonomous voting terminals;

— electronic cards used to place the terminals in “election” mode, to vote (electronic voting cards), to place the terminals in “end of election” mode, and to record the results from each autonomous voting terminal;

2.2 “voting terminal” means an independent device containing a display with a graphical representation of a ballot paper, buttons used by electors to vote, and a memory card to record and compile the votes cast by electors;

2.3 “electronic card reader” means a device allowing the information required for an elector to vote to be transferred onto an electronic card;

2.4 “rejected ballot paper” means a ballot paper for which the button corresponding to “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor” has been pushed by an elector on the voting terminal;

2.5 “operations trail” means a print-out of the operations (audit) of a voting terminal.

3. ELECTION

3.1 For the purposes of the municipal election of November 6th, 2005 in the municipality, a sufficient number of “PERFAS-MV” model electronic voting systems will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

4. SECURITY MECHANISMS

Each electronic voting system must include the following security mechanisms:

(1) a report displaying a total of “zero” must be automatically produced by the electronic ballot box when a voting terminal is turned on on the first day of advance polling and on polling day;

(2) a verification report must be generated on a continuous basis and automatically saved on the memory card of the voting terminal, and must record each procedural operation;

(3) a mechanism which prevents a voting terminal from being placed in “end of election” mode while polling is still under way, because the terminal can only be placed in “end of election” mode by the insertion of an “end of election” card;

(4) a mechanism to ensure that the compilation of results is not affected by any type of interference once the electronic ballot box has been placed in “election” mode;

(5) each voting terminal must be equipped with seals, two to prevent the opening of the box and one covering the screws of the voting terminal;

(6) each voting terminal must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the terminals are connected to a generator;

(7) if a voting terminal is defective, its internal memory card may be removed and transferred immediately into another voting terminal in order to allow the procedure to continue.

5. PROGRAMMING

Each electronic voting system used is specially programmed by the firm PG Elections inc. for the municipality in order to recognize and tally ballot papers in accordance with this agreement.

6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

6.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words “senior deputy returning officer, assistant to the senior deputy returning officer” after the word “assistant,”.

6.2 Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk

The following is substituted for section 76 of the Act:

“**76.** The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.”.

6.3 Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer

The following is substituted for section 80 of the Act:

“**80.** The senior deputy returning officer shall, in particular,

(1) see to the installation and preparation of the electronic voting systems (voting terminal and electronic card reader);

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the voting terminals in the polling place;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) ensure that the electronic voting systems function correctly;

(5) print out the results compiled by the voting terminals at the closing of the poll;

(6) complete an overall statement of votes from the partial statements and the results compiled by each voting terminal;

(7) give the returning officer, at the closing of the poll, the results compiled by each voting terminal, the overall statement of votes and the number of electors at each polling station who were given an electronic voting card;

(8) give the returning officer the memory card on which the results of each voting terminal are recorded, the card used to place terminals in “end of election” mode, and the voting terminals in sealed cases.

80.1. The assistant to the deputy returning officer shall, in particular,

(1) assist the senior deputy returning officer in the latter’s duties;

(2) receive any elector referred by the senior deputy returning officer;

(3) verify the polling booths in the polling place.

80.2. The deputy returning officer shall, in particular,

(1) see to the arrangement of the polling station;

(2) see that the polling is properly conducted and maintain order at the polling station;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) receive proof of identity from electors;

(5) give electors an electronic voting card to exercise their right to vote;

(6) check that each electronic voting card returned after the vote has been used. If a card has not been used, a record shall be made in the poll book that an elector has failed to exercise the right to vote;

(7) at the close of the poll, give the senior deputy returning officer a statement indicating the total number of electors given an electronic voting card by the deputy returning officer at the polling station.”.

6.4 Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance

The following is substituted for section 90.5 of the Act:

“**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs, Sports and Recreation of the decision he intends to make.

Within 30 days following polling day, the Chief Electoral Officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.”.

6.5 Notice of election

The following is added after paragraph 7 of section 99:

“(8) the fact that the method of voting is by means of an electronic voting system.”

6.6 Polling subdivisions

The following is substituted for section 104 of the Act:

“**104.** The returning officer shall divide the list of electors into polling subdivisions, each comprising not more than 750 electors.

The returning officer shall provide a sufficient number of polling stations at each polling place to receive electors, establish their identity and give them an electronic voting card.

In the polling place, the electors may report to any polling station. They shall be directed to the first available voting terminal to exercise their right to vote.”.

6.7 Verification of electronic voting systems

The Act is amended by inserting the following subdivision after subdivision 1 of Division IV of Chapter VI of Title I:

“§1.1 Verification of electronic voting systems

173.1. The returning officer shall, not later than the fifth day preceding the first day of advance polling and the fifth day preceding polling day, test the electronic voting system to ensure that it tallies the number of votes cast accurately and precisely, in the presence of the candidates or their representatives if they so wish.

173.2. During the testing of the electronic voting system, adequate security measures must be taken by the returning officer to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The returning officer must ensure that no electronic communication that could change the programming of the system, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

173.3. The returning officer shall conduct the test by performing the following operations:

(1) he shall prepare a pre-determined number of electronic voting cards and transfer onto them the information relating to one of the positions to be filled;

(2) he shall record on the voting terminal a pre-determined number of votes that have been manually tallied. The votes shall include:

(a) a pre-determined number of votes in favour of one of the candidates for the office of mayor and councillor;

(b) a pre-determined number of votes corresponding to the statement “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor”;

(c) a pre-determined number of votes for a candidate for the office of mayor and the same pre-determined number of votes for a candidate for a position as a councillor;

(3) he shall ensure that it is not possible to record more than one vote for the same position;

(4) he shall ensure that the button used to record a vote can be pushed only after the button used to vote for the mayor or corresponding to the statement “I do not wish to vote for the office of mayor”, and the button used to vote for a councillor or corresponding to the statement “I do not wish to vote for the office of councillor”, have been pushed;

(5) he shall ensure that the information relating to the positions to be filled contained on the electronic voting cards is consistent with the information transferred to the cards by the returning officer;

(6) he shall place the system in “end of election” mode and ensure that the results compiled by the voting terminal are consistent with the results compiled manually;

(7) once the test has been successfully completed, he shall reset the voting terminal to zero and replace it in a sealed case; the candidates or their representatives may affix their signature if they so wish;

(8) where an error in the compilation of the results compiled by the terminals is detected, the returning officer shall determine with certitude the cause of error, proceed with a further test, and repeat the operation until a perfect compilation of results is obtained; any error or discrepancy shall be noted in the test report;

(9) he may not change the programming established by the firm PG Elections inc.”.

6.8 Advance polling

The following is substituted for sections 182, 183 and 185 of the Act:

“**182.** At the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:

(1) the number of electors who were given an electronic voting card;

(2) the total number of votes recorded on each terminal, as transmitted by the senior deputy returning officer;

(3) the names of the persons who performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the forms, the verification reports printed out at each terminal, the poll book and the list of electors, and shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except the envelope containing the list of electors, shall be given to the senior deputy returning officer for deposit in a large envelope. The large envelope shall be sealed. The persons present may affix their initials to the seal.

182.1. At the close of the advance polling station, the senior deputy returning officer shall:

(1) place the voting terminals in “end of election” mode;

(2) transfer the data contained in the memory of the electronic ballot box onto a memory card;

(3) print the operations trail (audit);

(4) place the memory card (memory chip) and the operations trail in separate envelopes, and seal the envelopes;

(5) forward the envelopes to the returning officer, who shall keep them safely in separated locations;

(6) set each voting terminal to zero, seal it and place it in its plastic case;

(7) affix his initials to all the seals and give the candidates or representatives present an opportunity to affix their initials.

182.2. The senior deputy returning officer shall place the card used to place the terminals in “election” mode and “end of election” mode in the large envelope.

The senior deputy returning officer shall seal the large envelope and each terminal. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.

The senior deputy returning officer shall then give the large envelope, the envelopes containing the list of electors, the memory card and the operations trail, as well as the voting terminals, to the returning officer or the person designated by the returning officer.

The returning officer shall keep in safety, in separate locations, the envelopes containing the memory card and the operations trail.

182.3. The returning officer shall, using the various lists of electors used in the advance polling, draw up an integrated list of all the electors who voted in the advance poll. The returning officer shall make as many copies of the list as there are to be polling stations on polling day.

183. Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the large envelope and give each deputy returning officer the poll books and the forms. Each deputy returning officer shall open the envelopes and take custody of their contents.

The senior deputy returning officer shall take possession of the verification reports indicating the total number of votes recorded on each terminal, the card used to place the terminals in “election” mode and the card used to place the terminals in “end of election” mode.

The senior deputy returning officer shall verify for each terminal, using the memory card, that the number of votes recorded matches the number entered the previous day in the poll book by the poll clerk for that polling station.

The returning officer, or the person designated by the returning officer, shall return the list of electors to each deputy returning officer.

At the close of the advance poll on the second day, the senior deputy returning officer, the returning officer and the poll clerk shall perform the same actions as at the close of the advance poll on the first day.

185. From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall, using the memory card or cards on which the results are recorded, print out the results compiled by each voting terminal used in the advance poll in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

The results shall be printed out at the location determined by the returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of the results from polling day, adapted as required.”.

6.9 Revocation

Sections 186 and 187 of the Act are revoked.

6.10 Polling place

The following is substituted for the first paragraph of section 188 of the Act:

“**188.** The polling place must be in premises that are spacious and easily accessible to the public.”.

6.11 Booths

The following is substituted for section 191 of the Act:

“**191.** Where electronic voting systems are used in an election, each polling station shall have the number of polling booths determined by the returning officer.”.

6.12 Ballot papers and electronic voting cards

The following is substituted for section 192 of the Act:

“**192.** The returning officer shall ensure that a sufficient number of electronic voting cards are available to facilitate the exercise of the electors’ right to vote.”.

The following is substituted for sections 193 to 195 of the Act:

193. The graphical representation of a ballot paper that appears on the voting terminal shall be consistent with the model set out in Schedule I to the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities.”.

6.13 Identification of the candidates

The following is substituted for section 196 of the Act:

“**196.** The graphical representation of a ballot paper that appears on the voting terminal must allow each candidate to be identified.

Depending on the number of positions to be filled, the representation shall have one or more columns on one or more pages, showing:

(1) the name of each candidate, the given name preceding the surname;

(2) under each name, the name of the authorized party or recognized ticket to which the candidate belongs, where such is the case;

(3) a rectangle for the elector's mark opposite the particulars pertaining to each candidate.

All rectangles, as the space between consecutive rectangles, must be of the same size.

Where several independent candidates for the same office have the same name, the graphical representation of the ballot paper used in the polling for that office shall indicate the address of each candidate under the candidate's name and, where such is the case, above the indication of the candidate's political affiliation.

The particulars must appear in alphabetical order of the candidates' surnames and, as the case may be, of the candidates' given names. Where two or more candidates for the same office have the same name, the order in which the particulars relating to each of them appear shall be determined by a drawing of lots carried out by the returning officer.

The particulars pertaining to the candidates must correspond to those contained in the nomination papers, unless, in the meantime, the authorization of the party or the recognition of the ticket has been withdrawn, or the name of the party or ticket appearing on the nomination papers is inaccurate.”.

6.14 Reverse of ballot paper

Section 197 is revoked.

6.15 Withdrawal of a candidate

The following is substituted for section 198 of the Act:

“**198.** Where an electronic voting system is used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.

Any vote in favour of those candidates before or after their withdrawal is null.”.

6.16 Withdrawal of authorization or recognition

The following is substituted for section 199 of the Act:

“**199.** Where electronic voting systems are used in an election, the returning officer shall ensure that they are adjusted so that they do not take into account the party or ticket from which authorization or recognition has been withdrawn.”.

6.17 Number of voting terminals

The following is substituted for sections 200 and 201 of the Act:

“**200.** The returning officer shall ensure that a sufficient number of electronic voting systems are available for the election.

201. The upper surface of the voting terminal must be in conformity with the model described in Schedule II to this Agreement.

The voting terminal must be designed so that the button used to vote for a candidate is placed opposite the particulars relating to that candidate.

The instructions to the electors on how to vote must be clearly indicated on the upper surface of the voting terminal.”.

6.18 Provision of polling materials

The following is substituted for section 204 of the Act:

“**204.** Not later than one hour before the time fixed for the opening of the polling station, the returning officer shall give or make available to the deputy returning officer, in a sealed envelope, after affixing his initials to the seals,

(1) the copy of the list of electors for the polling subdivision used for the advance poll and comprising the electors who are entitled to vote at that polling station;

(2) a poll book;

(3) electronic voting cards;

(4) the forms and other documents necessary for the poll and the closing of the polling station.

The returning officer shall give or make available to the deputy returning officer, as well as to the senior deputy returning officer, any other materials required for the poll, the closing of the polling office, and the tallying and the recording of votes.”.

6.19 Examination of polling materials and documents

The following is substituted for section 207 of the Act:

“**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic voting system for the polling place. The senior deputy returning officer shall ensure that the system computer displays a total of zero electors having voted, and that each voting terminal displays a total of zero recorded votes, by verifying the printed reports from those devices.

The senior deputy returning officer shall ensure that as many small envelopes are available for the memory cards used to record results as there are voting terminals under his responsibility.

The senior deputy returning officer must inform the returning officer of any discrepancy observed upon activating a voting terminal or during the poll.

The senior deputy returning officer shall keep the reports and show them to any person present who wishes to examine them.

The senior deputy returning officer must, in addition, before the persons present, ensure that two seals are affixed to each terminal.

In the hour preceding the opening of the polling stations, each deputy returning officer and poll clerk shall examine the polling documents and materials provided by the returning officer.”.

POLLING PROCEDURE

6.20 Presence at the polling station

The following is substituted for the third paragraph of section 214 of the Act:

“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer may be present at the station. The officer in charge of information and order may be

present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.”.

6.21 Electronic voting cards

The following is substituted for section 221 of the Act:

“**221.** The deputy returning officer shall give each elector admitted to vote an electronic voting card to which the information required to exercise the right to vote has been transferred.

In no case may the information transferred to the card allow a link to be established between the casting of a vote and the identity of an elector.”.

6.22 Voting

The following is substituted for section 222 of the Act:

“**222.** The elector shall enter the polling booth and exercise the right to vote by:

(1) inserting the electronic voting card in the opening provided for that purpose and clearly identified on the upper surface of the voting terminal;

(2) pressing the button placed opposite the particulars relating to the candidate in whose favour the elector wishes to vote as mayor and councillor or councillors, causing a mark to appear in the rectangle;

(3) recording the vote by pressing the red button placed on the upper surface of the voting terminal, causing the red lights placed above the button to go out.”.

6.23 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After removing the electronic voting card from the voting terminal, the elector shall leave the booth and give the electronic voting card to the polling officer designated for that purpose by the returning officer.

If an elector indicates one or more votes but leaves the booth without recording them, the senior deputy returning officer or the latter’s assistant shall record the votes.

If an elector fails to indicate and record one or more votes and leaves the polling place, the senior deputy returning officer or the latter's assistant shall press the button corresponding to the statement "I do not wish to vote for the office of mayor" or "I do not wish to vote for the office of councillor" or both, as the case may be, and shall then record the voter's vote.

The electronic voting card shall then be removed from the voting terminal and given to the deputy returning officer. The occurrence shall be recorded in the poll book."

6.24 Cancelled and spoiled ballot papers

Sections 224 and 225 of the Act are revoked.

6.25 Assistance for electors

The following is substituted for section 226 of the Act:

"**226.** An elector who declares under oath, before the senior deputy returning officer or the assistant to the senior deputy returning officer, that he is unable to use the electronic ballot box or to vote, may be assisted either:

(1) by a person who is the elector's spouse or a relative within the meaning of section 131;

(2) by the senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer.

A deaf or mute elector may be assisted, for the purposes of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.

The senior deputy returning officer shall advise the deputy returning officer concerned that an elector has availed himself of this section, and the occurrence shall be entered in the poll book."

6.26 Transfer of information to electronic voting cards

The following is substituted for section 228 of the Act:

"**228.** The electronic voting system shall ensure that the information required for an elector to exercise the right to vote is transferred once only to the electronic voting card."

6.27 Compilation of results and tallying of votes

The following is substituted for section 229 of the Act:

"**229.** After the closing of the poll, the senior deputy returning officer shall compile the results by:

(1) placing the election terminals of the polling place in "end of election" mode;

(2) recording the results of each voting terminal;

(3) printing out the results compiled by each voting terminal.

The reports on the compiled results shall indicate the total number of voters who have voted, the number of valid votes, the number of rejected ballot papers and the number of votes for each candidate.

The senior deputy returning officer shall gather from each poll clerk the number of electors admitted to vote.

The senior deputy returning officer shall allow each person present to consult the results."

6.28 Entries in poll book

The following is substituted for section 230 of the Act:

"**230.** After the closing of the poll, the poll clerk of each polling station shall enter in the poll book:

(1) the number of electors who have voted;

(2) the names of the persons who have performed duties as election officers or as representatives assigned to that polling station.

230.1. The deputy returning officer shall place the poll book and the list of electors in separate envelopes.

The deputy returning officer shall seal the envelopes, and the representatives assigned to the polling station who wish to do so shall affix their initials to the seals.

The deputy returning officer shall then give the envelopes to the senior deputy returning officer."

6.29 Compiling sheet

Section 231 of the Act is revoked.

6.30 Counting of the votes

Section 232 of the Act is revoked.

6.31 Rejected ballot papers

The following is substituted for section 233 of the Act:

“**233.** The electronic voting system shall be programmed in such a way that every ballot paper for which the button corresponding to “I do not wish to vote for the office of mayor” or “I do not wish to vote for the office of councillor” is pushed by the elector on the voting terminal is rejected.

For the purposes of the poll, the memory card shall be programmed in such a way that the electronic voting system processes and conserves all the votes cast, in other words both the valid ballot papers and the rejected ballot papers.”.

Sections 234 to 237 of the Act are revoked.

6.32 Partial statement of votes and copy for representatives

The following is substituted for sections 238 and 240 of the Act:

“**238.** The deputy returning officer shall draw up the partial statement of votes, setting out the total number of electors admitted to vote.

A separate statement shall be drawn up for each polling station.

The deputy returning officer shall draw up sufficient copies of the partial statement of votes for himself, the senior deputy returning officer, the returning officer and every representative assigned to the polling station.

238.1 Using the partial statements of votes and the results compiled by the electronic voting system, the senior deputy returning officer shall draw up an overall statement of votes.

240. The senior deputy returning officer shall immediately give a copy of the overall statement of votes to the representatives.

The senior deputy returning officer shall retain a copy of the statement and a second copy for the returning officer for the purposes of section 244.”.

6.33 Separate envelopes

The following is substituted for section 241 of the Act:

“**241.** After printing out the results compiled by each voting terminal in the polling place, the senior deputy returning officer shall:

(1) place the memory card used to record the results from each voting terminal in a small envelope bearing the serial number of the terminal concerned, seal the envelope and affix his initials, along with those of the representatives who wish to do so;

(2) place all the reports on the results compiled in an envelope, together with the partial statements and the overall statement of votes.”.

6.34 Seals

The following is substituted for section 242 of the Act:

“**242.** The senior deputy returning officer shall place in a large envelope:

(1) the small envelopes prepared pursuant to paragraph 1 of section 241;

(2) the envelopes provided for in section 230.1;

(3) the card used in the polling place to place the terminals in “election” mode and “end of election” mode;

(4) the electronic voting cards.

The senior deputy returning officer shall seal the large envelope. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.”.

6.35 Placing in ballot box

Section 243 of the Act is revoked.

6.36 Delivery to returning officer

The following is substituted for section 244 of the Act:

“**244.** The senior deputy returning officer shall deliver to the returning officer or the person designated by the returning officer

(1) the envelope containing the reports of the results compiled by each voting terminal, the partial statements and the overall statement of votes ;

(2) the large envelope provided for in section 242.”.

6.37 Addition of votes

The following is substituted for section 247 of the Act:

“**247.** The returning officer shall proceed with the addition of the votes using the overall statement of votes drawn up by each senior deputy returning officer.”.

6.38 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

“**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement is obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results and a partial statement of votes, the returning officer shall, in the presence of the senior deputy returning officer and the candidates in question or of their representatives if they so wish, print out a new report using the appropriate memory card for recording results and the copy of the partial statements of votes taken from the large envelope, opened in the presence of the aforementioned persons.”.

6.39 Placing in envelope

The following is substituted for section 249 of the Act:

“**249.** After printing out the results, the returning officer shall place the memory card used to record results in an envelope, seal the envelope, and affix his initials and allow the candidates or their representatives to affix their initials if they so wish. He shall place the copy of the partial statements of votes in the large envelope, seal it, and allow the candidates or representatives present to affix their initials.”.

6.40 New counting of the votes

Section 250 of the Act is revoked.

6.41 Notice to the Minister

The following is substituted for section 251 of the Act:

“**251.** Where it is impossible to obtain the electronic cards used to record the results, where applicable, the returning officer shall advise the Minister of Municipal Affairs, Sports and Recreation in accordance with Division III of Chapter XI.”.

6.42 Access to voting papers

Section 261 of the Act is revoked.

6.43 Application for a recount or re-addition

The following is substituted for the first paragraph of section 262 of the Act:

“**262.** Any person who has reasonable grounds to believe that a voting terminal has produced an inaccurate statement of the number of votes cast, or that a deputy returning officer has drawn up an inaccurate partial statement of votes, or that a senior deputy returning officer has drawn up an inaccurate overall statement of votes, may apply for a new compilation of the results. The applications may be limited to one or more voting terminals, but the judge is not bound by that limitation.”.

6.44 Notice to candidates

The following is substituted for section 267 of the Act:

“**267.** The judge shall give one clear day’s advance notice in writing to the candidates concerned of the date, time and place at which he will proceed with the new compilation of the results or re-addition of the votes.

The judge shall summon the returning officer and order him to bring the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of vote. Where the new compilation is limited to one or certain polling subdivisions, the judge shall order only the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of votes he will need.”.

6.45 Procedure for a new compilation of results or re-addition of votes

The following is substituted for section 268 of the Act:

“**268.** On the appointed day, the judge, in the presence of the returning officer shall, in the case of a new compilation of results, print out the results compiled by the voting terminal display or displays under inquiry.

In the case of a re-addition of votes, the judge shall examine the reports of the compiled results and the partial and overall statements of votes.

The candidates concerned or their mandataries and the returning officer may, at that time, examine all the documents and items examined by the judge.”.

6.46 Repeal

Section 269 is revoked.

6.47 Missing electronic card for recording results and partial statements of votes

The following is substituted for the first paragraph of section 270 of the Act:

“**270.** If an electronic card on which results are recorded or a required document is missing, the judge shall use appropriate means to ascertain the results of the vote.”.

6.48 Custody of items and documents, and verification

The following is substituted for sections 271, 272 and 273 of the Act:

“**271.** During a new compilation or a re-addition, the judge shall have custody of the voting system and of the items and documents entrusted to him.

272. As soon as the new compilation is completed, the judge shall confirm or rectify each report of compiled results and each report on a partial statement of votes and carry out a re-addition of the votes.

273. After completing the re-addition of the votes, the judge shall certify the results of the poll.

The judge shall give the returning officer the electronic cards used to record the results and all the other documents used to complete the new compilation or the re-addition.”.

7. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before December 31st, 2008.

8. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the municipal election to be held on November 6th, 2005 and of any subsequent election provided for in the agreement. Mention of that fact shall be made in the assessment report.

9. ASSESSMENT REPORT

Within 120 days following the municipal election held on November 6th, 2005, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister addressing, in particular, the following issues:

- the preparations for the election (choice of the new method of voting, communications plan, etc.);

- the conduct of the advance poll and the poll;

- the cost of using the electronic voting system;

- the cost of adapting election procedures;

- non-recurrent costs likely to be amortized;

- a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the municipal election on November 6th, 2005 using traditional methods;

- the number and duration of incidents during which voting was stopped, if any;

- the advantages and disadvantages of using the new method of voting;

- the results obtained during the addition of the votes and the correspondence between the number of votes cast and the number of electors admitted to vote.

10. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities shall apply to the municipal election held on November 6th, 2005 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

11. EFFECT OF AGREEMENT

This agreement has effect from the time when the returning officer performs the first act for the purposes of an election to which this agreement applies.

AGREEMENT SIGNED IN THREE COPIES :

In Saint-Sauveur, this 16th day of March 2004

MUNICIPALITY OF “VILLE DE SAINT-SAUVEUR”

By: _____
GEORGES FILION, *Mayor*

NORMAND PATRICE, *Clerk*

In Québec, on this 31st day of March 2004

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET


In Québec, on this 23rd day of August 2004

THE MINISTER OF MUNICIPAL AFFAIRS,
SPORTS AND RECREATION

By: _____
DENYS JEAN, *Deputy Minister*

SCHEDULE I

BALLOT PAPER



MAIRE
Un (1) choix obligatoire

☐ Candidature 1
Parti 1

☐ Candidature 2
Parti 2

☐ Candidature 3
Parti 3

☐ Candidature 4
Parti 4

☐ Je ne veux pas voter pour le poste de maire

CONSEILLER
Un (1) choix obligatoire

☐ Candidature 1
Parti 1

☐ Candidature 2
Parti 2

☐ Candidature 3
Parti 3


☐ Candidature 4
Parti 4

☐ Je ne veux pas voter pour le poste de conseiller

2

Faites votre sélection
Make your selection

1 Insérez votre carte de votation
Insert your voting card



3
Appuyez sur ce bouton pour enregistrer votre vote
Press the red button to cast your vote

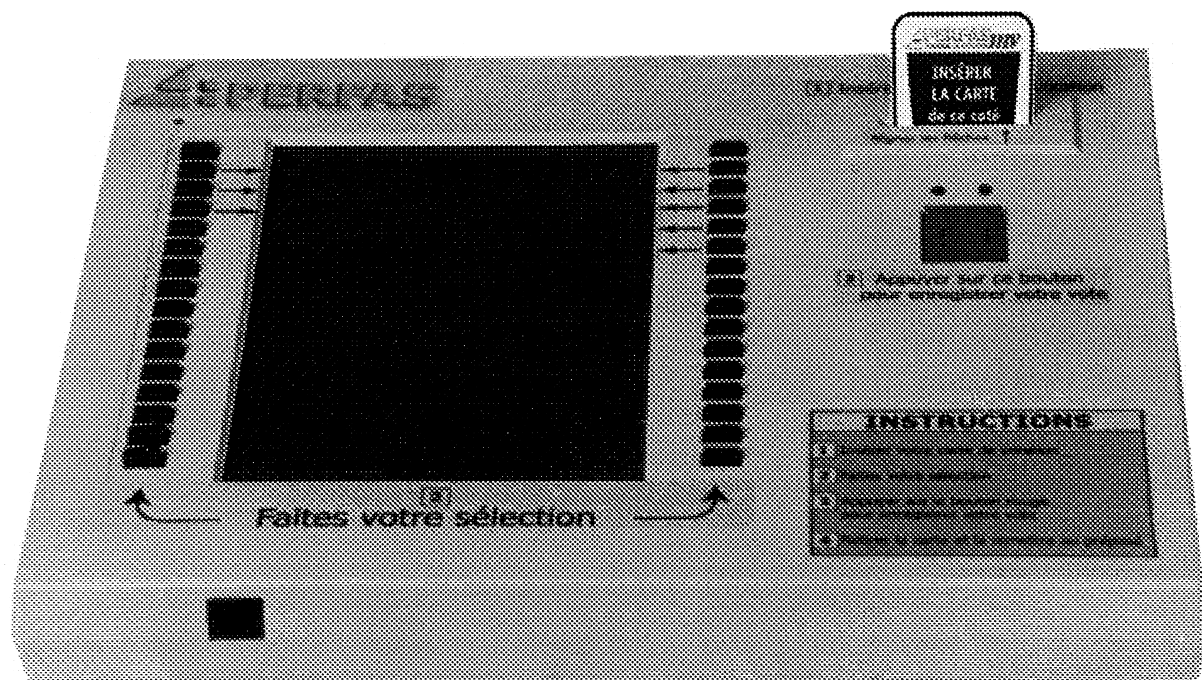
INSTRUCTIONS

1 Insérez votre carte de votation
Insert your voting card

2 Faites votre sélection
Make your selection

3 Appuyez sur le bouton rouge pour enregistrer votre vote
Press the red button to cast your vote

4 Retirez la carte et la remettre au préposé
Remove the card and hand it over to the official

SCHEDULE II**VOTING TERMINAL**

6475

Draft Regulations

Draft Regulation

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

Pharmacists

— Code of ethics
— 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 Code of ethics of pharmacists, adopted by the Bureau of the Ordre des pharmaciens du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

According to the Ordre des pharmaciens du Québec, the main purpose of this draft Regulation is to adapt certain rules of ethics to the realities of the practice of pharmacy within a joint-stock company or partnership as provided for in the draft Regulation respecting the practice of pharmacy within a joint-stock company or a partnership.

The draft Regulation will have no impact on citizens or businesses.

Further information may be obtained by contacting Pierre Ducharme, Secretary General of the Ordre des pharmaciens du Québec, 266, rue Notre-Dame Ouest, bureau 301, Montréal (Québec) H2Y 1T6; telephone: (514) 284-9588 or 1 800 363-0324; fax: (514) 284-2285.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions 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 communicated to the professional order that adopted the Regulation, as well as to interested persons, departments and bodies.

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

Regulation to amend the Code of ethics of pharmacists*

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

1. The Code of ethics of pharmacists is amended by inserting the following after section 1.02:

“1.03. A pharmacist shall take reasonable measures to ensure that the joint-stock company or partnership of pharmacists and the persons, employees, shareholders or partners who collaborate with the pharmacist in the pharmacist's practice comply with the Pharmacy Act (R.S.Q., c. P-10), the Professional Code (R.S.Q., c. C-26) and the regulations made thereunder.

1.04. When acting in the capacity of director or officer of a joint-stock company or partnership of pharmacists, a pharmacist shall ensure that the obligations towards the joint-stock company or partnership are not exercised in a manner that is incompatible with the pharmacist's obligations towards patients, the public or the profession.”.

2. Section 3.02.02 is amended by replacing “and of those generally provided by” by “and, where applicable, the services of the persons who carry on their activities within a joint-stock company or partnership of pharmacists and generally of”.

3. Section 3.04.01 is replaced by the following:

“3.04.01. No pharmacist shall, in the practice of the profession, elude or attempt to elude, in respect of his patients, his personal civil liability or the liability of the persons with whom he practises, or the liability of the joint-stock company or partnership of pharmacists within which he carries on professional activities or the liability of any other person carrying on activities therein. A pharmacist is also prohibited from inserting in a contract for professional services a clause directly or indirectly excluding, in whole or in part, that liability.”.

* The Code of ethics of pharmacists (R.R.Q., 1981, c. P-10, r.5) was last amended by the regulation approved by Order in Council 23-2004 dated 14 January 2004. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

4. Section 3.05.01 is amended by inserting “and the interest of the joint-stock company or partnership of pharmacists within which he carries on professional activities or in which he has an interest” after “interest”.

5. Section 3.05.05 is amended

(1) by inserting “the” before “sharing” and “or to the extent that both practise within the same joint-stock company or partnership of pharmacists” after “responsibilities”;

(2) by adding the following paragraph at the end: “A pharmacist may allocate his income to the joint-stock company or partnership of pharmacists within which he practises.”.

6. Section 3.05.08 is amended by striking out “or a partnership of pharmacists”.

7. Section 3.05.09 is amended

(1) by striking out “or a partnership of pharmacists”;

(2) by replacing “or pharmacy” by “, joint-stock company or partnership of pharmacists or pharmacy”.

8. Section 3.05.10 is amended

(1) by striking out “or a partnership of pharmacists”;

(2) by replacing “the partnership” by “the joint-stock company or partnership”.

9. Section 4.01.01 is amended

(1) by replacing “and 58” in the part preceding paragraph *a* by “, 58 and 59.1 and those that may be determined pursuant to the second paragraph of section 152”;

(2) by inserting the following after paragraph *e*:

“(e.1) if the pharmacist has no interest in a joint-stock company or partnership of pharmacists, allowing the use of his name to give the impression that he has an interest in the joint-stock company or partnership;”;

(3) by replacing paragraph *t* by the following:

“(t) sharing his fees or the profit resulting from the sale of medicines with a person who is not a pharmacist, except with a joint-stock company or partnership of pharmacists;”;

(4) by adding the following at the end:

“(v) practising the profession within a joint-stock company or partnership of pharmacists in which persons other than pharmacists have an interest; and

(w) having an interest in a joint-stock company or partnership of pharmacists with persons other than pharmacists.”.

10. The following is added after section 4.01.01:

“**4.01.02.** It is also derogatory to the dignity of the profession of pharmacist for a pharmacist who practises or has an interest in a joint-stock company or partnership of pharmacists to

(a) fail to take reasonable measures to put an end to an act derogatory to the dignity of the profession performed by a person carrying on professional activities within the joint-stock company or partnership and of which the pharmacist has been aware for more than 30 days, or to prevent such an act from being repeated;

(b) continue his activities within the joint-stock company or partnership when, within 10 days after the effective date of a striking from the roll or permit revocation, the representative within the meaning of the Regulation respecting the practice of pharmacy within a joint-stock company or a partnership (*insert the number and date of the Order in Council approving the Regulation*), a partner, shareholder, director, officer or employee continues to perform his duties or to directly or indirectly hold rights as a shareholder or partner.

4.01.03. It is also derogatory to the dignity of the profession of pharmacist for a pharmacist to practise within a joint-stock company or partnership that holds itself out to be or gives the impression that it is a joint-stock company or partnership of pharmacists when any of the obligations under the Professional Code or the Regulation respecting the practice of pharmacy within a joint-stock company or a partnership have not been met.

4.01.04. It is also derogatory to the dignity of the profession of pharmacist for a pharmacist to enter into an agreement or permit an agreement to be entered into within a joint-stock company or partnership of pharmacists holding itself out to be a joint-stock company or partnership, including a unanimous agreement between shareholders that operates to impair the independence, objectivity and integrity required for the practice of pharmacy or compliance by the pharmacists with the Pharmacy Act, the Professional Code and the regulations made thereunder.”.

11. Section 5.01 is amended

(1) by replacing “A pharmacist or a partnership of pharmacists may not engage in, or allow” in the first paragraph by “No pharmacist shall engage in or permit”;

(2) by replacing “on his or its behalf,” in the first paragraph by “on his behalf, or on behalf of the joint-stock company or partnership within which the pharmacist practises,”;

(3) by replacing “dans sa publicité” in the second paragraph of the French text by “dans une publicité”.

12. Section 5.02 is amended

(1) by striking out “or a partnership of pharmacists”;

(2) by replacing “dans sa publicité” in the French text by “dans une publicité”.

13. Section 5.03 is amended

(1) by striking out “or a partnership of pharmacists” and “or its”.

(2) by replacing “dans sa publicité” in the French text by “dans une publicité”.

14. Section 5.05 is amended

(1) by replacing “All members of a partnership of pharmacists” by “The shareholders, directors and officers of a joint-stock company and the partners of a partnership of pharmacists”;

(2) by replacing “jointly and severally” by “solidarily”.

15. Section 5.06 is amended

(1) by replacing “A pharmacist or a partnership of pharmacists may not, in advertising, associate or allow the association of the pharmacist’s or partnership’s” in the first paragraph by “No pharmacist shall, in advertising, associate or permit the association of the pharmacist’s”;

(2) by adding “, other than a joint-stock company or partnership of pharmacists” in the first paragraph after “Québec”;

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

“Despite the first paragraph, a pharmacist or a joint-stock company or partnership of pharmacists whose activities other than those related to the practice of pharmacy are carried on under a commercial name may mention that affiliation in advertising, provided that the name and address of the pharmacist or, as the case may be, the name and address of the head office of the joint-stock company or partnership of pharmacists are mentioned in the advertising. In printed advertising and on billboards, the name and address of the pharmacist or, as the case may be, the name and address of the head office of the joint-stock company or partnership of pharmacists must be more prominent than the commercial name. In radio and television commercials, the name and address of the head office of the joint-stock company or partnership of pharmacists must be mentioned clearly and must be more prominent than the commercial name.”;

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

“Advertising under the second paragraph may not suggest or give the impression that the professional services described are offered by a natural person or a joint-stock company or partnership other than the pharmacist whose name and address are mentioned in the advertising who has an interest in or is an employee of the joint-stock company or partnership of pharmacists mentioned in the advertising or who practices within the joint-stock company or the partnership.”;

(5) by striking out “corporate” in the fourth paragraph.

16. Section 5.07 is replaced by the following:

“**5.07.** No pharmacist shall, by any means whatsoever, engage in advertising intended for the public or permit such advertising on his behalf or on behalf of the joint-stock company or partnership of pharmacists within which he practises, if the advertising is for medicines listed in the Schedule to the Narcotic Control Act (R.S.C. 1985, c. N-1) or in Schedule G to the Food and Drugs Act (R.S.C. 1985, c. F-27).”.

17. Section 5.08 is replaced by the following:

“**5.08.** No pharmacist shall engage in advertising intended for the public, or permit such advertising, if the advertising is for a medicine requiring a prescription.

A pharmacist may, inside a pharmacy, indicate on a fixed sign the price of a medicine referred to in the first paragraph, provided that the price includes the fees charged for filling or renewing a prescription for the medicine. The sign must also indicate the professional services included in the fees.”.

18. Section 5.09 is amended

(1) by replacing “allows the advertisement on his behalf of a non-prescription medicine,” in the part preceding subparagraph 1 of the first paragraph by “permits the advertising of a non-prescription medicine on his behalf or on behalf of the joint-stock company or partnership of pharmacists within which he practises,”;

(2) by replacing “advertisement” in subparagraphs 1, 2 and 3 of the first paragraph by “advertising”.

19. Section 5.10 is amended

(1) by striking out “or a partnership of pharmacists”;

(2) by replacing “de sa pharmacie” in the French text by “de la pharmacie”;

(3) by replacing “relatifs” in the French text by “concernant”.

20. Section 5.11 is amended

(1) by striking out “or a partnership of pharmacists”;

(2) by striking out “or itself”.

21. Section 5.12 is amended

(1) by striking out “or a partnership of pharmacists”;

(2) by inserting “including advertising by the joint-stock company or partnership of pharmacists in which the pharmacist has an interest,” after “in its original form,”.

22. The following is inserted after section 5.12:

“**5.13.** A pharmacist who practises within a joint-stock company or partnership of pharmacists must ensure that advertising by the joint-stock company or partnership conforms to the rules set out in this Division.”.

23. The following is added after section 6.02:

“**6.03.** A pharmacist may use or permit the use of the graphic symbol of the Order in the pharmacist’s advertising or in the advertising of the joint-stock company or partnership of pharmacists within which the pharmacist practises to the extent that the symbol is not represented in a manner that gives the impression that the advertising comes from the Order.

A pharmacist may not permit the use of the Order’s graphic symbol by a joint-stock company or partnership of pharmacists that does not meet the requirements of section 27 of the Pharmacy Act and the requirements of the Regulation respecting the practice of pharmacy within a joint-stock company or a partnership.”.

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

6478

Draft Regulation

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

Pharmacists

— Practice of pharmacy within a partnership or a joint-stock company

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the Regulation respecting the practice of pharmacy within a partnership or a joint-stock company, the text of which appears below, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation contains provisions specifically intended to govern the terms and conditions on which pharmacists are authorized to practise within partnerships or joint-stock companies, in particular as concerns the administration of the partnership or joint-stock company and the holding of shares.

In accordance with Chapter VI.3 of the Professional Code, the conditions include the requirement for a pharmacist to maintain liability insurance to cover liability incurred by the partnership or joint-stock company arising from fault or negligence on the part of the pharmacist. Members will also have to provide the Order with the required information concerning the partnership or joint-stock company and maintain the information current.

The Regulation has no impact on businesses.

Further information may be obtained by contacting Pierre Ducharme, Secretary General of the Ordre des pharmaciens du Québec, 266, rue Notre-Dame Ouest, bureau 301, Montréal (Québec) H2Y 1T6; telephone: (514) 284-9588 or 1 800 363-0324; fax: (514) 284-2285.

Any person having comments to make on the matter is asked to send them before the expiry of the 45-day period to the Chair 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 and may also be sent to the professional order that has made the Regulation and to interested persons, departments and bodies.

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

Regulation respecting the practice of pharmacy within a partnership or a joint-stock company

Professional Code
(R.S.Q., c. C-26, s. 93, pars. *g* and *h*, and s. 94, par. *p*)

DIVISION I GENERAL

1. Pharmacists may carry on their professional activities within a joint-stock company or limited liability partnership within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26) provided the following terms and conditions and restrictions set out in this Regulation are met.

Pharmacists must at all times ensure that the company or partnership allows them to comply with the Pharmacy Act (R.S.Q., c. P-10), the Professional Code and the regulations made under that Act or that Code.

DIVISION II CONDITIONS

§1. Limited liability partnership

2. A pharmacist may practise pharmacy within a limited liability partnership provided the following conditions are met at all times:

(1) the partnership is constituted exclusively for the practice of pharmacy and all the shares in the partnership are held by pharmacists;

(2) all the shares of a partner are automatically and mandatorily redeemed by the other partners or the partnership in accordance with the terms and conditions set out in the contract of partnership if

(a) the partner dies, ceases to be a pharmacist, becomes bankrupt or makes an assignment of property for the benefit of all the creditors;

(b) the partner is under protective supervision and as a consequence is struck from the roll of the Order; or

(c) a movable security charged on the partner's shares is realized or the shares are seized as movable property and release from such realization, security or seizure is not obtained within 30 days;

(3) no share or part thereof is transferred to any person who is not a pharmacist;

(4) the management of the partnership is under the responsibility of a pharmacist; and

(5) the pharmacist has provided for professional liability coverage conforming to Division V on behalf of the partnership.

3. A pharmacist who is a partner or officer within the partnership must ensure that the contract constituting the partnership contains the conditions set out in section 2. The pharmacist must also ensure that the written contract constituting the partnership or allowing the continuance of the general partnership as a limited liability partnership contains the following particulars:

(1) the full name, status and home address of all partners, the number of their permit issued by the Order and the address of the head office of the partnership;

(2) the date of constitution of the partnership or, as the case may be, of continuance of the existing general partnership as a limited liability partnership; and

(3) the name of the partnership, which must comply with the requirements of section 187.13 of the Professional Code, section 25 of the Pharmacy Act and section 13 of the Regulation respecting the keeping of pharmacies, approved by Order in Council 57-94 dated 10 January 1994 (*G.O.* 2, 694).

§2. Joint-stock company

4. A pharmacist may practise pharmacy within a joint-stock company provided the following conditions are met at all times:

(1) the company is constituted exclusively for the practice of pharmacy;

(2) the name of the company does not consist of a designating number and includes only the name of one or more shareholder pharmacists, preceded by the word “pharmacie”, followed by the word “pharmacien(s)” or “pharmacienne(s), in accordance with the requirements of section 25 of the Pharmacy Act and section 13 of the Regulation respecting the keeping of pharmacies;

(3) the company does not use any assumed name;

(4) every director, manager or officer of the company is a pharmacist;

(5) no powers of the board of directors are delegated or entrusted to a person who is not a pharmacist holding shares in the company;

(6) the shares of the capital stock of the company are held and are the exclusive property of pharmacists and at no time are held in trust in a nominee account or in the name of a mandatary;

(7) no shareholder votes or transfers his or her shares of the capital stock of the company according to the instructions or in favour of one or more persons who are not pharmacists holding shares in the company, or transfers to such persons the voting rights attached to the shares, by proxy or otherwise;

(8) no person votes by proxy at the meetings of shareholders, unless the mandatary is a pharmacist holding shares in the company;

(9) where the company has several shareholders, all the shares of a shareholder are automatically and mandatorily redeemed by the other shareholders or the company in accordance with the terms and conditions set out in a shareholder agreement if

(a) the shareholder dies, ceases to be a pharmacist, becomes bankrupt or makes an assignment of property for the benefit of all the creditors; or

(b) the shareholder is under protective supervision and as a consequence is struck from the roll of the Order; and

(10) the pharmacist has provided for professional liability coverage conforming to Division V on behalf of the company.

A pharmacist who is a shareholder, director or officer of the company must ensure that the agreement between the shareholders of the company contains the clause mentioned in subparagraph 9 of the first paragraph and that the other conditions set out in the first paragraph appear in the articles of the company.

5. Despite subparagraph 5 of the first paragraph of section 4, if a pharmacist is the sole shareholder of the company, the following provisions apply:

(1) if the pharmacist dies, the heir, liquidator or trustee of the succession may, in that capacity, hold the shares of the deceased shareholder for a period of 3 years if the company places all the company's pharmacies under the personal supervision of a pharmacist;

(2) if the pharmacist is placed under protective supervision, the tutor or curator may, in that capacity, be the registered holder of the shareholder's shares for a period of 3 years if the company places all the company's pharmacies under the personal supervision of a pharmacist; or

(3) if the pharmacist becomes bankrupt or makes an assignment of property for the benefit of all the creditors, or if a movable security charged on the shares is realized or the shares are seized as movable property, the provisional custodian, the interim receiver, the trustee in bankruptcy, the secured creditor, the seizing creditor or the mandatary may hold the shares until the liquidation is closed or the shares are sold, if the company places all the company's pharmacies under the personal supervision of a pharmacist.

DIVISION III DECLARATIONS

6. A pharmacist wishing to practise within a partnership or company referred to in section 1 must, before the commencement of the partnership's or company's activities, file a declaration under oath with the Order on a form furnished by the Order and that contains

(1) the name of the partnership or company and the registration number assigned by the competent authority;

(2) the juridical form of the partnership or company;

(3) where applicable, the date on which the general partnership will become a limited liability partnership;

(4) the address of the head office and of the places of business in Québec;

(5) a list of all the partners and shareholders, directors and officers, their name, home address and the number of their permit issued by the Order;

(6) the designation, from among the partners or shareholders, of a representative and confirmation from the representative that he or she accepts the mandate, undertakes to ensure the accuracy of the information provided to the Order and to immediately notify the Order of the termination of the mandate; and

(7) confirmation from the partners, shareholders and directors that

(a) the documents filed with the declaration are true to the originals, have not been modified in any manner and that the information therein is complete and accurate; and

(b) all issued and outstanding shares are held in compliance with this Regulation.

7. The declaration required under section 6 must be signed by all the pharmacists who are partners, shareholders, directors or officers of the partnership or company and be filed with the following documents and the fees prescribed by section 11:

(1) in the case of a limited liability partnership, a copy of the agreement referred to in the first paragraph of section 187.15 of the Professional Code and of the contract referred to in paragraph 2 of section 2, and a copy of any amendment to the agreement or contract; or

(2) in the case of a joint-stock company, a copy of the articles of incorporation, of amendments to the articles and, where applicable, a copy of the shareholder agreement.

The declaration must be renewed every 3 years or whenever requested by the syndic, the assistant syndic, an inspector, an investigator, the secretary or other representative of the Order.

8. The representative must be appointed from among the partners or shareholders, and is to have a mandate

(1) to reply to requests made by the syndic, the assistant syndic, an inspector, an investigator, the secretary or any other representative of the Order;

(2) to provide the documents that pharmacists are required to send to the Order under the Pharmacy Act, the Professional Code and the regulations made thereunder; and

(3) to receive all correspondence from the Order, including any notice of non-compliance addressed to the partnership or company or to a pharmacist.

The representative accepting the mandate must ensure the accuracy of all information provided to the Order and immediately notify the Order of the termination of the mandate. Should the representative fail to notify the Order, a pharmacist, partner or shareholder must send that notice to the Order.

9. To retain the right to practise within a partnership or company, the partners, shareholders, directors and officers must update the information and documents filed pursuant to sections 6 and 7, except the home address of the partners, shareholders, directors and officers.

The representative must file with the secretary of the Order, within 30 days of any change, an amending declaration under oath describing the amendment, accompanied where applicable by the documents attesting to the amendments, and by the fees prescribed by section 11.

The amending declaration and accompanying documents stand in lieu of the declaration referred to in paragraph 3 of section 187.11 of the Professional Code.

10. Where an amendment is made to add a pharmacist as a partner or shareholder, the pharmacist must also sign the amending declaration, which in such a case must contain the designation and confirmation referred to in subparagraphs 6 and 7 of the first paragraph of section 6.

11. The fees payable to the Order are \$500 for the declaration required by section 6 and \$300 for the amending declaration to be filed pursuant to section 9.

DIVISION IV OTHER TERMS AND CONDITIONS AND RESTRICTIONS

12. On a general partnership being continued as a limited liability partnership, or on a limited liability partnership or joint-stock company being constituted, the pharmacist must inform his or her clients of the consequences associated with the nature of the partnership or company as regards the pharmacist's professional liability and the liability of the partnership or company.

To that end, the pharmacist must post in a conspicuous place inside the pharmacy a notice containing the information referred to in the first paragraph for a period of at least 90 days following the date of continuance or constitution.

13. A provisional custodian, an interim receiver, a curator, a trustee in bankruptcy, a liquidator, a bank holding security, a hypothecary or prior creditor or their mandataries may administer the property of a partnership or company until the liquidation or realization is completed, by placing the property under the personal supervision of a pharmacist,

(1) if the partnership or company becomes bankrupt, makes an assignment of property or is liquidated or dissolved; or

(2) upon realization on a security under section 427 of the Bank Act (S.C. 1991, c. 46), a hypothec or a prior claim.

14. The pharmacist or the representative must immediately inform the Order of the dissolution, assignment of property, bankruptcy, voluntary or forced liquidation of the partnership or company or any other cause likely to prevent the partnership or company from carrying on its activities.

15. A pharmacist immediately ceases to be authorized to practise within a partnership or company if the pharmacist no longer meets any of the terms and conditions or restrictions set out in this Regulation or in Chapter VI.3 of the Professional Code.

DIVISION V

PROFESSIONAL LIABILITY COVERAGE

16. To be authorized to practise in accordance with this Regulation, a pharmacist practising within a partnership or company must furnish and maintain security on behalf of the partnership or company by contributing to the Fonds d'assurance responsabilité professionnelle de l'Ordre des pharmaciens du Québec, against liabilities of the partnership or company arising from fault or negligence on the part of the pharmacist in the practice of the profession within the partnership or company.

The security must contain the following minimum conditions as regards any and all claims and damages covered:

(1) an undertaking by the insurer to pay in lieu of the partnership or company, over and above the amount of security to be furnished by the pharmacist pursuant to the Règlement sur la souscription obligatoire au Fonds d'assurance de la responsabilité professionnelle de l'Ordre des pharmaciens du Québec, approved by the Office des professions du Québec as stated in a notice published in the *Gazette officielle du Québec* of 16 August

2000, up to the amount of the security, any amount that the partnership or company may be legally bound to pay to an injured third person on a claim arising from fault or negligence on the part of the pharmacist in the practice of the profession within the partnership or company;

(2) an undertaking by the insurer to take up the cause of the partnership or company and defend it in any lawsuit against it and to pay all amounts related to the inquiry, defence and interest on the amount of the security; and

(3) an amount of at least \$1,000,000 per claim and \$2,000,000 for all claims filed against the partnership or company during a 12-month coverage period.

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

6479

Treasury Board

Gouvernement du Québec

T.B. 201440, 24 August 2004

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(R.S.Q., c. R-9.2)

Regulation

— Amendments

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services

WHEREAS, under section 66.4 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2), the Government may, by regulation, provide for the payment of supplementary benefits to be added to the amount of the pension and determine the rules, terms and conditions relating to the supplementary benefits as well as the applicable limits;

WHEREAS, under section 66.9 of the Act, a regulation enacted under Division III.2, which includes section 66.4, may have effect 12 months or less before its adoption;

WHEREAS the Government made the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services by Order in Council 1842-88 dated 14 December 1988;

WHEREAS it is expedient to amend the Regulation;

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

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, attached to this Order in Council, is hereby made.

ROBERT CAVANAGH,
Deputy Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services*

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(R.S.Q., c. R-9.2, ss. 66.4 and 66.9)

1. Section 3 of the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services is amended by replacing “of the Act respecting the Government and Public Employees Retirement Plan” in the first paragraph of subparagraph *B* of subparagraph II by “of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)”.

2. Section 7.17 is amended by adding the following paragraph at the end:

“Where the amount of the supplementary benefits has been reduced pursuant to the first paragraph, the limits referred to in that paragraph, established on the date on which the employee retires and under which the reduction is made, are indexed according to the rate of increase in the Pension Index within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) on 1 January of each year during which those benefits are paid to the employee. The first index adjustment of the amount is made proportionately to the number of days for which the benefit was or would have been paid during the year in which the employee ceased to participate in this plan in relation to the total number of days in that year. The supplementary benefits shall be recomputed in the manner prescribed by this Chapter to take the index adjustment into account.”.

3. The following is inserted after section 7.17:

* The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, made by Order in Council 1842-88 dated 14 December 1988 (1988, *G.O.* 2, 4149), was last amended by the regulation made by Decision 200520 of the Conseil du trésor dated 16 December 2003 (2004, *G.O.* 2, 21). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

“**7.17.1.** Division I of this Chapter applies to an employee who, on 1 January 2002, belonged to the subclass referred to in paragraph 9 of Division III of the Schedule to the Regulation respecting the designation of classes or subclasses of employees and the determination of special provisions applicable to employees of the Institut Pinel, made by Order in Council 1443-92 (1992, *G.O.* 2, 4663). For the purposes of paragraph 5 of section 7.10, the contributions are those that the employee paid or the contributions the employee was exempted from paying to the Government and Public Employees Retirement Plan.

Division II of this Chapter applies to an employee referred to in the first paragraph. For the purposes of section 7.12, the term “plan” refers to the Government and Public Employees Retirement Plan.”.

4. This Regulation comes into force on the day it is made but has effect from 1 September 2003.

Index

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

	Page	Comments
Agreement concerning new methods of voting using PERFAS-MV ballot boxes — Municipality of Ville de Saint-Sauveur (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	2588	N
Elections and referendums in municipalities, An Act respecting... — Agreement concerning new methods of voting using PERFAS-MV ballot boxes — Municipality of Ville de Saint-Sauveur (R.S.Q., c. E-2.2)	2588	N
Immigration to Québec, An Act respecting... — Selection of foreign nationals (R.S.Q., c. I-0.2; 2004, c. 18)	2587	M
Pension Plan of Peace Officers in Correctional Services, An Act respecting the... — Regulation (R.S.Q., c. R-9.2)	2611	M
Pharmacists — Code of ethics (Professional Code, R.S.Q., c. C-26)	2603	Draft
Pharmacists — Practice of pharmacy within a partnership or a joint-stock company (Professional Code, R.S.Q., c. C-26)	2606	Draft
Professional Code — Pharmacists — Code of ethics (R.S.Q., c. C-26)	2603	Draft
Professional Code — Pharmacists — Practice of pharmacy within a partnership or a joint-stock company (R.S.Q., c. C-26)	2606	Draft
Selection of foreign nationals (An Act respecting immigration to Québec, R.S.Q., c. I-0.2; 2004, c. 18)	2587	M

