

Summary

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Coming into force of Acts

Gouvernement du Québec

O.C. 893-2004, 22 September 2004

Building Act (1985, c. 34)

— Coming into force of sections 29 and 282

COMING INTO FORCE of sections 29 and 282 of the Building Act with regard to elevators and other elevating devices and mechanical lifts

WHEREAS the Building Act (1985, c. 34) was assented to on 20 June 1985;

WHEREAS, under section 301 of the Act, replaced by section 132 of chapter 74 of the Statutes of 1991, the provisions of that Act shall come into force on the date or dates fixed by the Government, except certain provisions listed therein which shall come into force on 1 February 1992;

WHEREAS, under Orders in Council 940-95 dated 5 July 1995, 3-97 dated 7 January 1997, 952-2000 dated 26 July 2000, 960-2002 dated 21 August 2002 and 874-2003 dated 20 August 2003, certain provisions of the Building Act (R.S.Q., c. B-1.1) are already in force, including section 29 which came into force on 1 October 2002 with regard to plumbing installations, electrical installations and installations intended to use, store or distribute gas, and section 282 which came into force on 7 November 2000 with regard to the buildings and facilities intended for public use to which Chapter I of the Building Code approved by Order in Council 953-2000 dated 26 July 2000 applies;

WHEREAS section 282 of the Act was replaced by section 116 of the Act to amend the Building Act and other legislation (1991, c. 74);

WHEREAS, under Order in Council 952-2000 dated 26 July 2000, section 116 of the Act came into force on 7 November 2000 with regard to the buildings and facilities intended for public use to which Chapter I of the Building Code approved by Order in Council 953-2000 dated 26 July 2000 applies;

WHEREAS it is expedient to fix 21 October 2004 as the date of coming into force of section 282 of the Building Act (R.S.Q., c. B-1.1) and section 116 of the Act to amend the Building Act and other legislation (1991, c. 74) with regard to elevators and other elevating devices to which Chapter IV of the Construction Code, approved by Order in Council 895-2004 dated 22 September 2004, applies;

WHEREAS it is expedient to fix 1 January 2006 as the date of coming into force of sections 29 and 282 of the Building Act (R.S.Q., c. B-1.1) and section 116 of the Act to amend the Building Act and other legislation (1991, c. 74) with regard to elevators and other elevating devices to which Chapter IV of the Safety Code, approved by Order in Council 896-2004 dated 22 September 2004, applies;

WHEREAS it is expedient to fix 21 October 2004 as the date of coming into force of this Order in Council;

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

THAT 21 October 2004 be fixed as the date of coming into force of section 282 of the Building Act (R.S.Q., c. B-1.1) and section 116 of the Act to amend the Building Act and other legislation (1991, c. 74) with regard to elevators and other elevating devices to which Chapter IV of the Construction Code, approved by Order in Council 895-2004 dated 22 September 2004, applies;

THAT 1 January 2006 be fixed as the date of coming into force of sections 29 and 282 of the Building Act (R.S.Q., c. B-1.1) and section 116 of the Act to amend the Building Act and other legislation (1991, c. 74) with regard to elevators and other elevating devices to which Chapter IV of the Safety Code, approved by Order in Council 896-2004 dated 22 September 2004, applies;

THAT 12 October 2004 be fixed as the date of coming into force of this Order in Council.

André Dicaire, Clerk of the Conseil exécutif

Regulations and other acts

Gouvernement du Québec

O.C. 892-2004, 22 September 2004

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Automotive services industry

- Drummond and Mauricie
- Amendment

CONCERNING the Decree to amend the Decree respecting the automotive services industry in the Drummond and Mauricie regions

WHEREAS the Government has made the Decree respecting the automotive services industry in the Drummond and Mauricie regions (R.R.Q., 1981, c. D-2, r.45);

WHEREAS the contracting parties within the meaning of this Decree have petitioned the Minister of Labour to have amendments made to the Decree:

WHEREAS sections 2 and 6.1 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) authorize the Government to amend a collective agreement decree;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft of the amending decree was published in Part 2 of the *Gazette officielle du Québec* of 25 June 2003 and, on that same date, in two French language newspapers and one English language newspaper and, on 28 June 2003, in another French language newspaper, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comment has been made concerning this draft regulation;

WHEREAS it is expedient to make this draft Decree with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour: THAT the Decree to amend the Decree respecting the automotive services industry in the Drummond and Mauricie regions, attached hereto, be made.

ANDRÉ DICAIRE, Clerk of the Conseil exécutif

Decree to amend the Decree respecting the automotive services industry in the Drummond and Mauricie regions*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 2 et 6.1)

1. Section 2.02 of the Decree respecting the automotive services industry in the Drummond and Mauricie regions is replaced by the following:

"2.02. Territorial jurisdiction: The Decree applies to the territory of the following cities and regional county municipalities included in administrative regions 04 – Mauricie and 17 – Centre du Québec:

Region 04 - Mauricie

- 1. Ville de Shawinigan, Ville de Trois-Rivières.
- 2. Municipalité régionale de comté of Les Chenaux : Batiscan, Champlain, Paroisse de Notre-Dame-du-Mont-Carmel, Sainte-Anne-de-la-Pérade, Paroisse de Sainte-Geneviève-de-Batiscan, Saint-Luc-de-Vincennes, Paroisse de Saint-Maurice, Paroisse de Saint-Narcisse, Paroisse de Saint-Prosper, Saint-Stanislas.
- 3. Municipalité régionale de comté of Maskinongé: Charette, Ville de Louiseville, Maskinongé, Paroisse de Saint-Alexis-des-Monts, Sainte-Angèle-de-Prémont, Paroisse de Saint-Barnabé, Saint-Boniface, Saint-Édouard-de-Maskinongé, Paroisse de Saint-Élie, Paroisse de Saint-Étienne-des-Grès, Paroisse de Saint-Justin, Paroisse de Saint-Léon-le-Grand, Saint-Mathieu-du-Parc, Saint-Paulin, Paroisse de Saint-Sévère, Paroisse de Sainte-Ursule, Yamachiche.

^{*} The Decree respecting the automotive services industry in the Drummond and Mauricie regions (R.R.Q., 1981, c. D-2, r.45) was last amended by the regulation made by Order in Council No. 1212-2003 dated 19 November 2003 (2003, G.O. 2, 3397). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2004, updated to 1 March 2004.

4. Municipalité régionale de comté of Mékinac: Village de Grandes-Piles, Paroisse de Hérouxville, Paroisse de Lac-aux-Sables, Notre-Dame-de-Montauban, Paroisse de Saint-Adelphe, Paroisse de Saint-Roch-de-Mékinac, paroisse de Saint-Séverin, Sainte-Thècle, Ville de Saint-Tite, Trois-Rives.

Region 17 – Centre du Québec

- 1. Municipalité régionale de comté of Arthabaska: Paroisse de Saint-Samuel.
- 2. Municipalité régionale de comté of Bécancour: Ville de Bécancour, Descahillons-sur-Saint-Laurent, Fortierville, Lemieux, Manseau, Paroisse de Parisville, Paroisse de Sainte-Cécile-de-Lévrard, Sainte-Françoise, Sainte-Marie-de-Blandford, Saint-Pierre-les-Becquets, Paroisse de Sainte-Sophie-de-Lévrard, Saint-Sylvère.
- 3. Municipalité régionale de comté of Drummond: Ville de Drummondville, Durham-Sud, L'Avenir, Lefebvre, Paroisse et Village de Notre-Dame-du-Bon-Conseil, Saint-Bonaventure, Paroisse de Sainte-Brigitte-des-Saults, Saint-Cyrille-de-Wendover, Paroisse de Saint-Edmond-de-Grantham, Saint-Eugène, Saint-Félix-de-Kinsey, Saint-Germain-de-Grantham, Saint-Guillaume, Paroisse de Saint-Lucien, Paroisse de Saint-Majorique-de-Grantham, Paroisse de Saint-Pie-de-Guire, Wickham.
- 4. Municipalité régionale de comté of Nicolet-Yamaska: Aston-Jonction, Baie-du-Febvre, Grand-Saint-Esprit, La Visitation-de-Yamaska, Ville de Nicolet, Pierreville, Village de Saint-Célestin, Saint-Célestin, Paroisse de Saint-Elphège, Sainte-Eulalie, Saint-François-du-Lac, Saint-Léonard-d'Aston, Sainte-Monique, Paroisse de Sainte-Perpétue, Saint-Wenceslas, Paroisse de Saint-Zéphirin-de-Courval."
- **2.** This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 894-2004, 22 September 2004

Building Act (R.S.Q., c. B-1.1)

Regulation

— Amendments

Regulation to amend the Regulation respecting the application of the Building Act

WHEREAS, under subparagraph 3 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1), the Government may, by regulation, determine the extent to which the Government, its departments and agencies that are mandataries of the State are bound by that Act;

WHEREAS, under subparagraph 4 of the first paragraph of section 182 of that Act, the Government may, by regulation, designate, for the purposes of section 10, any facility as a facility intended for use by the public and establish the criteria for determining whether a facility is intended for use by the public;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the application of the Building Act was published in Part 2 of the *Gazette officielle du Québec* of 28 January 2004 with a notice that it could be made with or without amendment by the Government on the expiry of 45 days following that publication;

WHEREAS the comments received were taken into account:

WHEREAS it is expedient to make the Regulation with amendments:

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

THAT the Regulation to amend the Regulation respecting the application of the Building Act, attached hereto, he made.

André Dicaire, Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Building Act*

Building Act (R.S.Q., c. B-1.1, s. 182, 1st par., subpars. 1, 3 and 4)

- **1.** The Regulation respecting the application of the Building Act is amended in section 3.4 by adding the following after paragraph 3:
- "(4) elevators, freight elevators, dumbwaiters, escalators, moving walks and material lifts referred to in Code CAN/CSA B44-00, incorporated by section 4.02 of Chapter IV of the Construction Code, approved by Order in Council 895-2004 dated 22 September 2004, and defined in that Code;
- (5) lifts referred to in CSA Standard CAN/CSA B355-00, incorporated by section 4.02 of Chapter IV of the Construction Code and defined in that standard;
- (6) elevating devices referred to in CSA Standard CAN/CSA B613-00, incorporated by section 4.02 of Chapter IV of the Construction Code and defined in that standard; and
- (7) passenger ropeways and conveyors referred to in CSA Standard CAN/CSA Z98-01, referred to in section 7.01 of Chapter VII of the Construction Code, approved by Order in Council 895-2004 dated 22 September 2004.".
- **2.** Division V is replaced by the following:

"DIVISION V

APPLICATION OF CHAPTER III OF THE BUILDING ACT TO CERTAIN INSTALLATIONS OF THE STATE

3.6. The Government, its departments and bodies that are mandataries of the State are bound, with respect to their plumbing systems in a building or in facilities intended for use by the public and to their elevators, freight elevators, dumbwaiters, escalators, moving walks, material lifts and other elevating devices or lifts in a building, by Chapter III of the Act and by the regulations under that Chapter. The same applies to their facilities

intended for use by the public, their electrical installations and their installations intended to use, store or distribute gas.".

3. This Regulation comes into force on 21 October 2004, except in respect of the provisions of Chapter IV of the Regulation to amend the Safety Code approved by Order in Council 896-2004 dated 22 September 2004, which come into force on the date of coming into force of that Chapter.

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Gouvernement du Québec

O.C. 895-2004, 22 September 2004

Building Act (R.S.Q., c. B-1.1)

Construction Code — Amendments

Regulation to amend the Construction Code

WHEREAS, under section 173 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec shall by regulation adopt a Building Code which shall contain building standards concerning buildings, facilities intended for use by the public and installations independent of a building or their vicinity;

WHEREAS, under section 176 of the Act, the Construction Code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, the Construction Code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act:

WHEREAS, under section 178 of the Act, the Construction Code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and may also provide that any reference they make to other standards include subsequent amendments;

WHEREAS, under section 179 of the Act, the Board may determine the provisions of the Construction Code of which the infringement shall constitute an offence under paragraph 7 of section 194 of the Act;

^{*} The Regulation respecting the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, *G.O.* 2, 1100) was last amended by the regulation made by Order in Council 876-2003 dated 20 August 2003 (2003, *G.O.* 2, 2738). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

WHEREAS, under section 192 of the Act, the contents of the Construction Code may vary according to the classes of persons, contractors, owner-builders, manufacturers of pressure installations, owners of buildings, facilities intended for use by the public or installations independent of a building, of gas undertaking owners or operators and classes of buildings, pressure installations, facilities or installations to which the Code applies;

WHEREAS the Board has adopted the Regulation to amend the Construction Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 28 January 2004 with a notice that it could be approved by the Government without or without amendment on the expiry of 45 days following that publication;

WHEREAS the comments received have been taken into consideration;

WHEREAS, under section 189 of the Building Act, every regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Construction Code, attached hereto, be approved.

André Dicaire, Clerk of the Conseil exécutif

Regulation to amend the Construction Code*

Building Act (R.S.Q., c. B-1.1, ss. 173, 176, 176.1, 178, 179, 185, 1st par., subpars. 1, 2.1, 3, 7, 37 and 38 and s. 192)

1. The Construction Code is amended by inserting the following after section 3.04:

"CHAPTER IV

ELEVATORS AND OTHER ELEVATING DEVICES

DIVISION I INTERPRETATION

4.01 In this Chapter, unless the context indicates otherwise, "Code" means the "Code de sécurité sur les ascenseurs et monte-charge, CAN/CSA B44-00", including the updates of June, November and December 2003, the "CSA Standard CAN/CSA B44-00: Safety Code for Elevators" including the updates of September 2002, May and December 2003, and "standard" means the standard "Appareils élévateurs pour personnes handicapées, CAN/CSA B355-00" including the amendments of "B355S1-02 Supplément n° 1 à CAN/CSA B355-00 Appareils élévateurs pour personnes handicapées" and the updates of March 2002 and October 2003, "CSA Standard CAN/CSA B355-00: Lifts for Persons with Physical Disabilities", including the amendments of "B355S1-02 Supplement No. 1 to CAN/CSA-B355-00, Lifts for Persons with Physical Disabilities" and the updates of March 2002 and October 2003 or the standard "Appareils élévateurs d'habitation pour personnes handicapées, CAN/CSA B613-00", including the update of January 2002, "CSA Standard CAN/CSA B613-00: Private Residence Lifts for Persons with Physical Disabilities", including the update of January 2002, published by the Canadian Standards Association, as well as such subsequent amendments and editions as may be published by that organization.

However, any amendments and new editions that are published after the date of coming into force of this Chapter apply to construction work only from the date that corresponds to the last day of the sixth month following the month of publication of the French text of those amendments or editions.

DIVISION II APPLICATION OF CODES AND STANDARDS

4.02 Subject to the amendments provided for in Division VII of this Chapter, the codes, standards and provisions of this Chapter apply to all construction work on an elevator or other elevating device referred to in the codes and standards and installed in a building or constituting facilities intended for use by the public designated by regulation made by the Government under subparagraph 4 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1) to which the Act applies and that is carried out from the date of coming into force of this Chapter.

^{*} The Construction Code approved by Order in Council 953-2000 dated 26 July 2000 (2000, G.O. 2, 4203) was last amended by the regulation approved by Order in Council 875-2003 dated 20 August 2003 (2003, G.O. 2, 2730). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

DIVISION III REFERENCES

4.03 In the Code or standards, a reference to the National Building Code of Canada is a reference to Chapter I of this Code.

DIVISION IV

PLANS AND SPECIFICATIONS

4.04 A contractor or owner-builder may not begin construction work, except maintenance, repair or demolition work, on an elevator or other elevating device to which Chapter IV of the Construction Code applies, unless the plans and specifications have been prepared for the work, where information is required, in respect of the work, under section 2.28 or 3.28 of the Code.

The plans shall be drawn to scale and shall, with the specifications, indicate the nature and scope of the work in such manner as to establish if the work carried out complies with section 4.02.

DIVISION VINSTALLATION

- **4.05** A contractor or owner-builder may not install an elevator or other elevating device unless it meets the design and manufacturing requirements of the Code or standards referred to in section 4.01, as the case may be.
- **4.06** A contractor or owner-builder may not install a lift for persons with physical disabilities unless the prototype has been approved by an engineer who is a member of the Ordre des ingénieurs du Québec, or by the holder of a temporary licence issued under the Engineers Act (R.S.Q., c. I-9), whose professional activities are related to the field of elevators or other elevating devices. The approval must certify that the prototype complies with the standards referred to in section 4.01 and that the approval has been sent to the Régie du bâtiment du Québec.

The type, trademark, model number and features of the approved prototype and the name of the manufacturer shall be entered on the list of the approved prototypes of lifts for persons with physical disabilities that is made public by the Board.

DIVISION VIDECLARATION OF WORK

4.07 A contractor or owner-builder shall, after construction work, except maintenance, repair or demolition work on an elevator or other elevating device referred to in section 4.02, declare the work to the Board with the following information:

- (1) the components that were subject to tests and inspections provided for the elevating device when required under 8.10 of the Code or Appendix A "Inspection and Testing" of "CSA Standard CAN/CSA B355-00: Lifts for Persons with Physical Disabilities";
- (2) the name, address and telephone number of the person for whom the work is carried out;
- (3) the name, address and telephone number of the person who prepared the plans and specifications related to the construction work;
 - (4) the address of the site and nature of the work;
- (5) the type, trademark and model of the device, the name of the manufacturer and the technical features of the device; and
- (6) the date and place where the tests and inspections were conducted together with the name and title of the person by whom they were performed.

The declaration must be sent to the Board no later than on the twentieth day of the month that follows the completion of the work or the re-use of the elevator or elevating device, as the case may be. The declaration must be made on the form provided for that purpose by the Board or on any other document drawn up for that purpose.

DIVISION VII

AMENDMENTS TO THE CODE

4.08 Code CSA B44-00 is amended

(1) by replacing the definition of "authority having jurisdiction" in 1.3 by the following:

"authority having jurisdiction: Régie du bâtiment du Québec";

- (2) by adding "The term also includes a funicular railway." at the end of the definition of "elevator, inclined" in 1.3;
- (3) by replacing the definition of "regulatory authority" in 1.3 by the following:

"regulatory authority": Régie du bâtiment du Québec";

(4) by replacing "inspection", "inspecter" and "inspecté" wherever those words appear in the French text by "vérification", "vérifier" and "vérifié", with the necessary modifications;

- (5) by replacing "possible" in 2.11.6.2 of the French text by "impossible;
- (6) by replacing "MAINTENIR" in figure 2.27.7.2 of the French text by "ATTENTE";
- (7) by replacing "c8.6.12.1.1" in c8.6.12.1.1 of the French text by "c8.6.12";
- (8) by replacing "c8.6.12.1.2" in c8.6.12.1.2 of the French text by "c8.6.12";
- (9) by replacing "the contractor" in c8.6.12.4.1.1 by "the contractor or owner-builder";
- (10) by replacing "contractor" in c8.6.12.2.5 by "contractor or owner-builder";
- (11) by striking out "by an inspector employed by the authority having jurisdiction, or" in 8.10.1.1.1;
- (12) by striking out "in the presence of the inspector specified in 8.10.1.1.1" in 8.10.1.1.2;
- (13) by adding "NOTE: 8.11 becomes the first part of Appendix N." in 8.11.

DIVISION VIII PENAL

4.09 Any contravention of any of the provisions of this Chapter constitutes an offence.".

2. The Code is amended by adding the following after section 5.05:

"CHAPTER VII

PASSENGER ROPEWAYS

DIVISION I

INTERPRETATION

7.01 In this Chapter, unless the context indicates otherwise, "standard" means the standard "Remontées mécaniques, CAN/CSA Z98-01, Avril 2002" including the amendments in the standard "Z98S1-02 Supplément nº 1 à la norme CAN/CSA-Z98-01 Remontées mécaniques, Février 2003" and the updates of July 2002 and October 2003 or "CSA Standard CAN/CSA Z98-01: Passenger Ropeways, June 2001" including the amendments in "Z98S1-02 Supplement No. 1 to CAN/CSA-Z98-01 Passenger Ropeways, December 2002" and the updates of July 2002 and October 2003, published by the Canadian Standards Association, as well as such subsequent amendments and editions as may be published by that organization.

However, the amendments and new editions published after the date of coming into force of this Chapter apply to construction work only from the date that corresponds to the last day of the sixth month following the month of publication of the French text of those amendments or editions.

DIVISION II

APPLICATION OF STANDARDS

7.02 Subject to the amendments provided for in Division V of this Chapter, the standards and provisions of this Chapter apply to all construction work on a passenger ropeway referred to in the standard and constituting facilities intended for use by the public designated by regulation made by the government under subparagraph 4 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1) to which the Act applies, including its vicinity, and that is carried out from the date of coming into force of this Chapter.

DIVISION III

PLANS AND SPECIFICATIONS

7.03 A contractor or owner-builder may not begin construction work, except maintenance, repair or demolition work on a passenger ropeway to which Chapter VII of the Construction Code applies, unless the plans and specifications have been prepared for the work.

The plans shall be drawn to scale and shall, with the specifications, indicate the nature and scope of the work to establish if the work carried out complies with section 7.02.

The plans and specifications must contain information on the following:

- (1) towers;
- (2) upper and lower stations;
- (3) sheaves and sheave assemblies;
- (4) counterweight sheaves;
- (5) deropement equipment and switches;
- (6) main drive;
- (7) rope grips;
- (8) hangers and spring boxes;
- (9) hangers and chairs, or cars, or cabins;
- (10) brakes and backstops;

- (11) tensioning systems and details;
- (12) foundations of all structures;
- (13) electric power and lightning protection;
- (14) electric controls and safety schematics;
- (15) communication systems;
- (16) hydraulic schematic systems;
- (17) haul and counterweight rope details;
- (18) structures or buildings;
- (19) evacuation equipment (seats, ropes);
- (20) service and inspection platforms;
- (21) ramps; and
- (22) elevation plan.

DIVISION IV

CERTIFICATE OF CONFORMITY

- **7.04** A contractor or owner-builder shall, after construction work, except maintenance, repair or demolition work on a passenger ropeway, provide the Régie du bâtiment du Québec with a certificate of conformity with this Chapter produced and signed by a recognized person stating that
- (1) the passenger ropeway is installed in accordance with this Chapter;
- (2) the tests and inspections that are provided for the passenger ropeway have been performed and their results are satisfactory; and
- (3) the information required from the manufacturer pursuant to the standard has been provided by the latter.

The certificate shall also specify the components inspected, the means used and the data used as the basis for drawing up the certificate, the type, trademark, model, address of the site where the construction work on the passenger ropeway was performed, the nature of the work, the date of the tests and inspections and the name and title of the person by whom they were performed, the date of signature, name, address and telephone number of the engineer who produced the certificate and

the date of completion of the construction work. The certificate of conformity may be made on the form provided for that purpose by the Board.

- **7.05** An engineer who is a member of the Ordre des ingénieurs du Québec, or the holder of a temporary license issued under the Engineers Act (R.S.Q., c. I-9), whose professional activities are related to the field of elevators or other elevating devices, is a person recognized for producing and signing the certificate of conformity required under section 7.04.
- **7.06** A person is no longer recognized when the person ceases to be a member of the Ordre des ingénieurs du Québec or is no longer the holder of a temporary license.

DIVISION V

AMENDMENTS TO THE STANDARD

- 7.07 Standard CSA Z98-01 is amended
- (1) by revoking Clause 1.5;
- (2) by replacing Clause 1.6 by the following:
- **"1.6.** For the purposes of this standard, a self-powered reversible above-surface ropeway means a passenger ropeway.";
- (3) by replacing "The owner" in Clause 11.25.3 by "The owner or owner-builder";
- (4) by replacing "It shall be the responsibility of the owner to ensure that the following conditions have been met:" in Clause 11.25.4 by "The owner or owner-builder shall ensure that the following conditions have been met:".

DIVISION VI

PENAL

- **7.08** Any contravention of any of the provisions of this Chapter constitutes an offence.".
- **3.** Despite sections 4.02 and 7.02, for construction work other than maintenance, repair or demolition work, for which contracts were signed before 21 October 2004, a contractor may meet the requirements of either the Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities, made by Order in Council 111-97 dated 29 January 1997, or the Regulation respecting passenger ropeways, made by Order in Council 2476-82 dated 27 October 1982, provided the construction work begins before 19 April 2005.

4. Despite section 4.02, for maintenance work for which contracts were signed before 21 October 2004, contractors have until 31 December 2005 to revise the provisions of their maintenance programs according to the maintenance requirements of the Construction Code provided for in this Regulation. In the absence of contracts, contractors have the same period to comply with those maintenance requirements.

Owner-builders also have until 31 December 2005 to meet the maintenance requirements of the Construction Code provided for in this Regulation.

5. This Regulation comes into force on 21 October 2004.

6526

Gouvernement du Québec

O.C. 896-2004, 22 September 2004

Building Act (R.S.Q., c. B-1.1)

Safety Code

— Amendments

Regulation to amend the Safety Code

WHEREAS, under section 175 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec shall by regulation adopt a Safety Code which shall contain safety standards for buildings, for facilities intended for use by the public and for installations independent of a building and their vicinity, and standards for their maintenance, use, state of repair, operation and hygiene;

WHEREAS, under section 176 of the Act, the Safety Code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, the Safety Code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the Safety Code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and may also provide that any reference they make to other standards include subsequent amendments;

WHEREAS, under section 179 of the Act, the Board may determine the provisions of the Safety Code of which the infringement shall constitute an offence under paragraph 7 of section 194 of the Act;

WHEREAS, under section 192 of the Act, the contents of the Safety Code may vary according to the classes of persons, contractors, owner-builders, manufacturers of pressure installations, owners of buildings, facilities intended for use by the public or installations independent of a building, of gas undertaking owners or operators and classes of buildings, pressure installations, facilities or installations to which the Code applies;

WHEREAS the Board has adopted the Regulation to amend the Safety Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 28 January 2004 with a notice that it could be approved by the Government without or without amendment on the expiry of 45 days following that publication;

WHEREAS the comments received have been taken into consideration;

WHEREAS, under section 189 of the Building Act, every regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Safety Code, attached hereto, be approved.

ANDRÉ DICAIRE, Clerk of the Conseil exécutif

Regulation to amend the Safety Code*

Building Act

(R.S.Q., c. B-1.1, ss. 175, 176, 176.1, 178, 179, 185, 1st par., supbars. 20, 37 and 38, and s. 192)

1. The Safety Code is amended by inserting the following after section 89:

"CHAPTER IV

ELEVATORS AND OTHER LIFTS

DIVISION I

INTERPRETATION

90. In this Chapter, unless the context indicates otherwise.

"Code" means the "Code de sécurité sur les ascenseurs et monte-charge, CAN/CSA B44-00", including the updates of June, November and December 2003, or "CSA Standard CAN/CSA B44-00: Safety Code for Elevators", including the updates of September 2002, May and December 2003, referred to in Chapter IV of the Construction Code made under the Building Act (R.S.Q., c. B-1.1), as amended by Division VII of that Chapter;

"elevator" means an elevator, a freight elevator, a dumbwaiter, an escalator, a moving walk and a material lift referred to and defined in the Code;

"lift" means a lift referred to and defined in the standard;

"standard" means the standard "Appareils élévateurs pour personnes handicapées, CAN/CSA B355-00", including the amendments in "B355S1-02 Supplément n° 1 à CAN/CSA B355-00 Appareils élévateurs pour personnes handicapées" and the updates of March 2002 and October 2003, or "CSA Standard CAN/CSA B355-00: Lifts for Persons with Physical Disabilities", including the amendments in "B355S1-02 Supplement No. 1 to CAN/CSA-B355-00, Lifts for Persons with Physical Disabilities" and the updates of March 2002 and October 2003, referred to in Chapter IV of the Construction Code.

DIVISION II

GENERAL

91. An elevator or other lift shall be used for the purposes for which it was designed and be maintained in safe and proper working condition.

92. Any required rectification shall be made to an elevator or other lift when hazardous operating conditions have developed due to, in particular, intensive use, wear and tear, obsolescence or alterations.

DIVISION IIIMAINTENANCE STANDARDS

- **93.** An elevator or other lift shall be maintained in accordance with the provisions of c8.6.12 of the Code or those of Appendix B to the standard.
- **94.** A log pertaining to the maintenance provided for in c8.6.12 of the Code or Appendix B to the standard, and up-to-date wiring diagrams shall be maintained in the machine room by the owner of an elevator or other lift

DIVISION IV LEVIES AND FEES

- **95.** A levy of \$65 per elevator or other lift shall be paid annually to the Régie du bâtiment du Québec by the owner of an elevator or other lift. However, the owner shall pay a levy of \$129 for the year during which an elevator or other lift is put into service.
- **96.** The following fees shall be paid to the Board by the owner for the inspection of an elevator or other lift no later than 30 days after the invoice date:
- (1) in the case of an elevator or other lift other than an inclined elevator:
- (a) \$112 where the elevator or other lift serves ten landings or fewer; and
- (b) \$112 plus \$10 per landing in excess of the tenth landing, where the elevator serves more than ten landings;
- (2) in the case of an inclined elevator, \$112 per hour or fraction of an hour.
- **97.** Every owner shall pay to the Board inspection fees of \$112 per hour or fraction of an hour for the inspection of an elevator or other lift carried out following the issue of a remedial notice provided for in section 122 of the Building Act.
- **98.** The owner shall allow the Board to affix an identification plate to an elevator or other lift.

^{*} The Safety Code approved by Order in Council 964-2002 dated 21 August 2002 (2002, *G.O.* 2, 4654) has been amended once, by the regulation approved by Order in Council 877-2003 dated 20 August 2003 (2003, *G.O.* 2, 2739).

DIVISION V PENAL

99. Any contravention of any of the provisions of this Chapter, except the provisions of sections 95 to 97, constitutes an offence.

CHAPTER V

PASSENGER ROPEWAYS

DIVISION I

INTERPRETATION

100. In this Chapter, unless the context indicates otherwise.

"passenger ropeway" means a passenger ropeway referred to in the standard;

"standard" means the standard "Remontées mécaniques, CAN/CSA Z98-01, Avril 2002", including the amendments in "Z98S1-02 Supplément n° 1 à la norme CAN/CSA-Z98-01 Remontées mécaniques, Février 2003" and the updates of July 2002 and October 2003, or "CSA Standard CAN/CSA Z98-01: Passenger Ropeways, June 2001", including the amendments in "Z98S1-02 Supplement No. 1 to CAN/CSA-Z98-01 Passenger Ropeways, December 2002" and the updates of July 2002 and October 2003, published by the Canadian Standards Association, referred to in Chapter VII of the Construction Code made under the Building Act (R.S.Q., c. B-1.1), as amended by Division V of that Chapter.

DIVISION II GENERAL

- **101.** A passenger ropeway shall be used for the purposes for which it was designed and be maintained in safe and proper working condition.
- **102.** The vicinity of a passenger ropeway may not be altered in such manner that the passenger ropeway no longer complies with Chapter VII of the Construction Code.
- **103.** Any required rectification shall be made to a passenger ropeway when hazardous operating conditions have developed due to, in particular, intensive use, wear and tear, obsolescence or alterations.

DIVISION IIIOPERATION AND MAINTENANCE

104. The inspection, periodic testing, operation and maintenance of a passenger ropeway shall be carried out in accordance with the provisions of the standard.

105. A new passenger ropeway or a passenger ropeway that has been altered or renovated may be put into service only if the certificate provided for in section 7.04 of the Construction Code has been sent to the Régie du bâtiment du Québec.

DIVISION IV LEVIES AND FEES

- **106.** A levy shall be paid annually to the Board by the owner of a passenger ropeway no later than 30 days after the invoice date:
- (1) in the case of an above-surface ropeway or a reversible passenger ropeway: \$537; or
 - (2) in the case another passenger ropeway: \$239.
- **107.** The owner shall allow the Board to affix an identification plate to a passenger ropeway.

DIVISION V

PENAL

- **108.** Any contravention of any of the provisions of this Chapter, except the provisions of section 106, constitutes an offence."
- 2. Subject to section 3 of the Regulation to amend the Construction Code, approved by Order in Council 895-2004 dated 22 September 2004, this Regulation replaces the Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities, made by Order in Council 111-97 dated 29 January 1997, the Regulation respecting the fees exigible from owners of elevators, approved by Order in Council 1154-99 dated 6 October 1999, the Regulation respecting Passenger Ropeways, made by Order in Council 2476-82 dated 27 October 1982 and, in respect of passenger ropeways, the Regulation respecting fees exigible from owners of passenger ropeways and amusement park rides, approved by Order in Council 941-95 dated 5 July 1995.
- **3.** For the first periodic load testing, the owner has five years as of 21 October 2004 to comply with the provisions of section 104 in respect of the above-surface ropeways and reversible passenger ropeways existing on that date. However, the owner shall begin the tests provided for in that section 104 in the first year of the 5-year period with the oldest installations existing on that date and shall have at least 20% of the installations tested each year.

4. This Regulation comes into force on 21 October 2004, except for Chapter IV and section 2 as regards the application of the Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities, made by Order in Council 111-97 dated 29 January 1997 as regards the application of the Regulation respecting the fees exigible from owners of elevators, approved by Order in Council 1154-99 dated 6 October 1999, which will come into force on 1 January 2006. However, the levies and fees provided for in sections 95 to 97, introduced by section 1 of this Regulation, will be indexed in accordance with section 153 of the Building Act (R.S.Q., c. B-1.1) as of 1 January 2005.

6527

Gouvernement du Québec

O.C. 897-2004, 22 September 2004

Publication of the Agreement Amending the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec

WHEREAS, on 7 February 2002, the Gouvernement du Québec and the Crees of Québec entered into the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec;

WHEREAS that Agreement was approved by the Gouvernement du Québec on 20 March 2002 by Order in Council 289-2002 and was published in French and English in Part 2 of the *Gazette officielle du Québec* of 22 May 2002, in accordance with Order in Council 507-2002 dated 1 May 2002;

WHEREAS, under section 13.2 of that Agreement, it may be amended from time to time with the consent of Québec and the Cree Regional Authority;

WHEREAS the parties agreed that it was expedient to make amendments to that Agreement in forest matters and in other matters;

WHEREAS the parties to the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec have negotiated an agreement amending that Agreement;

WHEREAS the Agreement Amending the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec was approved by Order in Council 1161-2003 dated 5 November 2003 and signed on 12 December 2003;

WHEREAS section 21 of the Agreement Amending the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec provides that it must be published in French and English, in Part 2 of the *Gazette officielle du Québec*;

WHEREAS, under paragraph 7 of section 3 of the Regulation respecting the *Gazette officielle du Québec* made by Order in Council 1259-97 dated 24 September 1997, that Agreement constitutes a document whose publication in the French edition of Part 2 of the *Gazette officielle du Québec* may be required by the Government;

WHEREAS, under paragraph 6 of section 4 of that Regulation, such a document may also be published in the English edition of Part 2 of the *Gazette officielle du Québec* where the Government so orders;

IT IS ORDERED, therefore, on the recommendation of the Minister for Canadian Intergovernmental Affairs and Native Affairs:

THAT the Agreement Amending the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec, entered into on 12 December 2003 by the Gouvernement du Québec and the Crees of Québec, be published in the French and English editions of Part 2 of the *Gazette officielle du Québec*.

ANDRÉ DICAIRE, Clerk of the Conseil exécutif

AGREEMENT AMENDING THE AGREEMENT CONCERNING A NEW RELATIONSHIP BETWEEN LE GOUVERNEMENT DU QUÉBEC AND THE CREES OF QUÉBEC

AGREEMENT AMENDING THE AGREEMENT CONCERNING A NEW RELATIONSHIP

BETWEEN

LE GOUVERNEMENT DU QUÉBEC, represented here by Mr. Jean Charest, Prime Minister of Québec, by Mr. Sam Hamad, Minister of Natural Resources, Wildlife and Parks, by Mr. Pierre Corbeil, Minister for Forests, Wildlife and Parks, and by Mr. Benoît Pelletier, Minister for Canadian Intergovernmental Affairs and Native Affairs.

herein designated as "Québec"

AND

THE CREES OF QUÉBEC, acting through the Grand Council of the Crees (Eeyou Istchee) and the Cree Regional Authority, represented here by Mr. Ted Moses, Grand Chief and Chairman, and by Mr. Paul Gull, Deputy-Grand Chief and Vice-Chairman,

herein designated as the "Crees".

WHEREAS the Gouvernement du Québec, the Grand Council of the Crees (Eeyou Istchee) and the Cree Regional Authority have concluded, on February 7, 2002, the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec;

WHEREAS this Agreement had been approved by the Crees of Québec through a referendum of the Cree Nation:

WHEREAS this Agreement was approved by the Gouvernement du Québec on March 20, 2002 through Order-in-Council no. 289-2002 and was published in French and English in Part 2 of the *Gazette officielle du Québec* of May 22, 2002;

WHEREAS the National Assembly has adopted the Act to ensure the implementation of the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec (S.Q., 2002, c. 25) that was sanctioned on June 13, 2002;

WHEREAS section 13.2 of the Agreement provides that it may be amended from time to time with the consent of Québec and of the Cree Regional Authority;

WHEREAS section 3.6 of the Agreement provides more specifically that the forestry regime applicable in the Territory referred to in this Agreement will evolve over the duration of the Agreement taking into account the principles set out therein and the recommendations of the Cree-Québec Forestry Board;

WHEREAS delays that were longer than originally provided for in the Agreement were incurred for the delimitation of the traplines, the final determination of the new management units and for other matters;

WHEREAS it is deemed appropriate to delay for one year the date of filing and the date of the coming into force of the forest management plans based on the new delimitation of the forest management units and to provide, notably, for year 2005-2006, transitional measures which will allow the integration into annual forest management plans of the terms and conditions stipulated in sections 3.9, 3.10, 3.11, 3.12 and 3.13 of the Agreement;

WHEREAS it is appropriate to further amend the Agreement with respect to forestry and other matters;

WHEREAS these modifications will allow a better cooperation and a fair and harmonious application of the measures regarding forestry provided for in the Agreement;

WHEREAS the Gouvernement du Québec also intends to submit to the National Assembly a bill which main purpose is to delay for one year the date of the filing and of the coming into force of the forest management plans based on the new delimitation of the forest management units, for the whole territory of Québec, in order to take into account the delays incurred for the delimitation of the forest management units for the whole of Québec.

THE PARTIES AGREE TO THE FOLLOWING:

- 1. Section 3.7.3 of the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec is replaced by the following:
- "3.7.3 During the transitional period from April 1st, 2002 to the adoption of the next generation of general forest management plans (April 2006), the Ministère des Ressources naturelles, de la Faune et des Parcs (MRNFP) will take appropriate steps to ensure that the relevant data are compiled for each Cree trapline so as to be able to integrate into the annual forest management plans the terms and conditions stipulated in sections 3.9, 3.10, 3.11, 3.12 and 3.13 of this Chapter.

The limits of the Cree traplines established within the Territory will be used as territorial reference units for the purposes of application of the adapted forestry regime as soon as possible and at the latest by April 1st, 2004.".

- 2. Section 3.13.3 of this Agreement is amended by replacing therein the last sentence by the following: "The coordination table will report to the Standing Liaison Committee established in accordance with Chapter 11 of the Agreement prior to September 1st, 2003."
- 3. Section 3.67 of this Agreement is replaced by the following:
- **"3.67** Schedule C, which includes Part I (C-1), Part II (C-2), Part III (C-3), Part IV (C-4), Part V (C-5) and Part VI (C-6), forms an integral part of this Chapter.".
- 4. Section 7.2 of this Agreement is replaced by the following:

- "7.2 The said annual payment from Québec shall be in the amounts determined pursuant to sections 7.3 to 7.14 hereof and shall be paid by Québec to the Recipient of Funding, which shall forthwith become the owner thereof."
- 5. Section 8.1 of this Agreement is amended by replacing therein the last sentence by the following: "Québec will endeavour to have this legislation adopted during the course of the 2002 calendar year and in force during the course of the 2003 calendar year."
- 6. Section 10.9 of this Agreement is amended by replacing therein the second sentence by the following: "It is intended that these negotiations be completed by December 31st, 2004 at the latest."
- 7. Section 10.10 of this Agreement is replaced by the following:
- "10.10 At the latest December 31st, 2003, Québec will appoint one member of the Board of Directors of the SDBJ from among the James Bay Crees and in consultation with the CRA."
- 8. Section 9 of Part IV (C-4) of Schedule C of this Agreement is amended by replacing therein the last sentence by the following: "For the first general plans following the signing of the Agreement, this information shall be made available as soon as possible and at the latest by December 31st, 2003."
- 9. Section 59 of Part IV (C-4) of Schedule C of this Agreement is amended by replacing therein the second sentence by the following: "These draft directives shall be transmitted to the Minister before April 1st, 2004.".
- 10. Section 60 of Part IV (C-4) of Schedule C of this Agreement is amended by replacing therein the last sentence by the following: "This process shall be finalized before January 1st, 2005."
- 11. Section 61 of Part IV (C-4) of Schedule C of this Agreement is amended by replacing therein the last sentence by the following: "For the period ending March 31st, 2006, a first report covering the period ending March 31st, 2005 and a second report covering the period from April 1st, 2005 to March 31st, 2006 will be provided to the members of the joint working groups.".
- 12. Section 63 of Part IV (C-4) of Schedule C of this Agreement is replaced by the following:

- "63. Since forest management activities are projected for the Territory between the date of signing of the Agreement and the coming into force of the next general forest management plans, the parties agree to take all necessary measures to ensure that the present adapted forestry regime is operational and progressively integrated into the annual cutting programs for 2002-2003, 2003-2004, 2004-2005 and 2005-2006 in the following manner."
- 13. Section 74 of Part IV (C-4) of Schedule C of this Agreement is amended by replacing therein the first sentence by the following sentences: "Sections 65 and 66 apply with such adaptations as are necessary. The provisions of sections 29 to 42 related to the preparation, the approval and the modifications of the annual forest management plans also apply, with such adaptations as are necessary, to the 2003-2004 annual plan.".
- 14. Section 76 of Part IV (C-4) of Schedule C of this Agreement is amended by replacing therein the first sentence by the following sentences: "Sections 65 and 66 apply with such adaptations as are necessary. The provisions of sections 29 to 42 related to the preparation, the approval and the modifications of the annual forest management plans also apply, with such adaptations as are necessary, to the 2004-2005 annual plan."
- 15. Subsection 5.4 of Part IV (C-4) of Schedule C of this Agreement, which includes section 77, is replaced by the following:

"5.3.1 Annual forest management plan and annual forest management permits 2005-2006

- **76.1** For the year 2005-2006, the Ministère des Ressources naturelles, de la Faune et des Parcs will provide to the joint working groups, from the existing five-year forest management plans, on or before May 1st, 2004:
- a list of affected traplines equivalent to that provided for in section 64 of Part IV (C-4) of the present Schedule; and
 - a synthesis map of the existing five-year plan.
- **76.2** Sections 65 and 66 apply with such adaptations as are necessary. The provisions of sections 29 to 42 related to the preparation, the approval and the modifications of the annual forest management plans also apply, with such adaptations as are necessary, to the 2005-2006 annual plan. The information must be available in September 2004 for integration into the planning of annual forest management plans for 2005-2006 that are to be filed by December 1st, 2004.

76.3 The Minister of Natural Resources, Wildlife and Parks will, in the 2005-2006 forest management permits of agreement holders, reduce the volume of timber that they were authorized to harvest under their agreements and under the Forest Act, taking into account, as of that year, the results of the calculation of the annual allowable cut carried out for the territories of the new management units, and obtained pursuant to the preparation of the 2006-2011 general forest management plans, if the results of this calculation made on the basis of the new forest management units indicate a reduction of the allowable cut as compared to the existing annual allowable cut.

For this purpose, the Minister will determine for the 2005-2006 year a new annual allowable cut, by species or group of species, for each of the common areas situated in whole or in part within the Territory of the Agreement, and which shall be the sum of the results of the calculation of the annual allowable cut of the forest management units or of the parts thereof which overlap the concerned common area; the determination of the annual allowable cut of a part of a forest management unit is made on the basis of the area of that part which overlaps the concerned common area as a percentage of the whole forest management unit.

If the result of the calculation of the new annual allowable cut of the common area represents a reduction in allowable cut, the Minister will determine, by species or group of species, the reduction applicable to such common area and will apportion this reduction among all agreement holders of the common area, according to the species or group of species in question, on a pro rata basis according to the volumes assigned to each agreement holder. However, the Minister reserves the right to vary the reduction of the volumes between agreement holders to account for the impacts on regional or local economic activity of the apportionment of the reduction among them.

76.4 The annual forest management plans for 2005-2006 of a common area must, as much as possible, and considering the stand composition, distribute throughout the common area the whole of the cutting, taking into account the reductions of the volumes which have been calculated for each forest management unit or part of a forest management unit which overlaps with the concerned common area.

5.4 Modifications to the five-year forest management plans related to the application of the transitional measures

77. The five-year forest management plans shall not be interpreted as having the effect of limiting or preventing the application of the transitional measures provided for in the present section.

77.1 During the transitional period, the application of the new measures of the adapted forestry regime may result in modifications to forestry planning. Considering that these modifications will be studied in detail during the approval process for each annual forest management plan, the parties hereto agree that the agreement holders must integrate this new information into the five-year forest management plans without further formalities.

5.4.1 Particular provisions applicable to the five-year forest management plans which are scheduled to come into force on April 1st, 2004 or on April 1st, 2005

- I- Preparation of the five-year forest management plans
- 77.2 The five-year forest management plans which are scheduled to come into force on April 1st, 2004 or April 1st, 2005, as the case may be, and which are scheduled to end on March 31st, 2006, will have to include a particular section which will regroup the information to be integrated, such as the sites of interest to the Crees, the forested areas presenting wildlife interest to the Crees and information concerning harmonization measures.
- 77.3 The joint working groups shall ensure the participation of the Crees in the elaboration of the five-year forest management plans and shall ensure the availability of the information, notably with respect to the precise location of the sites of interest to the Crees and of the forested areas presenting wildlife interest to the Crees as well as the consistency of the selected measures with those agreed to in the section entitled "Modalities of the adapted forestry regime" of Chapter 3 of the Agreement. To this end, the joint working groups participate in the elaboration of the content of the working maps related to the location of the sites of special interest to the Crees.
- 77.4 The Ministère des Ressources naturelles, de la Faune et des Parcs notifies the agreement holders of the location of the sites of interest to the Crees and of the forested areas presenting wildlife interest to the Crees. The agreement holders undertake the preparation of the five-year plan accordingly.
- 77.5 From that time, and during the entire process of preparing the five-year plans, the agreement holders and the Cree tallyman shall cooperate regarding the choice of location of residual forest blocks to be conserved in the areas of Cree wildlife interest, regarding road network development plans and regarding harmonization measures to prevent conflictual uses. Amongst other things, the exercise is aimed at allowing the Crees to transmit Cree knowledge that will permit the identification of their concerns other than the location of sites of special interest and of the forested areas presenting wild-life interest which have already been provided.

- **77.6** The joint working groups shall follow the progress of the elaboration of the five-year plans by ensuring that, on the date of the filing of such plans, the information referred to in section 77.2 and available on that date, is integrated therein.
- **77.7** Sections 31 to 34 of Part IV (C-4) of the present Schedule concerning land use conflicts apply as the case may be.
 - II- Approval of the five-year forest management plans
- 77.8 Following the submission of a five-year forest management plan, the Minister of Natural Resources, Wildlife and Parks shall verify, among other things, that the five-year plan includes the information provided by the Crees concerning the sites of interest to the Crees and the forested areas of wildlife interest to the Crees. He shall also verify that the planned activities (sylvicultural treatments and other forest management activities) respect the provisions of the Agreement.
- 77.9 Plans deemed not to be in conformity by the Minister of Natural Resources, Wildlife and Parks are returned to the agreement holders in order that the appropriate corrections be made. The Minister informs the Cree-Québec Forestry Board and the concerned joint working groups accordingly.
- **77.10** Plans deemed by the Minister to be in conformity are forwarded to the concerned joint working group and a notice specifying its conformity is sent to the Cree-Québec Forestry Board.
- 77.11 In the event that the five-year plan is deemed not to be in conformity by the concerned joint working group, it shall inform the Minister and shall make appropriate recommendations within thirty (30) days of receipt of the plan. The Minister shall re-evaluate the conformity of the five-year plan in light of the recommendations of the joint working group.
- 77.12 The joint working groups or certain of their members may refer to the Cree-Québec Forestry Board any dispute, problem or concern relative to a five-year forest management plan and the Board shall treat the matter in conformity with its mandate. The Cree-Québec Forestry Board may obtain from the Ministère des Ressources naturelles, de la Faune et des Parcs, by means of a specific request, a copy of any five-year forest management plan or modifications to such plan.

The joint working groups may at this stage assist the concerned communities to participate in the consultations, if the council of each Cree community so chooses, within the framework of the information and public consultation process.

- 77.13 After having proceeded to make changes, as the case may be, the Minister shall proceed to the final approval of the five-year forest management plans and send a notice to the Cree party on the concerned joint working group and to the Cree-Québec Forestry Board as well as a copy of the modifications he has made to the joint working group.
- III- Modifications to the five-year forest management plans
- **77.14** Modifications to the five-year forest management plans referred to in section 77.2 which involve a modification other than the one referred to in section 77.1 are subject to the same process of preparation and approval as described in sections 77.2 to 77.13.".
- 16. Schedule C of this Agreement is amended by adding the following after Part V (C-5):

"PART VI (C-6) SALVAGE OF TIMBER IN CASE OF NATURAL DISASTERS

- 1. The parties agree that problems exist with respect to the salvage of timber in the Territory referred to in the present Agreement following natural disasters such as forest fires, windfalls, infestations of insects or cryptogamic diseases where substantial damage has been caused to timber stands in a forest area.
- 2. The parties agree to undertake discussions in order to resolve these problems, in the spirit of Chapter 3 of the present Agreement.

To this end, a working group shall be set up as of the execution of the Agreement amending the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec comprising three (3) representatives designated by the Minister of Natural Resources, Wildlife and Parks and three (3) representatives designated by the Cree Regional Authority.

At the outset of the discussions, each party will prepare a report to be remitted to the other party. The parties will thereafter decide whether it is appropriate to prepare a joint report. The parties will submit a final report to the Cree-Québec Forestry Board or to the Standing Liaison Committee at the latest on September 30th, 2004."

- 17. Section 10 of Schedule D of this Agreement is replaced by the following:
- "10. The parties will make their best efforts to ensure that the final transfer by Québec is completed no later than March 31st, 2005.".

FINAL PROVISIONS

- 18. The boundaries of the Cree traplines within the Territory referred to in the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec and which shall be specified by the Cree Regional Authority on or before January 30th, 2004 shall be deemed to be the specified trapline boundaries referred to in section 3.7.2 of that Agreement and these boundaries will be used thereafter for the purposes of applying the adapted forestry regime.
- 19. The new management units on the basis of which the 2006-2011 general forest management plans will be prepared are those set out in the map reproduced in Schedule I attached to this Agreement.

The subsequent general forest management plans will also be prepared on the basis of these new units, which may however be modified in accordance with the provisions set out in the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec.

The new management units set out in the map reproduced in Schedule I are deemed determined in accordance with section 3.8.9 of the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec.

- 20. Considering that certain parts of common areas overlap certain traplines situated north of the Territory referred to in Chapter 3 of the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec (north of the northern limit established by the Minister and made public on December 19, 2002), it is agreed that until the expiration of the transitional period ending March 31st, 2006 these parts of common areas will be treated by the Ministère des Ressources naturelles, de la Faune et des Parcs as if they were not part of the common areas.
- 21. Québec shall publish this Agreement in French and in English in Part 2 of the Gazette officielle du Québec and will submit to the National Assembly legislation useful to facilitate its implementation, including in particular an amendment to section 95.6 of the Forest Act (R.S.Q., c. F-4.1) in order to add at the end the words ", and the amendments that may be made to that agreement from time to time by the parties."

- 22. Section 4 of this Agreement has effect since February 7th, 2002.
- 23. This Agreement comes into force on the day of its signature by the parties and ceases to have effect on March 31st, 2052 unless the parties agree otherwise by mutual consent.

IN WITNESS WHEREOF, THE PARTIES HAVE SIGNED AT QUÉBEC ON THIS 12TH DAY OF DECEMBER 2003.

DU QUÉBEC

FOR LE GOUVERNEMENT FOR THE GRAND COUNCIL OF THE CREES (EEYOU ISTCHEE) AND THE CREE REGIONAL AUTHORITY

JEAN CHAREST, Prime Minister

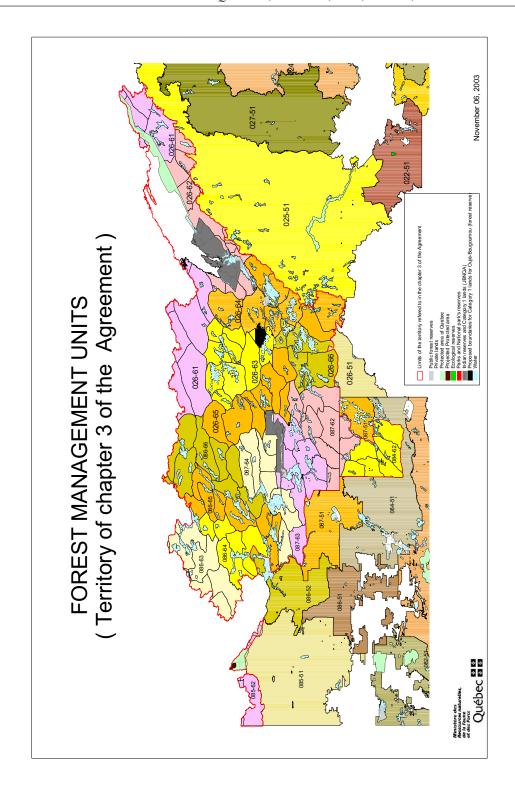
TED MOSES, Grand Chief of the Grand Council of the Crees (Eevou Istchee) Chairman of the Cree Regional Authority

BENOÎT PELLETIER, Minister for Canadian Inter-governmental Affairs and Native Affairs

PAUL GULL, Deputy-Grand Chief of the Grand Council of the Crees (Eeyou Istchee) Vice-Chairman of the Cree Regional Authority

SAM HAMAD, Minister of Natural Resources, Wildlife and Parks

PIERRE CORBEIL. Minister for Forests, Wildlife and Parks



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 FOR AN ELECTION USING COMPUTERIZED POLLING STATIONS AND "PERFAS-TAB" BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF "VILLE DE SAINT-GEORGES", a legal person established in the public interest, having its head office at 11700, boulevard Lacroix, Saint-Georges, Province de Québec, represented by the mayor, Roger CARETTE and the clerk, Jean M^c COLLOUGH, under a resolution bearing number 04-2123, hereinafter called

THE MUNICIPALITY

AND

Mtre Marcel Blanchet, in his capacity as CHIEF ELEC-TORAL 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, Sainte-Foy, Province de 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, Québec, Province de Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 04-2111, passed at its meeting of 14 August 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 by-election of 14 November 2004 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, Sports and Recreation 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, Sports and Recreation and the Chief Electoral Officer.";

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions for the by-election held on 14 November 2004 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 by-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 23 August 2004, resolution No. 04-2123 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer 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 "Computerized polling station" means an apparatus consisting of the following devices:
- a computer with the list of electors for the polling place stored in its memory (the computers at the same polling place are linked together);
 - a card reader for cards with bar codes:
- one or more printers per polling place for printing the list of electors who voted during the advance poll or on polling day.
- 2.2 "Electronic ballot box" means an apparatus containing a vote tabulator, a memory card, a printer, a recipient for ballot papers and a modem, where necessary.
- 2.3 "Vote tabulator" means a device that uses an optical scanner to detect a mark made by an elector in the space provided for that purpose on a ballot paper.
- 2.4 "Memory card" means a memory device that computes and records the marks made by an elector for each of the candidates whose names are printed on the ballot paper and the number of rejected ballot papers according to the subdivisions of the vote tabulator program.
- 2.5 "Recipient for ballot paper cards" means a box into which the ballot paper cards fall.
- 2.6 "Transfer box" means the box in which the ballot paper cards are placed once the results of the poll have been compiled.
- 2.7 "Ballot paper card" means the card on which the ballot papers are printed.
- 2.8 "Refused ballot paper card" means a ballot paper card the insertion of which in the tabulator is refused.
- 2.9 "Confidentiality sleeve" means a sleeve designed to receive the ballot paper card.

3. ELECTION

- 3.1 For the purposes of the by-election of 14 November 2004 in the municipality, a sufficient number of PERFAS-TAB electronic ballot boxes 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

4.1 Computerized polling stations

The list of electors for a polling place must correspond to the data provided by the returning officer. Access to the computers at a polling place must be secured by a password.

4.2 Electronic ballot boxes

The electronic ballot boxes used must include the following security mechanisms:

- (1) a report displaying a total of "zero" must be automatically produced by an electronic ballot box upon being turned on by the senior deputy returning officer 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, and must record each procedural operation;
- (3) the electronic ballot box must not be placed in "end of election" mode while the poll is still under way;
- (4) the compilation of results must not be affected by any type of interference once the electronic ballot box has been placed in "election" mode;
- (5) each electronic ballot box must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the electronic ballot boxes are connected to a generator;
- (6) if a ballot box is defective, the memory card may be removed and transferred immediately into another electronic ballot box in order to allow the procedure to continue.

5. PROGRAMMING

Each memory card used is specially programmed by the firm PG Elections inc. 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 ballot box;
- (2) ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box;
- (3) facilitate the exercise of the right to vote and ensure that voting is secret;
- (4) ensure that the electronic ballot box functions correctly;
- (5) print out the results compiled by the electronic ballot box at the closing of the poll;
- (6) complete an overall statement of votes from the partial statements and the results compiled by the electronic ballot box;

- (7) give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box and the partial statements of votes;
- (8) put the ballot paper cards from the electronic ballot box recipient into the transfer boxes, seal them and give them to the returning officer;
- (9) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the spaces provided for the affixing of the elector's mark, and go to the polling station in order to obtain another ballot paper card;
- (10) advise the returning officer immediately of any defect in the memory card or the electronic ballot box.
- **80.1.** The assistant to the senior 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;
- (4) get the pencils and confidentiality sleeves back from the senior deputy returning officer and redistribute them to each deputy returning officer.
 - **80.2.** The deputy returning officer shall, in particular,
 - (1) see to the arrangement of the polling station;
- (2) ensure that the polling is properly conducted and maintain order in 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 the electors a ballot paper card, a confidentiality sleeve and a pencil to exercise their right to vote;
- (6) receive from electors any ballot paper cards that are refused by the tabulator and give them another ballot paper card, and record the occurrence in the poll book;
- (7) note on the screen "has voted" next to the names of electors to whom he has given a ballot paper card.".

6.4 Duties of the poll clerk

The following is substituted for section 81 of the Act:

- "81. The poll clerk shall, in particular,
- (1) enter in the poll book the particulars relating to the conduct of the polling;
- (2) note on the paper list of electors "has voted" next to the names of electors to whom the deputy returning officer gives ballot paper cards;
 - (3) assist the deputy returning officer.".

6.5 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.".

6.6 Notice of election

The following is added after paragraph 7 of section 99 of the Act:

"(8) the fact that the method of voting is voting by means of electronic ballot boxes.".

6.7 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.

The polling subdivisions shall have a number of electors determined by the returning officer. That number shall not be greater than 750 electors.".

6.8 Verification of computerized polling stations and electronic ballot box

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

"§1.1 Verification of computerized polling stations

- 173.1. The returning officer shall, at a time considered to be expedient but at the latest before the polling stations open on the first day of advance polling or before the polling stations open on polling day, in cooperation with the firm's representative and, if necessary, the representatives of the candidates, for all polling places, ensure that all computers contain the list of electors for that place. In particular, the returning officer shall perform the following tests:
- (1) searching for an elector using the card with the bar code;
- (2) searching for an elector using the keyboard, typing either the elector's name or address;
- (3) indicating to the computer that a certain number of electors have voted and ensuring that each computer in the polling place displays "has voted" for the electors concerned;
- (4) printing out the list of electors who have voted, in a non-cumulative way, by elector number and polling subdivision, and ensuring that the results are consistent with the data entered in the computer.

§1.2 Verification of electronic ballot boxes

173.2. The returning officer shall, at least five days before the first day fixed for the advance poll and at least three days before the day fixed for the polling, test the electronic ballot box to ensure that the vote tabulator accurately detects the mark made on a ballot paper and that it tallies the number of votes cast accurately and precisely, in the presence of a representative of the firm PG Elections inc. and the representatives of the candidates.

- 173.3. During the testing of the electronic ballot boxes, 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 electronic ballot box, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.
- **173.4.** The returning officer shall conduct the test by performing the following operations:
- (1) he shall mark the memory card with the returning officer's initials and insert it into the electronic ballot box:
- (2) he shall insert into the electronic ballot box a predetermined number of ballot paper cards, previously marked and tallied manually. The ballot paper cards shall include
- (a) a sufficient and pre-determined number of ballot papers correctly marked to indicate a vote for each of the candidates;
- (b) a sufficient and pre-determined number of ballot papers that are not correctly marked;
- (c) a sufficient and pre-determined number of ballot papers marked to indicate a vote for more than one candidate for the same office;
- (d) a sufficient and pre-determined number of blank ballot papers;
- (3) he shall place the electronic ballot box in "end of election mode" and ensure that the results compiled by the electronic ballot box are consistent with the manually-compiled results;
- (4) once the test has been successfully completed, he shall reset the memory card to zero and seal it; the returning officer and the representatives who wish to do so shall initial the seal;
- (5) he shall place the tabulator in the travel case and place a seal on it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;
- (6) where an error is detected, the returning officer shall determine with certitude the cause of the error, make the necessary corrections and proceed with a further test, and shall repeat the operation until the optical scanner

- of the vote tabulator accurately detects the mark made on a ballot paper and until a perfect compilation of results is obtained. Any error or discrepancy observed shall be noted in the test report;
- (7) he may not change the programming for the scanning of the mark made by an elector in the space provided for that purpose without supervision from the firm PG Elections inc.".

6.9 Mobile polling station

The said Act is amended by inserting the following sections after section 175:

- "175.1. The electors shall indicate their vote on the same type of ballot paper as that used in an advance polling station. After marking the ballot paper, each elector shall insert it in the confidentiality sleeve and place it in the ballot box provided for that purpose. At the close of the mobile poll, the deputy returning officer and the mobile poll clerk shall seal the ballot box and affix their initials to it.
- **175.2.** The deputy returning officer shall, before the opening of the advance polling station, give the senior deputy returning officer the ballot box containing the ballot papers from the mobile polling station.

The senior deputy returning officer shall, in the presence of the assistant to the senior deputy returning officer, remove from the ballot box the confidentiality sleeves containing the ballot papers and insert the ballot papers, one by one, in the electronic ballot box.".

6.10 Advance polling

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

- **"182.** After the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:
- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of electors who were given a ballot paper card;
- (3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;
- (4) the names of the persons who have performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the spoiled, refused or cancelled ballot paper cards, the unused ballot paper cards, the forms, the poll book and the list of electors. The deputy returning officer 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 one of the transfer boxes.

182.1. The senior deputy returning officer, in the presence of the candidates or of their representatives who wish to be present, shall open the recipient of the electronic ballot box and place the ballot paper cards from the recipient in one or more transfer boxes, and seal the transfer boxes. The senior deputy returning officer shall then seal the opening of the electronic ballot box. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seals. Next, the senior deputy returning officer shall place the electronic ballot box in its travel case and seal it. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seals.

The senior deputy returning officer shall then give the transfer boxes and the envelopes containing the list of electors to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the transfer box or boxes until the results of the advance poll have been compiled and then for the time prescribed for the conservation of electoral documents.

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 transfer boxes and give each deputy returning officer the poll books, the envelopes containing unused ballot paper cards and the forms. Each deputy returning officer shall open the envelopes and take possession of their contents. The spoiled, refused or cancelled ballot paper cards from the first day shall remain in the transfer boxes, which the senior deputy returning officer shall seal.

The senior deputy returning officer, before the persons present, shall remove the seal from the travel case of the tabulator.

The returning officer, or the person designated by the returning officer, shall give each deputy returning officer the list of electors of grouped polling stations, where applicable.

At the close of the second day of advance polling, where applicable, the senior deputy returning officer, the deputy returning officer and the poll clerk shall perform the same actions as at the close of the first day of advance polling. In addition, the senior deputy returning officer shall withdraw the memory card from the electronic ballot box, place it in an envelope, seal the envelope, place the envelope in a transfer box and seal the box.

The spoiled, refused or cancelled ballot paper cards from the second day shall be placed in separate sealed envelope by the deputy returning officer. They shall also be placed in a sealed transfer box.

The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seal.

185. From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall print out the results compiled by the electronic ballot box at an advance polling station, 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.".

6.11 Booths

The following is substituted for section 191 of the Act:

"191. Where electronic ballot boxes are used in an election, the polling station shall have the number of polling booths determined by the returning officer.".

6.12 **Ballot papers**

The following is substituted for section 193 of the Act:

"193. With the exception of the entry stating the office to be filled, the ballot papers shall be printed in accordance with the model shown in the Schedule, by reversing process so that, on the obverse, the indications appear in white on a dark-coloured background and each circle provided for the affixing of the elector's mark appears in white inside an coloured circle. Every ballot paper shall contain bar codes."

Section 195 of the Act is revoked.

6.13 Identification of the candidates

Section 196 of the Act is amended

- (1) by substituting the following for the first paragraph:
- "196. The ballot paper cards shall contain a ballot paper for the office of mayor and the ballot papers for the office or offices of councillor. Each ballot paper shall allow each candidate to be identified. It shall contain, on the obverse:":
- (2) by adding the following after subparagraph 3 of the first paragraph:
- "(4) the offices in question and, where applicable, the number of the seat to be filled. The indications of the offices in question shall correspond to those contained in the nomination papers.".

6.14 Ballot paper cards

The following is substituted for section 197 of the Act:

- **"197.** The ballot paper card shall contain on the obverse, as shown in the attached specimen:
 - (1) a space for the identification of:
 - the name or number of the borough;
- the name or number of the electoral district, where applicable;
- (2) a space for the identification of the polling subdivision;
 - (3) the ballot paper card(s);
 - (4) the bar code.

The ballot paper cards shall contain, on the reverse, as shown on the attached specimen:

- (1) arrows indicating the direction of insertion of the ballot paper card in the vote tabulator;
- (2) a space for the initials of the deputy returning officer:
 - (3) the name of the municipality;
- (4) the indication "municipal elections" and the polling date:

- (5) the name and address of the printer;
- (6) the indication of copyright, where applicable;
- (7) the bar code, where applicable.".

6.15 Confidentiality sleeve

The Act is amended by inserting the following after section 197:

"197.1. The returning officer shall ensure that a sufficient number of confidentiality sleeves are available. Confidentiality sleeves shall be sufficiently opaque to ensure that no mark affixed on the ballot paper may be seen through it.".

6.16 Withdrawal of a candidate

Section 198 of the Act is amended by adding the following paragraphs at the end:

"Where electronic ballot boxes are 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.".

6.17 Withdrawal of authorization or recognition

Section 199 of the Act is amended by adding the following paragraph at the end:

"Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the party or the ticket from which recognition has been withdrawn.".

6.18 Number of electronic ballot boxes

The following is substituted for section 200 of the Act:

"200. The returning officer must ensure that there are as many electronic ballot boxes as polling places available and that a sufficient number of replacement electronic ballot boxes are available in the event of a breakdown or technical deficiency.

The returning officer shall ensure that a sufficient number of recipients for ballot paper cards and transfer boxes are available for each electronic ballot box.".

6.19 **Provision of polling materials**

Section 204 of the Act is amended by substituting the word "recipient" for the words "ballot box" in the second line of the first paragraph.

6.20 Examination of the electronic ballot box and polling materials

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 ballot box for the polling place. The senior deputy returning officer shall ensure that the electronic ballot box displays a total of zero recorded ballot papers by verifying the printed report of the electronic ballot box.

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

The senior deputy returning officer shall examine the documents and materials provided by the returning officer.

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

The following is substituted for section 209 of the Act:

"209. Immediately before the hour fixed for the opening of the poll, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives of the candidates present, shall ensure that the recipient of the electronic ballot box is empty.

The recipient shall then be sealed by the senior deputy returning officer. The senior deputy returning officer and the representatives present who wish to do so shall affix their initials to the seal. The electronic ballot box shall be placed in such a way that it is in full view of the polling officers and the electors."

POLLING PROCEDURE

6.21 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."

6.22 Initialling of ballot papers

The following is substituted for section 221 of the Act:

"221. The deputy returning officer shall give the ballot paper card to which the elector is entitled to each elector admitted to vote, after initialling the ballot paper card in the space reserved for that purpose and entering the number of the polling subdivision. The deputy returning officer shall also give the elector a confidentiality sleeve and a pencil.

The deputy returning officer shall instruct the elector how to insert the ballot paper card in the confidentiality sleeve after having voted.".

6.23 **Voting**

The following is substituted for section 222 of the Act:

"222. The elector shall enter the polling booth and, using the pencil given by the deputy returning officer, mark the ballot paper or papers in the space provided for that purpose opposite the indications pertaining to the candidates whom the elector wishes to elect to the offices of mayor, councillor or councillors.

The elector shall insert the ballot paper card, without folding it, into the confidentiality sleeve in such a way that the deputy returning officer's initials can be seen.".

6.24 Following the vote

The following is substituted for section 223 of the Act:

"223. After marking the ballot paper or papers and inserting the ballot paper card in the confidentiality sleeve, the elector shall leave the polling booth and go to the electronic ballot box.

The elector shall allow the senior deputy returning officer to examine the initials of the deputy returning officer.

The elector or, at the elector's request, the senior deputy returning officer shall insert the ballot paper card into the electronic ballot box without removing it from the confidentiality sleeve.".

6.25 Automatic acceptance

The Act is amended by inserting the following after section 223:

- **"223.1.** The electronic ballot box shall be programmed to accept automatically every ballot paper card that is inserted and that has been given by the deputy returning officer to an elector.
- **223.2.** If a ballot paper card becomes blocked in the recipient receiving ballot paper cards, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall open the recipient, restart the electronic ballot box, close it and seal the recipient again in their presence, before authorizing voting to resume. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal.

The senior deputy returning officer must report to the returning officer the time during which voting was stopped. Mention of that fact shall be made in the poll book.

If a ballot paper card becomes blocked in the tabulator, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall unblock the tabulator and restart the electronic ballot box.".

6.26 Cancelled ballots

The following is substituted for section 224 of the Act:

"224. The senior deputy returning officer shall prevent the insertion into the electronic ballot box of any ballot paper card that is not initialled or that is initialled by a person other than the deputy returning officer of a polling station. The elector must return to the polling station.

The deputy returning officer of the polling station in question shall, if his initials are not on the ballot paper, initial it before the persons present, provided that the ballot paper card is *prima facie* a ballot paper card given to the elector by the deputy returning officer that was not initialled by oversight or inadvertence. The elector shall return to insert the ballot paper card into the electronic ballot box.

If the ballot paper card has been initialled by a person other than the deputy returning officer, or if the ballot paper card is not a ballot paper card given to the elector by the deputy returning officer, the deputy returning officer of the polling station in question shall cancel the ballot paper card.

The occurrence shall be recorded in the poll book.".

6.27 Visually impaired person

Section 227 of the Act is amended:

(1) by substituting the following for the second and third paragraphs:

"The assistant to the senior deputy returning officer shall set up the template and the ballot paper card, give them to the elector, and indicate to the elector the order in which the candidates' names appear on the ballot papers and the particulars entered under their names, where such is the case.

The senior deputy returning officer shall help the elector insert the ballot paper card into the electronic ballot box."; and

(2) by striking out the fourth paragraph.

COMPILATION OF RESULTS AND ADDITION OF VOTES

6.28 Compilation of results

The following is substituted for sections 229 and 230 of the Act:

"229. After the closing of the poll, the senior deputy returning officer shall place the electronic ballot box in "end of election" mode and print the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the polling place may be present.

The report on the compiled results shall indicate the total number of ballot paper cards, the number of rejected ballot papers and the number of valid votes for each office.

230. After the closing of the poll, the deputy returning officer of each polling station the in polling place shall complete the partial statement of votes according to section 238 and shall give a copy of it to the senior deputy returning officer.

The poll clerk of the polling station shall enter the following information in the poll book:

- (1) the number of ballot paper cards received from the returning officer;
 - (2) the number of electors admitted to vote;
- (3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;
- (4) the names of the persons who have performed duties as election officers or representatives assigned to that station.".

The Act is amended by inserting the following after section 230:

- **"230.1.** The senior deputy returning officer shall ensure, before the persons present, that the results entered on the printed report of the electronic ballot box and the total number of unused, spoiled, refused and cancelled ballot paper cards entered on the partial statement of votes of each deputy returning officer correspond to the total number of ballot paper cards issued by the returning officer.
- **230.2.** Using the partial statement or statements of votes, the senior deputy returning officer shall complete an overall statement of votes in a sufficient number so that each representative assigned to a polling station or each candidate can have a copy of it.".

6.29 Manual counting of the votes

Sections 231 to 244 of the Act, adapted as required, apply if a manual counting of the votes is necessary.

6.30 Compiling sheet

Section 231 of the Act is revoked.

6.31 Electronic counting of the votes

Section 232 of the Act is revoked.

6.32 Rejected ballot papers

The following is substituted for section 233 of the Act:

- "233. The electronic ballot box shall be programmed in such a way as to reject any ballot paper that
 - (1) has not been marked;
- (2) has been marked in favour of more than one candidate;
- (3) has been marked in favour of a person who is not a candidate.

For the purposes of the poll, the memory card shall be programmed in such a way as to ensure that the electronic ballot box processes and conserves all the ballot paper cards inserted, in other words those containing valid ballot papers and those containing rejected ballot papers, except any ballot paper cards that have been refused."

6.33 Rejected ballot papers, procedural omission, valid ballot papers

Sections 233 to 236 of the Act, adapted as required, shall apply only in the case of a judicial recount.

6.34 Contested validity

The following is substituted for section 237 of the Act:

"237. The poll clerk, at the request of the senior deputy returning officer, shall enter in the poll book every objection raised by a representative present at the poll in respect of the validity of the results following the printing of the results compiled by an electronic ballot box.".

6.35 Partial statement of votes, overall statement of votes and copy given to representatives of candidates

The following is substituted for section 238 of the Act:

- **"238.** The deputy returning officer shall draw up the partial statement of votes, setting out
- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of spoiled, refused or cancelled ballot paper cards or those that were not inserted into the electronic ballot box;

(3) the number of unused ballot paper cards.

The deputy returning officer shall make two copies of the partial statement of votes, including a copy that must be given to the senior deputy returning officer.

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

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

Section 240 of the Act is revoked.

6.36 Separate, sealed and initialled envelopes given to the returning officer

The following is substituted for sections 241, 242 and 243 of the Act:

- **"241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards and those that were not inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of votes. Each deputy returning officer shall seal the envelopes and place them in a large envelope, seal it and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling station who wish to do so shall initial the seals.
- 242. After the results compiled by the electronic ballot box have been printed, in the presence of the candidates or their representatives who wish to be present, the senior deputy returning officer shall place the ballot paper cards from the electronic ballot box recipient in one or more envelopes, and then seal and initial the envelope or envelopes. Any representatives or candidates who wish to do so may initial the seal or seals.

The senior deputy returning officer shall place the envelope or envelopes in a transfer box. He shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. The senior deputy returning officer shall seal the envelope, initial it and place it in one of the transfer boxes.

The senior deputy returning officer shall place the large envelope received from the deputy returning officers in one of the transfer boxes.

The senior deputy returning officer shall then seal and initial the transfer boxes, allow the representatives who wish to do so to initial them, and give the boxes to the returning officer.

243. The senior deputy returning officer shall place in an envelope a copy of the overall statement of votes stating the results of the election and the partial statements of votes. The senior deputy returning officer shall then seal and initial the envelope and give it to the returning officer.

The representatives assigned to the polling stations may initial the seal.".

Section 244 of the Act is revoked.

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 has been obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results compiled by an electronic ballot box, the returning officer shall, in the presence of the senior deputy returning officer and the candidates concerned or their representatives if they so wish, print out the results using the memory card taken from the transfer box opened in the presence of the persons listed above."

6.39 Placing in envelope

The following is substituted for section 249 of the Act:

"249. After printing and examining the results, the returning officer shall place them in an envelope together with the memory card.

The returning officer shall seal the envelope, put the envelope in the transfer box and then seal the box.

The returning officer, the candidates and the representatives present may initial the seals.".

6.40 New counting of the votes

The following is substituted for section 250 of the Act:

"250. Where it is not possible to print a new report on the results compiled using the memory card, the returning officer, on the date, at the time and at the place that he determines, in the presence of the candidates or their representatives who wish to be present, shall recover the ballot paper cards used for the office or offices concerned and shall insert them, one by one, in the opening of the electronic ballot box that includes a new programmed memory card. He shall then print out the results compiled by the electronic ballot box."

6.41 Notice to the Minister

Section 251 of the Act is amended by substituting the words "overall statement of votes, the report on the results compiled by the electronic ballot box and the ballot paper cards" for the words "statement of votes and the ballot papers" in the first line of the first paragraph.

6.42 Access to ballot papers

The following is substituted for section 261 of the Act:

"261. Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the returning officer or the person responsible for providing access to the documents held by the municipality may not issue copies of the ballot papers used, or allow any person to examine the ballot papers, without being required to do so by an order issued by a court or magistrate.".

6.43 Application for a recount

Section 262 of the Act is amended by substituting the words "an electronic ballot box" for the words "a deputy returning officer, a poll clerk or the returning officer" in the first and second lines of the first paragraph.

7. EXAMINATION OF REJECTED BALLOT PAPERS

Within 120 days from the date on which an election is declared or contested, the returning officer must, at the request of the chief electoral officer or the Minister, examine the rejected ballot papers to ascertain the grounds for rejection. The returning officer must verify the ballot paper cards contained in the transfer boxes.

The returning officer must notify the candidates or their representatives that they may be present at the examination. The Chief Electoral Officer and the Minister shall be notified and they may delegate their representatives. The representative of the company that sold or rented out the electronic ballot boxes must attend the examination to explain the operation of the mechanism for rejecting ballot papers and to answer questions from the participants.

The programming parameters for rejecting ballot papers must be disclosed to the participants.

The examination of the rejected ballot papers shall in no way change the results of the poll or be used in a court to attempt to change the results of the poll.

A report on the examination must be drawn up by the returning officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of the related ballot paper. Any other relevant comment concerning the conduct of the poll must also be included.

Prior to the examination of the rejected ballot papers, the rejected ballot papers must be separated from the other ballot papers, using the electronic ballot box duly programmed by the representative of the firm, and a sufficient number of photocopies must be made for the participants present. The candidates or their representatives may be present during this operation.

8. 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 31 December 2009.

9. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general elections or subsequent by-elections provided for in the agreement.

Mention of that fact shall be made in the assessment report.

10. ASSESSMENT REPORT

Within 120 days following the general election held on 14 November 2004, 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 setting out relevant ways to improve the trial and addressing, in particular, the following points:

- 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 costs of holding the by-election on 14 November 2004 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 ballot papers given out to the deputy returning officers and the number of ballot paper cards returned used and unused;
- a survey of rejected ballot papers, if the survey has been completed.

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

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the by-election held on 14 November 2004 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

12. EFFECT OF THE 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-Georges, this 31st day of August 2004

MUNICIPALITY OF "VILLE DE SAINT-GEORGES"

By:	
•	ROGER CARETTE, Mayor
	JEAN M ^c COLLOUGH, Clerk of the municipality

In Québec, on this 14th day of September 2004

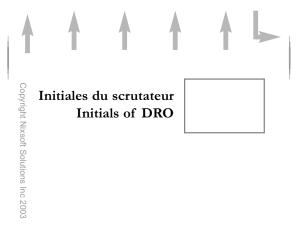
THE CHIEF ELECTORAL OFFICER

DENYS JEAN, Deputy Minister

MARCEL BLANCHET
In Québec, on this 20th day of September 2004
THE MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION
By:

SCHEDULE

MODEL BALLOT PAPER CARD



Ville de Gestiville

Élections municipales Municipal Elections

le 2 novembre 2003 / November 2, 2003

Droits d'auteur Solutions Nixsoft Inc. 2003

Imprimé par / Printed by Imprimerie Untel inc. 1234, rue des Érables Gestiville, Qc. A1A 1A1



Notice of adoption

Transport Act (R.S.Q., c. T-12)

Commission des transports du Québec

- Procedure
- Amendments

REGARDING the Regulation to amend the Regulation respecting the rules of procedure of the Commission des transports du Québec

Take notice that the Commission des transports du Québec, in accordance with section 48 of Transport Act (R.S.Q., c. T-12), has adopted modifications to the regulation on procedure for the electronic transmission of documents to the Commission, the means of recording of the hearings of the Commission and the applications for route changes with publication, hearing and decision of the Commission in the case of urban or intercity transportation by bus.

In accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a project of the Regulation to amend the Regulation respecting the rules of procedure of the Commission des transports du Québec was published in Part 2 of the *Gazette officielle du Québec* of August 11, 2004, with mention that it may be made by the Commission upon the expiry of 45 days following this publication.

In accordance with section 17 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation respecting the rules of procedure of the Commission des transports du Québec attached hereto comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

CHRISTIAN DANEAU, Secretary of the Commission des transports du Québec

Regulation to amend the Regulation respecting the procedure of the Commission des transports du Québec*

Transport Act (R.S.Q., c. T-12, s. 48)

- **1.** Section 15 of the Regulation respecting the procedure of the Commission des transports du Québec, adopted according to a Notice of Adoption published in the *Gazette officielle du Québec* on November 11, 1998, is replaced as follows:
- "15. Any application addressed to the Commission shall be transmitted to it at its Québec or Montréal offices or at any other address it designates, by means of the prescribed forms, as the case may be, and be accompanied by the payment of the applicable fees and duties.";
- **2.** Section 16 of this Regulation is replaced as follows:
- "16. The Commission, on the conditions it determines, may authorize a person who must transmit any document to it, among others any application, document in support of an application or form, to communicate it to the Commission by means of any medium making use of information technology.";
- **3.** This Regulation is amended by the insertion, after Section 16, of the following:
- "16.1 An intelligible written transcript of the data the Commission has stored on any medium making use of information technology shall be part of its documents and shall prove its content when it is certified to be true by an authorized person.

In the case of data which has been communicated to it pursuant to section 16, the transcript may only be valid if it faithfully reproduces these data.";

- **4.** Section 18 of this Regulation is amended:
 - (1) by the replacement of subsection (1) as follows:
- "(1) the application for a permit or for a change, maintenance or transfer of permit and the application for a route change:";
 - (2) by the replacement of subsection (9) as follows:

^{*} The Regulation respecting the procedure of the Commission des transports du Québec was adopted by the Commission on October 19, 1998 (1998, *G.O.* 2, 6006). It was amended by the Regulation published on February 9, 2000 (2000, *G.O.* 2, 1025) and by the Regulation published on January 3, 2002 (2002, *G.O.* 2, 169).

"(9) in the case of urban or intercity transportation by bus, the filing of a change of schedule or frequency when treated as an application, in accordance with section 22:":

5. Section 22 of this Regulation is amended by the replacement of the first paragraph as follows:

"In the case of transportation by bus, the change of schedule or frequency, which will have been posted for 10 consecutive days in the applicant's buses prior to its filing, shall come into force on the 15th day following the date of its filing at the Commission or on any later date indicated by the applicant.";

6. Section 40 of this Regulation is amended by the replacement of the first paragraph as follows:

"The Commission may record the observations presented at a hearing according to the means of recording of its choice. The recording shall be part of the file.";

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

6521

M.O., 2004-013

Order of the Minister of Health and Social Services making the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan dated 21 September 2004

An Act respecting prescription drug insurance (R.S.Q., c. A-29.01)

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 60 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01);

CONSIDERING Order 1999-014 dated 15 September 1999 of the Minister of State for Health and Social Services and Minister of Health and Social Services making the Regulation respecting the List of medications covered by the basic prescription drug insurance plan;

CONSIDERING that it is necessary to amend the List of medications attached to that Regulation;

CONSIDERING that the Conseil du médicament has been consulted on the draft regulation;

MAKES the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan, the text of which is attached hereto.

Québec, 21 September 2004

PHILIPPE COUILLARD, Minister of Health and Social Services

Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan*

An Act respecting prescription drug insurance (R.S.Q., c. A-29.01, s. 60)

- **1.** The Regulation respecting the List of medications covered by the basic prescription drug insurance plan is amended, in the List of medications attached thereto, in section 3 entitled "EXTEMPORANEOUS PREPARATIONS", by adding "• a topical preparation containing glyceryl trinitrate, nifedipine or diltiazem." after "• a sucralfate-based preparation for rectal use." at the end of the first paragraph of subsection 3.2.
- **2.** The List of medications, attached to that Regulation, is amended in Appendix I entitled "Manufacturers That Have Submitted Different Guaranteed Selling Prices for Wholesalers and Pharmacists":
- (1) by inserting the following after the line concerning the manufacturer "Atlas":

"Axxess Axxess Pharma Inc. 5%";

(2) by replacing "6%" by "3,3%, 3,5%" in the line concerning the manufacturer "SHS", as follows:

"SHS SHS North America 3,3%, 3,5%";

The Regulation respecting the List of medications covered by the basic prescription drug insurance plan, made by Minister's Order 1999-014 dated 15 September 1999 (1999, *G.O.* 2, 3197) of the Minister of State for Health and Social Services and Minister of Health and Social Services, was last amended by Minister's Orders 2003-010 dated 10 September 2003 (2003, *G.O.* 2, 2915A), 2003-012 dated 28 October 2003 (2003, *G.O.* 2, 3288), 2003-013 dated 2 December 2003 (2003, *G.O.* 2, 3472), 2004-002 dated 19 January 2004 (2004, *G.O.* 2, 828), 2004-006 dated 15 April 2004 (2004, *G.O.* 2, 1376) and 2004-008 dated 17 June 2004 (2004, *G.O.* 2, 2028) of that Minister. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2004, updated to 1 March 2004.

- **3.** The List of medications, attached to that Regulation, is amended in Appendix III entitled "Products for Which the Wholesaler's Mark-Up is Limited to a Maximum Amount":
- (1) by inserting the following after the line concerning the medication "Eligard Kit 22,5 mg":

"Sanofi Eligard Kit 30 mg 1";

(2) by inserting the following after the line concerning the medication "Viracept Tab. 250 mg":

"Gilead Viread Tab. 300 mg 30".

- **4.** The List of medications, attached to that Regulation, is amended in Appendix IV entitled "Exceptional Medications, With Recognized Indications for Payment Purposes":
- (1) by adding the following indication after the indications accompanying the medication "CASPOFONGIN ACETATE":
- (2) by replacing the indications accompanying the medication "ETANERCEPT" by the following indications:

Upon initiation of treatment or if the person has been receiving the drug for less than five months:

- the person must, prior to the beginning of treatment, have eight or more joints with active synovitis and one of the following five elements must be present:
- a positive rheumatoid factor for rheumatoid arthritis only;
 - radiologically measured erosions;
- a score of more than 1 on the health assessment questionnaire (HAQ);
 - an elevated C-reactive protein level;
 - an elevated sedimentation rate;

and

• the disease must still be active despite treatment with two disease-modifying anti-rheumatic drugs, used either concomitantly or not, for at least three months each. Unless there is a significant intolerance or contraindication, one of the two drugs must be:

for rheumatoid arthritis:

- methotrexate at a dose of 20 mg or more per week;

or

leflunomide at a dose of 20 mg per day;

for psoriasic arthritis of the rheumatoid type:

- methotrexate at a dose of 20 mg or more per week;

or

- sulfasalazine at a dose of 2 000 mg per day.

The initial request is authorized for a maximum of five months.

When requesting continuation of treatment, the physician must provide information making it possible to establish the treatment's beneficial effects, specifically:

- a decrease of at least 20% in the number of joints with active synovitis and one of the following four elements:
- a decrease of 20% or more in the C-reactive protein level;
- a decrease of 20% or more in the sedimentation rate;
 - a decrease of 0.20 in the HAQ score;
 - a return to work.

The first request for continuation of treatment is authorized for a period of six months and the following requests will be authorized for 12 months.

Authorizations for etanercept are given for a dose of 25 mg twice per week;

♦ for treatment of moderate or severe juvenile idiopathic arthritis (juvenile rheumatoid arthritis and juvenile chronic arthritis) of the polyarticular or systemic type;

Upon initiation of treatment or if the person has been receiving the drug for less than five months:

- the person must, prior to the beginning of treatment, have five or more joints with active synovitis and one of the following two elements must be present:
 - an elevated C-reactive protein level;
 - an elevated sedimentation rate;

and

• the disease must still be active despite treatment with methotrexate at a dose of 15 mg/M² or more (maximum 20 mg per dose) per week for at least three months, unless there is intolerance or a contraindication.

The initial request is authorized for a maximum of five months.

When requesting continuation of treatment, the physician must provide information making it possible to establish the treatment's beneficial effects, specifically:

- a decrease of 20% or more in the number of joints with active synovitis and one of the following six elements:
- a decrease of 20% or more in the C-reactive protein level;
- -a decrease of 20% or more in the sedimentation rate;
- an decrease of 0.13 in the childhood health assessment questionnaire (CHAQ) score or a return to school;
- an improvement of at least 20% in the physician's overall assessment (visual analogue scale);
- an improvement of at least 20% in the patient's or parent's overall assessment (visual analogue scale);
- an decrease of 20% or more in the number of joints with limited movement.

The first request for continuation of treatment is authorized for six months and the following requests will be authorized for 12 months.

Authorizations for etanercept are given for 0.4 mg/kg (maximum 25 mg per dose) twice per week;

• for treatment of moderate or severe psoriasic arthritis of a type other than rheumatoid;

Upon initiation of treatment or if the person has been receiving the drug for less than five months:

• the person must, prior to the beginning of treatment, have at least three joints with active synovitis and a score of more than 1 on the health assessment questionnaire (HAQ);

and

- the disease must still be active despite treatment with two disease-modifying anti-rheumatic drugs, used either concomitantly or not, for at least three months each. Unless there is a significant intolerance or contraindication, one of the two drugs must be:
 - methotrexate at a dose of 20 mg or more per week;

or

- sulfasalazine at a dose of 2 000 mg per day.

The initial request is authorized for a maximum of five months.

When requesting continuation of treatment, the physician must provide information making it possible to establish the treatment's beneficial effects, specifically:

- a decrease of at least 20% in the number of joints with active synovitis and one of the following four elements:
- a decrease of 20% or more in the C-reactive protein level;
- a decrease of 20% or more in the sedimentation rate:
 - a decrease of 0.20 in the HAQ score;
 - a return to work.

The first request for continuation of treatment is authorized for six months and the following requests will be authorized for 12 months.

Authorizations for etanercept are given for a dose of 25 mg twice per week;";

(3) by inserting the following medication and the accompanying indication after the medication "ETANERCEPT" and the accompanying indications:

"ETHINYL ESTRADIOL/CYPROTERONE ACETATE:

- ♦ for treatment of acne;";
- (4) by replacing the indications accompanying the medication "EZETIMIBE" by the following indications:
- "◆ where ezetimibe is not used in association with an HMG-CoA reductase inhibitor (statin):

where at least two hypolipemiants are contraindicated, ineffective or not tolerated;

• where ezetimibe is used in association with an HMG-CoA reductase inhibitor (statin):

if the statin treatment, at the optimum dose or at a lower dose in case of intolerance to that dose, did not make it possible to adequately control the cholesterolemia;";

- (5) by replacing the sixth indication accompanying the medication "FILGRASTIM" by the following indication:
- "♦ for treatment of persons suffering from congenital, hereditary, idiopathic or cyclic chronic neutropenia whose neutrophil count is below 0.5 x 10°/L;";
- (6) by replacing the second indication accompanying the medication "GANCICLOVIR, caps." by the following indication:
- "◆ for CMV-infection prophylaxis in D+R- persons who have undergone a solid organ transplant. The maximum duration of the authorization is 100 days;";
- (7) by inserting the following medication and the accompanying indications after the medication "IMATINIB MESYLATE" and the accompanying indications:

"IMIQUIMOD:

• for treatment of external genital and peri-anal condylomas, as well as condyloma acuminata, upon failure of physical destructive therapy or of chemical destructive therapy of a minimum duration of four weeks, unless there is a contraindication.

The maximum duration of the initial authorization is 16 weeks. When requesting continuation of treatment, the physician must provide evidence of a beneficial effect defined by a reduction in the extent of the lesions. The request may then be authorized for a maximum period of 16 weeks";

(8) by inserting the following medication and the accompanying indication after the medication "TEMOZOLOMIDE" and the accompanying indications:

"TENOFOVIR DISOPROXIL FUMARATE:

- for treatment of HIV-infected persons who have used two NRTIs that proved either ineffective, or intolerable to the point of raising doubts regarding continuation of the treatment;";
- (9) by adding the following indications after the indications accompanying the medication "VALGANCICLOVIR":
- "♦ for CMV-infection prophylaxis in D+R-, D+R+ and D-R+ persons who had a solid organ transplant at the time of an acute rejection treated with antilymphocyte antibodies. The maximum duration of the authorization is 100 days per episode;";
- ♦ for pre-emptive treatment (in the presence of documented CMV viral replication) of CMV infection in D+R-, D+R+ and D-R+ persons who have had a solid organ transplant. The maximum duration of the authorization is 100 days per episode;".

5. The List of medications, attached to that Regulation, is amended by deleting the following medications and the accompanying information:

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE			
56:40 MISCELLANEOUS GI DRUGS								
RANITIDINE H	RANITIDINE HYDROCHLORIDE 🖫							

Tab.		150 mg	LPM			
02245782	Riva-Ranitidine	Pharmel	100	40.42	•	0.4042
Tab.		300 mg	LPM			
02245783	Riva-Ranitidine	Pharmel	100	77.87	→	0.7787

6. The List of medications is amended:

(1) by inserting, in order of classification of the medications, the following medications and the accompanying information:

08.12.04 ANTIFUNGAL ANTIBIOTICS

FLUCONAZOLE 1

I.V. Perf. Sol.		2 mg/mL				
+ 02248443	Fluconazole Injection	Sabex	100 ml	39.76		
+ 02247749	Fluconazole Omega	Oméga	100 ml	36.59	0.3659	

08:18 ANTIVIRALS

ACYCLOVIR SODIUM □

I.V. Perf. Sol.		50 mg/mL				
+ 02236926	Acyclovir Sodique	PPC	•	20 ml	UE	ĺ

08:22 QUINOLONES

CIPROFLOXACIN 12

L.A. Tab.	500 mg			
+ 02247916 Cipro XL	Bayer	50	137.00	2.7400
L.A. Tab.	1000 mg			
+ 02251787 Cipro XL	Bayer	50	137.00	2.7400

			ı	1	
CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Tab.		250 mg	LPM	Ņ	
+ 02229521	Apo-Ciproflox	Apotex	100	155.47	→ 1.5547
+ 02251752	Ciprofloxacin-250	Pro Doc	100	155.47	→ 1.5547
+ 02247339	Co-Ciprofloxacin	Cobalt	100	155.47	→ 1.5547
+ 02245647	Gen-Ciprofloxacin	Genpharm	100	155.47	→ 1.5547
+ 02161737	Novo-Ciprofloxacin	Novopharm	100	155.47	→ 1.5547
+ 02251310	Phl-Ciprofloxacin	Pharmel	100	155.47	→ 1.5547
+ 02248437	pms-Ciprofloxacin	Phmscience	500	777.35	→ 1.5547
+ 02246825	Ratio-Ciprofloxacin	Ratiopharm	250	388.68	→ 1.5547
+ 02248756	Rhoxal-Ciprofloxacin	Rhoxal	100	155.47	→ 1.5547
+ 02251221	Riva-Ciprofloxacin	Riva	100	155.47	→ 1.5547
Tab.		500 mg	LPM	Λ	
+ 02229522	Apo-Ciproflox	Apotex	500	877.03	→ 1.7541
+ 02251760	Ciprofloxacin-500	Pro Doc	500	877.03	→ 1.7541
+ 02247340	Co-Ciprofloxacin	Cobalt	100	175.40	→ 1.7540
+ 02245648	Gen-Ciprofloxacin	Genpharm	500	877.03	→ 1.7541
+ 02161745	Novo-Ciprofloxacin	Novopharm	100	175.40	→ 1.7540
+ 02251329	Phl-Ciprofloxacin	Pharmel	100	175.40	→ 1.7540
+ 02248438	pms-Ciprofloxacin	Phmscience	500	877.03	→ 1.7541
+ 02246826	Ratio-Ciprofloxacin	Ratiopharm	100	175.40	→ 1.7540
+ 02248757	Rhoxal-Ciprofloxacin	Rhoxal	100	175.40	→ 1.7540
+ 02251248	Riva-Ciprofloxacin	Riva	500	877.03	→ 1.7541
Tab.		750 mg	LPM		
+ 02229523	Apo-Ciproflox	Apotex	100	330.83	→ 3.3083
+ 02251779	Ciprofloxacin-750	Pro Doc	100	330.82	→ 3.3082
+ 02247341	Co-Ciprofloxacin	Cobalt	50	165.41	→ 3.3082
+ 02245649	Gen-Ciprofloxacin	Genpharm	100	330.82	→ 3.3082
+ 02161753	Novo-Ciprofloxacin	Novopharm	100	330.83	→ 3.3083
+ 02251337	Phl-Ciprofloxacin	Pharmel	100	330.83	→ 3.3083
+ 02248439	pms-Ciprofloxacin	Phmscience	100	330.83	→ 3.3083
+ 02246827	Ratio-Ciprofloxacin	Ratiopharm	100	330.83	→ 3.3083
+ 02248758	Rhoxal-Ciprofloxacin	Rhoxal	50	165.41	→ 3.3082
+ 02251256	Riva-Ciprofloxacin	Riva	100	330.82	→ 3.3082

12:08.08 ANTISPASMODICS

IPRATROPIUM BROMIDE

Oral aerosol		0,02	mg/dose		
	+ 02247686	Atrovent HFA	Bo. Ina.	200 dose(s) 17.67	

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE			
12:20 SKE	LETAL MUSCLE REL	AXANTS						
CYCLOBENZ	APRINE HYDROCHLORIE	DE 🖪						
Tab. + 02249359	Phl-Cyclobenzaprine	10 mg	LPN 500	l 188.25	→ 0.3765			
	•		300	100.23	- 0.3703			
20:04.04 IRON PREPARATIONS FERROUS SULFATE								
Tab. or Ent. Tab.		à 225 mg (E2 60 mg à 6	SE ma) LDN	•				
+ 02248699	ab. 300 mg a Ferodan	à 325 mg (Fe-60 mg à 6 Odan	65 mg) LPN 1000	15.71	→ 0.0157			
24:06.06 FIBRIC ACID DERIVATIVES								
MICRONIZED	FENOFIBRATE 🖫							
Caps. + 02250039	Ratio-Fenofibrate MC	200 mg Ratiopharm	100	108.90	1.0890			
24:06.08 H	MG-COA REDUCTAS	E INHIBITORS						
FLUVASTATI	NE SODIUM 🖪							
L.A. Tab. + 02250527	Lescol XL	80 mg Novartis	28	36.40	1.3000			
SIMVASTATII	N X							
Tab. + 02250144	Novo-Simvastatin	5 mg Novopharm	100	56.70	0.5670			
Tab. + 02250152	Novo-Simvastatin	10 mg Novopharm	500	560.70	1.1214			
Tab. + 02250160	Novo-Simvastatin	20 mg Novopharm	100	138.60	1.3860			

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Tab.		40 mg			
+ 02250179	Novo-Simvastatin	Novopharm	100	138.60	1.3860
Tab.		80 mg			
+ 02250187	Novo-Simvastatin	Novopharm	100	138.60	1.3860

METOPROLOL TARTRATE ☐

Tab.		25 mg	LPN	Λ			
+ 02248855	pms-Metoprolol 25 mg	Phmscience	100	6.43	→	0.0643	١

24:32.04 ANGIOTENSIN-CONVERTING ENZYME INHIBITORS (ACEI)

SODIUM FOSINOPRIL

Tab.		10 mg						
+ 02242733 Lin-Fosinopril	Linson			100		55.30		0.5530
Tab.		20 mg						
+ 02242734 Lin-Fosinopril	Linson			100		66.50		0.6650
LISINOPRIL 🖟								
Tob		10 ma						
Tab.	Δnotex	10 mg	1	500	ĺ	323 70	ı	0.6474

28:08.04 NON-STEROIDAL ANTI-INFLAMMATORY AGENTS

ACETYLSALICYLIC ACID

Chew. Tab.		80 mg	LPN	1		
+ 02250675	Euro-ASA	Euro-Pharm	500	28.00	→ 0.0560	
Ent. Tab.		162 mg				
+ 02247550	Asaphen E.C.	Phmscience	90	9.50	0.1056	

+ 02246963 Ratio-Lamotrigine

CODE	BRAND NAME	MANUFACTURER		SIZE	COST OF PKG. SIZE	UNIT PRICE
MELOXICAM	R					
Tab.			7,5 mg			
+ 02248973	Apo-Meloxicam	Apotex		100	54.60	0.5460
+ 02248607	Phl-Meloxicam	Pharmel		500	273.00	0.5460
Tab.	1	1.	15 mg	۱ ،۰۰	1 1	
+ 02248974 + 02248608	Apo-Meloxicam Phl-Meloxicam	Apotex Pharmel		100 500	63.00 315.00	0.6300 0.6300
	PIATE AGONISTS					
HYDROMOR	PHONE HYDROCHLORI	DE ®				
Tab.			1 mg	LPI		
+ 02192101	Phl-Hydromorphone	Pharmel		100	9.59	→ 0.0959
Tab.			2 mg	LPI		
+ 02249928	Phl-Hydromorphone	Pharmel		100	14.16	→ 0.1416
Tab.			4 mg	LPI	И	
+ 02249936	Phl-Hydromorphone	Pharmel		100	22.40	→ 0.2240
Tab.			8 mg	LPI		
+ 02192144	Phl-Hydromorphone	Pharmel		100	35.28	→ 0.3528
28:12.92 N	IISCELLANEOUS A	NTICONVL	JLSANTS			
GABAPENTI	N B					
Caps.	l =	1	100 mg		l o- oo l	
+ 02251167	Riva-Gabapentin	Riva		100	25.20	0.2520
Caps.	1	1	300 mg	1	1 '	
+ 02251175	Riva-Gabapentin	Riva		100	61.30	0.6130
Caps.		Î	400 mg	i	,	
+ 02251183	Riva-Gabapentin	Riva		100	73.05	0.7305
LAMOTRIGIN	NE 🖪					
Tab.		ì	150 mg	ı	,	
1 00046060	Datio Lamotrigina	Detienhe	rm	60	75 10	1 2530

Ratiopharm

75.18

60

1.2530

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
20.46.04. A	NTIDEDDECCANTO				
20:10.04 A	NTIDEPRESSANTS				
CITALOPRA	M HYDROMIDE 🖪				
Tab.		20 mg			
+ 02246056	Apo-Citalopram	Apotex	500	437.50	0.8750
+ 02248050	Co Citalopram	Cobalt	250	218.75	0.8750
+ 02246594	Gen-Citalopram	Genpharm	500	437.50	0.8750
+ 02251558 + 02248944	Novo-Citalopram	Novopharm Pharmel	500 500	437.50 437.50	0.8750 0.8750
+ 02248944	Phl-Citalopram pms-Citalopram	Phmscience	500	437.50	0.8750
+ 02248170	Rhoxal-Citalopram	Rhoxal	500	437.50	0.8750
+ 02249278	Riva-Citalopram	Riva	500	437.50	0.8750
Tab.	Ana Citalannana	40 mg	l 400	l 0750 l	0.0750
+ 02246057 + 02248051	Apo-Citalopram Co Citalopram	Apotex Cobalt	100 100	87.50 87.50	0.8750 0.8750
+ 02246595	Gen-Citalopram	Genpharm	100	87.50	0.8750
+ 02251566	Novo-Citalopram	Novopharm	100	87.50	0.8750
+ 02248945	Phl-Citalopram	Pharmel	100	87.50	0.8750
+ 02248011	pms-Citalopram	Phmscience	100	87.50	0.8750
+ 02248171	Rhoxal-Citalopram	Rhoxal	100	87.50	0.8750
+ 02249286	Riva-Citalopram	Riva	100	87.50	0.8750
MIRTAZAPIN	F 🖟				
mixi <i>n</i>					
Tab.	i	15 mg	1		
+ 02250594	Rhoxal-Mirtazapine	Rhoxal	50	21.70	0.4340
Tab.		30 mg			
+ 02248762	pms-Mirtazapine	l Phmscience	100	86.80	0.8680
+ 02250608	Rhoxal-Mirtazapine	Rhoxal	100	86.80	0.8680
PAROXETINE	HYDROCHLORIDE 🖟				
Tab.		10 mg			
+ 02248913	Paroxetine-10	Pro Doc	100	55.65	0.5565
+ 02248450	Phl-Paroxetine	Pharmel	100	55.65	0.5565
+ 02248559	Riva-Paroxetine	Riva	250	139.13	0.5565

CODE	BRAND NAME	MANUF	ACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
- .						
Tab. + 02248914	Paroxetine-20	Pro Doc	20 mg	500	556.50	1.1130
+ 02248451	Phl-Paroxetine	Pharmel		500	556.50	1.1130
+ 02248560	Riva-Paroxetine	Riva		500	556.50	1.1130
Tab.		_	30 mg			
+ 02248915 + 02248452	Paroxetine-30 Phl-Paroxetine	Pro Doc Pharmel		100 100	118.30 118.30	1.1830 1.1830
+ 02248452	Riva-Paroxetine	Riva		100	118.30	1.1830
SERTRALINE	HYDROCHLORIDE 🖪	•				
Caps.			25 mg			
+ 02248496	Riva-Sertraline	Riva		250	126.00	0.5040
Caps.			50 mg			
+ 02248497	Riva-Sertraline	Riva	oo mg	250	252.00	1.0080
Caps.			100 mg			
+ 02248498	Riva-Sertraline	Riva	100 mg	250	275.63	1.1025
TRAZODONE	HYDROCHLORIDE 1					
Tab.			75 mg	LPN	1	
+ 02249804	Phl-Trazodone	Pharmel	75 mg	100	31.13	→ 0.3113
28:16.08 A	NTIPSYCHOTIC AGE	NTS				
CLOZAPIN 🖺	1					
Tab.			25 mg			
+ 02248034	Apo-Clozapine	Apotex		100	65.94	0.6594
Tab.			100 mg			
+ 02248035	Apo-Clozapine	Apotex	Toomig	100	264.46	2.6446
28:24.08 B	ENZODIAZEPINES					
ALPRAZOLA	м В					
Tab.			1 mg	LPM	1	
+ 02248706	Alprazolam-1	Pro Doc	Ŭ.	100	30.99	→ 0.3099

		ı		· · · · · · · · · · · · · · · · · · ·			
CODE	BRAND NAME	MANUF	ACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE	
OXAZEPAM 🖺							
Tab. + 00568392	Zapex	Riva	10 mg	LPM 1000	I 35.00	→ 0.0350	
Tab. + 00568406	Zapex	Riva	15 mg	LPM 1000	I 55.00	→ 0.0550	
Tab. + 00568414	Zapex	Riva	30 mg	LPM 1000	I 75.00	→ 0.0750	
28:92 MISC	28:92 MISCELLANEOUS CENTRAL NERVOUS SYSTEM AGENTS						
LEVODOPA/0	CARBIDOPA 🖪						
L.A. Tab. + 02245211	Apo-Levocarb CR	Apotex	200 mg -50	mg LPM 500	I 401.40	→ 0.8028	
52:04.12 M	ISCELLANEOUS AN	ΓI-INFEC	TIVES				
OFLOXACINE							
Oph. Sol. + 02248398	Apo-Ofloxacin	Apotex	0,3 %	5 ml	4.96	0.9920	
52:36 MISC	CELLANEOUS EENT	DRUGS					
BRIMONIDINE	E TARTRATE / TIMOLOL I	MALEATE	P				
Oph. Sol. + 02248347	Combigan	Allergan	0,2 % - 0,5 9	% 5 ml	19.70		
56:16 DIGE	ESTANTS						
LACTASE							
drops + 99100157	Lacteeze	Aurium	80 U/5 gttes	15.5 ml	11.00		

CODE	BRAND NAME	MANUFACTURER		SIZE	COST OF PKG. SIZE	UNIT PRICE
56:40 MISC	CELLANEOUS GI DRU	JGS				
MISOPROSTO	OL 🖟					
Tab. + 02248846	Misoprostol-200	Pro Doc	200 mcg	LPN 100	l 28.53	→ 0.2853
OMEPRAZOL						,
Caps. or Tab. + 02245058	Apo-Omeprazole	Apotex	20 mg	l 500 l	625.00	1.2500
	HYDROCHLORIDE 13	1. 4.2				
Tab. + 02248570 + 02247814	Co Ranitidine Riva-Ranitidine	Cobalt Riva	150 mg	LPN 500 100	202.10 40.42	→ 0.4042→ 0.4042
Tab. + 02248571 + 02247815	Co Ranitidine Riva-Ranitidine	Cobalt Riva	300 mg	LPM 100 100	77.87 77.87	→ 0.7787→ 0.7787
68:04 ADR	ENALS					
DEXAMETHA	SONE B					
Tab. + 02250055	Apo-Dexamethasone	Apotex	4 mg	LPN 100	1 76.73	→ 0.7673
68:36.04 T	HYROID AGENTS					
LEVOTHYRO	XINE (SODIUM)					
Tab. + 02233852	Synthroïd	Abbott	0,137 mg	1000	150.00	0.1500
84:04.16 M	ISCELLANEOUS AN	ΓI-INFEC	TIVES			
METRONIDA	ZOLE 🖪					
Lot. + 02248206	Metrolotion	Galderma	0,75 % a	60 ml	29.60	

CODE	BRAND NAME	MANUI	FACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE		
84:06 ANTI-INFLAMMATORY AGENTS								
HYDROCORTISONE ACETATE ☐								
Rect. Oint. (Ap + 02247691	op.) Sab-Anuzinc HC	Sabex	0,5 % à 0,75	5 % LPN 30 g	1 12.39	→ 0.4130		
84:28 KER	ATOLYTIC AGENTS							
BENZOYLE P	EROXIDE, ACETONE BA	SE 🖟						
Top. Jel. + 00406848	Acetoxyl 10	Valeo	10 %	60 g	8.25	0.1375		
84:36 MISC	CELLANEOUS							
HYDROGEL								
Gel + 99100152	Purilon Gel	Coloplas	t	26 g	5.65			
92:00.02 O	THER MISCELLANEO	ous						
LEUPROLIDE	ACETATE B							
Kit + 02248999	Eligard	Sanofi	30 mg	1	1285.20			
MONTELUKA	ST SODIUM 🖪							
Gran. + 02247997	Singulair	Merck	4 mg/sachet	30	38.04	1.2680		
OCTREOTIDE	B							
Inj. Sol. + 02248639	Octreotide Acetate Oméga	Oméga	50 mcg/mL	1 ml	3.99			
Inj. Sol. + 02248640	Octreotide Acetate Omega	Oméga	100 mcg/mL	1 ml	7.54			
	- 3					1		

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Inj. Sol. + 02248642	Octreotide Acetate Omega	200 mcg/mL Oméga	5 ml	72.48	
Inj. Sol. + 02248641	Octreotide Acetate Omega	500 mcg /ml Oméga	L 1 ml	35.42	

⁽²⁾ by inserting, in alphabetical order of the exceptional medications, the following medications and the accompanying information:

EXCEPTIONAL MEDICATIONS

CARVEDILOL 1

Tab.	3,125 mg	_		
+ 02248752 Phl-Carvedilol	Pharmel	100	80.01	0.8001
Tab.	6,25 mg	1		
+ 02248753 Phl-Carvedilol	Pharmel	100	80.01	0.8001
T .	40.5			
Tab.	12,5 mg	1 400	00.04	0.0004
+ 02248754 Phl-Carvedilol	Pharmel	100	80.01	0.8001
Tab.	25 mg			
+ 02248755 Phl-Carvedilol	Pharmel	100	80.01	0.8001
+ 02246755 PTII-Cal Vediloi	Filalillei	100	00.01	0.0001
DRESSING – ALGINATE FIBER				
Dressing	5 cm X 5 c	:m		
+ 99100156 Seasorb Soft	Coloplast	1	2.09	
Dressing	10 cm X 10	0 cm		
+ 99100153 Seasorb Soft	Coloplast	1	3.90	
Dressing	15 cm X 1	5 cm		
+ 99100154 Seasorb Soft	Coloplast	1	9.00	
Strip	30 cm à 44			
+ 99100155 Seasorb Soft 44 cm	Coloplast	1	6.87	

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF	UNIT PRICE		
OODE	DIVAND NAME	MANOFACTORER	OILL	PKG. SIZE	OMITTAGE		
DRESSING – HYDROCOLLOIDAL							
Dressing		5 cm x 7 cm		, ,			
+ 99100146	Comfeel Plus Clear	Coloplast	1	1.84			
Dressing		9 cm X 14 c	m				
+ 99100147	Comfeel Plus Clear	Coloplast	1	3.66			
Dungaina		10 cm X 10					
Dressing + 99100143	Comfeel Plus Clear	Coloplast	1	2.81			
+ 99100149	Comfeel Plus Ulcer	Coloplast	1	4.49			
Dressing + 99100144	Comfeel Plus Clear	15 cm X 15 Coloplast	cm l 1	5.46			
+ 99100144	Comfeel Plus Ulcer	Coloplast	1	10.65			
Dressing + 99100142	Comfeel Plus Clear	15 cm X 20	cm l 1	7.66			
+ 99100142	Conneel Plus Clear	Coloplast	I	7.00			
Dressing		18 cm x 20 c					
+ 99100148	Comfeel Plus Triangle	Coloplast	1	10.17			
Dressing		20 cm X 20	cm				
+ 99100145	Comfeel Plus Clear	Coloplast	1	7.64			
+ 99100151	Comfeel Plus Ulcer	Coloplast	1	17.89			
DRESSING _ I	HYDROPHILIC FOAM						
DICESSING - I	ITI DICOT TILLIO I CAM						
Dressing		6,8 cm x 8,5		1 1			
+ 99100132	Mepilex Lite	Mölnlycke	1	2.11			
Dressing		10 cm X 10	cm				
+ 99100135	Biatain	Coloplast	1	5.22			
+ 99100136	Biatain adhesif	Coloplast	1	4.57			
+ 99100133	Mepilex Lite	Mölnlycke	1	3.54			
Dressing		12 cm X 12	cm				
+ 99100137	Biatain adhesif	Coloplast	1	5.79			
Dressing		15 cm X 15	cm				
+ 99100138	Biatain	Coloplast	1	10.46			
+ 99100134	Mepilex Lite	Mölnlycke	1	4.37			

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Б .		40 40			
Dressing + 99100139	Biatain adhesif	18 cm x 18 cl	cm I 1 I	11.57	
			<u>-</u>		
Dressing	l p:	20 cm X 20		00.00	
+ 99100140	Biatain	Coloplast	1	20.00	
Dressing		22 cm x 22 c	cm		
+ 99100141	Biatain Sacrum	Coloplast	1	16.50	
ESTRADIOL-	17B 🖟				
Patch		0,025 mg/24 h (4) et	(8) LPN	1	
+ 02247499	Climara-25	Berlex	4	18.24	4.5600
Patch		0,075 mg/24 h (4) et	(8) LPN	1 .	
+ 02247500	Climara-75	Berlex	4	20.75	5.1875
ETHINYL EST	RADIOL/CYPROTERONE	ACETATE 13			
Tab. (21) + 02233542	Diane-35	0,035 mg – 2 mg Berlex	1 1	19.00	
IMIQUIMOD [ii.				
Top. Cr.		5 %			
+ 02239505	Aldara	3M Canada	5 g	12.63	
TENOFOVIR I	DISOPROXIL FUMARATE				
Tab.		300 mg			
+ 02247128	Viread	Gilead	30	487.50	16.2500

7. The List of medications is amended by replacing the information accompanying the following medications by the following information:

08:12.04 ANTIFUNGAL ANTIBIOTICS

FLUCONAZOLE 1

I.V. Perf. Sol.		2 mg/mL			
* 02247922	Fluconazole	Novopharm	100 ml	39.76	

CODE	BRAND NAME	NAME MANUFACTURER		SIZE	COST OF PKG. SIZE	UNIT PRICE
08:12.16 PE	ENICILLINS		1	1	1	
PIPERACILLIN	I (SODIUM)					
Inj. Pd		2	g	LPM		
* 02246640 * 02173425	Piperacilline Pipracil	Mayne Wyeth		1	→ 8.50 10.00	
02173425	Pipracii	vvyetri		l l	10.00	
Inj. Pd	Dinorgoilling		g	LPM	→ 12.75	
* 02246641 * 02173433	Piperacilline Pipracil	Mayne Wyeth		1	15.00	
	p	,				
Inj. Pd * 02246642	Piperacilline	4 Mayne	g	LPM 1	→ 17.00	
* 02173441	Pipracil	Wyeth		1	20.00	
	MALARIAL AGENTS LOROQUIN SULFATE B					
Tab. * 02246691	Apo-Hydroxyquine	2 Apotex	00 mg	LPM 500	165.05	→ 0.3301
08:22 QUIN	OLONES					
CIPROFLOXA	CIN 🖪					
Tab.		2	50 mg	LPM		
* 02155958	Cipro	Bayer		100	222.10	2.2210
Tab. * 02155966	Cipro	5 Bayer	00 mg	LPM 100	250.58	2.5058
Tab. * 02155974	Cipro	7: Bayer	50 mg	LPM 100	472.62	4.7262

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE		
08:40 MISCELLANEOUS ANTI-INFECTIVES							
ISERIONATE	PENTAMIDINE 🛭						
Inj. Pd		300 mg	LPM	ļ			
* 02183080		Mayne	5	140.00	→ 28.0000		
* 01926748	Pentacarinat	Aventis	5	317.62	63.5240		
METRONIDAZ	ZOLE 🖟						
Tab.		250 mg	LPM	I			
* 00420409	Metronidazole-250	Pro Doc	500	28.75	→ 0.0575		
	24:24 BÊTA-ADRENERGICS BLOCKING AGENTS METOPROLOL TARTRATE						
Tab. * 02246010	Apo-Metoprolol	25 mg Apotex	LPM 100	6.43	→ 0.0643		
24:32.04 A	NGIOTENSIN-CONVE	RTING ENZYME IN	IHIBITORS	S (ACEI)			
LISINOPRIL	B						
Tab.		5 mg					
* 02217481	Apo-Lisinopril	Apotex	500	269.40	0.5388		
* 00839388	Prinivil	Merck	100	53.88	0.5388		
Tab.		10 mg	1				
* 00839396	Prinivil	Merck	100	64.74	0.6474		
Tab.		20 mg					
* 02217511	F	Apotex	500	388.95	0.7779		
* 00839418	Prinivil	Merck	100	77.79	0.7779		

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE			
LISINOPRIL/H	LISINOPRIL/HYDROCHLOROTHIAZIDE 🖟							
Tab.		10 mg – 12,	5 mg					
* 02108194	Prinzide	Merck	100	64.74	0.6474			
Tab.		20 mg – 12,	5 ma					
* 00884413	Prinzide	Merck	100	77.79	0.7779			
Tab. * 00884421	Prinzide	20 mg – 25 Merck	mg 100	77.79	0.7779			
28:12.92 M	ISCELLANEOUS ANT	CICONVULSANTS						
LAMOTRIGIN	E B							
Tab.		150 mg						
* 02245210	Apo-Lamotrigine	Apotex	100	125.30	1.2530			
* 02248234	Novo-Lamotrigine	Novopharm	100	125.30	1.2530			
* 02246899	pms-Lamotrigine	Phmscience	100	125.30	1.2530			
28:16.04 ANTIDEPRESSANTS								

FLUOXETINE HYDROCHLORIDE 🛚

Caps.		10 mg	LPM			
* 02216353	Apo-Fluoxetine	Apotex	100	117.73	→	1.1773
* 02242177	Co-Fluoxetine	Cobalt	100	117.73	→	1.1773
* 02220121	Fluoxetine-10	Pro Doc	100	117.73	→	1.1773
* 02237813	Gen-Fluoxetine	Genpharm	100	117.73	→	1.1773
* 02216582	Novo-Fluoxetine	Novopharm	100	117.73	→	1.1773
* 02192756	Nu-Fluoxetine	Nu-Pharm	100	117.73	→	1.1773
* 02223481	Phl-Fluoxetine	Pharmel	100	117.73	→	1.1773
* 02177579	pms-Fluoxetine	Phmscience	100	117.73	→	1.1773
* 02241371	Ratio-Fluoxetine	Ratiopharm	100	117.73	→	1.1773
* 02243486	Rhoxal-Fluoxetine	Rhoxal	100	117.73	→	1.1773
* 02242123	Riva-Fluoxetine	Riva	100	117.73	→	1.1773
* 02018985	Prozac	Lilly	100	157.00		1.5700

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Caps.		20 mg	LPM	<u> </u>	
* 02216361	Apo-Fluoxetine	Apotex	500	505.60	→ 1.0112
* 02242178	Co-Fluoxetine	Cobalt	500	505.60	→ 1.0112
* 02220148	Fluoxetine-20	Pro Doc	500	505.60	→ 1.0112
* 02237814	Gen-Fluoxetine	Genpharm	500	505.60	→ 1.0112
* 02216590	Novo-Fluoxetine	Novopharm	500	505.60	→ 1.0112
* 02223503	Phl-Fluoxetine	Pharmel	500	505.60	→ 1.0112
* 02177587	pms-Fluoxetine	Phmscience	500	505.60	→ 1.0112
* 02241374	Ratio-Fluoxetine	Ratiopharm	500	505.60	→ 1.0112
* 02243487	Rhoxal-Fluoxetine	Rhoxal	500	505.60	→ 1.0112
* 02242124	Riva-Fluoxetine	Riva	500	505.60	→ 1.0112
* 00636622	Prozac	Lilly	100	160.50	1.6050
	HYDROCHLORIDE 13	10			
Tab.	Apo-Paroxetine	10 mg Apotex	100	55.65	0.5565
* 02248012	Gen-Paroxetine	Genpharm	100	55.65	0.5565
* 02248556	Novo-Paroxetine	Novopharm	100	55.65	0.5565
* 02247750	pms-Paroxetine	Phmscience	100	55.65	0.5565
* 02247730	Ratio-Paroxetine	Ratiopharm	30	16.70	0.5565
02247010	Tatio-i aroxetine	Radophami	30	10.70	0.0000
SERTRALINE	HYDROCHLORIDE 🖪				
Caps.		25 mg			
* 02245824	Phl-Sertraline	Pharmel	250	126.00	0.5040
Caps.		50 mg			
* 02245825	Phl-Sertraline	Pharmel	250	252.00	1.0080
Caps.		100 mg			
* 02245826	Phl-Sertraline	Pharmel	250	275.63	1.1025
TRAZODONE HYDROCHLORIDE 🖟					
Tab.		75 mg	LPM	l	
* 02237339	pms-Trazodone	Phmscience	100	31.13	→ 0.3113

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE		
28:16.08 ANTIPSYCHOTIC AGENTS							
CLOZAPIN 🖺	I						
Tab. * 02247243	Gen-Clozapine	25 mg Genpharm	100	65.94	0.6594		
Tab. * 02247244	Gen-Clozapine	100 mg Genpharm	100	264.46	2.6446		
28:24.08 B	ENZODIAZEPINES	•					
DIAZEPAM [1						
Tab. * 00013765	Vivol	5 mg Axxess	LPM 1000	65.00	→ 0.0650		
Tab. * 00013773	Vivol	10 mg Axxess	LPM 1000	86.70	→ 0.0867		
FLURAZEPA	M HYDROCHLORIDE						
Caps. or Tab. * 00483826	Somnol	15 mg Axxess	LPM	6.75	→ 0.0675		
Caps. or Tab. * 00483818	Somnol	30 mg Axxess	LPM	7.75	→ 0.0775		
OXAZEPAM	R						
Tab. * 00497762	Oxazepam-15	15 mg Pro Doc	LPM 1000	55.00	→ 0.0550		
Tab. * 00497770	Oxazepam-30	30 mg Pro Doc	LPM 1000	75.00	→ 0.0750		

* 02242931

Ratio-Metformin

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE			
28:92 MISC	28:92 MISCELLANEOUS CENTRAL NERVOUS SYSTEM AGENTS							
LEVODOPA/0	CARBIDOPA 🖪							
L.A. Tab. * 00870935	Sinemet CR	200 mg -50 BM.S	mg LPN 250	1 286.70	1.1468			
36:26 DIAE	BETES MELLITUS							
QUANTITATI	VE GLUCOSE BLOOD TES	ST						
Stick * 99100002	BD Latitude	B-D	100	72.90				
56:40 MISC	CELLANEOUS GI DRU	JGS						
OMEPRAZOL	E 🖟							
Caps. or Tab. * 02190915	Losec	20 mg AZC	28	61.60	2.2000			
68:04 ADR	ENALS							
DEXAMETHA	SONE B							
Tab. * 02237044	Dexamethasone	0,5 mg Pharmel	LPN 100	1 19.70	→ 0.1970			
Tab. * 02237045	Dexamethasone	0,75 mg Pharmel	LPN 100	1 45.00	→ 0.4500			
Tab. * 02237046	Dexamethasone	4 mg Pharmel	LPN 100	1 76.73	→ 0.7673			
	IISCELLANEOUS ANT	TIDIABETIC AGENT	 ГS					
	HYDROCHLORIDE 🖟							
Tab.	Datia Mattaurain	850 mg	LPN	1	→ 0.0000			
* 477747674	Lintin Mattaumain	Liotionhorm	100	20 00 1	→ ∪ つ∩∩∩			

Ratiopharm

100

20.90

0.2090

Page	CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE			
Tab. 10 mg * 02247373 Novo-Alendronate Novopharm 100 110.57 1.1057 CYPROTERONE ACETATE [a] Tab. 50 mg LPM * 00704431 Androcur Berlex 60 84.51 1.4085 * 02229723 Gen-Cyproterone Genpharm 60 84.51 1.4085 * 02232872 Novo-Cyproterone Novopharm 100 140.85 1.4085 OCTREOTIDE [a] Inj. Sol. 50 mcg/mL 1 ml 4.99 Inj. Sol. 1 ml 9.42 Inj. Sol. 200 mcg/mL 5 ml 90.60 * 02049392 Sandostatin Novartis 5 ml 90.60 Inj. Sol. 500 mcg /mL 500 mcg /mL * 02049392 Sandostatin Novartis 5 ml 90.60 EXCEPTIONAL MEDICATIONS BRIMONIDINE TARTRATE [a] 0,15 % Oph. Sol. 0,2248151 Alphagan P Allergan 10 ml 23.10 CARVEDILOL [a]	92:00.02 O	92:00.02 OTHER MISCELLANEOUS							
* 02247373 Novo-Alendronate Novopharm 100 110.57 1.1057 CYPROTERONE ACETATE I³ Tab. 50 mg LPM * 00704431 Androcur Berlex 60 84.51 ♣ 1.4085 * 02229723 Gen-Cyproterone Genpharm 60 84.51 ♣ 1.4085 * 02232872 Novo-Cyproterone Novopharm 100 140.85 ♣ 1.4085 OCTREOTIDE [³ Inj. Sol. 50 mcg/mL 1 ml 4.99	ALENDRONA	TE MONOSODIUM 🖪							
Tab. 50 mg LPM * 00704431 Androcur Berlex 60 84.51 ⇒ 1.4085 * 02229723 Gen-Cyproterone Genpharm 60 84.51 ⇒ 1.4085 * 02232872 Novo-Cyproterone Novopharm 100 140.85 ⇒ 1.4085 OCTREOTIDE III Inj. Sol. 50 mcg/mL 1 ml 4.99 □ Inj. Sol. 100 mcg/mL 1 ml 9.42 □ Inj. Sol. 200 mcg/mL 5 ml 90.60 □ Inj. Sol. 200 mcg/mL 5 ml 90.60 □ Inj. Sol. 5 ml 90.60 □		Novo-Alendronate		100	110.57	1.1057			
* 00704431 Androcur Berlex 60 84.51 → 1.4085 * 02229723 Gen-Cyproterone Genpharm 60 84.51 → 1.4085 * 02232872 Novo-Cyproterone Novopharm 100 140.85 → 1.4085 OCTREOTIDE II Inj. Sol. 50 mcg/mL * 00839191 Sandostatin Novartis 1 ml 4.99 Inj. Sol. 100 mcg/mL 9.42 Inj. Sol. 200 mcg/mL * 02049392 Sandostatin Novartis 5 ml 90.60 Inj. Sol. 500 mcg /mL * 00839213 Sandostatin Novartis 1 ml 44.27 EXCEPTIONAL MEDICATIONS BRIMONIDINE TARTRATE II Oph. Sol. 0,15 % * 02248151 Alphagan P Allergan 10 ml 23.10 CARVEDILOL II Tab. 3,125 mg * 02247933 Apo-Carvedilol Apotex 100 80.01 0.8001 * 02246529 Novo-Carvedilol Novopharm 100 80.01 0.8001	CYPROTERO	NE ACETATE 🖫							
* 02229723 Gen-Cyproterone Genpharm 60 84.51 ★ 1.4085 * 02232872 Novo-Cyproterone Novopharm 100 140.85 ★ 1.4085 OCTREOTIDE III Inj. Sol. 50 mcg/mL * 00839191 Sandostatin Novartis 1 ml 4.99 Inj. Sol. 1 ml 9.42 Inj. Sol. 200 mcg/mL * 02049392 Sandostatin Novartis 5 ml 90.60 Inj. Sol. 500 mcg /mL * 00839213 Sandostatin Novartis 1 ml 44.27 EXCEPTIONAL MEDICATIONS BRIMONIDINE TARTRATE III Oph. Sol. 0,15 % * 02248151 Alphagan P Allergan 10 ml 23.10 CARVEDILOL III Tab. 3,125 mg * 02247933 Apo-Carvedilol Apotex 100 80.01 0.8001 * 02246529 Novo-Carvedilol Novopharm 100 80.01 0.8001	Tab.		50 mg	LPN	Л				
* 02232872 Novo-Cyproterone Novopharm 100 140.85 ♣ 1.4085 OCTREOTIDE [³] Inj. Sol. 50 mcg/mL 4.99 Inj. Sol. 1 ml 4.99 Inj. Sol. 1 ml 9.42 Inj. Sol. 200 mcg/mL Inj. Sol. 5 ml 90.60 Inj. Sol. 5 ml 90.60 Inj. Sol. 5 ml 90.60 Inj. Sol. 1 ml 44.27 Inj. Sol. 44.27 Inj. Sol. 500 mcg/mL 1 ml 44.27 Inj. Sol. 1 ml 44.27 Inj. Sol. 44.27 Inj. Sol. 1 ml 4.27 Inj. Sol. 1 ml 44.27 Inj. Sol. 1 ml 44.27 Inj. Sol. 1 ml 44.27 Inj. Sol. 1 ml 4.27 Inj. Sol. <td></td> <td></td> <td></td> <td></td> <td></td> <td>,</td>						,			
Inj. Sol. So		• •	· ·			,			
Inj. Sol.	" 02232872	Novo-Cyproterone	Novopnarm	100	140.85	→ 1.4085			
* 00839191 Sandostatin Novartis 1 ml 4.99	OCTREOTIDE								
Inj. Sol.			50 mcg/mL						
* 00839205 Sandostatin Novartis 1 ml 9.42	* 00839191	Sandostatin	Novartis	1 ml	4.99				
Inj. Sol. 200 mcg/mL 1 ml 90.60	Inj. Sol.		100 mcg/ml	<u>_</u>					
* 02049392 Sandostatin Novartis 5 ml 90.60	* 00839205	Sandostatin	Novartis	1 ml	9.42				
* 02049392 Sandostatin Novartis 5 ml 90.60	Inj. Sol.		200 mcg/ml	L					
* 00839213 Sandostatin Novartis 1 ml 44.27	* 02049392	Sandostatin			90.60				
* 00839213 Sandostatin Novartis 1 ml 44.27	Ini. Sol.		500 mcg /m	L					
BRIMONIDINE TARTRATE	1 1	Sandostatin		1	44.27				
BRIMONIDINE TARTRATE									
Oph. Sol. 0,15 % * 02248151 Alphagan P Allergan 10 ml 23.10 CARVEDILOL ☐ Tab. 3,125 mg * 02247933 Apo-Carvedilol Apotex 100 80.01 0.8001 * 02246529 Novo-Carvedilol Novopharm 100 80.01 0.8001	EXCEPTIO	NAL MEDICATIONS							
* 02248151 Alphagan P Allergan 10 ml 23.10 CARVEDILOL ☐ Tab. 3,125 mg * 02247933 Apo-Carvedilol Apotex 100 80.01 0.8001 * 02246529 Novo-Carvedilol Novopharm 100 80.01 0.8001	BRIMONIDINE	TARTRATE 🖟							
CARVEDILOL ☐ Tab. 3,125 mg * 02247933 Apo-Carvedilol Apotex 100 80.01 0.8001		Alphagan P	i	10 ml	23.10	Ī			
Tab. 3,125 mg * 02247933 Apo-Carvedilol Apotex 100 80.01 0.8001 * 02246529 Novo-Carvedilol Novopharm 100 80.01 0.8001	02240131	лірпауан і	Allergair	10 1111	23.10				
* 02247933 Apo-Carvedilol Apotex 100 80.01 0.8001 * 02246529 Novo-Carvedilol Novopharm 100 80.01 0.8001	CARVEDILOL	. 🖪							
* 02246529 Novo-Carvedilol Novopharm 100 80.01 0.8001									
			-						

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Tab.		6,25 mg			
* 02247934	Apo-Carvedilol	Apotex	100	80.01	0.8001
* 02246530	Novo-Carvedilol	Novopharm	100	80.01	0.8001
* 02245915	pms - Carvedilol	Phmscience	100	80.01	0.8001
		40.5	•	•	
Tab. * 02247935	Apo-Carvedilol	12,5 mg Apotex	100	80.01	0.8001
* 02246531	Novo-Carvedilol	Novopharm	100	80.01	0.8001
* 02245916	pms - Carvedilol	Phmscience	100	80.01	0.8001
022 100 10	pino carroanor	1 mileolones	100	00.01	0.0001
Tab.		25 mg			
* 02247936	Apo-Carvedilol	Apotex	100	80.01	0.8001
* 02246532	Novo-Carvedilol	Novopharm	100	80.01	0.8001
* 02245917	pms - Carvedilol	Phmscience	100	80.01	0.8001
DDESSING	HYDROPHILIC FOAM				
DRESSING -	HTDROPHILIC FOAW				
Dressing		10 cm X 20	cm		
* 99003252	Mepilex	Mölnlycke	5	59.27	11.8540
ETIDRONATE	DISODIUM 🖟				
Tab.		200 mg	LPN	П	
* 01997629	Didronel	P&G Pharma	60	78.65	1.3108
KETOROLAC	TROMETHAMINE B				
Oph. Sol.		0,5 %			
* 02245821	Apo-Ketorolac	Apotex	10 ml	20.16	
* 02247461	Ratio-Ketorolac	Ratiopharm	10 ml	20.16	

f 8. This Regulation comes into force on 6 October 2004.

6520

Draft Regulations

Draft Regulation

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

Optometrists

- Equivalence standards for the issue of a permit
- Amendment

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 amending the Regulation respecting equivalence standards for the issues of a permit by the Ordre des optométristes du Québec, adopted by the Bureau of the Ordre des optométristes du Québec, may be submitted to the government, which may approve it, with or without amendment, after a period of 45 days starting with the date of this publication has expired.

According to the Ordre des optométristes du Québec, the purpose of the regulation is to update the equivalence standards for the issue of a permit by the Ordre to reflect the changes made in the doctoral program in optometry at the Université de Montréal, which allows access to the permit issued by the Ordre.

The Ordre does not anticipate that the regulation will have any impact on businesses, including small and medium size businesses.

Additional information can be obtained by contacting Mtre Geneviève Anouck Labbé, Assistant to the Executive Director, Ordre des optométristes du Québec, 1265, rue Berri, bureau 700, Montréal (Québec) H2L 4X4; tel: (514) 499-0524; fax: (514) 499-1051.

Any person wishing to make comments is asked to send them, before this period expires, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10° étage, Québec (Québec) G1R 5Z3. Comments will be conveyed by the Office to the minister responsible for the application of the professional laws; they may also be sent to the professional order that has adopted the regulation as well as to any interested persons, departments and agencies.

GAÉTAN LEMOYNE, Chairman of the Office des professions du Québec

Regulation to amend the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec*

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

- **1.** The Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec is hereby amended via the replacement of article 7 with the following:
- "7. A person holding a diploma in optometry issued by an educational institution outside Québec shall be granted a diploma equivalence if the diploma was obtained upon completion of university studies comprising the equivalent of 197 credits, 169 of which shall be apportioned as follows:
- 1° 50 credits in biological and biomedical sciences, pertaining in particular to human and ocular anatomy, general and ocular histology, general and ocular physiology, general and ocular pharmacology, general and ocular pathology and microbiology;
- 2° 16 credits in optics, pertaining in particular to geometric, physical, and ophthalmic optics;
 - 3° 15 credits in vision science;
- 4° 52 credits in optometric science, pertaining in particular to general optometry, orthoptics, contact lenses and low vision;
- 5° 36 credits obtained following a clinical training period, particularly in general optometry, orthoptics, contact lenses and low vision.

Each credit shall represent 15 hours of attendance in class or 45 hours worked in the course of a training period.".

^{*} The Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec approved by Order in Council 452-99 of April 21, 1999 (1999, *G.O.* 2, 1645) has not been amended since that time.

2. This regulation shall come into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

6529

Draft Regulation

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

Certain categories of pension plans

- Exemption from the application of the Act
- Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Regulation to amend the Regulation respecting the exemption of certain categories of pension plans from the application of the Supplemental Pension Plans Act", the text of which appears below, may be made by the government upon the expiry of 45 days following this publication.

The draft regulation is intended to facilitate the establishment of pension plans on the initiative of workers' associations. To this end, it defines the characteristics of a new category of defined benefit pension plans, called "member-funded pension plans", which it exempts from the application of several provisions of the Supplemental Pension Plans Act. The draft regulation provides that the funding of these plans is, except for the required employer contribution, charged to the active plan members. It also imposes some specific obligations on pension plans in this category that are related, notably, to plan funding and the payment of members' and beneficiaries' benefits, with a view to protecting the members' and beneficiaries' rights.

Further information may be obtained from Mr. Michel Groulx, Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, Sainte-Foy (Québec) G1V 4T3 (tel.: (418) 657-8732, fax: 659-8985, e-mail: michel.groulx@rrq.gouv.qc.ca).

Any person having comments to make on this matter is asked to send them in writing, before the expiry of the period mentioned above, to Mr. Pierre Prémont, President and General Manager of the Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, 5° étage, Sainte-Foy (Québec) G1V 4T3. Comments will be

forwarded by the Régie to the Minister of Employment, Social Solidarity and Family Welfare, who is responsible for the application of the Supplemental Pension Plans Act.

CLAUDE BÉCHARD, Minister of Employment, Social Solidarity and Family Welfare

Regulation to amend the Regulation respecting the exemption of certain categories of pension plans from the application of the Supplemental Pension Plans Act*

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

- **1.** The title of the Regulation respecting the exemption of certain categories of pension plans from the application of the Supplemental Pension Plans Act is amended, in the English version, by inserting, after the word "application", the words "of provisions".
- **2.** Section 38 of the Regulation is amended, in the English version, by replacing the words "constituting optional ancillary contributions" with the words "constituting optional ancillary benefits".
- **3.** The Regulation is amended by adding the following division after section 47:

"DIVISION IX MEMBER-FUNDED PENSION PLANS

§1. General provisions

- **48.** This division refers to a pension plan called a "member-funded pension plan", which has the following characteristics:
- (1) it is a contributory pension plan and either a defined benefit plan or a defined benefit-defined contribution plan;
- (2) it came into effect after (insert here the date of coming into force of this Regulation);

^{*} The last amendments to the Regulation respecting the exemption of certain categories of pension plans from the application of the Supplemental Pension Plans Act, approved by Order in Council 1160-90, dated 8 August 1990 (*G.O.* 1990, 2, 2333), were made by the regulation made by Order in Council 436-2004, dated 6 May 2004 (*G.O.* 2004, 2, 1615). For the preceding amendments, see *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2004, updated to 1 March 2004.

- (3) it contains a provision whose effect is to prevent the employer who is party to the plan, or in the case of a multi-employer plan, even not considered as such under section 11 of the Act, the employers jointly or any one of them, from unilaterally amending or terminating the plan;
- (4) it provides that the cost of the plan's commitments, less the employer contribution fixed in the plan, is the sole responsibility of the plan's active members.
- **49.** The following plans are outside the scope of this division:
- (1) a pension plan in which the salary used for the purpose of calculating a member's pension corresponds to the average of his last salaries or to his highest salaries during a defined number of years;
 - (2) an insured pension plan.
- **50.** A member-funded pension plan may not be validly established by an amendment to a pension plan already in force whose purpose would be to convert such plan into a member-funded pension plan.

An amendment to a member-funded pension plan may not have the effect of converting such plan into a pension plan not belonging to that category of plans.

§2. Rules and conditions for exemptions

- **51.** Member-funded pension plans are exempted from the following provisions of the Act:
- Establishment and effective date subparagraphs 16 and 17 of the second paragraph of section 14;
 - Contributions sections 37, 39, 41, 42 and 44;
- Refunds and pension benefits sections 60, 60.1 and 78 as well as subparagraph 2 of the first paragraph of section 93;
- Transfers of benefits and assets sections 101 and 106;
- Funding and solvency sections 130 to 133, 140 and 142 to 146;
- Confirmation of employer's right to appropriate surplus assets to payment of contributions – sections 146.4 to 146.9;
- Division and merger section 196, with the exception of the third paragraph;

- Payment of the benefits of members and beneficiaries paragraphs 2 to 4 of section 200, section 207.5, the first and third paragraphs of section 210.1, the second paragraph of section 224, sections 228 to 230, 230.1, 230.2 to 230.8 and 240.2.
- **52.** The following provisions of the Act apply to a member-funded pension plan, subject to the following changes:
- (1) section 38, by striking out the words ", as the case may be,";
- (2) section 61, by replacing the first paragraph with the following paragraph:
- "61. The value of a member's pension benefits shall be determined at the date of vesting, according to the actuarial assumptions and methods prescribed by regulation.";
- (3) section 69.1, by replacing subparagraph 3 of the first paragraph with the following paragraph:
- "(3) the value assigned to his benefits for the purposes of their payment by supposing that he ceases to be an active member and exercises his right to the refund or transfer of his benefits on the date on which he applies for the payment of the benefit;";
- (4) section 81, by replacing the second paragraph with the following paragraph:
- "The actuarially equivalent pension shall be determined on the basis of the actuarial assumptions referred to in section 61 that, on the date on which the member reached the normal retirement age, were used to determine the value of the pension benefits to which entitlement had been vested on that date.";
- (5) section 82.1, by replacing the third paragraph with the following paragraph:
- "Values are established on the date on which payment of the disability pension is interrupted, according to the actuarial assumptions and methods referred to in section 61 that, on the said date, were used to determine the value of pension benefits.";
- (6) section 86, by replacing subparagraph 2 of the first paragraph with the following subparagraph:
- "(2) if the member was not entitled to a pension before his death, the value to which he would have been entitled if he had ceased to be an active member on the day of his death for a reason other than his death and had then exercised his right to the refund or transfer of his benefits.";

- (7) section 98, by striking out the words "to which section 60 applies and" each time they appear in subparagraph b of subparagraph 2 and subparagraph 4 of the first paragraph;
- (8) section 122, by adding, at the end of the first paragraph, the following sentence:

"It must also contain an assumption for the indexation of the value of the benefits of all the plan's members and beneficiaries on 1 January of each year, according to the increase in the seasonally unadjusted Consumer Price Index for Canada, published by Statistics Canada for each month during the 12-month period ending on 31 December of the preceding year, up to a maximum of 4%.";

- (9) section 123, by inserting, in the second line of subparagraph 1, after the words "the valuation", the words "or in the form of a fixed amount for each active member";
- (10) section 134, by replacing, each time that it appears in the first and third paragraphs, the number "133" with the number and words "74 of the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act";
- (11) the title of chapter X.1 and sections 146.1 to 146.3, by replacing, each time that it appears therein, the word "employer" with the word "member";
 - (12) section 202:
- (a) by replacing, at the end of the second paragraph, the words ", with the authorization of and subject to the conditions determined by the Régie, at the date of the next full actuarial valuation of the plan" with the words "on the date and subject to the conditions fixed by the Régie";
 - (b) by striking out the third paragraph;
- (13) section 204, by replacing the first paragraph with the following paragraph:
- "204. The person or body empowered to terminate the pension plan may do so only by means of a written termination notice sent to the affected members and beneficiaries, to every certified association representing members, to the employer, to the pension committee and, where applicable, to the insurer.";

- (14) section 212, by replacing, in the portion of the first paragraph that precedes subparagraph 1, the words "the pension benefits to which section 60 applies" with the words "pension benefits";
- (15) section 226, by inserting, in the first line, after the word "retirement", the words "or upon the withdrawal of an employer who is party to a multi-employer pension plan".
- **53.** The member-funded pension plan is exempted from the application of section 52 of the Regulation respecting supplemental pension plans.
- **54.** The following provisions of the aforementioned Regulation apply to the member-funded pension plan, subject to the following changes:
 - (1) section 4:
- (a) by replacing subparagraph 6 of the first paragraph with the following subparagraph:
- "6° the member contribution required under the plan, if such contribution is greater than the contribution provided for in sections 62 and 75 of the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act;";
- (b) by replacing, in subparagraph 15 of the first paragraph, the words and numbers "sections 133, 134 or 140 of the Act" with the words and numbers "section 134 of the Act and sections 74 or 75 of the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act;";
- (c) by replacing subparagraph 19 of the first paragraph with the following:
- "(19) a description of the contribution adjustments resulting from the application of the second paragraph of section 63 of the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act;";
 - (d) by striking out the second paragraph;
 - (2) section 15.3:
- (a) by replacing the first and second paragraphs with the following paragraph:

"15.3. Where the payment of the early benefit referred to in section 69.1 of the Act is made from pension plan benefits accumulated by the member that are not referred to in section 15.1, the pension committee shall determine, at the payment date, a pension amount equal to "M" in the following formula:

$$R \times \frac{p}{v} = M$$

"R" is equal to the normal pension that, determined according to the value of the member's benefits at the payment date, would have been payable to the member at the normal retirement age in accordance with the conditions and characteristics provided for in the plan for such pension;

"p" is equal to the pension benefit paid;

- "v" is equal to the value of the member's benefits determined in accordance with subparagraph 3 of the first paragraph of section 69.1 of the Act.";
- (b) by replacing, each time that it appears in the third paragraph, the word "second" with the word "first";
- (3) section 48, by replacing the first paragraph with the following paragraph:

"Interest calculated at the rate of return obtained on the investment of the plan's assets, less investment and administration costs, must be added to the amount granted to the spouse.";

- 4° section 54, by replacing the first paragraph with the following:
- "54. The pension committee must, where no pension is being paid to the member at the date of execution of the partition or transfer of pension amounts, determine at such date an amount equal to "M" in the following formula:

$$A \times \frac{c}{p} = M$$

"A" is equal to the normal pension that, determined according to the value of the member's benefits at the date of execution of the partition or transfer, would have been payable to the member at the normal retirement age in accordance with the conditions and characteristics provided for in the plan for such pension;

"c" is equal to the sum that corresponds to the benefits granted to the spouse following the partition or transfer;

"p" is equal to the value taken into consideration for the purposes of the partition or transfer of the member's benefits.

The pension committee must keep a record of that amount.":

- (5) section 56.0.3, by replacing the first paragraph with the following:
- "56.0.3. Where the benefits attributed to the spouse are paid from the benefits of the member that are pension benefits within the meaning of section 33 and no pension is being paid to the member at the date on which the seizure is effected, the pension committee shall determine at that date a pension amount equal to "M" in the following formula:

$$R \times \frac{s}{v} = M$$

"R" is equal to the normal pension that, determined according to the value of the member's benefits at the date on which the seizure is effected, would have been payable to the member at the normal retirement age in accordance with the conditions and characteristics provided for in the plan for such pension;

"s" is equal to the amount paid in execution of the seizure;

"v" is equal to the value of the member's benefits taken into consideration for the purposes of the seizure.

The pension committee must keep a record of that amount.";

- (6) section 56.1:
- (a) by striking out paragraphs 1 and 6;
- (b) by adding, at the end, the following paragraph:

"It must also indicate:

- (1) that the plan is exempted from several provisions of the Act:
- (2) that the cost of the plan's commitments, less the employer contribution, shall be borne by the plan's active members;

- (3) that the benefits of the members and beneficiaries of the plan may be indexed only if the plan is fully funded and solvent;
- (4) that the accumulated surplus assets at the termination of the plan is entirely allocated to the plan's members and beneficiaries and distributed among them pro rata to the value of their benefits.";
- (7) section 57, by replacing subparagraph 1 of the second paragraph with the following subparagraph:
- "(1) the value of the member's benefits at the end of that fiscal year as well as the value that he would have been able to transfer taking into account the plan's degree of solvency at that date, accompanied with a mention that the information is provided for information purposes and that the value of the benefits is subject to large variations by reason in particular of fluctuations in interest rates, variations in the degree of solvency as well as the payment conditions of the pension benefits;";
 - (8) section 58:
 - (a) by striking out subparagraph g of paragraph 4;
- (b) by replacing paragraph (9) with the following paragraph:
- "(9) the pension plan's degree of solvency that would have been taken into account for payment of the member's benefits if he had exercised his right to the refund or transfer of his benefits at the date on which he ceased to be an active member, accompanied with a mention that the plan was fully funded or partially funded, as the case may be, at the date of the last actuarial valuation of the entire plan;";
- (9) section 59, by replacing subparagraph 1 of the second paragraph with the following subparagraph:
- "(1) the value, at the end of the fiscal year, of the member's benefits as well as the value that he would have been able to transfer taking into account the plan's degree of solvency at that date, accompanied with a mention that the information is provided for information purposes and that the values are subject to large variations by reason in particular of fluctuations in interest rates, variations in the degree of solvency as well as the payment conditions of the pension benefits;";
 - (10) section 59.0.1, by striking out paragraph 6;
 - (11) section 59.0.2:

- (a) by replacing subparagraph 1 of the first paragraph with the following subparagraph:
- "1° the degree of solvency of the pension plan determined at the earlier of the date of the last actuarial valuation of the whole plan or the date of the end of the last completed fiscal year of the plan, and, where the degree is less than 100%, the measures taken to bring it up to 100%;";
- (b) by replacing each time that they appear in subparagraph 5 of the first paragraph and in the second paragraph, the words "employer contribution" with the words "member contributions".
- 55. For the purposes of partition, transfer and seizure of the member's benefits, the value that must be considered to be the value of the member's total benefits or the value of the benefits accumulated during marriage is equal to the product of the value determined in accordance with the pertinent provisions of sections 35.2, 37, 39 and 41 to 45 of the Regulation respecting supplemental pension plans multiplied by the plan's degree of solvency at the date at which the member's benefits are determined. Only the value resulting from the operation prescribed in this section must be indicated in the first part of the statement provided for in section 35 of the Regulation.
- §3. Specific rules
- **56.** The notice provided for in section 16 of the Act must mention that the cost of the plan's commitments, less the employer contribution, will be borne by the plan's active members.
- 57. The application for registration filed pursuant to section 24 of the Act must be accompanied with a written declaration from each certified association representing workers eligible for plan membership or active plan members acknowledging that such association, acting on behalf of those it represents, gives its consent to the obligations incumbent on each such worker and member under, as the case may be, the plan or the amendment.

The first paragraph does not apply in the following cases:

- (1) the pension committee attests that it has obtained the acknowledgment of each association and that the acknowledgment may, on request, be filed with the Régie;
- (2) the amendment has been made mandatory by a new legislative or regulatory provision giving no latitude;

- (3) the amendment results from the application of section 199 of the Act or section 77.
- **58.** Where the pension plan concerns workers who are not represented by a certified association, a pension committee intending to apply for registration of a plan or an amendment that increases the commitments of the plan shall notify in writing each of those workers no later than 40 days prior to filing the application for registration with the Régie.

The prior notice of an application for registration of a plan shall mention that the cost of the plan's commitments, less the employer contribution, shall be borne by the plan's active members, that the benefits of the members and beneficiaries may be indexed provided the plan is fully funded and solvent and that the accumulated surplus assets at the plan's termination are, in whole, allocated to the members and beneficiaries of the plan and distributed among them pro rata to the value of their benefits. The prior notice of an application for registration of an amendment shall contain the information provided for in subparagraph 1 of the first paragraph of section 26 of the Act.

Such notices shall likewise inform the interested parties that they may, within 30 days following receipt of notice, make known, in writing, to the pension committee their opposition to the obligations incumbent on them under, as the case may be, the plan or the amendment.

The Régie may register a plan or an amendment only where the application for registration is accompanied with a written declaration from the pension committee attesting that less than 30% of the workers referred to in the first paragraph expressed their opposition in accordance with the third paragraph.

This section does not apply in the case of an amendment referred to in subparagraph 2 or 3 of the second paragraph of section 57.

- 59. The Régie may not register a pension plan referred to in this division or an amendment to such plan unless the report referred to in subparagraph 4 of the second paragraph of section 24 of the Act shows, as the case may be, that the pension plan for which an application for registration is made is fully funded and solvent on the date it comes into force or that the coming into force of the amendment for which an application for registration is made will not result in an insufficiency of assets in the fund of the plan that would prevent the plan from remaining fully funded and solvent.
- **60.** The member contribution is the contribution that an active member is required to pay with a concurrent contribution by the employer.

The employer contribution is the contribution that the employer is required to pay.

- **61.** The pension committee shall inform the active members of any change in the amount of the member contribution by providing to each member a written notice indicating the effective date of the change as well as the new contribution or the method for its calculation. The notice shall be provided no later than 30 days following the date on which collection of the new contribution begins.
- **62.** An active member shall, in each fiscal year of the plan, pay the member contribution that, when added to the employer contribution and to the contributions of the other active members, is equal to the current service contribution determined in accordance with sections 124 and 125 of the Act.

A member's member contribution shall likewise include his share of any amortization amount determined in application of section 73 and of the sum payable to cover any amount determined pursuant to subparagraph 4 of the second paragraph of section 137 of the Act.

However, if the person or body who has the power to amend the plan so decides, the change in the member contribution related to an amortization amount determined in accordance with section 73 or in application of subparagraph 4 of the second paragraph of section 137 of the Act may be postponed, at the latest, to the date that is 12 months after the date of the actuarial valuation pertaining thereto. Where an increase is postponed, the sum of the contribution that would otherwise have been paid in the meanwhile, increased by the interest referred to in section 48 of the Act, may be divided uniformly over the remainder of the first five years which follow the valuation date.

63. The member contribution is paid in equal instalments, according to the periodicity provided for under the plan. However, if they relate to the current service contribution, such instalments may represent an hourly rate or a proportion of the remuneration. The rate or proportion shall be uniform unless it is established by reference to a variable authorized by the Régie.

Where the member contribution is not determined at the beginning of the fiscal year, the member shall, until an actuarial valuation report is transmitted to the Régie, continue to pay the contribution fixed for the preceding fiscal year. If the contribution so paid is less than what should have been paid according to the report, the portion still to be paid may be distributed uniformly over the period remaining until the date of the next actuarial valuation required in accordance with paragraph 3 of

section 118 of the Act, plus, where applicable, the interest referred to in section 48. The amount of the contribution may also be adjusted if the contribution that should have been paid according to the report is less than what was paid.

- **64.** The employer contribution shall be paid in as many equal monthly payments as there are months in the fiscal year of the plan, and not later than the last day of the month that follows each of these months. The monthly payments may, however, represent an hourly rate, a proportion of the remuneration or a percentage of the total payroll for the active members; the rate, proportion or percentage shall be uniform unless it is established by reference to a variable authorized by the Régie.
- **65.** Every contribution bears interest, from the first day of the month that follows the month during which it should have been paid into the pension fund or to the insurer, at the rate of return derived from the investment of the plan assets, less investment expenses and administration costs, or, if the plan so provides and to the extent that the contribution relates to refunds or pension benefits that remain insured, at the monthly rate of return on personal five-year term deposits with chartered banks, as compiled by the Bank of Canada.
- **66.** Where a member who ceased to be an active member exercises his right to a refund or to the transfer of his benefits or where the member's spouse or successor exercises his right to the pension benefit provided for in section 86 of the Act, payment is made by supposing that the value of the benefits of the person concerned is equal to the greater of the following amounts:
- (1) the amount represented by the product of the value of the pension benefit to which the person concerned is entitled multiplied by the plan's degree of solvency;
- (2) the amount represented by the product of the value of a pension payable to the member and determined in the manner provided for in the second paragraph of section 60.1 of the Act multiplied by the plan's degree of solvency.
- (3) the amount represented by the sum of the amounts shown to the member's account for transfers, including transfers not referred to in section 98 of the Act, the amounts paid pursuant to an option giving the member the right to a pension benefit for service in respect of a period of employment in which no employer contribution was paid on his account and the total of the contribution that he paid, with the accrued interest.

Notwithstanding the second paragraph of section 5 of the Act, the plan may not have provisions that are more advantageous than those contained in the first paragraph.

67. The plan's degree of solvency taken into account for the purposes of applying section 65 is the most recent of the following: the degree as determined in the course of the last actuarial valuation of the plan, the degree established at the end of the plan's last complete fiscal year or the degree determined according to the periodicity provided for under the plan.

The pension committee shall establish or cause to be established the plan's degree of solvability at the end of each of the plan's fiscal years ending on a date other than the date of a valuation required pursuant to paragraph 3 of section 118 of the Act or at the date fixed in accordance with the established periodicity where such date precedes the ending date of a fiscal year provided for under the plan. For this purpose, the actuary responsible for preparing the report relating to an actuarial valuation required pursuant to paragraph 3 of section 118 of the Act shall define in the report a method which, taking into account the return obtained on the investment of the plan's assets and the change in the valuation rate, will allow the summary establishment of the degree of solvency at any time prior to the date of the next such valuation.

- **68.** Except where an amendment has been made mandatory by the application of a new legislative or regulatory provision giving no latitude, a plan amendment that increases the plan's commitments may not come into force unless the plan remains fully funded and solvent once the commitments resulting from the amendment are taken into account.
- **69.** A pension plan may, subject to section 68, be amended so that the value of the benefits of each of the members and beneficiaries is adjusted according to the rate of cumulative increase in the the seasonally unadjusted All-Items Consumer Price Index for Canada published by Statistics Canada for the 36-month period ending on the date of the last actuarial valuation of the whole plan or, if that date does not correspond to the end of a month, at the end of the month preceding that date. However, the annualized adjustment rate cannot be less than 0% or greater than 4%.

The amendment provided for in the first paragraph may not come into force on a date prior to the date of the last actuarial valuation of the whole plan or more than one year later than the date of that valuation.

Except where an amendment provided for in the first paragraph comes into force on the date of the last actuarial valuation of the whole plan or thereafter:

- 1° no other amendment increasing the benefits of the members or beneficiaries may be made to the plan;
- 2° no portion of the plan's surplus assets may be used to pay the member contributions.

The second paragraph of section 5 of the Act notwithstanding, no amendment may be made to the plan unless in conformity with the provisions of this section.

- **70.** An amendment to a pension plan whose purpose is to adjust the value of the members' and beneficiaries' benefits in accordance with the first paragraph of section 69 applies to amounts determined in accordance with sections 15.3, 54 and 56.0.3 of the Regulation respecting supplemental pension plans.
- **71.** Every period in which a member paid a contribution shall be taken into account for the purposes of calculating the pension payable to the member.
- **72.** Every sum transferred to the pension plan, even otherwise than under chapter VII of the Act, shall be converted, at the date of the transfer, into a normal pension amount, on the basis of the actuarial assumptions used to verify the plan's funding for the purposes of the plan's most recent actuarial valuation.
- 73. The amortization amounts to be paid in connection with an unfunded actuarial liability shall, for each fiscal year or part of a fiscal year of the pension plan included in the amortization period, be expressed either in the form of a uniform percentage of each active members remuneration as determined on the basis of the total anticipated payroll for the active members or in the form of a uniform sum for each active member determined on the basis of the anticipated number of active members.

For the application of the first paragraph, the provisions related to the total payroll and the number of active members are the same as those used to verify the plan's funding for the purposes of the last actuarial valuation of the plan.

74. Where the member contribution provided for under the plan is greater than that required pursuant to section 62, the excess thereof may serve to reduce, in the following order, the amounts remaining to be paid in connection with:

- (1) any amount determined pursuant to subparagraph 4 of the second paragraph of section 137 of the Act;
 - (2) any technical actuarial deficiency.

The reduction must, where applicable, be made at the time of the first actuarial valuation of the whole pension plan that follows the payment of excess contributions.

If the excess is insufficient to eliminate an unfunded liability or an amount referred to in the first paragraph, the reduction shall be applied proportionately to each amount remaining to be paid. In addition, if there is more than one liability or amount, the reduction shall be applied from the earliest to the most recent.

75. Any amount determined pursuant to subparagraph 4 of the second paragraph of section 137 of the Act shall, within five years after the date of the actuarial valuation, be paid into the pension fund by the members.

Section 128 and the first and second paragraphs of section 129 of the Act as well as section 64 of the Regulation apply, with the necessary modifications and as the case may be, to the determination or payment of such amount. Unless the pension plan sets a higher interest rate, any amount so determined and not paid into the pension fund bears interest, from the last day of the month following that for which it should have been paid, at the rate of return of the pension fund.

Such amount may be used to reduce proportionately and in accordance with section 74 the amortization amounts which, five years after the date of the actuarial valuation, remain to be paid in respect of any actuarial deficiency.

- **76.** Sections 236 et 237 of the Act apply to the benefits and pensions of the members and beneficiaries affected by the withdrawal of an employer from a multi-employer pension plan.
- 77. Where, by reason of a decision concerning the certification of an employees' association, certain active members of a pension plan cease to meet the eligibility requirements fixed by the plan, the provisions of the Act and the regulations thereunder concerning the withdrawal of an employer that is party to a multi-employer pension plan apply, with the necessary modifications. In such case, the following are considered to be affected by the withdrawal:
- (1) active members who cease to be employees eligible for membership in the plan by reason of the decision;

- (2) non-active members who would have ceased to be employees eligible for membership in the plan if they had been active members on the date of the decision;
- (3) beneficiaries whose benefits are derived from those of members who would have ceased to be eligible employees if they had been active members on the date of the decision.

However, where, by reason of the decision referred to in the first paragraph, the members referred to in this paragraph become eligible for another pension plan in the same category, the plan in which they cease to be active members must be the object of an amendment concerning the division of its assets and liabilities. If the person authorized under the plan to make such an amendment fails to do so within 30 days after the pension committee is informed of the decision, the committee must make it. The members and beneficiaries referred to in subparagraphs 1, 2 and 3 of the first paragraph must be included in the division.

78. The Régie may not authorize:

- 1° the division of the assets and liabilities of a memberfunded pension plan among several plans where one or more of those plans do not belong to that category;
- 2° the merger of the assets and liabilities of a memberfunded pension plan with those of a plan that does not belong to that category.

Where the assets and liabilities of a pension plan are divided and the plan was partially funded at the date of the division and where one or the other of the plans whose assets and liabilities are merged was partially funded at the date of the merger, the unfunded actuarial liability affecting any plan arising from such operation is considered to be a continuation of the unfunded liability previously determined and must be amortized within the period that remained for the amortization of such unfunded liability.".

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

Decisions

Decision

An Act respecting school elections (R.S.Q., c. E-2.3)

Chief electoral officer — Holding of a by-election in the Eastern Shores School Board

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 30.8 of the Act respecting school elections, concerning the holding of a by-election in the Eastern Shores School Board

WHEREAS a by-election is to be held on October 10, 2004, in electoral division number 9 of the Eastern Shores School Board in accordance with sections 191 and 200 of the Act respecting school elections (R.S.Q., c. E-2.3);

WHEREAS the second paragraph of section 200 of the Act respecting school elections provides that the provisions of Chapters IV to XII of the said Act shall apply to by-elections;

WHEREAS some of the said provisions have been adapted by means of special decisions of the chief electoral officer made on October 3, 2003, pursuant to section 30.8 of the Act respecting school elections, concerning the power to swear in election staff, acceptance of nominations by an assistant to the returning officer, the ballot, the poll book and the statement of votes;

WHEREAS it is necessary for these special decisions to apply to the by-election in the Eastern Shores School Board;

WHEREAS section 30.8 of the Act respecting school elections allows the chief electoral officer to adapt a provision of the Act where it comes to his attention that, subsequent to an error or an exceptional circumstance, the provision does not meet the demands of the resultant situation;

WHEREAS the chief electoral officer has first informed the Minister of Education of the decision he intends to make;

The chief electoral officer, pursuant to the powers conferred upon him by section 30.8 of the Act respecting school elections, has decided to adapt the provisions of the Act respecting school elections as follows:

- The following decisions made by the chief electoral officer during the election period ending on November 16, 2003, shall apply, adapted as required, to the by-election in the Eastern Shores School Board:
- Decision of October 3, 2003 concerning the power of election officers to administer oaths;
- Decision of October 3, 2003 concerning the ballot paper, the poll book and the statement of votes.

This decision has been in force from the time the returning officer of the Eastern Shores School Board first took action in respect of the by-election to which it applies.

Québec, 16 September 2004

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

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Decision

Election Act (R.S.Q., c. E-3.3)

Chief electoral officer

— Performance of the duties of officers assigned to the list of electors on polling day

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the performance of the duties of officers assigned to the list of electors on polling day

WHEREAS order-in-council number 794-2004, adopted on August 16, 2004, enjoined the chief electoral officer to hold by-elections on September 20, 2004, in the electoral divisions of Nelligan, Vanier and Laurier-Dorion;

WHEREAS order-in-council number 796-2004, adopted on August 18, 2004, enjoined the chief electoral officer to hold a by-election on September 20, 2004, in the electoral division of Gouin;

WHEREAS section 310.1 of the Election Act (R.S.Q., c. E-3.3) provides that the returning officer shall, for each polling station, appoint two persons to act as officers assigned to the list of electors, recommended by the candidates of the authorized parties whose candidates came first and second at the last election;

WHEREAS section 315.1 of the Election Act provides that the officers assigned to the list of electors shall have, in particular, the duty of informing the poll runners as to the electors who have exercised their right to vote;

WHEREAS, in the electoral divisions in which by-elections will be held on September 20, 2004, the number of officers assigned to the list of electors who are available on polling day is insufficient to comply with the provisions of section 310.1 of the Election Act;

WHEREAS returning officers will need to take special steps on polling day if they are unable to appoint two officers assigned to the list of electors in each polling station:

WHEREAS section 490 of the Election Act allows the chief electoral officer to adapt a provision of the Act where it comes to his attention that, subsequent to an exceptional circumstance, the provision does not meet the demands of the resultant situation;

WHEREAS the chief electoral officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section and has taken the necessary steps to inform the other authorized parties, the candidates and the electors concerned:

The chief electoral officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt sections 310.1, 314 and 315 of the said Act in order to authorize a returning officer to appoint only one officer assigned to the list of electors for each polling station, where he finds that the number of available officers is insufficient.

This decision shall take effect on the date of the orders-in-council enjoining the chief electoral officer to hold by-elections in the electoral divisions of Nelligan, Vanier, Laurier-Dorion and Gouin.

Québec, 16 September 2004

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

Decision

Election Act (R.S.Q., c. E-3.3)

Chief electoral officer

— Exercise of the right to vote by election personnel on polling day

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the exercise of the right to vote by election personnel on polling day

WHEREAS order-in-council number 794-2004, adopted on August 16, 2004, enjoined the chief electoral officer to hold by-elections on September 20, 2004, in the electoral divisions of Nelligan, Vanier and Laurier-Dorion;

WHEREAS order-in-council No. 796-2004, adopted on August 18, 2004, enjoined the chief electoral officer to hold a by-election on September 20, 2004, in the electoral division of Gouin;

WHEREAS problems have been encountered in recruiting the election personnel required for the holding of the polls in the electoral divisions where by-elections will be held on September 20, 2004;

WHEREAS the recruitment of election personnel was continuing as of the date of this decision and will continue until the day preceding polling day;

WHEREAS several members of the election personnel yet to be recruited will not have exercised their right to vote in the advance poll;

WHEREAS the said members of the election personnel will be unable to leave their posts on polling day to go and exercise their right to vote in the polling subdivision in which they are domiciled;

WHEREAS provisions are required to allow the said members of the election personnel to exercise their right to vote:

WHEREAS section 490 of the Election Act allows the chief electoral officer to adapt a provision of the Act where it comes to his attention that, subsequent to an exceptional circumstance, the provision does not meet the demands of the resultant situation;

WHEREAS the chief electoral officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section and has taken the necessary steps to inform the other authorized parties, the candidates and the electors concerned;

The chief electoral officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt section 340 of the said Act and the Regulation respecting voting as follows:

- 1. The returning officer or his or her assistant shall issue an authorization to vote to every member of the election personnel who is entered on the list of electors of the electoral division in which he or she is performing his or her duties and has not exercised the right to vote in the advance poll;
- 2. The authorization to vote shall be presented to the member of the election personnel concerned on polling day, by the officer in charge of information and order.
- 3. A member of the election personnel who has obtained such an authorization shall present it to the deputy returning officer and shall declare under oath that he or she:
 - (a) is the person who obtained it;
- (b) has not exercised the right to vote in the advance poll on the grounds that he or she intended to vote on polling day;
- (c) was unaware, prior to the closing of the advance poll, that he or she would be performing the duties of a member of the election personnel on polling day in the voting place to which he or she was assigned.

This decision shall take effect on the date of the orders-in-council enjoining the chief electoral officer to hold by-elections in the electoral divisions of Nelligan, Vanier, Laurier-Dorion and Gouin.

Québec, 16 September 2004

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

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Notices

Notice

Natural Heritage Conservation Act (R.S.Q., c. C-61.01)

Gault-de-l'Université-McGill Nature Reserve — Recognition

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Minister of the Environment has recognized as a nature reserve a private property, situated in the territory of the Municipality of Mont-Saint-Hilaire, Regional County Municipality of Vallée-du-Richelieu, known and designated as lots 1 819 159, 2 484 150, 2 815 789 and a part of lot 2 349 325 of the Québec Land Register, Rouville registry division. This property, which extends over 970 hectares, is more fully described in the plan and property description prepared and signed by Mr. Vital Roy, land surveyor, on August 13th, 2004, in his field note 17 825.

This recognition takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

LÉOPOLD GAUDREAU, Director of Ecological Heritage and Sustainable Development

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

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