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2

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Laws and Regulations

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Summary

Table of Contents
Acts 2005
Regulations and other acts
Draft Regulations
Treasury Board
Index

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Table of Contents

Page

Acts 2005

An Act to amend the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and the Food Products Act	1647
List of Bills sanctioned (24 May 2005)	1645

Regulations and other acts

482-2005 Amendments to Orders in Council 960-2003 and 961-2003 dated 17 September 2003 respecting the Pension Plan of Management Personnel	1653
488-2005 Basic school regulation for preschool, elementary and secondary education (Amend)	1655
489-2005 Basic adult general education (Amend.)	1663
490-2005 Basic vocational training (Amend.)	1665
501-2005 Transportation of dangerous substances (Amend.)	1666
502-2005 Special Road Train Operating Permits (Amend.)	1669
Agreement concerning new methods of voting for an election using computerized polling stations and "ACCU-VOTE ES 2000" ballot boxes — Municipality of Salaberry-de-Valleyfield	1673
Agreement concerning new methods of voting for an election using computerized polling stations and "ACCU-VOTE ES 2000" ballot boxes — Ville de Sainte-Marie	1688
Agreement concerning new methods of voting using "PER-FAS" ballot boxes — Municipalité of Saint-Constant	1703

Draft Regulations

Construction Code	1717
Exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act	1718
Pharmacy Act — Terms and conditions for the sale of medications	1720
Professional Code — Medical Act — Physicians — Professional activities that may be engaged in by a medical electrophysiology technologist	1721
Salmon fishing controlled zones	1722
Wildlife sanctuaries	1724

Treasury Board

202419 Various regulations under the pension plans of the public and parapublic sectors (Amend.)	1727
202420 Pension Plan of Management Personnel, An Act respecting... — Regulation	1733
202421 Government and Public Employees Retirement Plan, An Act respecting... — Application of Title IV.2 of the Act (Amend.)	1738
202422 Pension Plan of Peace Officers in Correctional Services, An Act respecting... — Regulation (Amend.)	1739

PROVINCE OF QUÉBEC

1st SESSION

37th LEGISLATURE

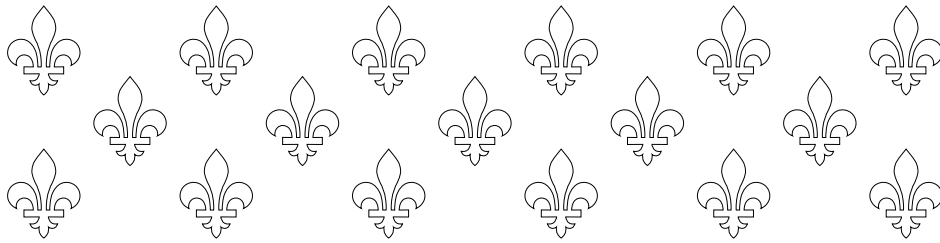
QUÉBEC, 24 MAY 2005

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 24 May 2005*

This day, at four minutes past four o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 62 Municipal Powers Act
- 85 An Act respecting the Centre de services partagés du Québec (*modified title*)
- 93 An Act to amend the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and the Food Products Act

To these bills the Royal assent was affixed by Her Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 93
(2005, chapter 8)

**An Act to amend the Act respecting the
Ministère de l'Agriculture, des Pêcheries
et de l'Alimentation and the Food
Products Act**

**Introduced 7 April 2005
Passage in principle 21 April 2005
Passage 4 May 2005
Assented to 24 May 2005**

**Québec Official Publisher
2005**

EXPLANATORY NOTES

This bill amends the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation to allow the Minister to take into account requirements related to sustainable development in the exercise of the Minister's powers.

In addition, the bill provides for new rules and clarifies other rules with regard to the reimbursement of property taxes and compensations for municipal services available to agricultural operations. The bill adds an eligibility criterion concerning sustainable development and makes changes in the method of computing the reimbursement, the whole to have effect from 1 January 2005.

Finally, the bill amends the Food Products Act with regard to the issuance of permits for the transport of milk or cream.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14);
- Food Products Act (R.S.Q., chapter P-29).

Bill 93

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION AND THE FOOD PRODUCTS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended by striking out “and see to the implementation of” in the first line of subparagraph 1 of the first paragraph and by adding “, in particular with a view to fostering sustainable development, and see to their implementation” at the end of that subparagraph.

2. Section 23 of the Act is amended by adding “, in particular with a view to fostering sustainable development” at the end.

3. Section 36.1 of the Act is amended by adding the following paragraph:

“(3) “fiscal year” means a municipal fiscal year and the school fiscal year that ends during that fiscal year; the school fiscal year is deemed to begin and end on the same dates as the municipal fiscal year.”

4. Section 36.2 of the Act is amended

(1) by replacing “person who is required to pay them in respect of an” in the fourth line of the first paragraph by “owner or lessee of an immovable that is part of that owner’s or lessee’s”;

(2) by replacing “the time the application for reimbursement is made” in the second line of subparagraph 1 of the first paragraph by “any time during the fiscal year for which an application for reimbursement is made, but only for the part of the fiscal year during which the agricultural operation is registered”;

(3) by replacing “from agricultural products of not less than \$150 per hectare included in the agricultural zone” in the first and second lines of subparagraph 3 of the first paragraph by “of not less than \$8 per \$100 of property assessment with regard to the immovables situated in the agricultural zone and forming part of the agricultural operation”;

(4) by inserting “in the calendar year that ended before the beginning of the fiscal year for which an application for reimbursement is made” after “\$5,000” in the first line of subparagraph 4 of the first paragraph;

(5) by inserting the following subparagraph after subparagraph 4 of the first paragraph:

“(5) that, according to the information and documents filed under a regulation made pursuant to section 36.12, is operated in accordance with the provisions of the Environment Quality Act (chapter Q-2) and the regulations thereunder.”;

(6) by replacing “municipal or school fiscal year, as the case may be,” in the second and third lines of the second paragraph by “fiscal year”;

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

“An application for a reimbursement of supplemental taxes, including an application for reimbursement of a tax supplement resulting from an alteration to the property assessment roll, must be made in writing and sent to the Minister not later than one year after the demand for the payment of those taxes was sent.”;

(8) by adding “with regard to the fiscal year for which the application is made” at the end of the fourth paragraph.

5. Section 36.3 of the Act is amended

(1) by inserting “for each unit of assessment” after “computed” in the first line of the second paragraph;

(2) by replacing “in respect” in the sixth line of the second paragraph by “for the pro rata computation”;

(3) by adding “, subject to the limit imposed by section 231.3 of the Act respecting municipal taxation (chapter F-2.1)” at the end of the second paragraph.

6. Section 36.4 of the Act is amended

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

“(2) where the amount of property taxes and compensations qualified for reimbursement is greater than \$300 and the value per hectare of the land situated in the agricultural zone and forming a part of the agricultural operation does not exceed \$1,500, the Minister shall reimburse an amount corresponding to the result obtained by adding the following amounts:

(a) \$300;

(b) 70% of the amount of the property taxes and compensations qualified for reimbursement that exceeds \$300;

(2.1) where the amount of property taxes and compensations qualified for reimbursement is greater than \$300 and the value per hectare of the land referred to in subparagraph 2 is greater than \$1,500, the Minister shall reimburse an amount corresponding to the result obtained by adding the following amounts:

- (a) \$300;
- (b) 70% of the amount of the school property taxes, the municipal property taxes attributable to buildings and the compensations qualified for reimbursement;
- (c) 70% of the amount obtained by multiplying the amount of the municipal property taxes qualified for reimbursement and attributable to the land that exceeds \$300 by the quotient obtained by dividing \$1,500 by the value per hectare of the land; and
- (d) 85% of the amount obtained by multiplying the amount of the municipal property taxes qualified for reimbursement and attributable to the land that exceeds \$300 by the quotient obtained by dividing the value per hectare of the land that is greater than \$1,500 by the value per hectare of the land.

As of 1 January 2006, the amount of \$1,500 provided for in the first paragraph shall be indexed on 1 January of each year on the basis of the percentage increase, in relation to the previous year, in the Consumer Price Index for Canada as published by Statistics Canada under the Statistics Act (Revised Statutes of Canada, 1985, chapter S-19). For that purpose, the Consumer Price Index for a year is the average index for the 12 months ending on 31 December of the preceding year.

Where the annual average or the percentage computed under the second paragraph or the result thus indexed has more than two decimal places, only the first two are kept. The second decimal place is rounded up if the third decimal place is equal to or greater than 5.

The Minister shall cause the applicable amount to be published in the *Gazette officielle du Québec*.”;

(2) by replacing “hectare” in the sixth line of the second paragraph by “\$100 of property assessment”.

7. Sections 36.8 to 36.11 of the Act are repealed.

8. Section 36.13 of the Act is amended by inserting “du premier alinéa” after “4” in the third line of the French text.

9. Section 10 of the Food Products Act (R.S.Q., chapter P-29) is amended by inserting “or a permit for the transport of milk or cream referred to in subparagraphs *k.1* and *k.2* respectively of the first paragraph of section 9” after “permit” in the first line of the fifth paragraph.

10. For the purposes of subparagraph 3 of the first paragraph of section 36.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, amended by section 4 of this Act, the minimum average gross revenue that an agricultural operation must produce during the calendar year ending before the beginning of the 2005 fiscal year is \$6 per \$100 of property assessment with regard to the immovables situated in the agricultural zone and forming part of the agricultural operation, provided it is demonstrated to the Minister that the necessary measures have been taken to develop the property so as to reach, during the calendar year ending before the beginning of the 2006 fiscal year, the minimum average gross revenue of \$8 per \$100 of property assessment.

11. For the purposes of the reimbursement of property taxes and compensations, and until the coming into force of the amendment to be made for the purposes of subparagraph 5 of the first paragraph of section 36.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) to the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations enacted by Order in Council 340-97 (1997, G.O. 2, 1275), the following persons are deemed to have satisfied the requirements of that subparagraph:

(1) a person that, upon filing the application for a reimbursement, has already submitted to the Minister of Sustainable Development, Environment and Parks, with regard to the person's agricultural operation, the phosphorus report provided for in the Agricultural Operations Regulation enacted by Order in Council 695-2002 (2002, G.O. 2, 2643), and has enclosed with the application a copy of the acknowledgement of receipt of the phosphorus report issued by the Minister of Sustainable Development, Environment and Parks or, failing this, another document proving that the report has been submitted;

(2) a person that was not subject to the obligation to file a phosphorus report under section 49 of the Agricultural Operations Regulation and has enclosed a statement to this effect with the application for reimbursement.

12. Sections 3 to 6, 10 and 11 have effect from 1 January 2005, and apply to every school fiscal year as of the 2004-2005 school fiscal year, and to every municipal fiscal year as of the 2005 municipal fiscal year.

13. This Act comes into force on 24 May 2005.

Regulations and other acts

Gouvernement du Québec

O.C. 482-2005, 25 May 2005

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1; 2004, c. 39)

Amendments to Orders in Council 960-2003 and 961-2003 dated 17 September 2003 respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of sections 23 and 208 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may, with respect to classes of employees it designates, establish special provisions and establish a plan that provides for supplementary benefits payable from the date of retirement;

WHEREAS, on 17 September 2003, the Government made Order in Council 960-2003 making such special provisions, and Order in Council 961-2003 establishing such a plan;

WHEREAS it is expedient to amend the Orders in Council;

WHEREAS, under the second paragraph of section 23 of the Act, an order under the first paragraph of that section may have effect 12 months or less before it is made;

WHEREAS, under section 286 of the Act to amend the Act respecting the Pension Plan of Peace Officers in Correctional Services and other legislative provisions (2004, c. 39), the first Order in Council made under that section 23 after 1 January 2005, to the extent that it amends or replaces section 25 or 30 of Order in Council 960-2003 dated 17 September 2003, may have effect from the latter date;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT Orders in Council 960-2003 and 961-2003 dated 17 September 2003 be amended as provided in the Schedule attached to this Order in Council.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

SCHEDULE

Amendments to Orders in Council 960-2003 and 961-2003 dated 17 September 2003 respecting the Pension Plan of Management Personnel *

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1, ss. 23 and 208; 2004, c. 39, s. 286)

1. Section 4 of Order in Council 960-2003 dated 17 September 2003 concerning special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel is amended by inserting “, the Government and Public Employees Retirement Plan or the Pension Plan of Peace Officers in Correctional Services” in the second paragraph after “employment under the plan”.

2. Section 9 is amended by adding the following paragraph at the end:

“In addition, for the purposes of the first paragraph, an average pensionable salary is computed for each portion of the amount referred to in subparagraph 1 of the first paragraph of section 8. The average pensionable salary is computed from the pensionable salaries that must be adjusted, where applicable, as if each rate referred to in that subparagraph applied in respect of all years of service, without exceeding the pensionable salary necessary to reach the defined benefit limit applicable for each year under the Income Tax Act (R.S.C. 1985, c. 1, 5th Supplement) in respect of each portion of the amount. The average pensionable salary that must be used to compute each portion of the amount referred to in subparagraph 2 of that paragraph is the same as the average pensionable salary used to compute the portion of the amount referred to in subparagraph 1 of that paragraph in relation to the same years of service.”

* Order in Council 960-2003 dated 17 September 2003 (2003, G.O. 2, 2963) concerning the special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel was amended by Order in Council 725-2004 dated 28 July 2004 (2004, G.O. 2, 2459). Order in Council 961-2003 dated 17 September 2003 (2003, G.O. 2, 2972) concerning the provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel has not been amended since it was made.

3. Section 16 is replaced by the following :

“**16.** Where an employee belongs to one of the classes designated in Schedule III or belongs to such a class while this Order in Council applies to the employee, and the employee ceases to be a member of the plan, the employee may, instead of receiving the total pension or deferred pension payable in accordance with the first paragraph of section 15, elect for a transfer into a locked-in retirement account within the meaning of section 29 of the Regulation respecting supplemental pension plans made by Order in Council 1158-90 dated 8 August 1990 or, if the employee has fewer than 2 years of service, into a registered retirement savings plan, of the greater of

(1) the actuarial value of the total pension, including any pension credit established at the date on which the employee ceases to be a member, in accordance with the actuarial method and assumptions provided for in Schedule V, without taking into account the years of service added pursuant to section 22; and

(2) the total of the contributions with interest accrued, if any, in accordance with the plan, the former pension plan or the Government and Public Employees Retirement Plan until that date.

The amount withheld pursuant to the first paragraph bears interest, compounded annually, at the rates in Schedule VII to the Act, from the first day of the month following the month in which the employee ceases to be a member of the plan until the date on which the application is received at the Commission, and at the rate in Schedule VIII to the Act from the day following that latter date until the end of the month in which the transfer is carried out.

The amount withheld pursuant to the first paragraph may not exceed the limit established under the Income Tax Act (R.S.C. 1985, c. 1, 5th Supplement) as if the transfer were carried out on the date on which the employee ceased to be a member of the plan. In addition, the amount transferable pursuant to the first and second paragraphs may not exceed the limit established for that purpose under that Act. Where applicable, any amount that cannot be transferred into a locked-in retirement account or into a registered retirement savings plan is reimbursed to the employee. In the event of death, the amount transferable and any amount that would have been reimbursed to the employee are paid to the spouse or, if there is no spouse, to the successors.

The transfer and, where applicable, the reimbursement provided for in this section give entitlement to the payment of any other benefit payable under this Order in Council, the plan or the Government and Public Employees Retirement Plan.

For the purposes of the first paragraph, contributions include the amounts referred to in section 73 of the Act and the total of those contributions is established taking into account the second paragraph of section 77 and section 79 of the Act. In addition, in the case where section 140 of the Act applies, contributions and the actuarial value of the pension that relate to the years and parts of a year of service credited under sections 126, 130 and 139 of the Act are excluded. Contributions also include the amounts that the employee paid or that were transferred to the Government and Public Employees Retirement Plan and for which the employee has acquired a pension credit.”.

4. Section 17 is amended by replacing “for each of the periods in respect of which the rates provided for in Schedule VII to the Act apply” in the second paragraph by “at the rates in Schedule VII to the Act”.

5. Section 18 is amended by replacing the last sentence in the second paragraph by the following: “Those amounts bear interest, compounded annually, at the rates in Schedule VII to the Act, from the date on which the pensioner began to be a member of the plan until the date on which the notice is received by the Commission.”.

6. Section 19 is amended by adding the following paragraph at the end:

“The second paragraph applies within the limits permitted under the Income Tax Act (Revised Statutes of Canada 1985, c. 1, 5th Supplement), taking into account the amount setting off the actuarial reduction and that is added to the pension pursuant to section 215.11.17 of the Act respecting the Government and Public Employees Retirement Plan.”.

7. Section 25 is amended by replacing “in the second paragraph of section 39 or section 40 of the Act” in the first paragraph by “in the second and third paragraphs of section 39 or section 40 of the Act and section 201 of the Act applies”.

8. Section 27 is amended by adding the following paragraph at the end: “In addition, each pensionable salary must be adjusted, where applicable, as if the rate of acquisition of the pension of the former pension plan applied in respect of all years of service, without exceeding the pensionable salary necessary to reach the defined benefit limit applicable for each year under the Income Tax Act (R.S.C. 1985, c. 1, 5th Supplement).”.

9. Section 30 is amended by replacing “date of” by “date of receipt of the”.

10. Schedule I is amended by deleting subparagraph *b* of paragraph 1.

11. Schedule II is amended by replacing “Class V” in paragraph 12 by “Class 16”.

12. Section 6 of Order in Council 961-2003 dated 17 September 2003 concerning the provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel is amended by inserting “in the last paragraph of that section and the limit provided for” after “limit provided for”.

13. This Order in Council comes into force on the date on which it is made. However, sections 7 and 9 have effect from 17 September 2003, section 10 has effect from 1 January 2005, sections 3 to 6 come into force on 1 June 2005 and section 11 comes into force on 1 July 2005.

6845

Gouvernement du Québec

O.C. 488-2005, 25 May 2005

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

Basic school regulation for preschool, elementary and secondary education — Amendments

Regulation to amend the Basic school regulation for preschool, elementary and secondary education

WHEREAS, under section 447 of the Education Act (R.S.Q., c. I-13.3), the Government may make regulations to be known as the “basic school regulation”;

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 Basic school regulation for preschool, elementary and secondary education was published in Part 2 of the *Gazette officielle du Québec* of 9 February 2005 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 458 of the Education Act, the draft Regulation was submitted to the Conseil supérieur de l'éducation for preliminary examination and an opinion was forwarded to the Minister;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Basic school regulation for preschool, elementary and secondary education, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Basic school regulation for preschool, elementary and secondary education*

Education Act
(R.S.Q., c. I-13.3, s. 447)

1. The Basic school regulation for preschool, elementary and secondary education is amended in section 13 by adding the following paragraph:

“The first paragraph shall not prevent a year from being added at the end of the first or second cycle of the elementary level. Adding a school year is an exceptional measure that may be used only once at the elementary level and may be used only if there are reasonable grounds to believe that an additional year will enable the student to achieve the objectives of the programs of studies of the cycle.”

2. Section 14 is replaced by the following:

“**14.** A person who is over the age limit referred to in the first paragraph of section 1 of the Education Act may, on the conditions the Minister determines, be admitted to the educational services provided by a school if the person

* The Basic school regulation for preschool, elementary and secondary education, made by Order in Council 651-2000 dated 1 June 2000 (2000, *G.O.* 2, 2593), has been amended once, by the regulation made by Order in Council 865-2001 dated 4 July 2001 (2001, *G.O.* 2, 3534).

(1) was enrolled in the previous school year

(a) in a school or vocational training centre established by a school board;

(b) in a private educational institution in Québec that offered elementary or secondary education; or

(c) in an educational institution outside Québec that offered instruction equivalent to elementary or secondary education provided in Québec; or

(2) was enrolled, in the last 24 months, in an educational institution referred to in paragraph 1, but was unable to be enrolled in that educational institution in the preceding school year because the person

(a) gave birth to a child;

(b) was caring for a child under the age of 12 months; or

(c) was unable for more than one month to continue studies and that incapacity is supported by a medical certificate.”.

3. Section 15 is amended by replacing the second paragraph by the following:

“Secondary education is organized into two cycles: the first covers two school years and the second, three school years.”.

4. Section 17 is amended by replacing the first paragraph by the following:

“**17.** For children in preschool education, the week shall consist of a minimum of 23 hours and 30 minutes devoted to educational services; for elementary students, the week shall consist of a minimum of 25 hours devoted to such services.

All students shall have a minimum period of 50 minutes for lunch every day, in addition to the prescribed time for educational services. Elementary students shall also have a recess in both the morning and the afternoon, in addition to the prescribed time.”.

5. Section 22 is replaced by the following:

“**22.** In elementary school, the compulsory subjects taught each year and the suggested number of hours per week for each are as follows:

ELEMENTARY SCHOOL			
CYCLE ONE Grades 1 and 2		CYCLES TWO and THREE Grades 3, 4, 5 and 6	
Compulsory Subjects	Time	Compulsory Subjects	Time
Language of instruction	9 h	Language of instruction	7 h
Mathematics	7 h	Mathematics	5 h
Physical education and health	2 h	Physical education and health	2 h
Total apportioned time	18 h	Total apportioned time	14 h
Second language (French or English)		Second language (French or English)	
Arts education: Two of the four following subjects: Drama; Visual arts; Dance; Music.		Arts education: Two of the four subjects prescribed for Cycle One, one of which is taught in that Cycle	
Moral instruction or Religious and moral instruction		Moral instruction or Religious and moral instruction	
		Geography, history, citizenship education	
		Science and technology	
Unapportioned time	7 h	Unapportioned time	11 h
Total	25 h	Total	25 h

”.

6. Section 23 is replaced by the following:

“**23.** In the first cycle of secondary school, the compulsory subjects taught each year, the suggested number of hours per cycle for each and the number of credits per subject are as follows:

SECONDARY EDUCATION – CYCLE ONE
Compulsory subjects in Secondary I and Secondary II

French, language of instruction 400 hours – 16 credits	or	English, language of instruction 300 hours – 12 credits
English, second language 200 hours – 8 credits	or	French, second language 300 hours – 12 credits
Mathematics 300 hours – 12 credits		
Science and technology 200 hours – 8 credits		
Geography 150 hours – 6 credits		
History and citizenship education 150 hours – 6 credits		

SECONDARY EDUCATION – CYCLE ONE
Compulsory subjects in Secondary I and Secondary II

Arts education 200 hours – 8 credits
One of the four following subjects: Drama; Visual arts; Dance; Music.
Physical education and health 100 hours – 4 credits
Moral instruction or Moral and religious instruction, Catholic or Protestant 100 hours – 4 credits

23.1. In the second cycle of secondary school, students shall choose, each year, the general education path or applied general education path.

For those paths, the suggested number of hours per year for each subject and the number of credits for each are as follows :

SECONDARY EDUCATION – CYCLE TWO
GENERAL EDUCATION PATH

Secondary III		Secondary IV		Secondary V
Compulsory Subjects		Compulsory Subjects		Compulsory Subjects
French, language of instruction 200 hours – 8 credits	or	English, language of instruction 150 hours – 6 credits	Language of instruction 150 hours – 6 credits	Language of instruction 150 hours – 6 credits
English, second language 100 hours – 4 credits		French, second language 150 hours – 6 credits	Second language 100 hours – 4 credits	Second language 100 hours – 4 credits
Mathematics 150 hours – 6 credits		Mathematics 100 hours – 4 credits		Mathematics 100 hours – 4 credits
Science and technology 150 hours – 6 credits		Science and technology 100 hours – 4 credits		
History and citizenship education 100 hours – 4 credits		History and citizenship education 100 hours – 4 credits		Contemporary economic environment 100 hours – 4 credits

**SECONDARY EDUCATION – CYCLE TWO
GENERAL EDUCATION PATH**

Secondary III	Secondary IV	Secondary V
Compulsory Subjects	Compulsory Subjects	Compulsory Subjects
Arts education: One of the four following subjects: Drama Visual arts Dance Music 50 hours – 2 credits	Arts education: One of the four following subjects: Drama Visual arts Dance Music 50 hours – 2 credits	Arts education: One of the four following subjects: Drama Visual arts Dance Music 50 hours – 2 credits
Physical education and health 50 hours – 2 credits	Physical education and health 50 hours – 2 credits	Physical education and health 50 hours – 2 credits
	Ethics and religious culture 100 hours – 4 credits	Ethics and religious culture 50 hours – 2 credits
		Integrative project 50 hours – 2 credits
Elective Subjects 100 hours – 4 credits	Elective Subjects 150 hours – 6 credits	Elective Subjects 250 hours – 10 credits

**SECONDARY EDUCATION – CYCLE TWO
APPLIED GENERAL EDUCATION PATH**

Secondary III	Secondary IV	Secondary V
Compulsory Subjects	Compulsory Subjects	Compulsory Subjects
French, language of instruction 200 hours – 8 credits or English, second language 100 hours – 4 credits	English, language of instruction 150 hours – 6 credits or French, second language 150 hours – 6 credits	Language of instruction 150 hours – 6 credits Second language 100 hours – 4 credits
Mathematics 150 hours – 6 credits	Mathematics 100 hours – 4 credits	Mathematics 100 hours – 4 credits
Applied science and technology 150 hours – 6 credits	Applied science and technology 150 hours – 6 credits	
History and citizenship education 100 hours – 4 credits	History and citizenship education 100 hours – 4 credits	Contemporary economic environment 100 hours – 4 credits
Arts education: One of the four following subjects: Drama Visual arts Dance Music 50 hours – 2 credits	Arts education: One of the four following subjects: Drama Visual arts Dance Music 50 hours – 2 credits	Arts education: One of the four following subjects: Drama Visual arts Dance Music 50 hours – 2 credits

SECONDARY EDUCATION – CYCLE TWO APPLIED GENERAL EDUCATION PATH		
Secondary III	Secondary IV	Secondary V
Compulsory Subjects	Compulsory Subjects	Compulsory Subjects
Physical education and health 50 hours – 2 credits	Physical education and health 50 hours – 2 credits	Physical education and health 50 hours – 2 credits
Personal orientation project 100 hours – 4 credits	Ethics and religious culture 100 hours – 4 credits	Ethics and religious culture 50 hours – 2 credits
		Integrative project 50 hours – 2 credits
	Elective Subjects 100 hours – 4 credits	Elective Subjects 150 hours – 10 credits
	Exploration of vocational training 2 or 4 credits	Exploration of vocational training 2 or 4 credits
	Personal orientation project 4 credits	Entrepreneurship 2 or 4 credits
	Entrepreneurship 2 or 4 credits	

In addition to the elective subjects that schools choose among those on the list drawn up by the Minister, the schools must offer students in the applied general education path the elective subjects specific to that path if those subjects are on the list.

Schools may use the time allotted for the elective subjects for remedial purposes to extend the time allotted for the compulsory subjects or to implement student services programs. No credits are given in those cases. Schools may also offer as elective subjects local programs of studies for which credits are given.

23.2. A school board may, to the extent and on the conditions the Minister determines, exempt the following students from the application of section 22, 23 or 23.1 :

- (1) students with moderate to severe intellectual handicaps, as defined in section 1 of Schedule II;
- (2) students with profound intellectual handicaps, as defined in section 2 of Schedule II;
- (3) students receiving welcoming services and assistance in learning French or students receiving home or hospital instruction.

23.3. At the secondary level, the work-oriented training path comprises the following two training paths: pre-work training and training leading to a semi-skilled trade.

A student who is at least 15 years of age on September 30 of the school year in which he or she begins the training may enroll in either training path if the student's competency report or individualized education plan shows that

(1) the training path, among all the training paths offered at the secondary level, is most likely to meet the student's interests, needs and abilities;

(2) the student meets the special requirements for admission to pre-work training set out in section 23.4 or to training leading to a semi-skilled trade set out in section 23.5, as the case may be.

23.4. A student may be admitted to pre-work training if the student has not achieved the objectives of the elementary level programs of studies for language of instruction and mathematics.

A student enrolled in pre-work training shall receive the following general education and practical training concurrently:

**WORK-ORIENTED TRAINING PATH
PRE-WORK TRAINING**

Secondary I		Secondary II		Secondary III	
General Education					
Compulsory Subjects	Prescribed Time	Compulsory Subjects	Prescribed Time	Compulsory Subjects	Prescribed Time
Language of instruction	150 h	Language of instruction	100 h	Language of instruction	50 h
Second language	50 h	Second language	50 h		
Mathematics	150 h	Mathematics	100 h	Mathematics	50 h
Technological and scientific experimentation	100 h				
Geography, history and citizenship education	50 h	Geography, history and citizenship education	50 h	Geography, history and citizenship education	50 h
Physical education and health	50 h	Physical education and health	50 h		
Autonomy and social participation	100 h	Autonomy and social participation	100 h	Autonomy and social participation	50 h
Unapportioned time	50 h	Unapportioned time	50 h	Unapportioned time	50 h
Practical Training					
Compulsory Subjects	Prescribed Time	Compulsory Subjects	Prescribed Time	Compulsory Subjects	Prescribed Time
Introduction to the world of work	50 h	Introduction to the world of work	100 h	Introduction to the world of work	50 h
World of work orientation	150 h	Work skills	300 h	Work skills	600 h
Total	900 h	Total	900 h	Total	900 h

In the third year of pre-work training, a student may take the 375 hours of preparation for a semi-skilled trade out of the prescribed time for the work skills program, if the student

(1) successfully completed the work skills program in the second year of training; and

(2) meets the special requirements established by the Minister for admission to the program leading to the semi-skilled trade.

23.5. A student may be admitted to training leading to a semi-skilled trade if

(1) the student has achieved the objectives of the elementary level programs of studies for language of instruction and mathematics, but has not earned the credits in the first cycle of the secondary level in those subjects; and

(2) the student meets the special requirements established by the Minister for admission to the program leading to the semi-skilled trade.

A student enrolled in training leading to a semi-skilled trade shall receive the following general education and practical training concurrently:

**WORK-ORIENTED TRAINING PATH
TRAINING LEADING TO A SEMI-SKILLED TRADE**

General Education

Compulsory Subjects	Prescribed Time
Language of instruction	200 h
Second language	100 h
Mathematics	150 h

Practical Training

Compulsory Subjects	Prescribed Time
Introduction to the world of work	75 h
Preparation for a semi-skilled trade	375 h
TOTAL	900 h

7. Section 24 is amended by deleting the first paragraph.

8. Section 28 is replaced by the following :

“**28.** Evaluation is the process whereby a judgment is made on a student’s learning on the basis of information gathered, analyzed and interpreted, for the purpose of making pedagogical and, where appropriate, administrative decisions.

A decision to promote a student to the next cycle shall be based on the student’s competency report and on the rules governing promotion established by the school or the school board, according to their respective responsibilities.

In the second cycle of the secondary level, the promotion of a student to the next year shall be by subject.”.

9. Section 29 is amended

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

“In order to inform the parents of a student of the student’s academic progress, the school shall provide

(1) at least 8 communications per cycle, including 5 report cards and an end-of-cycle competency report if the student is at the elementary school level or in the first cycle of secondary school ; or

(2) at least 4 communications per year, including two report cards and an end-of-year competency report if the student is at the preschool level or in the second cycle of secondary school.

Despite the first paragraph, the communications to be provided are given to the student if the student is of full age.”;

(2) by replacing “failing the current school year” in subparagraph 1 of the second paragraph by “not achieving the objectives of the programs of studies of the cycle”.

10. Section 30 is amended

(1) by replacing paragraph 15 by the following :

“(15) the status of the development of the competencies in the preschool program of activities or the programs of studies, if the competencies have been evaluated.”;

(2) by deleting paragraph 16.

11. The following is added after section 30:

“**30.1.** The student’s competency report must include

(1) an indication of the level of development achieved by the student for each of the competencies in the preschool program of activities or the programs of studies. At the secondary level, the assessment of the level of development is based on the scales of competency levels established by the Minister for the programs of studies ;

(2) an assessment of the student’s achievement in one or more of the cross-curricular competencies, observed during the period concerned in keeping with the standards and procedures for the evaluation of student achievement approved by the principal under subparagraph 4 of the first paragraph of section 96.15 of the Act ; and

(3) in the case of a student at the secondary level, the student’s results in each subject taught and, where the student passes, the credits for the subjects. The results are expressed in the form of marks for second cycle students taking the general education path or the applied general education path at the secondary level.”.

12. Section 32 is amended by replacing the first paragraph by the following :

“**32.** The Minister shall award a Secondary School Diploma to students who earn at least 54 credits at the Secondary IV or V level. Among those credits, there must be at least 20 credits at the Secondary V level and

- (1) 6 credits in Secondary V language of instruction;
- (2) 4 credits in Secondary V second language;
- (3) 4 credits in Secondary IV mathematics;
- (4) 4 credits in Secondary IV science and technology or 6 credits in Secondary IV applied science and technology;
- (5) 4 credits in Secondary IV history and citizenship education;
- (6) 2 credits in Secondary IV arts education; and
- (7) 2 credits in Secondary V ethics and religious culture or physical education and health.”.

13. Section 33 is replaced by the following:

“**33.** On the recommendation of the school board, the Minister shall award a pre-work training certificate to every student who has completed the training of not less than 2,700 hours and has successfully completed the work skills education program of not less than 900 hours.

33.1. On the recommendation of the school board, the Minister shall award a training certificate for a semi-skilled trade, with mention of the trade, to every student who has completed the training of not less than 900 hours and has successfully completed the practical training component for the semi-skilled trade of not less than 450 hours.

On the recommendation of the school board, the Minister shall also award a training certificate for a semi-skilled trade, with mention of the semi-skilled trade, to every student referred to in the third paragraph of section 23.4 if the student

- (1) has completed the pre-work training of not less than 2,700 hours; and
- (2) has successfully completed the practical training component of the training leading to a semi-skilled trade.”.

14. Schedule II is amended

- (1) by replacing the heading by the following:

“**SCHEDULE II**
(ss. 22, 23 and 23.1)

STUDENTS WITH MODERATE TO SEVERE INTELLECTUAL HANDICAPS OR WITH PROFOUND INTELLECTUAL HANDICAPS”;

- (2) by deleting sections 3 to 5.

15. Schedule III is deleted.

Final and transitional

16. Despite section 6 of this Regulation, until 30 June 2007, a school board may, to the extent and on the conditions the Minister determines, continue to exempt from the application of section 23 or 23.1 a student who may enrol in an individualized path for learning in life skills and work skills education within the meaning of Schedule III, as it read on 30 June 2005.

17. Despite section 13 of this Regulation, a student who began the life skills and work skills education program before 1 July 2007, in accordance with subparagraph 7 of the third paragraph of section 23 of the Basic school regulation for preschool, elementary and secondary education as it read on 30 June 2005, is subject to the rules governing certification of studies set out in section 33 of the Basic school regulation for preschool, elementary and secondary education, as it read on that date.

18. This Regulation comes into force on 1 July 2005 subject to the following exceptions:

- (1) section 4 amending section 17 of the Basic school regulation for preschool, elementary and secondary education and section 5 replacing section 22 of the Basic school regulation come into force on 1 July 2006;

- (2) section 6 to the extent that it introduces sections 23.3 to 23.5 of the Basic school regulation, section 11 to the extent that it introduces paragraph 2 of section 30.1, section 13 replacing section 33 and introducing section 33.1, and section 14 amending Schedule II come into force on 1 July 2007;

- (3) section 12 replacing the first paragraph of section 32 of the Basic school regulation comes into force on 1 May 2010. From 1 July 2005 to 30 April 2007, that section 32 shall be read as follows:

“**32.** The Minister shall award a Secondary School Diploma to students who earn at least 54 credits at the Secondary IV or V level. Among those credits, there must be at least 20 credits at the Secondary V level and

- (1) 6 credits in Secondary V language of instruction;
- (2) 4 credits in Secondary V French, second language or 4 credits in Secondary IV English, second language; and
- (3) 4 credits in Secondary IV History of Québec and Canada.”.

In addition, from 1 May 2007 to 30 April 2010, section 32 of the Basic school regulation shall be read as follows:

“**32.** The Minister shall award a Secondary School Diploma to students who earn at least 54 credits at the Secondary IV or V level. Among those credits, there must be at least 20 credits at the Secondary V level and

- (1) 6 credits in Secondary V language of instruction;
- (2) 4 credits in Secondary V second language;
- (3) 6 credits in Secondary IV mathematics;
- (4) 6 credits in Secondary IV physical science; and
- (5) 4 credits in Secondary IV History of Québec and Canada.”.

6846

Gouvernement du Québec

O.C. 489-2005, 25 May 2005

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

Basic adult general education regulation — Amendments

Regulation to amend the Basic adult general education regulation

WHEREAS, under section 448 of the Education Act (R.S.Q., c. I-13.3), the Government shall, by regulation, establish a basic adult education regulation;

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 Basic adult general education regulation was published in Part 2 of the *Gazette officielle du Québec* of 9 February 2005 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 458 of the Education Act, the draft Regulation was submitted to the Conseil supérieur de l'éducation for preliminary examination and an opinion was forwarded to the Minister;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Basic adult general education regulation, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Basic adult general education regulation*

Education Act
(R.S.Q., c. I-13.3, s. 448)

1. The Basic adult general education regulation is amended by inserting the following after section 19:

“**19.1.** In order for an adult to be admitted to training leading to a semi-skilled trade, the adult must meet the admission requirements established by the Minister.”.

2. Section 25 is replaced by the following:

“**25.** The evaluation of learning is the process whereby a judgment is made on a student's learning on the basis of information gathered, analyzed and interpreted, for the purpose of making pedagogical and, where appropriate, administrative decisions.”.

3. Section 30 is replaced by the following:

“**30.** The Minister shall award a Secondary School Diploma to adults who earn at least 54 credits at the Secondary IV and V levels, and among those 54 credits, the following compulsory credits:

- (1) 6 credits in Secondary V language of instruction;
- (2) 4 credits in Secondary V second language;

* The Basic adult general education regulation was made by Order in Council 652-2000 dated 1 June 2000 (2000, *G.O.* 2, 2604) and has not been amended since.

(3) 4 credits in Secondary IV mathematics;

(4) 4 credits in Secondary IV science and technology or 6 credits in Secondary IV applied science and technology;

(5) 4 credits in Secondary IV history and citizenship education.

Credits earned in Secondary Cycle Two are taken into account when awarding the diploma, that is, credits earned for elective subjects of general education programs or a vocational training program leading to a Diploma of Vocational Studies or in a vocational training program leading to an Attestation of Vocational Specialization, and the equivalent learning recognized in accordance with section 250 of the Education Act (R.S.Q., c. I-13.3).

Adults must have earned credits for at least one course at the Secondary V level given by an adult education centre.”.

4. Section 32 is amended by replacing “The Minister shall award, jointly with the school board,” by “On the recommendation of the school board, the Minister shall award”.

5. The following is inserted after section 32:

“**32.1.** On the recommendation of the school board, the Minister shall award a training certificate for a semi-skilled trade, with mention of the trade, to every adult who has completed the training of not less than 900 hours and has successfully completed the practical training component for the semi-skilled trade of not less than 450 hours. That training includes

(1) in general training:

(a) 200 hours in language of instruction (French or English);

(b) 100 hours in second language (French or English); and

(c) 150 hours in mathematics; and

(2) in practical training:

(a) 75 hours in introduction to the world of work; and

(b) 375 hours in preparation for the semi-skilled trade.”.

6. Section 35 is amended by replacing “2007-2008” by “2006-2007” and by replacing “30 June 2008” by “30 June 2007”.

7. From 1 July 2007 to 30 June 2010, section 30 of the Regulation, as amended by section 3 of this Regulation, is replaced by the following:

“**30.** The Minister shall award a Secondary School Diploma to adults who earn at least 54 credits at the Secondary IV or V level including at least 20 credits at the Secondary V level, and among those 54 credits, the following credits:

(1) 6 credits in Secondary V language of instruction;

(2) 4 credits in Secondary V second language;

(3) 6 credits in Secondary IV mathematics;

(4) 6 credits in Secondary IV physical science; and

(5) 4 credits in Secondary IV History of Québec and Canada.

Credits earned in Secondary Cycle Two are taken into account when awarding the diploma, that is, credits earned for elective subjects of general education programs or a vocational training program leading to a Diploma of Vocational Studies or in a vocational training program leading to an Attestation of Vocational Specialization, and the equivalent learning recognized in accordance with section 250 of the Education Act (R.S.Q., c. I-13.3).

Adults must have earned credits for at least one course at the Secondary V level given by an adult education centre.”.

8. This Regulation comes into force on 1 July 2005 except sections 1, 4 and 5 which come into force on 1 July 2007.

6847

Gouvernement du Québec

O.C. 490-2005, 25 May 2005

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

Basic vocational training regulation — Amendments

Regulation to amend the Basic vocational training regulation

WHEREAS, under section 448 of the Education Act (R.S.Q., c. I-13.3), the Government shall, by regulation, establish a basic vocational training regulation;

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 Basic vocational training regulation was published in Part 2 of the *Gazette officielle du Québec* of 9 February 2005 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 458 of the Education Act, the draft Regulation was submitted to the Conseil supérieur de l'éducation for preliminary examination and an opinion was forwarded to the Minister;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Basic vocational training regulation, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Basic vocational training regulation*

Education Act
(R.S.Q., c. I-13.3, s. 448)

1. The Basic vocational training regulation is amended by deleting paragraph 1 of section 4.

2. Section 11 is revoked.

3. Section 19 is amended

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

“The vocational training centre shall provide the parents of minors with at least four communications per year concerning general education courses provided by the centre and taken concurrently with the vocational training courses. The communications must include two report cards and an end-of-year competency report.”;

(2) by replacing subparagraph 15 of the second paragraph by the following:

“(15) the status of the development of the competencies in the vocational training programs, if the competencies have been evaluated.”;

(3) by deleting subparagraph 16 of the second paragraph.

(4) by replacing “la personne mineure” in the third paragraph of the French text by “l’élève mineur”.

4. The following is inserted after section 19:

“**19.1.** At the end of each year, the centre shall provide the parents of minors with a competency report for the general education courses the centre has provided.

The report must include

(1) an indication of the level of development achieved by the student for each of the competencies in the vocational training programs offered. The assessment of the level of development is based on the scales of competency levels established by the Minister for the vocational training program;

(2) an assessment of the student’s achievement in one or more of the cross-curricular competencies, observed during the period concerned in keeping with the standards and procedures for the evaluation of student achievement approved by the principal of the centre under subparagraph 3 of the first paragraph of section 110.12 of the Act; and

(3) the student’s results in each subject taught and, where the student passes, the credits for the subjects. The results are expressed in the form of marks.”.

5. Section 21 is revoked.

* The Basic vocational training regulation was made by Order in Council 653-2000 dated 1 June 2000 (2000, *G.O.* 2, 2608) and has not been amended since.

6. Despite section 5 of this Regulation, a person who has been admitted to a vocational training program leading to an Attestation of Vocational Education before 1 July 2007 in accordance with section 11 of the Basic vocational training regulation, as it read on 30 June 2007, is subject to the rules governing certification of studies set out in section 21 of the Basic vocational training regulation as it read on that date.

7. This Regulation comes into force on 1 July 2005 except sections 1 and 2, section 4 where it introduces subparagraph 2 of the second paragraph of section 19.1 of the Basic vocational training regulation, and section 5 which come into force on 1 July 2007.

6848

Gouvernement du Québec

O.C. 501-2005, 25 May 2005

Highway Safety Code
(R.S.Q., c. C-24.2)

Transportation of Dangerous Substances — Amendments

Regulation to amend the Transportation of Dangerous Substances Regulation

WHEREAS, under subparagraphs 3, 4, 6 and 8 of the first paragraph of section 622 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may make regulations on the matters set forth therein;

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 Transportation of Dangerous Substances Regulation was published in Part 2 of the *Gazette officielle du Québec* of 15 September 2004 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport and Minister responsible for the Capitale-Nationale region:

THAT the Regulation to amend the Transportation of Dangerous Substances Regulation, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Transportation of Dangerous Substances Regulation *

Highway Safety Code
(R.S.Q., c. C-24.2, s. 622, 1st par., subpars. 3, 4, 6 and 8)

1. The Transportation of Dangerous Substances Regulation is amended in section 1

(1) by striking out “, or to be transported,” in the definition of “handling”;

(2) by replacing “2001-1336” in the French text of the definition of “Règlement sur le transport des marchandises dangereuses” by “2001-1366”, and by adding “, and amended by the regulations made by Order in Council P.C. 2002-1404 dated 8 August 2002, SOR/2002-306, dated 8 August 2002 and published in the *Canada Gazette*, Part II, on 28 August 2002, by the regulations made by Order in Council P.C. 2003-123 dated 14 July 2003, SOR/2003-273, dated 24 July 2003, published in the *Canada Gazette*, Part II, on 13 August 2003 and by the regulations made by Order in Council P.C. 2003-1924, SOR/2003-400 dated 3 December 2003, published in the *Canada Gazette*, Part II, on 17 December 2003” at the end of the English text of the definition of “Transportation of Dangerous Goods Regulations”.

2. Section 2 is amended by striking out “, or to be transported,”.

3. Section 5 is revoked.

4. Section 15 is replaced by the following:

“**15.** The standards applicable to means of containment provided for in Part 5 of the Transportation of Dangerous Goods Regulations apply to this Regulation.

Those standards do not apply if the means of containment of dangerous substances are exempted from the application of Part 5 by Part 1 of the Transportation of Dangerous Goods Regulations.

Despite the second paragraph, large means of containment intended for the transportation of petroleum products and exempted from the application of the provisions of sections 1.21 and 1.22 of the Transportation of Dangerous Goods Regulations must comply with the standards referred to in the first paragraph.”.

* The Transportation of Dangerous Substances Regulation, made by Order in Council 866-2002 dated 10 July 2002 (2002, *G.O.* 2, 4073), has not been amended since it was made.

5. Section 20 is amended by replacing “21” by “23”.

6. Section 22 is revoked.

7. Section 25 is amended by replacing “encased in plastic tubes” in the first paragraph by “covered with a polymer”.

8. Section 27 is amended

(1) by replacing “the tank” in the first paragraph by “each tank. The effective rating must be at least 40 BC for each tank as of 15 August 2006.”;

(2) by inserting “with a capacity of more than 450 litres” after “means of containment” in the second paragraph;

(3) by striking out “in its bracket in a conspicuous place” and “truck’s” in the second paragraph;

(4) by adding “except during the first year of use” after “extinguisher” in the third paragraph.

9. Section 28 is replaced by the following :

“**28.** The driver of a tank truck must use the parking, emergency or service brake to ensure that the truck does not move during the unloading of petroleum products. At least two chock blocks must be set when unloading a tank truck parked on a slope.”.

10. Section 29 is replaced by the following :

“**29.** Where a tank truck is not supervised by a person holding a training certificate in accordance with Part 6 of the Transportation of Dangerous Goods Regulations, the driver must ensure that the gravity valve cannot be opened.”.

11. Section 31 is replaced by the following :

“**31.** This Division applies to the handling and transportation of the Class 2 liquefied petroleum gases listed below :

Shipping Name	UN Number
Butane	UN1011
Butylene	UN1012
Isobutane	UN1969
Isobutylene	UN1055
Propane	UN1978
Propylene	UN1077

The handling and transportation of liquefied petroleum gas must be carried out in compliance with the standards referred to in sections 31.1 to 31.5 of the Transportation of Dangerous Substances Regulation in addition to complying with the standards prescribed in Part 5 of the Regulations.”.

12. The Regulation is amended by inserting the following after section 31 :

“**31.1.** No person may transport liquefied petroleum gas cylinders in a vehicle unless the space intended to hold the cylinders is vented to the outside.

31.2. No person may transport liquefied petroleum gas in a tank truck unless the tank truck has two wheel chocks on board.

31.3. The driver of a tank truck must use the parking, emergency or service brake to ensure that the truck does not move during the unloading of liquefied petroleum gas. At least two chock blocks must be set when unloading a tank truck parked on a slope.

31.4. The owner of a tank truck used to transport liquefied petroleum gas must have one or two dry chemical fire extinguishers with an effective total rating of at least 20 BC installed near each tank. The effective rating must be at least 40 BC for each tank as of 15 August 2006.

The owner of a tank truck must have fire extinguishers recharged immediately after each use and have them inspected each year in accordance with NFPA 10 : Standard for Portable Fire Extinguishers. An inspection sticker must be affixed to the extinguisher after the first year of use.

31.5. A liquefied petroleum gas cylinder installed on the outside of a vehicle must be protected if installed at the rear of the vehicle by extending the bumper beyond the cylinder using materials having a resistance at least equal to that of the bumper.

A liquefied petroleum gas cylinder may not be installed on the roof of a vehicle, in front of the front axle of a motor vehicle or on a door of the vehicle and may not extend beyond the sides of the vehicle.”.

13. Section 33 is replaced by the following :

“**33.** A consignor who offers for transport a quantity of dangerous substances with an index higher than the index in column 7 of Schedule 1 to the Transportation of Dangerous Goods Regulations must comply with the standards in section 7.1 of the Regulations.”.

14. The heading of Division VIII is replaced by the following:

“ACCIDENTAL RELEASE”.

15. Section 37 is revoked.

16. Section 38 is replaced by the following:

“**38.** No person may transport dangerous substances in a road vehicle unless all goods or objects are secured or restrained by means of an adequate structure, blocking devices, bracing, dunnage materials or bags, shoring bars, tiedowns or a combination of those means.

No person may install a means of containment of dangerous substances on or in front of the front bumper of a motor vehicle.”.

17. Section 39 is replaced by the following:

“**39.** No person may transport dangerous substances in a double train tank truck other than a Type B double train within the meaning of subparagraph 8 of the first paragraph of section 4 of the Vehicle Load and Size Limits Regulation made by Order in Council 1299-91 dated 18 September 1991.

No person may transport dangerous substances in a road train of more than 25 metres in overall length.”.

18. Section 40 is replaced by the following:

“**40.** As of 15 August 2006, tank trucks transporting dangerous substances must be equipped with a driver monitoring system that records significant speed variations and relevant data on the date, time and speed, or an electronic system for dynamic stabilization of the vehicle to assist the driver during a critical manoeuvre.

In the case of a motorized road vehicle assembled before 15 August 2006, either system referred to in the first paragraph may be replaced by a speed limiter that limits speed to 100 km/h.”.

19. Section 43 is amended

(1) by replacing “total of more than 25 litres of a Class 3 flammable liquid” in subparagraph 2 of the first paragraph by “Class 3 flammable liquid if the total capacity of the means of containment exceeds 30 litres;”;

(2) by replacing “Class 2.1 flammable gas cylinders or Class 2.3 (2.1), 2.2 (5.1) or 2.3 (5.1) oxidizing gas” in subparagraph 3 of the first paragraph by “Class 2.1, 2.3 (2.1), 2.2 (5.1) and 2.3 (5.1) gas cylinders”;

(3) by inserting “permanently screwed or bolted to the vehicle” after “operation of equipment” in subparagraph 3 of the second paragraph;

(4) by striking out “however, only one propane cylinder with a maximum capacity of 46 litres may be used for the air conditioning of the crane’s cab and the cylinder must be located above the level of the wheels;” in subparagraph 5 of the second paragraph.

20. Section 44 is amended by replacing “28, 29 and 30” by “26, 28 to 30, 31.1 and 31.3”.

21. Section 45 is amended

(1) by inserting “12,” before “14”;

(2) by striking out “31,”;

(3) by inserting “3.7,” before “4.9”.

22. Section 46 is amended by replacing “sections 3.7 and” by “section”.

23. Section 47 is amended by replacing “and 27” by “, 27, 31.1, 31.2, 31.4 and 31.5”.

24. Section 49 is amended

(1) by inserting “13,” before “17”;

(2) by replacing “and 18” by “, 18 and 31.5”;

(3) by inserting “concerning the application of sub-section 3.5(5) of the Transportation of Dangerous Goods Regulations” after “Regulation” and by adding “or carrier of dangerous substances” after “operator”.

25. Section 50 is amended

(1) by striking out “5,”;

(2) by replacing “37 to 39” by “38, 39”;

(3) by striking out “3.7,”;

(4) by adding “or carrier of dangerous substances” after “operator”.

26. Section 52 is amended

(1) by striking out “5,”;

(2) by replacing “3.4 to 3.6” by “3.4”;

(3) by striking out “4.22,”;

(4) by replacing “5.4” by “5.5”.

27. Section 53 is amended

(1) by replacing “of sections 21, 22, 26, 31 to 32” by “of sections 26 and 32”;

(2) by striking out “5.1, 5.2, 5.4 to 5.6, 5.12 to 5.15.”;

(3) by replacing “or operator” by “, operator or carrier of dangerous substances”.

28. Schedule 1 is amended by replacing the table “Small Means of Containment Equivalents (s. 21)” by the following:

Small means of containment volume	Types of small means of containment compliant with CAN/CGSB Standard 43.150-97	Equivalent standard for petroleum products
0 to 45 litres (plastic)	3H1	NFPA 30-1996
	3H2	ASTM F 852 (gasoline) ANSI/UL 1313 CSA B376-M 1980 (R1998)
0 to 45 litres (metal)	3A1 3B1	CSA B376 M1980 (R1998)
	3A2 3B2	
46 to 227 litres (plastic)	1H1	NFPA 30-1996
	1H2	
46 to 227 litres (metal)	1A1 1B1	NFPA 30-1996
	1A2 1B2	
228 to 450 litres	1A1 1B1	NFPA 30-1996 NFPA 386 ULC/ORD-C142.13-M1997
	1A2 1B2	

Note: The upper part of a small means of containment with a capacity of 228 litres to 450 litres must be fitted with a safety mechanism to limit internal pressure to the lower of

— 79 kilopascals; and

— 30% of burst pressure.

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

Gouvernement du Québec

O.C. 502-2005, 25 May 2005

Highway Safety Code
(R.S.Q., c. C-24.2)

**Special road train operating permits
— Amendments**

Regulation to amend the Special Road Train Operating Permits Regulation

WHEREAS, under paragraphs 19 and 20 of section 621 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may by regulation determine the form and content of special permits, and determine the amount of the fee exigible and the conditions and formalities for obtaining a special permit and the conditions attached to such a permit;

WHEREAS, under paragraph 35 of section 621 of the Code, the Government may by regulation determine, among the provisions of such a regulation, those the violation of which constitutes an offence and indicate the minimum and the maximum amounts of the fine to which the offender is liable;

WHEREAS, in accordance with section 672 of the Code, the Special Road Train Operating Permits Regulation, made under the Highway Safety Code (R.S.Q., c. C-24.1), remains in force until it is replaced or repealed by a regulation under the 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 Special Road Train Operating Permits Regulation was published in Part 2 of the *Gazette officielle du Québec* of 22 September 2004 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport and Minister responsible for the Capitale-Nationale region:

THAT the Regulation to amend the Special Road Train Operating Permits Regulation, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Special Road Train Operating Permits Regulation*

Highway Safety Code

(R.S.Q., c. C-24.2, s. 621, pars. 19, 20 and 35, and s. 672)

1. Section 1 of the Special Road Train Operating Permits Regulation is replaced by the following:

“1. In this Regulation,

“dolly” means a trailer converter dolly used to convert a semi-trailer into a trailer; (*diabolo*)

“road train” means a combination of road vehicles composed of a tractor, a semi-trailer, and one of the following vehicles: a dolly, a semi-trailer or a trailer; (*train routier*)

“semi-trailer” means a road vehicle the front of which rests on the fifth wheel of the vehicle pulling it; (*semi-remorque*)

“tandem axle” means a group of two axles connected to the vehicle by a suspension system consisting of a common suspension or two interconnected identical suspensions and designed to equalize at all times, within 1,000 kilograms, the mass as measured under the wheels of each axle; (*essieu tandem*)

“trailer” means a road vehicle, including a semi-trailer the front of which rests on a dolly, attached to the vehicle pulling it by a coupling device other than a fifth wheel; (*remorque*)

“triple axle” means a group of three equally spaced axles connected to a vehicle by a suspension system consisting of three interconnected identical suspensions and designed to equalize at all times, within 1,000 kilograms, the mass as measured under the wheels of each axle”. (*essieu triple*)

2. Section 2 is replaced by the following:

“2. A special road train operating permit may be issued to authorize the operation of the following road trains on the condition that they meet the characteristics specified in sections 3 and 3.1:

(1) an A train double: a road train composed of a tractor, a semi-trailer and a tandem-axle single drawbar dolly that converts the second semi-trailer into a trailer;

(2) a B train double: a road train composed of a tractor, a semi-trailer and a second semi-trailer resting on a fifth wheel mounted at the rear of the first semi-trailer;

(3) a C train double: a road train composed of a tractor, a semi-trailer and a tandem-axle double drawbar dolly that converts the second semi-trailer into a trailer; and

(4) a train double: a road train composed of a tractor, a semi-trailer and a tandem-axle dolly.”.

3. Section 3 is replaced by the following:

“3. The following are the characteristics of road trains for which a special permit may be issued:

(1) the total loaded mass of the tractor and semi-trailer in a train double referred to in paragraph 4 of section 2 is within the limits authorized by the Vehicle Load and Size Limits Regulation made by Order in Council 1299-91 dated 18 September 1991, plus 2,000 kilograms, and, in the case of other road trains, the total loaded mass does not exceed 67,500 kilograms;

(2) the tractor has a minimum horsepower of 1 hp per 180 kilograms of the road train’s total loaded mass and is equipped with an air compressor with a capacity of at least 425 litres per minute supplying the braking system;

(3) the first semi-trailer has a maximum length of 16.20 metres and, in the case of the first semi-trailer in a B train double, a minimum length of 12 metres, and a minimum length of 13.50 metres in all other cases;

(4) the second semi-trailer has a maximum length of 16.20 metres and a minimum length of 12 metres;

(5) the combination of vehicles is equipped with a driver monitoring system that records significant speed variations and relevant data on the date, time and speed;

(6) the combination of vehicles constitutes an oversized vehicle only as regards its length and, where applicable, its total loaded mass;

(7) in the case of a train double referred to in paragraph 1, 2 or 3 of section 2, the rear of the second semi-trailer is equipped with a rigid sign that measures 230 cm to 245 cm by 30 cm, kept free of any object, substance or dirt, bearing the words “TRAIN ROUTIER” in E-series

* The Special Road Train Operating Permits Regulation, made by Order in Council 1874-86 dated 10 December 1986 (1987, G.O. 2, 16), has been amended once, by the regulation made by Order in Council 383-99 dated 31 March 1999 (1999, G.O. 2, 477).

Highway Gothic font 20 cm high, in white on a red background, consisting of Type III high-intensity retroreflective sheeting that meets Ministère des Transports Standard 14101 appearing in Chapter 14 of Tome VII – Matériaux in the Normes – Ouvrages routiers collection; a sign with a coefficient of retroreflectivity that is less than 50% of the value specified in Standard 14101 must not be used;

(8) the semi-trailer with the greatest total loaded mass must be hitched to the tractor, except where the difference in mass is less than 10%;

(9) the vehicles are positioned in such a manner that when the road train travels in a straight line, no semi-trailer can swing more than 80 millimetres to either side of the tractor; and

(10) where relevant, the dolly is equipped with a pilot relay valve designed to boost the braking signal of the second semi-trailer and, in the case of a C train double, the dolly meets the requirements of section 903 of the Motor Vehicle Safety Regulations (C.R.C. c. 1038) made under the Motor Vehicle Safety Act (S.C. 1993, c. 16).

The dimensions referred to in subparagraphs 3 and 4 do not include the auxiliary equipment at the front of the semi-trailer insofar as the equipment does not increase the load volume of the road vehicle or, in the same conditions, the space reserved for the fifth wheel at the rear of the first semi-trailer in a B train double.”

4. The following section is inserted after section 3:

“**3.1.** In addition to the characteristics described in section 3, the road trains must have the following axle characteristics:

(1) the trailer has a single front axle and a tandem axle, interaxle spacing of not less than 3.5 metres measured from the axis of rotation of the single axle to the axis of rotation of the first axle of the tandem axle, and a wheel base of 6.2 metres or less measured from the axis of rotation of the single axle to the centre of the tandem axle;

(2) the first semi-trailer in a B train double has a tandem axle or a triple axle, and the first semi-trailer in an A or C train double has a tandem axle, a triple axle or a Class B.44 or B.45 four-axle group referred to in the Vehicle Load and Size Limits Regulation;

(3) the second semi-trailer is equipped with a tandem axle or a triple axle; and

(4) the interaxle spacing of the tandem axle or triple axle, measured between the axis of rotation of each axle, does not exceed 1.85 metres.

Until 31 December 2009, the first semi-trailer in an A or C train double may, despite subparagraph 2, be equipped with any tandem or triple axle group on the condition that the semi-trailer was built before 1 March 1997, in which case subparagraph 4 does not apply.”

5. Section 4 is replaced by the following:

“**4.** To obtain a special permit the applicant must provide the following information:

(1) the applicant’s name and address, identification number in the register of owners and operators of heavy vehicles and, where applicable, identification number issued by the Société de l’assurance automobile du Québec;

(2) the licence plate number of a vehicle of the road train or, if the vehicle has no licence plate, the identification number of the vehicle; the number provided must be entered on the special permit to identify the road train whose operation is authorized by the permit; and

(3) the period for which the permit is applied for.

The information must be provided on the form prescribed by the Société, and the form must be signed by the applicant or the applicant’s authorized representative.”

6. Section 6 is replaced by the following:

“**6.** The fee for the issue of a special permit is

(1) \$221, if the term of the permit exceeds three months; and

(2) \$144, if the term of the permit is three months or less.”

7. Section 7 is replaced by the following:

“**7.** The holder of a special permit must

(1) sign the permit or have it signed by the holder’s representative;

(2) on request by a highway controller or any other peace officer and according to the controller or officer’s instructions, provide the data stored or recorded by the system referred to in subparagraph 5 of the first paragraph of section 3 in the vehicle that has been stopped;

(3) notify the Société within two days of any accident or traffic jam caused by the road train;

(4) operate the tractor forming part of the road train as an “operator” within the meaning of section 2 of the Act respecting owners and operators of heavy vehicles (R.S.Q., c. P-30.3);

(5) ensure that the driver of the road train complies at all times with the provisions of paragraphs 3 to 5 of section 9;

(6) ensure that the road train is referred to in any of paragraphs 1 to 4 of section 2 and that it meets at all times the characteristics specified in paragraphs 2 to 10 of section 3 and in section 3.1; and

(7) ensure that the road train is permitted to travel on the roads referred to in paragraphs 2, 3, 4 and 5 of section 9.0.1, having regard to authorized dimensions.”

8. Section 8 is amended by replacing “three” by “nine”.

9. Section 9 is amended

(1) by replacing paragraph 3 by the following:

“(3) refrain from travelling on Sundays and the other holidays mentioned in paragraph 23 of section 61 of the Interpretation Act (R.S.Q., c. I-16);

(3.1) travel only on authorized roads as provided in section 9.0.1;”;

(2) by replacing paragraph 4 by the following:

“(4) from Monday to Friday, refrain from travelling on autoroutes in Ville de Québec from 6:30 a.m. to 9:00 a.m. and from 3:30 p.m. to 6:00 p.m. and on autoroutes on Île-de-Montréal from 5:30 a.m. to 9:30 a.m. and from 3:00 p.m. to 7:00 p.m.;”;

(3) by replacing paragraph 5 by the following:

“(5) travel only when visibility is not less than 500 metres and when the roadway is free from snow and ice;”;

(4) by deleting paragraph 6.

10. The following section is inserted after section 9:

“**9.0.1.** A special operating permit authorizes a road train to travel only on the following roads:

(1) divided lane autoroutes and their entrance and exit ramps;

(2) road segments linking the exit and entrance ramps of an autoroute in opposite directions;

(3) roads giving access to a municipal industrial park from an autoroute exit or entrance ramp, for a distance of not more than two kilometres;

(4) roads not referred to in subparagraph 3 from an autoroute exit or entrance ramp, for a distance of not more than 500 metres;

(5) roads in a municipal industrial park;

(6) a road not referred to in subparagraphs 3 and 4 to reach a destination identified in a special permit issued before 23 June 2005; and

(7) a road or portion of road referred to in Schedule 1.

The special operating permit does not authorize the holder of the permit to take Exit 174 or 203 on Autoroute 40 to enter or exit the autoroute.

The authorization to travel under subparagraph 6 of the first paragraph will cease to have effect on 1 December 2006.

For the purposes of subparagraphs 3 and 4, the distance from the autoroute is measured at the junction of the autoroute exit or entrance ramp with another road.

For the purposes of subparagraph 3, “municipal industrial park” means an industrial or technological zone designated by a municipality as an industrial or technological park.”

11. Section 9.2 is replaced by the following:

“**9.2.** very holder of a special road train operating permit who contravenes any of the provisions of paragraphs 4, 5, 6 and 7 of section 7 commits an offence and is liable to a fine of \$350 to \$1,050.”

12. Section 9.3 is replaced by the following:

“**9.3.** Every driver of a road train who contravenes any of the provisions of section 9 commits an offence and is liable to a fine of \$175 to \$525.”

13. Schedules 1 and 2 to the Regulation are replaced by the following:

“SCHEDULE 1

(s. 9.0.1, 1st par., subpar. 7)

1. The special operating permit authorizes a road train to travel on Route 271, in the municipalities of Laurier-Station and Saint-Flavien, over a distance of two kilometres towards the south from Boulevard Laurier.”

14. The fees payable in 2005 for the issue of a special road train permit or the replacement of a special road train permit issued before the coming into force of this Regulation are, despite paragraph 1 of section 6 of the Special Road Train Operating Permits Regulation, \$166 if the term of the permit is six months or more.

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

6853

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 “ACCU-VOTE ES 2000” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF SALABERRY-DE-VALLEYFIELD, a legal person established in the public interest, having its head office at 61, rue Sainte-Cécile, Salaberry-de-Valleyfield, Province de Québec J6T 1L8, represented by the mayor, Denis Lapointe, and the city clerk, Murielle Giroux, under resolution number 2004-10-589, hereinafter called

THE MUNICIPALITY

AND

Mtre Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, 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. 2004-09-530, passed at its meeting of September 21st, 2004, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and 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 general election of November 6th, 2005, in the MUNICIPALITY;

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

“**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 to hold a general election on November 6th, 2005, and could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that general 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 October 19th, 2004, resolution No. 2004-10-589 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 cardboard or, where necessary, plastic 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 in a circle on a ballot paper by an elector.

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 papers” means a box into which the ballot paper cards fall.

2.6 Where applicable, “transfer box” means the box in which the ballot paper cards are placed when a plastic recipient is used for the electronic ballot box.

2.7 “Ballot paper card” means the card on which the ballot paper or papers are printed.

2.8 “Refused card” means a ballot paper card the insertion of which into 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 general election of November 6th, 2005, in the municipality, a sufficient number of Accu-Vote ES 2000 model 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 list of electors for that polling place as drawn up and revised 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 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 either by the firm *Conseillers en gestion et informatique CGI inc.*, or by the returning officer under the supervision of the firm *Conseillers en gestion et informatique CGI 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, the overall statement and the partial statement or statements of votes;

(8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card;

(9) 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 computerised 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 box*

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 *Conseillers en gestion et informatique CGI inc.* and the representatives of the candidates.

173.3. During the testing of the electronic ballot box, 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 pre-determined 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 note the number entered on 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 in a circle without supervision from the firm *Conseillers en gestion et informatique CGI 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 those containing the list of electors, shall be given to the senior deputy returning officer for deposit in a box reserved for that purpose.

182.1. The senior deputy returning officer, in the presence of the candidates or of their representative who wish to be present, shall seal the recipient for ballot papers, and then place the electronic ballot box in its travel case and place a seal the case. The senior deputy returning officer and the representatives who wish to do so shall note the number entered on the seal.

The senior deputy returning officer shall then give the recipient or recipients for ballot papers, the transfer box 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 recipient or recipients for ballot papers 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 box and give each deputy returning officer the poll books, the enve-

lopes 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 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 the grouped polling station or 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 the recipient for ballot papers, and seal the recipient.

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 by reversing process so that, on the obverse, the indications appear in white on a black background and the circles provided to receive the elector’s mark appear in white on an orange vertical strip.”.

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 card 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 cards shall contain on the obverse, as shown in the Schedule,

- (1) the name of the municipality;
- (2) the indication “municipal election” and the date of the poll;
- (3) the ballot papers;
- (4) the bar code.

The ballot paper cards shall contain, on the reverse, as shown in the Schedule,

(1) a space intended to receive the initials of the deputy returning officer;

(2) a space intended to receive the number of the polling subdivision;

(3) the name and address of the printer;

(4) the bar code.”.

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 them.”.

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, where applicable, of transfert 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 polling stations, 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 one of the circles on the ballot paper or papers 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 on the reverse side 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 on the reverse side and that was given by the deputy returning officer to an elector.

223.2. If a ballot paper card becomes blocked in the recipient for 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 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 card, 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 out 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 in the 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 particulars 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 Compiling sheet

Section 231 of the Act is revoked.

6.30 Counting of the votes

Section 232 of the Act is revoked.

6.31 Rejected ballot papers

The following is substituted for section 233 of the Act:

“**233.** The electronic 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 both the cards containing valid ballot papers and those containing rejected ballot papers, except any ballot paper cards that have been refused.”.

6.32 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.

6.33 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 printing out of the results compiled by an electronic ballot box in respect of the validity of the results.”.

6.34 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 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, one of which 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.

6.35 **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 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, place them in a recipient, 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 representatives who wish to be present, the senior deputy returning officer:

— if the plastic recipient has been used for the electronic ballot box, place the ballot paper cards from the recipient of the electronic ballot box in a transfer box. Next, 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. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the transfer box. He shall seal and initial the transfer box and allow the representatives who wish to do so to initial it;

— if the cardboard recipient is used for the electronic ballot box, remove the cardboard recipient containing the ballot papers. Next, 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. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the cardboard recipient. He shall seal and initial the cardboard recipient and allow the representatives who wish to do so to initial it.

The senior deputy returning officer give the transfer boxes or the cardboard recipients to the returning officer or to the person designated by 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 state-

ments 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.

6.36 **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.”.

6.37 **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.”.

6.38 **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.”.

6.39 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 equipped with a new programmed memory card. He shall then print out the results compiled by the electronic ballot box.”.

6.40 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.

6.41 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 judge.”.

6.42 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 recipients for ballot papers.

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 December 31st, 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 November 6th, 2005, the returning officer of the municipality shall forward, in accordance with section 659.3

of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister 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 cost of holding the general election on November 6th, 2005, using traditional methods;
- the number and duration of incidents during which voting was stopped, if any;
- the advantages and disadvantages of using the new method of voting;
- the results obtained during the addition of the votes and the correspondence between the number of ballot paper cards issued to the deputy returning officers and the number of ballot paper cards returned used and unused;
- the examination of rejected ballot papers, if it 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 general election held on November 6th, 2005, 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 Salaberry-de-Valleyfield, on this 22nd day of the month of November of the year 2004

THE MUNICIPALITY OF SALABERRY-DE-VALLEYFIELD

By: _____
DENIS LAPOINTE, *Mayor*

MURIELLE GIROUX, *City Clerk*

In Québec, on this 13th day of the month of December of the year 2004

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 3rd day of the month of February of the year 2005

THE MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION

By: _____
DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER HOLDER

MUNICIPALITY OF MATTEAU

Municipal Election - November 2, 2003

“SPÉCIMEN”

Mayor Office

Marie BONENFANT ●**Jean-Charles BUREAU** ●
Appartenance politique**Pierre-A. LARRIVÉE** ●City Councillor
District 1**Luc GAUTHIER** ●**Carl LUSSIER** ●**Hélène ROCHETTE** ●
Appartenance politique**Sylvain SAINT-PIERRE** ●

<input type="text"/>	<input type="text"/>
Initials of the deputy returning officer	Polling subdivision
Printer name Address City Postal code	

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 “ACCU-VOTE ES 2000 ” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

VILLE DE SAINTE-MARIE, a legal person established in the public interest, having its head office at 270, avenue Marguerite-Bourgeois, Sainte-Marie (Québec) G6E 3Z3, represented by the mayor, Harold Guay, and the clerk, Hélène Gagné, under resolution number 2005-01-19, hereinafter called

THE MUNICIPALITY

AND

Mtre Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Péréade, 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. 2004-12-595, passed at its meeting of December 13rd 2004, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and 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 general election of November 6th 2005, in the MUNICIPALITY ;

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

“**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 to hold a general election on November 6th 2005 and, could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement ;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that general 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 January 10th 2005 , resolution no 2005-01-19 approving the text of the agreement and authorizing the mayor and the clerk to sign this agreement ;

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

THEREFORE, the parties agree to the following:

1. PREAMBLE

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

2. INTERPRETATION

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

2.1 “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 cardboard or, where necessary, plastic 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 in a circle on a ballot paper by an elector.

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 papers” means a box into which the ballot paper cards fall.

2.6 Where applicable, “transfer box” means the box in which the ballot paper cards are placed when a plastic recipient is used for the electronic ballot box.

2.7 “Ballot paper card” means the card on which the ballot paper or papers are printed.

2.8 “Refused card” means a ballot paper card the insertion of which into 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 general election of November 6th 2005 in the municipality, a sufficient number of Accu-Vote ES 2000 model 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 list of electors for that polling place as drawn up and revised 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 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 either by the firm Technologies Nexxlink inc., or by the returning officer under the supervision of the firm Technologies Nexxlink 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, the overall statement and the partial statement or statements of votes;

(8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card;

(9) 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) make sure of electors’ identity;

(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 computerised 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 box

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 Technologies Nexxlink inc. and the representatives of the candidates.

173.3. During the testing of the electronic ballot box, 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 pre-determined 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 note the number entered on 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 in a circle without supervision from the firm Technologies Nexxlink 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 those containing the list of electors, shall be given to the senior deputy returning officer for deposit in a box reserved for that purpose.

182.1. The senior deputy returning officer, in the presence of the candidates or of their representative who wish to be present, shall seal the recipient for ballot papers, and then place the electronic ballot box in its travel case and place a seal the case. The senior deputy returning officer and the representatives who wish to do so shall note the number entered on the seal.

The senior deputy returning officer shall then give the recipient or recipients for ballot papers, the transfer box 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 recipient or recipients for ballot papers 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 box 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 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 the grouped polling station or 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 return-

ing officer shall withdraw the memory card from the electronic ballot box, place it in an envelope, seal the envelope, place the envelope in the recipient for ballot papers, and seal the recipient.

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 by reversing process so that, on the obverse, the indications appear in white on a black background and the circles provided to receive the elector’s mark appear in white on an orange vertical strip.”

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 card 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 cards shall contain on the obverse, as shown in the Schedule,

- (1) the name of the municipality;
- (2) the indication “municipal election” and the date of the poll;
- (3) the ballot papers;
- (4) the bar code.

The ballot paper cards shall contain, on the reverse, as shown in the Schedule,

- (1) a space intended to receive the initials of the deputy returning officer;
- (2) a space intended to receive the number of the polling subdivision;
- (3) the name and address of the printer;
- (4) the bar code.”.

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 them.”.

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, where applicable, of transfert 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 polling stations, 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 one of the circles on the ballot paper or papers 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 on the reverse side 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 on the reverse side and that was given by the deputy returning officer to an elector.

223.2. If a ballot paper card becomes blocked in the recipient for 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 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 card, 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 out 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 in the 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 particulars 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 Compiling sheet

Section 231 of the Act is revoked.

6.30 Counting of the votes

Section 232 of the Act is revoked.

6.31 Rejected ballot papers

The following is substituted for section 233 of the Act:

“**233.** The electronic 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 both the cards containing valid ballot papers and those containing rejected ballot papers, except any ballot paper cards that have been refused.”.

6.32 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.

6.33 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 printing out of the results compiled by an electronic ballot box in respect of the validity of the results.”.

6.34 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 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, one of which 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.

6.35 **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 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, place them in a recipient, 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 representatives who wish to be present, the senior deputy returning officer:

— if the plastic recipient has been used for the electronic ballot box, place the ballot paper cards from the recipient of the electronic ballot box in a transfer box. Next, 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. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the transfer box. He shall seal and initial the transfer box and allow the representatives who wish to do so to initial it;

— if the cardboard recipient is used for the electronic ballot box, remove the cardboard recipient containing the ballot papers. Next, 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. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the cardboard recipient. He shall seal and initial the cardboard recipient and allow the representatives who wish to do so to initial it.

The senior deputy returning officer give the transfer boxes or the cardboard recipients to the returning officer or to the person designated by 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.

6.36 **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.”

6.37 **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.”

6.38 **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.”

6.39 **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 equipped with a new programmed memory card. He shall then print out the results compiled by the electronic ballot box.”.

6.40 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.

6.41 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 judge.”.

6.42 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 recipients for ballot papers.

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 December 31st 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 November 6th 2005, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister 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 cost of holding the general election on November 6th 2005 using traditional methods ;
- the number and duration of incidents during which voting was stopped, if any ;
- the advantages and disadvantages of using the new method of voting ;
- the results obtained during the addition of the votes and the correspondence between the number of ballot paper cards issued to the deputy returning officers and the number of ballot paper cards returned used and unused ;
- the examination of rejected ballot papers, if it 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 general election held on November 6th 2005 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 City of Sainte-Marie, on this 11th day of the month of January of the year 2005

VILLE DE SAINTE-MARIE

By : _____
HAROLD GUAY, *Mayor*

HÉLÈNE GAGNÉ, *Clerk*

In Québec, on this 14th day of the month of January of the year 2005

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, on this 14th day of the month of February of the year 2005

THE MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION

By : _____
DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER HOLDER

MUNICIPALITY OF MATTEAU

Municipal Election - November 2, 2003

"SPÉCIMEN"

Mayor Office

Marie BONENFANT ●

Jean-Charles BUREAU ●
Appartenance politique

Pierre-A. LARRIVÉE ●

Councillor seat no. 1

Robert ALLARD ●

Denise LESSARD ●
Appartenance politique

Serge LECLERC ●

Councillor seat no. 2

Jean-Pierre BRODEUR ●
Appartenance politique

Guy BROSSÉ ●

Maurice RICHARD ●

Councillor seat no. 3

Gérard CYR ●
Appartenance politique

Claudine DUSSAULT ●

Anne DUBÉ ●

Monique LEMAIRE ●

Councillor seat no. 4

Luc GAUTHIER ●

Carl LUSSIER ●
Appartenance politique

Hélène ROCHETTE ●

Sylvain ST-PIERRE ●

Councillor seat no. 5

Joël MORIN ●
Appartenance politique

Alain PERRON ●

Councillor seat no. 6

Claude BRETON ●

Alain TREMBLAY ●
Appartenance politique

<input type="text"/>	<input type="text"/>
Initials of the deputy returning officer	Polling subdivision
Printer name Address City Postal code	

Gouvernement du Québec

Agreement

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

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

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF SAINT-CONSTANT, a legal person established in the public interest, having its head office at 147, rue Saint-Pierre, Saint-Constant, J5A 2G2, Province de Québec, represented by the mayor, Daniel Ashby and the clerk or secretary-treasurer, M^e Manon Thériault under a resolution bearing number 97-05, hereinafter called

THE MUNICIPALITY

AND

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

THE CHIEF ELECTORAL OFFICER

AND

Ms. Nathalie Normandeau, in her capacity as MINISTER OF MUNICIPAL AFFAIRS AND REGIONS, having her 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. 77-05, passed at its meeting of March 8th, 2005, 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 regular election of November 6th, 2005 in the MUNICIPALITY;

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

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, 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 regular election held on November 6th, 2005 and could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

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

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

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

WHEREAS the council of the MUNICIPALITY passed, at its meeting of March 21st, 2005, resolution No. 97-05 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 “electronic voting system” means an apparatus consisting of the following devices:

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

- a reader of electronic voting cards;

- one or more printers;

- one or more autonomous voting terminals;

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

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

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

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

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

3. ELECTION

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

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

4. SECURITY MECHANISMS

Each electronic voting system must include the following security mechanisms:

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

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

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

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

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

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

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

5. PROGRAMMING

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

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

6.1 Election officers

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

assistant to the senior deputy returning officer” after the word “assistant,”.

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

The following is substituted for section 76 of the Act:

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

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

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

The following is substituted for section 80 of the Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

80.2. The deputy returning officer shall, in particular,

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

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

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

(4) make sure of electors’ identity;

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

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

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

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

The following is substituted for section 90.5 of the Act:

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

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

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

6.5 Notice of election

The following is added after paragraph 7 of section 99:

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

6.6 Polling subdivisions

The following is substituted for section 104 of the Act:

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

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

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

6.7 Verification of electronic voting systems

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

“§1.1 *Verification of electronic voting systems*

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

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

data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

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

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

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

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

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

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

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

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

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

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

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

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

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

6.8 Advance polling

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

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

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

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

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

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

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

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

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

(3) print the operations trail (audit);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.9 Revocation

Sections 186 and 187 of the Act are revoked.

6.10 Polling place

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

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

6.11 Booths

The following is substituted for section 191 of the Act:

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

6.12 Ballot papers and electronic voting cards

The following is substituted for section 192 of the Act:

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

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

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

6.13 Identification of the candidates

The following is substituted for section 196 of the Act:

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

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

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

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

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

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

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

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

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

6.14 Reverse of ballot paper

Section 197 is revoked.

6.15 Withdrawal of a candidate

The following is substituted for section 198 of the Act:

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

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

6.16 Withdrawal of authorization or recognition

The following is substituted for section 199 of the Act:

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

6.17 Number of voting terminals

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

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

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

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

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

6.18 Provision of polling materials

The following is substituted for section 204 of the Act:

“**204.** Not later than one hour before the time fixed for the opening of the polling station, the returning officer shall give or make available to the deputy returning

officer, in a sealed envelope, after affixing his initials to the seals,

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

(2) a poll book;

(3) electronic voting cards;

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

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

6.19 Examination of polling materials and documents

The following is substituted for section 207 of the Act:

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

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

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

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

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

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

POLLING PROCEDURE

6.20 Presence at the polling station

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

“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer may be present at the station. The officer in charge of information and order may be present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.”.

6.21 Electronic voting cards

The following is substituted for section 221 of the Act:

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

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

6.22 Voting

The following is substituted for section 222 of the Act:

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

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

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

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

6.23 Following the vote

The following is substituted for section 223 of the Act:

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

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

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

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

6.24 Cancelled and spoiled ballot papers

Sections 224 and 225 of the Act are revoked.

6.25 Assistance for electors

The following is substituted for section 226 of the Act:

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

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

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

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

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

6.26 **Transfer of information to electronic voting cards**

The following is substituted for section 228 of the Act:

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

6.27 **Compilation of results and tallying of votes**

The following is substituted for section 229 of the Act:

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

- (1) placing the election terminals of the polling place in “end of election” mode;
- (2) recording the results of each voting terminal;
- (3) printing out the results compiled by each voting terminal.

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

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

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

6.28 **Entries in poll book**

The following is substituted for section 230 of the Act:

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

- (1) the number of electors who have voted;
- (2) the names of the persons who have performed duties as election officers or as representatives assigned to that polling station.

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

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

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

6.29 **Compiling sheet**

Section 231 of the Act is revoked.

6.30 **Counting of the votes**

Section 232 of the Act is revoked.

6.31 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

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

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

Sections 234 to 237 of the Act are revoked.

6.32 **Partial statement of votes and copy for representatives**

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

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

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

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

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

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

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

6.33 Separate envelopes

The following is substituted for section 241 of the Act:

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

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

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

6.34 Seals

The following is substituted for section 242 of the Act:

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

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

(2) the envelopes provided for in section 230.1;

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

(4) the electronic voting cards.

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

6.35 Placing in ballot box

Section 243 of the Act is revoked.

6.36 Delivery to returning officer

The following is substituted for section 244 of the Act:

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

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

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

6.37 Addition of votes

The following is substituted for section 247 of the Act:

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

6.38 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

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

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

6.39 Placing in envelope

The following is substituted for section 249 of the Act:

“**249.** After printing out the results, the returning officer shall place the memory card used to record results in an envelope, seal the envelope, and affix his initials

and allow the candidates or their representatives to affix their initials if they so wish. He shall place the copy of the partial statements of votes in the large envelope, seal it, and allow the candidates or representatives present to affix their initials.”.

6.40 New counting of the votes

Section 250 of the Act is revoked.

6.41 Notice to the Minister

The following is substituted for section 251 of the Act:

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

6.42 Access to voting papers

Section 261 of the Act is revoked.

6.43 Application for a recount or re-addition

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

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

6.44 Notice to candidates

The following is substituted for section 267 of the Act:

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

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

the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of votes he will need.”.

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

The following is substituted for section 268 of the Act:

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

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

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

6.46 Repeal

Section 269 is revoked.

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

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

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

6.48 Custody of items and documents, and verification

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

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

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

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

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

7. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before November 4th, 2013.

8. AMENDMENT

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

9. ASSESSMENT REPORT

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

- the preparations for the election (choice of the new method of voting, communications plan, etc.);
- the conduct of the advance poll and the poll;
- the cost of using the electronic voting system :
 - the cost of adapting election procedures;
 - non-recurrent costs likely to be amortized;
 - a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the regular election on November 6th, 2005 using traditional methods;
- the number and duration of incidents during which voting was stopped, if any;
- the advantages and disadvantages of using the new method of voting;

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

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

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

11. EFFECT OF AGREEMENT

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

AGREEMENT SIGNED IN THREE COPIES

In Saint-Constant, this 8th day of April 2005

MUNICIPALITY OF SAINT-CONSTANT

By: _____
DANIEL ASHBY, *Mayor*

M^e MANON THÉRIAULT,
Clerk or Secretary-treasurer of the municipality

In Québec, on this 19th day of April 2005

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

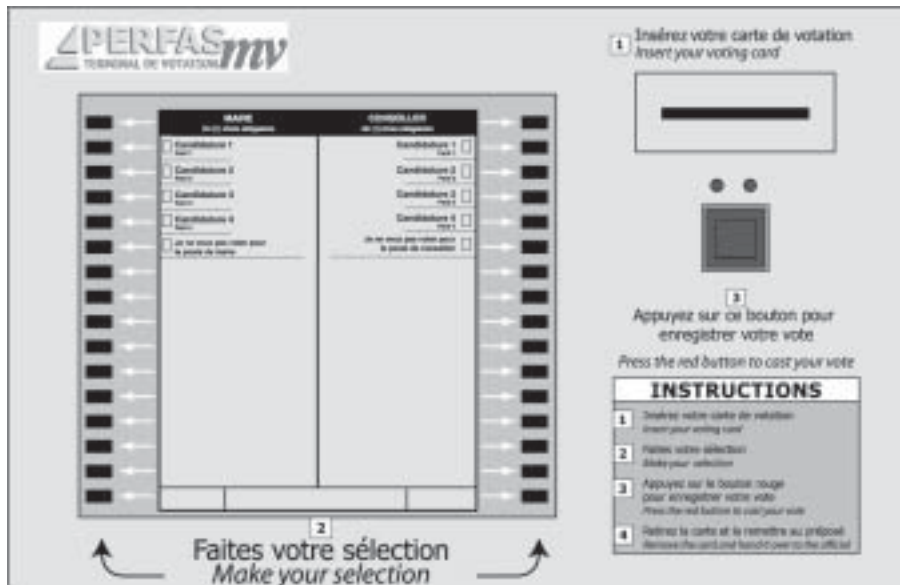
In Québec, on this 5th day of May 2005

THE MINISTER OF MUNICIPAL AFFAIRS
AND REGIONS

By: _____
DENYS JEAN, *Deputy Minister*

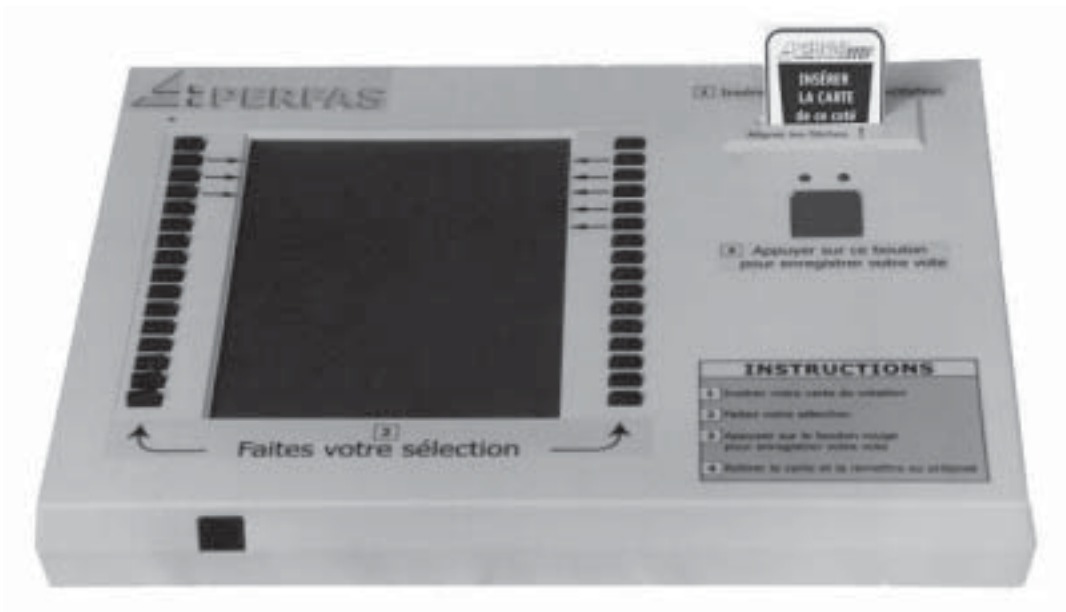
SCHEDULE I

BALLOT PAPER



SCHEDULE II

VOTING TERMINAL



Draft Regulations

Draft Regulation

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

Construction Code — 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 Construction Code, the text of which appears below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to make certain amendments that apply to gas and that are consequential to the amendments made to CSA Standard Z662-99, Oil and Gas Pipeline Systems by Chapter II of the Construction Code, approved by Order in Council 875-2003 dated 20 August 2003, to reflect the coming into force of the new edition of that standard published in French in September 2004 and which has been in force since 31 March 2005.

The draft Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Jean Samson, engineer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 7^e étage, Montréal (Québec) H2M 2V2; telephone: (514) 873-5927; fax: (514) 873-1939.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Daniel Gilbert, Chair, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3^e étage, Montréal (Québec) H2M 2V2.

LAURENT LESSARD,
Minister of Labour

Regulation to amend the Construction Code*

Building Act
(R.S.Q., c. B-1.1, ss. 173, 178, 185 and 192)

1. The Construction Code is amended by replacing “CSA Z662-99” wherever it appears in section 2.01 by “CSA Z662-03”.

2. Section 2.11 is amended by replacing “Clause 7.2” in paragraph 8 by “Clauses 7.6, 7.7 and 7.11” and “CSA Z662-99” by “CSA Z662-03”.

3. Section 2.14 is amended

(1) by replacing “CSA Z662-99” in the part preceding paragraph 1 by “CSA Z662-03”;

(2) by replacing “in Clause 2.1” in the part preceding subparagraph *a* of paragraph 3 by “in Clause 2”;

(3) by replacing “B51-97” in subparagraph *b* of paragraph 3 by “B51-03”;

(4) by deleting subparagraphs *c*, *d* and *e* of paragraph 3;

(5) by replacing “in Clause 3.1” in the part preceding subparagraph *a* of paragraph 4 by “in Clause 3”.

4. This Regulation comes into force on (*enter the date occurring fifteen days after the date of its publication in the Gazette officielle du Québec*).

6851

* 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 895-2004 dated 22 September 2004 (2004, *G.O.* 2, 2833). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

Draft Regulation

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

Exemption of certain pension plans from the application of provisions of the Act — 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 to amend the Regulation respecting the exemption of certain pension plans from the application of provisions 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 proposed regulatory provisions are intended mainly to exempt the pension plans specified therein from the application of certain provisions of the Supplemental Pension Plans Act with respect to pension plan funding, and to set specific rules regarding valuation of the plans in question, increases in member and beneficiary benefits and amortization of certain unfunded actuarial liabilities affecting the pension funds of these plans.

Further information may be obtained from Mr. Mario Marchand, Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, Sainte-Foy (Québec) G1V 4T3 (tel. : (418) 657-8715, fax : 643-7421, e-mail : mario.marchand@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^e étage, Sainte-Foy (Québec) G1V 4T3. Comments will be forwarded by the Régie to the Minister of Employment and Social Solidarity, who is responsible for the application of the Supplemental Pension Plans Act.

MICHELLE COURCHESNE,
Minister of Employment and Social Solidarity

Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act¹

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

1. The Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act is amended by inserting, after section 14, the following division :

“DIVISION III.1 PROVISIONS CONCERNING THE FUNDING OF CERTAIN PENSION PLANS

14.1. This division applies to the following pension plans :

(1) the Régime complémentaire de retraite des employés de La Presse, ltée assujettis à une convention collective de travail, registered with the Régie des rentes du Québec under number 7023 ;

(2) the Régime complémentaire de retraite des employés cadres de La Presse, ltée, registered under number 24460 ;

(3) the Régime complémentaire de retraite des employés de la direction de La Presse, ltée, registered under number 26414 ;

(4) the Régime complémentaire de retraite des employés de la haute direction de Gesca Ltée, registered under number 31687.

14.2. Each of the pension plans referred to in this division must be the subject of a complete actuarial valuation at 31 December 2004.

Notwithstanding section 67.4 of the Regulation respecting supplemental pension plans, the assumptions that shall be used are those described in section 4 of the standard of practice entitled “Standard of Practice for Determining Pension Commuted Values” confirmed by the Board of the Canadian Institute of Actuaries on 15 June 2004, it being understood that those assumptions shall

¹ The Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act was made by Order in Council 415-2004 dated 28 April 2004 (*G.O.* 2004, 2, 1543) and has not been amended since.

apply taking into account the rules set out in part D of section 3 of that standard of practice and that a sex-specific mortality table must be used.

14.3. The actuary who carries out the valuation provided for in section 14.2 shall, at a date set therein, determine the total of the commuted value of each of the amortization amounts payable for any month occurring in whole or in part between that date and 31 December 2009 with respect to any amount determined pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act.

The actuary shall, at the same date, for any such amount determined during a valuation carried out before 31 December 2004, also determine the total of the commuted value of each of the amortization amounts payable for any month falling in whole or in part between that date and the date on which the period provided for the amortization of the said amount ends.

The date set pursuant to the first paragraph cannot be prior to the date this Regulation comes into effect.

The interest rate used to determine the commuted value of the amortization amounts shall be identical to the rate used to determine the liabilities of the plan for the purpose of determining the plan's solvency at the date of the actuarial valuation provided for under section 14.2.

14.4. The actuary shall, at the date set pursuant to the first paragraph of section 14.3, determine the total of the amortization amounts that should have been paid before that date with respect to the amount referred to in that paragraph.

The actuary shall, with respect to any amount referred to in the second paragraph of that section, also determine the total of the amortization amounts falling due after 31 December 2004 but before the date set pursuant to the first paragraph of section 14.3.

To each such amortization amount shall be added, where required, the interest referred to in section 48 of the Supplemental Pension Plans Act, accrued until the date set under the first paragraph of section 14.3.

14.5. The amount that must be added, in accordance with the third paragraph of section 41 of the Supplemental Pension Plans Act, to the first monthly amount payable after the transmission to the Régie of the valuation report required under section 14.2 is reduced by an amount equal to 45% of the amount calculated in accordance with the first paragraph of section 14.4 and the amount

calculated in accordance with the second paragraph of that section, taking into account, where required, the interest provided for in section 48 of the Act.

14.6. The actuary shall determine, at the date set pursuant to the first paragraph of section 14.3, the following amounts:

(1) the sum of the amount calculated in accordance with that paragraph and an amount equal to 45% of the amount determined in accordance with the first paragraph of section 14.4;

(2) the sum of the amount calculated in accordance with the second paragraph of section 14.3 and an amount equal to 45% of the amount determined in accordance with the second paragraph of section 14.4.

Those amounts are each deemed to be an amount determined in the course of the valuation provided for in section 14.2 pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act. However, the amount referred to in paragraph 1 of the first paragraph shall be paid by the employer into the pension fund no later than 31 December 2014 and the amount referred to in paragraph 2 of the first paragraph shall be likewise paid, no later than 31 December 2007.

As of the date set pursuant to the first paragraph of section 14.3, the amortization amounts payable for a whole month or part of a month between that date and 31 December 2009 are reduced to zero with respect to any amount determined under the first or second paragraph of said section.

The provisions of this section prevail over those of the second paragraph of section 132 of the Supplemental Pension Plans Act and those of the first paragraph of section 140 of the Act.

14.7. No amendment increasing member or beneficiary benefits may be made to a plan where an amount determined in accordance with paragraph 1 of the first paragraph of section 14.6 with respect to the plan has not been fully amortized, unless such amendment is required by law.

14.8. The report on the actuarial valuation provided for in section 14.2 must contain a distinct section specifying:

(1) the date set pursuant to the first paragraph of section 14.3;

(2) the totals and the amounts calculated pursuant to sections 14.3 and 14.4;

(3) the amount determined in accordance with paragraph 1 of the first paragraph of section 14.6 and the amortization amounts to be paid monthly until the end of the period provided for the amortization;

(4) the amount determined in accordance with paragraph 2 of the first paragraph of section 14.6 and the amortization amounts to be paid monthly until the end of the period provided for the amortization.”.

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

6852

Draft Regulation

Pharmacy Act
(R.S.Q., c. P-10)

Terms and conditions for the sale of medications — 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 terms and conditions for the sale of medications, made by the Office des professions du Québec and the text of which appears below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The Office advises that the purpose of the Regulation is to make the adjustments necessary to reflect the activity reserved to pharmacists that consists in prescribing emergency oral contraception medication as well as the activity of prescribing medications that is to be performed by a nurse who holds a specialist's certificate in cardiology, neonatology or nephrology. The Regulation adds inhalers to the gum and replacement patch dosage forms listed opposite the Nicotine and its salts substance in Schedule III.

The Conseil du médicament, the Ordre des pharmaciens du Québec, the Collège des médecins du Québec, the Ordre des médecins vétérinaires du Québec and the Ordre des infirmières et infirmiers du Québec have been consulted by the Office on the proposed amendments.

The Regulation will have no financial impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Lucie Boissonneault, Direction de la recherche et de la coordination, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; telephone: (418) 643-6912 or 1 800 643-6912; fax: (418) 643-0973.

Any interested person having comments to make on the draft Regulation is asked to send them in writing before the expiry of the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3.

The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions. They may also be forwarded to the professional orders concerned and to interested persons, departments and bodies.

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

Regulation to amend the Regulation respecting the terms and conditions for the sale of medications*

Pharmacy Act
(R.S.Q., c. P-10, s. 37.1)

1. The Regulation respecting the terms and conditions for the sale of medications is amended by replacing section 8 by the following:

“**8.** Despite section 7 and subject to the Controlled Drugs and Substances Act (S.C., 1996, c. 19), a medication listed in Schedule I may be sold on prescription from:

(1) a pharmacist, as provided in subparagraph 6 of the second paragraph of section 17 of the Pharmacy Act (R.S.Q., c. P-10);

(2) a podiatrist, an optometrist or a midwife, provided that the medication is listed in a regulation made under the Podiatry Act (R.S.Q., c. P-12) or the Optometry Act (R.S.Q., c. O-7), or may be prescribed pursuant to the Midwives Act (R.S.Q., c. S-0.1); or

* The Regulation respecting the terms and conditions for the sale of medications, approved by Order in Council 712-98 dated 27 May 1998 (1998, *G.O.* 2, 2149), was last amended by the regulation approved by Order in Council 840-2003 dated 20 August 2003 (2003, *G.O.* 2, 2720). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

(3) a nurse who holds a specialist's certificate in one of the classes of specializations referred to in the Regulation respecting the classes of specialization of the Ordre des infirmières et infirmiers du Québec authorizing nurses to engage in the activities referred to in section 36.1 of the Nurses Act, approved by Order in Council (*insert the number and date of the Order in Council*), in accordance with the Regulation respecting the activities referred to in section 31 of the Medical Act that may be engaged in by classes of persons other than physicians, approved by Order in Council (*insert the number and date of the Order in Council*):”.

2. Schedule III is amended by inserting “, inhalers” in the specification for “Nicotine and its salts”, after “gums”.

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

6865

Draft Regulation

Medical Act
(R.S.Q., c. M-9)

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

Physicians

— Professional activities that may be engaged in by a medical electrophysiology technologist

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Collège des médecins du Québec, at its meeting held on April 22, 2005, adopted the Regulation respecting professional activities that may be engaged in by a medical electrophysiology technologist.

The Regulation has been transmitted to the Office des professions du Québec, which will examine it pursuant to section 95 of the Professional Code. It will then be submitted, with the recommendation of the Office, to the Government which may, under the same section, approve it with or without amendment, after the expiry of 45 days following this publication.

According to the Collège des médecins du Québec:

1° this Regulation authorizes a medical electrophysiology technologist or a student duly registered in a program of studies leading to the diploma contemplated in this Regulation to perform a stress electrocardiogram;

2° this Regulation also authorizes any person who, on April 30, 2003, performed some cardiac or cerebral electrophysiology activities or polysomnography activities contemplated in this Regulation to continue doing so;

3° in the interests of citizens and public protection, this Regulation specifies the terms and conditions, notably the training, under which such activities may be performed.

Further information may be obtained by contacting, M^e Linda Bélanger in the Legal Services Division, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; telephone number: (514) 933-4441, extension 5362; facsimile number: (514) 933-3276; e-mail: lbelanger@cmq.org

Any person having comments to make on the following text is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that has adopted the Regulation, namely the Collège des médecins du Québec, as well as to interested persons, ministries and organizations.

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

Regulation respecting professional activities that may be engaged in by a medical electrophysiology technologist

Professional Code
(R.S.Q., c. C-26, s. 94 h)

1. The purpose of this Regulation is to determine amongst the professional activities that may be engaged in by physicians, those which, pursuant to an individual prescription and the terms and conditions set out in the Regulation, may be engaged in by a medical electrophysiology technologist or other persons.

2. In this Regulation, the term “medical electrophysiology technologist” means:

1° any person who holds a diploma of collegial studies in medical electrophysiology issued by Collège Ahuntsic;

2° any person who, on April 30, 2003, practised as an electrophysiology technologist.

3. A medical electrophysiology technologist may perform a stress electrocardiogram.

He may also perform the following activities if he holds a certificate of achievement in adult and pediatric ultrasonography from the Faculté de l'éducation permanente de l'Université de Montréal :

- 1° echocardiography or vascular ultrasonography ;
- 2° carotid or transcranial Doppler ultrasonography.

4. A student duly enrolled in a program of studies leading to a diploma as contemplated in section 2 may, in the presence of a medical electrophysiology technologist, perform the activities contemplated in the first paragraph of section 3, insofar as such activities are required to complete the program leading to this diploma.

5. Any person who, on April 30, 2003, performed an activity stipulated in this section, is authorized to continue to perform such an activity :

- 1° an activity stipulated in section 3 ;
- 2° for the purpose of a cerebral electrophysiology examination, administration of the required radioactive substances in the presence of a physician ;
- 3° for the purpose of a cardiac electrophysiology intervention, in the presence of a physician :
 - a) preparation and administration of urgently required medications using an intravenous line already in place, while monitoring the patient's electrophysiology ;
 - b) in an emergency situation, defibrillation of a patient suffering from induced acute ventricular arrhythmia, while monitoring the patient's electrophysiology ;
 - c) programming at the time of implantation and follow-up of a pace-maker ;
- 4° for the purpose of a polysomnography examination :
 - a) introduction of an oesophageal balloons ;
 - b) adjustment of the masks for a Bi-Pap or C-Pap ;
 - c) administration of oral medication required to induce sleep.

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, and shall cease to apply on the third anniversary of the date it came into force.

6844

Draft Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Salmon fishing controlled zones — 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 salmon fishing controlled zones, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to provide a framework for the standard that applies to a double reservation following a selection by a draw of lots, thereby allowing for better application of the principle of user accessibility to controlled zones.

The draft Regulation provides that a person selected by a draw of lots or by telephone reservation who has made a reservation for two persons will be required to register and fish on the same days as the second person. Any fisher will be able to enter more than one sector on the registration form and modify the sector chosen so as to be able to fish in a limited access sector, if there are vacancies. The draft Regulation will make it possible to modify the selection procedure on the eve or on the day of the fishing activity and to modify the method for calculating promotional days in limited access sectors. Provisions are also included to prohibit swimming and snorkelling or scuba diving in the locations in the controlled zone where a prohibition is posted to that effect, and to provide for the indexing of the maximum amounts of the required fishing fees as of 1 April 2007.

To date, study of the matter shows a positive impact for salmon fishers. The restriction on swimming, snorkelling and scuba diving will have a negative impact on the persons who use the rivers for that purpose. Study of the matter also shows a negative impact on outfitters who will no longer be able to allow a customer to fish in the place of an accompanying person.

Further information may be obtained by contacting Michel Jean, Ministère des Ressources naturelles et de la Faune, Direction des territoires fauniques et de la réglementation, 675, boulevard René-Lévesque Est, 11^e étage, boîte 96 Québec (Québec) G1R 5V7; telephone: (418) 521-3880, ext. 4095; fax: (418) 646-5179; e-mail: michel.jean@fapaq.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to George Arsenault, Associate Deputy Minister for Faune Québec, Ministère des Ressources naturelles et de la Faune, 675, boulevard René-Lévesque Est, 10^e étage, boîte 93, Québec (Québec) G1R 5V7.

PIERRE CORBEIL,
Minister of Natural Resources and Wildlife

Regulation to amend the Regulation respecting salmon fishing controlled zones*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 110, 1st par., subpars. 1 and 6(e) and 2nd par.; s. 162, par. 14)

1. The Regulation respecting salmon fishing controlled zones is amended in section 3

(1) by replacing “a single location” and “a single sector” in subparagraph 3 of the second paragraph by “the location” and “the sector” respectively;

(2) by replacing “return the duly completed registration to the registration officer” in subparagraph 5 of the second paragraph by “deposit the duly completed proof of registration in the place provided for that purpose”;

(3) by replacing the third and fourth paragraphs by the following:

“When a person fishes in more than one open access sector during the same day, the amount of the required fees may not exceed the maximum amount prescribed by subparagraph 1 of the first paragraph of section 15.

A person who fishes in a limited access sector or open access sector may, on the day of that activity, change the chosen fishing sector in order to fish in another limited access fishing sector, if there are still vacancies and the person pays the required fees to fish in the newly chosen sector.”.

2. Section 9 is amended:

(1) by replacing “telephone reservation” in paragraph 4 by “on an optional basis, by a draw of lots or by telephone reservation”;

(2) by replacing paragraph 5 by the following:

“(5) on the day of the activity, by allotment among the persons present at the reception centre according to their order of arrival, or by a draw of lots among those persons, if there are still vacancies after the selections made under paragraph 1, where applicable, and paragraphs 2 to 4, where applicable.”.

3. Section 12 is amended by adding the following paragraphs;

“When the selected person referred to in the first and second paragraphs makes a reservation for two persons, the second person may fish on one of the days specified in the reservation so long as the person selected registers and fishes on that day.”

The person selected under paragraph 3 or 4 of section 9 must also comply with the condition set out in the third paragraph.”.

4. Section 13 is replaced by the following:

“**13.** Despite Division III, an agency may assign a number of fishermen to any sector of the controlled zone for promotional purposes and according to the procedure it determines by by-law; however, that number may not exceed 24 fishing days for all limited access sectors and the annual maximum provided for in paragraph 1 of section 9 must be complied with.”.

5. The Regulation is amended by inserting the following divisions after section 20:

“DIVISION VI.1 RECREATIONAL ACTIVITIES

20.1. No person may swim, snorkel or scuba dive in the locations in the controlled zone where a prohibition to that effect is posted.

* The Regulation respecting salmon fishing controlled zones, made by Order in Council 1255-99 dated 17 November 1999 (1999, G.O. 2, 4381), was amended only once by the regulation made by Order in Council 1094-2002 dated 18 September 2002 (2002, G.O. 2, 5273).

Despite the first paragraph, a person may snorkel or scuba dive anywhere in the controlled zone in the performance of duties.

DIVISION VI.2 INDEXING

20.2. As of 1 April 2007, the maximum amounts of the fees payable for fishing, set in accordance with section 15, are indexed annually by applying to their value for the preceding year the annual percentage change, calculated for the month of June of the preceding year, in the Consumer Price Index for Canada, not seasonally adjusted (recreation component), as published by Statistics Canada.

The Minister shall inform the citizens of the result of the indexing under this section through Part I of the *Gazette officielle du Québec* or by such other means as the Minister considers appropriate.”

6. Section 21 is amended by replacing “15 or 16” by “15, 16 or 20.1”.

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

6861

Draft Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Wildlife sanctuaries — 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 to amend the Regulation respecting wildlife sanctuaries, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of this draft Regulation is to facilitate the management of wildlife sanctuaries established on salmon rivers. It prohibits swimming and snorkelling or scuba diving in the locations in the sanctuary where a prohibition is posted to that effect, except if a person is doing so in the performance of duties.

To date, study of the matter shows a positive impact for salmon fishing users. The restriction concerning swimming, snorkelling and scuba diving will have a negative impact on the persons who use the rivers for that purpose and on a diving equipment rental enterprise. Customers will be directed to salmon pools in the Rivière Cascapédia Wildlife Sanctuary.

Further information may be obtained by contacting Michel Jean, Ministère des Ressources naturelles et de la Faune, Direction des territoires fauniques et de la réglementation, 675, boulevard René-Lévesque Est, 11^e étage, boîte 96 Québec (Québec) G1R 5V7; telephone: (418) 521-3880, ext. 4095; fax: (418) 646-5179; e-mail: michel.jean@fapaq.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to George Arsenault, Associate Deputy Minister for Faune Québec, Ministère des Ressources naturelles et de la Faune, 675, boulevard René-Lévesque Est, 10^e étage, boîte 93, Québec (Québec) G1R 5V7.

PIERRE CORBEIL,
Minister of Natural Resources and Wildlife

Regulation to amend the Regulation respecting wildlife sanctuaries*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 121, par. 4)

1. The Regulation respecting wildlife sanctuaries is amended by inserting the following after Division V:

“DIVISION V.1 RECREATIONAL ACTIVITIES

23.1. In a wildlife sanctuary where there is salmon fishing, no person may swim, snorkel or scuba dive in the locations in the sanctuary where a prohibition to that effect is posted.

* The Regulation respecting wildlife sanctuaries, made by Order in Council 859-99 dated 28 July 1999 (1999, *G.O.* 2, 2432), was last amended by the regulation made by Order in Council 1186-2003 dated 12 November 2003 (2003, *G.O.* 2, 3353). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

Despite the first paragraph, a person may snorkel or scuba dive anywhere in the sanctuary in the performance of duties.”

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

6860

Treasury Board

Gouvernement du Québec

T.B. 202419, 24 May 2005

An Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1; 2004, c. 39)

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10; 2002, c. 30; 2004, c. 39)

An Act respecting the Teachers Pension Plan (R.S.Q., c. R-11; 2002, c. 30; 2004, c. 39)

An Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12; 2004, c. 39)

Pension plans of the public and parapublic sectors — Various regulations — Amendments

Regulation to amend various regulations under the pension plans of the public and parapublic sectors

WHEREAS, under section 41.8 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1), section 134 of the Act respecting Government and Public Employees Retirement Plan (R.S.Q., c. R-10), section 73 of the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11) and section 109 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12), amended respectively by sections 74, 137, 195 and 211 of the Act to amend the Act respecting the Pension Plan of Peace Officers in Correctional Services and other legislative provisions (2004, c. 39), the Government may, by regulation and after the Commission administrative des régimes de retraite et d'assurances has consulted the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan, make regulations under the Acts respecting those plans;

WHEREAS the Government made the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers by Order in Council 708-94 dated 18 May 1994 and its subsequent amendments, the

Regulation under the Act respecting the Government and Public Employees Retirement Plan by Order in Council 1845-88 dated 14 December 1988 and its subsequent amendments, the Regulation under the Act respecting the Teachers Pension Plan by Conseil du trésor Decision T.B. 169291 dated 29 November 1988 and its subsequent amendments and the Regulation under the Act respecting the Civil Service Superannuation Plan by Conseil du trésor Decision T.B. 16292 dated 29 November 1988 and its subsequent amendments;

WHEREAS it is expedient to amend those Regulations;

WHEREAS the pension committee has been consulted;

WHEREAS, under section 181 of the Act to amend the pension plans of the public and parapublic sectors (2002, c. 30), the first regulation made under section 59 of that Act may, if it so provides, have effect from 1 January 2000 and may have effect with respect to pensions payable from that date;

WHEREAS, under section 182 of that Act, the first regulations made under sections 30, 35, 37, 50, 77 and 94 of that Act may have effect, if they so provide, from 1 June 2001;

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

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend various regulations under the pension plans of the public and parapublic sectors, attached hereto, is hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend various regulations under the pension plans of the public and parapublic sectors

An Act respecting the Pension Plan of Certain Teachers*
(R.S.Q., c. R-9.1, s. 41.8, pars. 6 and 7; 2004, c. 39, s. 74)

An Act respecting the Government and Public Employees Retirement Plan**
(R.S.Q., c. R-10, s. 134, 1st par., subpars. 4, 4.0.1, 4.2, 16.1, 17, 20, 22.2 to 22.4 and 24; 2002, c. 30, ss. 181 and 182; 2004, c. 39, s. 137, pars. 10 and 11)

An Act respecting the Teachers Pension Plan***
(R.S.Q., c. R-11, s. 73, pars. 3.1, 3.2, 4 and 4.0.1; 2002, c. 30, s. 182; 2004, c. 39, s. 195, par. 1)

An Act respecting the Civil Service Superannuation Plan****
(R.S.Q., c. R-12, s. 109, pars. 2, 3.1, 8.7 and 8.8; 2002, c. 30, s. 182; 2004, c. 39, s. 211)

1. Section 1 of the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers is amended

(1) by inserting “in which the employee was not a member of a pension plan within the meaning of the Income Tax Act (Statutes of Canada)” in the first paragraph after “1990”;

(2) by replacing “(Statutes of Canada) for the year in which the redemption proposal is made to the employee” in the first paragraph by “(Statutes of Canada) for the year in which the application for redemption is received at the Commission administrative des régimes de retraite et d’assurances”;

(3) by replacing “applicable for the year in which the redemption proposal is made to the employee” in the first paragraph by “applicable for the year in which the application for redemption is received at the Commission”.

2. Section 2 is amended by replacing “parts of years prior 1 January 1990 that were” in the first paragraph by “parts of a year prior to 1 January 1990 in which the employee was not a member of a pension plan within the meaning of the Income Tax Act (Statutes of Canada) and that were”.

3. Section 3 is amended by replacing “, except those during which he is eligible for salary insurance and those” in the first paragraph by “after 31 December 1991, except the periods during which the employee is exempt from any contribution under section 21 or 21.1 of the Act respecting the Government and Public Employees Retirement Plan, to which section 9 of the Act refers, and the periods”.

4. The heading of Division III of Chapter I of the Regulation under the Act respecting the Government and Public Employees Retirement Plan is replaced by the following :

“BASIC SALARY AND PENSIONABLE SALARY
(s. 134, subpars. 4 and 4.0.1)”.

5. The Regulation is amended by inserting the following after section 8 :

“**8.0.1.** For the purposes of the first paragraph of section 17.2 of the Act, in the case where a application for redemption of a period of absence without pay in respect of a year or part of a year of service after 1992 is received at the Commission more than six months after the end of the period of absence, the pensionable salary of the employee corresponds to the annual basic salary to which the employee would have been entitled under the conditions of employment applicable on the last day the employee is a member of the plan for that year,

* The Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers, made by Order in Council 708-94 dated 18 May 1994 (1994, *G.O.* 2, 2046), was last amended by the regulation made by Conseil du trésor Decision T.B. 200380 dated 11 November 2003 (2003, *G.O.* 2, 3365).

** The Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 (1988, *G.O.* 2, 4154), was last amended by the regulation made by Order in Council 4-2005 dated 19 January 2005 (2005, *G.O.* 2, 469).

*** The Regulation under the Act respecting the Teachers Pension Plan, made by Conseil du trésor Decision T.B. 169291 dated 29 November 1988 (1988, *G.O.* 2, 4085), was last amended by the regulation made by Conseil du trésor Decision T.B. 200522 dated 16 December 2003 (2004, *G.O.* 2, 23).

**** The Regulation under the Act respecting the Civil Service Superannuation Plan, made by Conseil du trésor Decision T.B. 169292 dated 29 November 1988 (1988, *G.O.* 2, 4088), was last amended by the regulation made by Conseil du trésor Decision T.B. 200523 dated 16 December 2003 (2004, *G.O.* 2, 23).

For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

according to the number of days and parts of a day to be redeemed out of the pensionable days, according to the basis of remuneration applicable.”.

6. Division III.1 of Chapter 1 is revoked.

7. The Regulation is amended by inserting the following division after section 8.2:

**“DIVISION III.2
REDEMPTION OF YEARS OF SERVICE
(s. 134, subpar. 4.2)**

8.3. For the purposes of the second paragraph of sections 25 and 115.1 of the Act, the amount required of the employee to pay the cost of redemption is established in accordance with the tariff in Schedule 0.I.

8.4. In the case where the employee is not receiving a salary on the date the Commission receives the application for redemption referred to in the second paragraph of section 25 of the Act, the tariff applies to the annual pensionable salary that would have been paid to the employee on that date under the conditions of employment that would have applied if the employee had continued to hold, up to that date, the employment held on the last day of service credited.

If that employment no longer exists with the employer, the tariff applies to the annual pensionable salary the employee was receiving on the last day of service credited, increased by the percentage increase of the salary scales provided for in the conditions of employment applicable to employment in the same class with an employer whose conditions of employment are governed by the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2) between the last day and the day the employee’s application for redemption is received at the Commission.

8.5. Section 8.4 applies, with the necessary modifications, to establish the pensionable salary of an employee to whom any of the situations referred to in the third paragraph of section 115.1 of the Act applies.”.

8. Section 35.2 is replaced by the following:

“35.2. For the purposes of the first paragraph of section 147.0.3 of the Act, the rates of interest are the rates that apply to a reimbursement of contributions or, where applicable, the employee’s contributions established,

(1) in Schedule VI to the Act, in the case of the Government and Public Employees Retirement Plan, a pension plan that refers to the interest of the Govern-

ment and Public Employees Retirement Plan or a pension plan that does not provide for a rate of interest for such a reimbursement;

(2) in Schedule VII to the Act respecting the Pension Plan of Management Personnel and the rates to which section 406 of that Act refers, in the case of the Pension Plan of Management Personnel; or

(3) by the pension plans concerned, in the case of the other pension plans administered by the Commission.

If the pension plan does not prescribe a rate of interest for such a reimbursement for any period prior to 1 July 1973, the rate is established at 5% per year.”.

9. The Regulation is amended by inserting the following after section 38:

“38.0.1. The amount of the first monthly benefit paid to the pensioner is equal to the amount R in the following formula:

$$P \times 12 \times \frac{(365 - N)}{365} - (P \times M) = R, \text{ where}$$

P = is the monthly benefit;

N = is the number of days between the beginning of the year of the benefit payment and the date of the beginning of that payment;

M = is the number of complete months in the period between the date of the beginning of the payment of the benefit and the end of the year.”.

10. Section 42 is replaced by the following:

“42. In respect of pension plans administered by the Commission, except the Pension Plan of Management Personnel, any contribution instalment or contributory amount that the employer fails to pay to the Commission on the 15th day of the month bears interest, compounded annually, from that date, at the rates in Schedule VI to the Act. For a period or part of a period indicated in that Schedule, if the rate in that Schedule is lower than the rate in Schedule VII to the Act, the latter rate applies.

In the case of the Pension Plan of Management Personnel, the first paragraph applies at the rates in Schedule VII to the Act respecting the Pension Plan of Management Personnel. For a period or part of a period indicated in that Schedule, if the rate in that Schedule is lower than the rate in Schedule VIII to the Act, the latter rate applies.”.

11. The second paragraph of section 43 is replaced by the following:

“Any sum unpaid after 30 days shall bear interest, compounded annually, at the rate in Schedule VII to the Act and, for the Pension Plan of Management Personnel, at the rate in Schedule VIII to the Act respecting the Pension Plan of Management Personnel, in force on the date of the statement and calculated from that date.”

12. Division III of Chapter II is revoked.

13. Section 46.1 is amended

(1) by inserting “in which the employee was not a member of a pension plan within the meaning of the Income Tax Act (Statutes of Canada)” in the first paragraph after “1990”;

(2) by replacing the words “redemption proposal is made to the employee” wherever they appear in the first paragraph by “the application for redemption is received at the Commission”.

14. Section 46.2 is amended by replacing “that were” in the first paragraph by “in which the employee was not a member of a pension plan within the meaning of the Income Tax Act (Statutes of Canada) and that were”.

15. The heading of Division V of Chapter II is replaced by the following:

“PERIODS OF ABSENCE THAT MAY BE CREDITED UNDER THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN (s. 134, par. 22.3)”.

16. Section 46.3 is amended by replacing “, except those during which he is eligible for salary insurance and those” in the first paragraph by “after 31 December 1991, except the periods during which the employee is exempt from any contribution under section 21 or 21.1 of the Act and the periods”.

17. The Regulation is amended by inserting the following after section 46.3:

“**46.4.** An employee may have each period of absence without pay prior to 1 January 1990 credited under the plan, without exceeding two years of service except in the case of a period of absence related to total disability, educational leave, sabbatical leave, maternity leave, paternity leave or adoption leave.

46.5. Despite section 46.4, an employee may have each period of absence prior to 1 January 1990 credited under the plan, without exceeding three years of service, during which the employee held employment with the Government of Canada, the government of another province, a union, an association representing management personnel, a charitable organization or an educational institution if no contribution concerning that period has been accumulated in another plan.

DIVISION VI ESTABLISHMENT OF RATES OF INTEREST (s. 134, par. 22.4)

§1. Rates of interest based on the rates of return of certain funds

46.6. The annual rate of interest in Schedule VI to the Act is established by calculating the geometric mean of the annual rates of return for the three-year period ending on 31 December of the year preceding the reference year, according to the formula in Schedule V.

46.7. The annual rate of return is the rate determined by the Caisse de dépôt et placement du Québec as at 31 December of each year, taking into account the classes of amounts referred to in subparagraphs 1, 2 and 4 of the first paragraph of section 127 of the Act, for the specific fund of the Pension Plan of Management Personnel, after subtracting the management expenses.

§2. Rates of interest based on an external index

46.8. The annual rate of interest in Schedule VII to the Act is established as at 1 June of each year. It is equal to the arithmetic mean, for the 12-month period ending on 31 December of the preceding year, of the nominal rates of interest on negotiable bonds issued by the Government of Canada for a term of 3 to 5 years as compiled by Statistics Canada and published in the *Bank of Canada Review* under the identification No. V-122485 in the CANSIM System.”.

18. Section 49 is amended by replacing “115.7 and 158 of the Act” by “109.2, 109.8 and 158 of the Act”.

19. Section 50 is replaced by the following:

“**50.** Interest is computed at the rates in Schedules VI and VII to the Act, according to the periods of application of those rates provided for in the sections concerned in the Act. Where the sections do not provide the date on which interest ceases to accrue, the interest is computed up to the date of the reimbursement of the contributions.”.

20. The Regulation is amended by inserting the following before Schedule I:

“SCHEDULE 0.I

(s. 8.3)

TARIFF APPLICABLE TO PAY THE COST OF REDEMPTION OF SERVICE

1- Redemption of a period of absence without pay

(a) under sections 24 and 24.0.2 of the Act;

(b) under section 21.0.1 of the Act respecting the Teachers Pension Plan in respect of a period of absence that began after 15 July 1970 and ended before 1 July 1983 or, in the case of an absence to pursue specialized studies, in respect of a period of absence that began after 30 June 1965 and ended before 1 July 1973;

(c) under section 66.1.0.1 of the Act respecting the Civil Service Superannuation Plan in respect of a period of absence that began after 12 June 1969 and ended before 1 July 1983.

Period of service covered by the redemption	Age of the employee on the date the application for redemption is received			
	Less than 40 years of age	Between 40 and 47 years of age	Between 48 and 54 years of age	55 years of age or over
Prior to 1 July 1982	10.5%	13.5%	17%	21%
After 30 June 1982 and prior to 1 January 2000	8.5%	11%	14%	17%
After 31 December 1999	9%	11.5%	14.5%	18%

2 – Redemption of a period of absence without pay

(a) under section 21.0.1 of the Act respecting the Teachers Pension Plan or section 66.1.0.1 of the Act respecting the Civil Service Superannuation Plan, in respect of a period of absence in progress on 1 July 1983 or that began after that date but before 1 January 2002;

(b) under section 21 of the Act respecting the Teachers Pension Plan or section 66.1 of the Act respecting the Civil Service Superannuation Plan, in respect of a period of absence that began after 31 December 2001.

Period of service covered by the redemption	Age of the employee on the date the application for redemption is received			
	Less than 40 years of age	Between 40 and 47 years of age	Between 48 and 54 years of age	55 years of age or over
Prior to 1 July 1982	5.25%	6.75%	8.5%	10.5%
After 30 June 1982 and prior to 1 January 2000	4.25%	5.5%	7%	8.5%
After 31 December 1999	4.5%	5.75%	7.25%	9%

3 - Redemption under section 115.1 of the Act of a period of service performed by a casual employee

Period of service covered by the redemption	Age of the employee on the date the application for redemption is received			
	Less than 40 years of age	Between 40 and 47 years of age	Between 48 and 54 years of age	55 years of age or over
Prior to 1 July 1982	4.37%	5.62%	7.08%	8.75%
After 30 June 1982	4.25%	5.5%	7%	8.5%

21. Schedule IV is revoked.

22. Section 3.1 of the Regulation under the Act respecting the Teachers Pension Plan is amended

(1) by inserting “in which the teacher was not a member of a pension plan within the meaning of the Income Tax Act (Statutes of Canada)” in the first paragraph after “1990”;

(2) by replacing “(Statutes of Canada) for the year in which the redemption proposal is made to the teacher” in the first paragraph by “(Statutes of Canada) for the year in which the application for redemption is received at the Commission administrative des régimes de retraite et d’assurances”;

(3) by replacing “applicable for the year in which the redemption proposal is made to the teacher” in the first paragraph by “applicable for the year in which the application for redemption is received at the Commission”.

23. Section 3.2 is amended by replacing “parts of years prior to 1 January 1990 that were” in the first paragraph by “parts of a year prior to 1 January 1990 in which the teacher was not a member of a pension plan within the meaning of the Income Tax Act (Statutes of Canada) and that were”.

24. Section 3.3 is amended by replacing “, except those during which he is eligible for salary insurance and those” in the first paragraph by “after 31 December 1991, except the periods during which the teacher is exempt from any contribution under section 18 or 18.1 of the Act and the periods”.

25. The heading of Chapter IV is replaced by the following:

“BASIC SALARY AND PENSIONABLE SALARY
(s. 73, pars. 4 and 4.0.1)”.

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

“**4.1.** For the purposes of the first paragraph of section 14.1 of the Act, in the case where an application for redemption of a period of absence without pay in respect of a year or part of a year of service after 1992 is received at the Commission more than six months after the end of the period of absence, the pensionable salary of the teacher corresponds to the annual basic salary to which the teacher would have been entitled under the conditions of employment applicable on the last day the teacher is a member of the plan for that year, according to the number of days and parts of a day to be redeemed out of the pensionable days, according to the basis of remuneration applicable.”.

27. The heading of Chapter II of the Regulation under the Act respecting the Civil Service Superannuation Plan and the reference to that heading are replaced by the following:

“BASIC SALARY AND PENSIONABLE SALARY
(s. 109, pars. 2 and 3.1)”.

28. The Regulation is amended by inserting the following after section 2:

“**2.1.** For the purposes of the first paragraph of section 61.1 of the Act, in the case where an application for redemption of a period of absence without pay in respect of a year or part of a year of service after 1992 is received at the Commission more than six months after the end of the period of absence, the pensionable salary of the civil servant corresponds to the annual basic salary to which the civil servant would have been entitled

under the conditions of employment applicable on the last day the civil servant is a member of the plan for that year, according to the number of days and parts of a day to be redeemed out of the pensionable days, according to the basis of remuneration applicable.”.

29. Section 8.5 is amended

(1) by inserting “in which the civil servant was not a member of a pension plan within the meaning of the Income Tax Act (Statutes of Canada)” in the first paragraph after “1990”;

(2) by replacing “(Statutes of Canada) for the year in which the redemption proposal is made to the civil servant” in the first paragraph by “(Statutes of Canada) for the year in which the application for redemption is received at the Commission administrative des régimes de retraite et d’assurances”;

(3) by replacing “applicable for the year in which the redemption proposal is made to the civil servant” in the first paragraph by “applicable for the year in which the application for redemption is received at the Commission”.

30. Section 8.6 is amended by replacing “parts of years prior to 1 January 1990 that were” in the first paragraph by “parts of a year prior to 1 January 1990 in which the civil servant was not a member of a pension plan within the meaning of the Income Tax Act (Statutes of Canada) and that were”.

31. Section 8.7 is amended by replacing “, except those during which he is eligible for insurance salary and those” in the first paragraph by “after 31 December 1991, except for the periods during which the civil servant is exempt from any contribution under section 60 or 60.0.1 of the Act and the periods”.

32. Section 38.0.1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by section 9 of this Regulation, applies in respect of pension plans that began to be paid after 31 December 1999.

33. This Regulation comes into force on the date it is made by the Government. However, sections 9 and 32 have effect from 1 January 2000, sections 4 to 7, 20 and 25 to 28 have effect from 1 June 2001, and sections 8 and 10 to 12 and section 17, to the extent that it enacts Division VI of the Regulation under the Act respecting the Government and Public Employees Retirement Plan, and sections 18 and 19 come into force on 1 June 2005.

Gouvernement du Québec

T.B. 202420, 24 May 2005

An Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1; 2001, c. 31; 2002, c. 30; 2004, c. 39)

Regulation

Regulation under the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), amended by section 263 of the Act to amend the Act respecting the Pension Plan of Peace Officers in Correctional Services and other legislative provisions (2004, c. 39), the Government may, by regulation, after the Commission administrative des régimes de retraite et d'assurances has consulted the Comité de retraite referred to in section 173.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), make a regulation for the application of the Act respecting the Pension Plan of Management Personnel;

WHEREAS the Conseil du trésor made the Regulation under the Act respecting the Pension Plan of Management Personnel by Decision T.B. 197329 dated 27 November 2001 and its subsequent amendments;

WHEREAS it is expedient to replace the Regulation;

WHEREAS, under section 405 of the Act respecting the Pension Plan of Management Personnel (2001, c. 31), the first regulation made under paragraph 23 of section 196 of that Act may, where it so provides, have effect from 1 January 2001;

WHEREAS, under section 183 of the Act to amend the pension plans of the public and parapublic sectors (2002, c. 30), the first regulations made under sections 124, 127, 129 and 145 of that Act may have effect, if they so provide, from 1 July 2002;

WHEREAS, under section 287 of the Act to amend the Act respecting the Pension Plan of Peace Officers in Correctional Services and other legislative provisions (2004, c. 39), the first regulation made under subparagraph 2.1 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel after the coming into force of that Act may have effect from 1 January 2005;

WHEREAS the Comité de retraite has been consulted;

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

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES :

THAT the Regulation under the Act respecting the Pension Plan of Management Personnel, attached hereto, is hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation under the Act respecting the Pension Plan of Management Personnel*

An Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1, s. 196, 1st par., subpars. 2.1, 4, 4.1, 5.1, 8, 18 and 22 to 24; 2001, c. 31, s. 405; 2002, c. 30, s. 183; 2004, c. 39, s. 263, pars. 4 and 5 and s. 287)

DIVISION 1
PERSON TEMPORARILY HOLDING
NON-UNIONIZABLE EMPLOYMENT, WITH
THE CORRESPONDING CLASSIFICATION
(s. 196, 1st par., subpar. 2.1)

1. For the purposes of subparagraph 8 of the first paragraph of section 3 of the Act, a person temporarily holds non-unionizable employment with the corresponding classification when holding the employment

(1) to fill a vacant position temporarily or on an interim basis;

* The Regulation under the Act respecting the Pension Plan of Management Personnel, made by Conseil du trésor Decision T.B. 197329 dated 27 November 2001 (2001, *G.O.* 2, 6317), was last amended by the regulations made by Conseil du trésor Decisions T.B. 201890 dated 18 January 2005 (2005, *G.O.* 2, 477) and T.B. 201902 dated 25 January 2005 (2005, *G.O.* 2, 529). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

(2) to lighten a heavy workload, or as a non-permanent or seasonal employee;

(3) to perform work of a casual or cyclical nature, or to carry out a specific mandate having a fixed term;

(4) to replace an employee contemplated by the Pension Plan for Management Personnel, during that employee's absence; or

(5) for a fixed term, following an elective term in a labour organization, namely a union, a federation, a central union or an association representing unionizable employees within the meaning of the Act respecting Government and Public Employees Retirement Plan (R.S.Q., c. R-10).

DIVISION II BASIC SALARY AND PENSIONABLE SALARY (s. 196, 1st par., subpars. 4 and 4.1)

2. The basic salary includes

(1) any lump sum paid to an employee as part of the measures designed to protect the employee's salary following reassignment, career reorientation, demotion or other similar event, to compensate for a decrease in the employee's previous basic salary;

(2) any lump sum paid to an employee as part of the measures designed to guarantee the employee a percentage increase in the employee's basic salary during periodic salary reviews;

(3) any additional remuneration paid to an employee who is a member of the Ordre des infirmières et infirmiers du Québec having already reached the maximum of the salary scale, following recognized post-school training in nursing care in accordance with the provisions of the collective labour agreement applying to the employee;

(4) the lump sum paid to an employee, under an agreement concerning the extension of the collective labour agreements ending on 30 June 2002 or under conditions of employment arising from the agreements or established on the basis of the same parameters, that corresponds to a percentage of the basic salary of the employee.

3. For the purposes of the first paragraph of section 28.1 of the Act, in the case where an application for redemption of a period of absence without pay in respect of a year or part of a year of service after 1992 is received at the Commission more than six months after the end of the period of absence, the pensionable salary of the

employee corresponds to the annual basic salary to which the employee would have been entitled under the conditions of employment applicable on the last day the employee is a member of the plan for that year, according to the number of days and parts of a day to be redeemed out of the pensionable days, according to the basis of remuneration applicable.

DIVISION III REDEMPTION OF A YEAR OF SERVICE (s. 196, 1st par., subpar. 5.1)

4. For the purposes of the second paragraph of sections 39 and 146 of the Act, the amount required of the employee to pay the cost of redemption is established in accordance with the tariff in Schedule I.

5. In the case where the employee is not receiving a salary on the date the Commission administrative des régimes de retraite et d'assurances receives the application for redemption referred to in the second paragraph of section 39 of the Act, the tariff applies to the annual pensionable salary that would have been paid to the employee on that date under the conditions of employment that would have applied if the employee had continued to hold, up to that date, the employment held on the last day of service credited.

If that employment no longer exists with the employer, the tariff applies to the annual pensionable salary the employee was receiving on the last day of service credited, increased by the percentage increase of the salary scale provided for in the conditions of employment applicable to class 4 public service management personnel positions between that last day and the day the application for redemption is received at the Commission.

6. Section 5 applies, with the necessary modifications, to establish the pensionable salary of the employee to whom any of the situations referred to in the third paragraph of section 146 of the Act applies.

DIVISION IV LIMITS TO ADDED PENSION AMOUNTS (s. 196, 1st par., subpar. 8)

7. For the purposes of sections 104 and 105 of the Act, the sum of the amounts that employees may add to their pensions may not exceed the amount "M" that corresponds to the lesser of "M₁" and "M₂" in the following formulas:

$$M_1 = (F \times N_L \times 2.0\% \times TM) - CR_{RR}$$

$$M_2 = F \times N \times (1.1\% \times TM + \$230)$$

8. The amount added to an employee's pension corresponds to the sum of the following amounts:

(1) the amount "MO" that corresponds to the lesser of "MO₁" and "MO₂" in the following formulas:

i. $MO_1 = [N_L \times [(F \times 2.0\% \times TM) - (0.7\% \times (\text{the lesser of } TM \text{ and } MGA))]] - CR_{RR}$

ii. $MO_2 = F \times N \times 1.1\% \times TM$

(2) an amount equal to the difference between the amount "M" determined in section 7 and the amount "MO" determined in paragraph 1, if the employee is under 65 years of age when the pension becomes payable. The amount is paid until the end of the month in which the pensioner reaches 65 years of age.

9. For the purposes of sections 7 and 8,

CR_{RR} is

(1) the amount of the pension credit on the date of retirement, including the increase referred to in sections 89 and 107.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) and takes into account any applicable actuarial reduction or the increase provided for in section 93 of that Act;

(2) the amount of the paid-up annuity certificate indicated on the statement of benefits, taking into account, if applicable, an actuarial reduction of 0.5% per month computed for each month between the date of retirement and the employee's sixty-fifth birthday;

(3) the value of the pension credit attributed to the sums corresponding to the years and parts of a year recognized for the purposes of eligibility and transferred into a locked-in retirement account (LIRA) calculated as follows:

(balance of the LIRA on the date of designation of the employer in Schedule I of the Act respecting the Government and Public Employees Retirement Plan or Schedule II of the Act respecting the Pension Plan of Management Personnel x (5))

(value of a \$10 annual pension credit payable monthly as of age 65 according to Schedule V of the Act respecting the Government and Public Employees Retirement Plan and taking into account the employee's age on the date of designation of the employer in the applicable Schedule).

The value of the pension credit attributed must include the rate of any increase referred to in section 89 of that Act between the date of designation of the employer in the applicable Schedule and the date of retirement, and take into account, if applicable, an actuarial reduction of 0.5% per month calculated for each month between the date of retirement and the person's sixty-fifth birthday;

F is 1 minus the percentage of actuarial reduction applicable to the employee's pension;

MGA is the average maximum pensionable earnings within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);

N is the number of years and parts of a year referred to in paragraphs 1 to 3 of section 104 of the Act;

N_L is the minimum between N and 35 minus the number of years of service credited to the plan;

TM is the average pensionable salary determined in accordance with section 52 of the Act.

10. The limits provided for in this Division must not operate to exceed the limits allowable under the Income Tax Act (R.S.C. 1985, c. 1, 5th Supplement).

DIVISION V CONTRIBUTIONS

(s. 196, 1st par., subpar. 18)

11. From 1 January 2005, the annual deduction prescribed by section 41 of the Act is equal to 7.78% of the portion of pensionable salary exceeding 35% of the maximum pensionable earnings within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9).

DIVISION VI LIMIT APPLICABLE TO THE PENSIONABLE SALARY, AND RULES AND PROCEDURES FOR COMPUTING THE PENSION

(s. 196, 1st par., subpar. 22)

12. The pensionable salary, for the purpose of establishing the cost of redeeming a year prior to 1 January 1990 in which the employee was not a member of a pension plan within the meaning of the Income Tax Act (Statutes of Canada), must not exceed the amount "M" in the following formula:

$$A + \frac{(0.7\% \times B)}{2\%} = M$$

“A” is 2/3 of the greater of \$1,725.00 and the limit of the determined benefits applicable under the Income Tax Act (Statutes of Canada) for the year in which the application for redemption is received at the Commission;

“B” is the part of the pensionable salary that does not exceed the maximum pensionable earnings within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) and that is applicable for the year in which the application for redemption is received at the Commission.

The pensionable salary, for the purpose of establishing the cost of redeeming part of a year prior to 1 January 1990, must be divided by the credited service being redeemed and the amount resulting from that division must not exceed the amount “M” in the first paragraph.

13. If the employee retires on the date of the employee’s sixty-fifth birthday or after that date, the part of the pension related to years or parts of a year prior to 1 January 1990 in which the employee was not a member of a pension plan within the meaning of the Income Tax Act (Statutes of Canada) and that were redeemed may not exceed the amount obtained by multiplying 2/3 of the greater of \$1,725.00 and the limit of the determined benefits applicable for the year of retirement under the Income Tax Act (Statutes of Canada) by the number of years or parts of a year of service credited under the redemption.

If the employee retires before the date of the employee’s sixty-fifth birthday, the part of the pension related to those years or parts of a year may not exceed the amount obtained pursuant to the first paragraph, increased by the amount obtained by multiplying the amount calculated pursuant to section 57 of the Act by the fraction that the number of years or parts of a year of credited service being redeemed is of the number of years or parts of a year of credited service after 31 December 1965.

DIVISION VII
PERIODS OF ABSENCE THAT MAY BE
CREDITED UNDER THE PENSION PLAN
OF MANAGEMENT PERSONNEL
(s. 196, 1st par., subpar. 23)

14. The periods during which an employee is absent after 31 December 1991, except the periods during which the employee is exempt from any contribution under section 34 or 35 of the Act and the periods for which the Income Tax Act (Statutes of Canada) provides for the issue of an equivalence factor for past service, and that

may be credited under the Pension Plan of Management Personnel must not exceed a total of 5 years of service. In cases of maternity, paternity or adoption leave, that total may be increased by not more than 3 years of service.

For the purposes of the first paragraph, a period of absence corresponds to the difference between the service credited under the Pension Plan of Management Personnel and the service that would have been credited under that plan in proportion to the salary received by the employee. For the purposes of that paragraph, maternity, paternity or adoption leave constitutes all or part of a period beginning at the time of birth or adoption of a child and ending not later than 12 months after any of those events.

15. An employee may have each period of absence without pay prior to 1 January 1990 credited under the plan, without exceeding two years of service except in the case of a period of absence related to total disability, educational leave, sabbatical leave, maternity leave, paternity leave or adoption leave.

16. Despite section 15, an employee may have each period of absence prior to 1 January 1990 credited under the plan, without exceeding three years of service, during which the employee held employment with the Government of Canada, the government of another province, a union, an association representing management personnel, a charitable organization or an educational institution if no contribution concerning that period has been accumulated in another plan.

DIVISION VIII
ESTABLISHMENT OF RATES OF INTEREST
(s. 196, 1st par., subpar. 23.1)

§1. Rates of interest based on the rates of return of certain funds

17. The annual rate of interest in Schedule VII to the Act is established by calculating the geometric mean of the annual rates of return for the three-year period ending on 31 December of the year preceding the reference year, according to the formula in Schedule II.

18. The annual rate of return is the rate determined by the Caisse de dépôt et placement du Québec as at 31 December of each year, taking into account the classes of amounts referred to in subparagraphs 1, 2 and 4 of the first paragraph of section 177 of the Act, for the specific fund of the Pension Plan of Management Personnel, after subtracting the management expenses.

§2. Rates of interest based on an external index

19. The annual rate of interest in Schedule VIII to the Act is established as at 1 June of each year. It is equal to the arithmetic mean, for the 12-month period ending on 31 December of the preceding year, of the nominal rates of interest on negotiable bonds issued by the Government of Canada for a term of 3 to 5 years as compiled by Statistics Canada and published in the Bank of Canada Review under the identification No. V-122485 in the CANSIM System.

DIVISION IX

COMPUTATION OF INTEREST

(s. 196, 1st par., subpar. 24)

20. The contributions within the meaning of section 73 of the Act that the employee had paid into a pension plan from which service has been transferred to the Pension Plan of Management Personnel pursuant to sections 138.1, 138.7 and 203 of the Act, bear interest as of the date of their transfer to that plan.

21. Interest is computed at the rates in Schedules VII and VIII to the Act, according to the periods of application of those rates provided for in the sections concerned in the Act. Where the sections do not provide the date on which interest ceases to accrue, the interest is computed up to the date of the reimbursement of the contributions.

DIVISION X

FINAL

22. This Regulation replaces the Regulation under the Act respecting the Pension Plan of Management Personnel made by Conseil du trésor Decision T.B. 197329 dated 27 November 2001.

23. This Regulation comes into force on the date it is made by the Government. However, section 14 has effect from 1 January 2001, sections 3 to 6 and Schedule 1 have effect from 1 July 2002, paragraph 5 of section 1 has effect from 1 January 2005 and Divisions VIII and IX come into force on 1 June 2005.

SCHEDULE I

(s. 4)

TARIFF APPLICABLE TO PAY THE COST OF REDEMPTION OF SERVICE

1. Redemption of a period of absence without pay under sections 38 and 118 of the Act

Period of service covered by the redemption	Age of the employee on the date application for redemption is received			
	Less than 40 years of age	Between 40 and 47 years of age	Between 48 and 54 years of age	55 years of age or over
Prior to 1 July 1982	12.5%	16.0%	20.0%	24.5%
After 30 June 1982 and prior to 1 January 2000	10.0%	13.0%	16.5%	19.5%
After 31 December 1999	11.0%	14.0%	17.5%	21.0%

2. Redemption of a period of service accumulated by an employee hired as casual employee under section 146 of the Act

Period of service covered by the redemption	Age of the employee on the date application for redemption is received			
	Less than 40 years of age	Between 40 and 47 years of age	Between 48 and 54 years of age	55 years of age or over
Prior to 1 July 1982	5.21%	6.67%	8.33%	10.21%
After 30 June 1982	5.0%	6.5%	8.25%	9.75%

SCHEDULE II

(s. 17)

RATE OF INTEREST

The formula for the computation of the rate of interest for the reference year is the following :

$$i_y = ((1 + T_{y,1}) (1 + T_{y,2}) (1 + T_{y,3}))^{1/3} - 1$$

where :

$T_{y,1}$: rate of return for the year preceding the reference year

$T_{y,2}$: rate of return for the year occurring 2 years before the reference year

$T_{y,3}$: rate of return for the year occurring 3 years before the reference year

6855

T.B. 202421, 24 May 2005

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

Application of Title IV.2 of the Act
— **Amendments**

Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under subparagraph 2 of the first paragraph of section 215.13 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may, by regulation, determine measures to allow the transfer of the actuarial value of the benefits of a person entitled to a deferred pension ;

WHEREAS, under the first paragraph of section 215.17 of the Act, Government regulations under Title IV.2 shall be made after the Commission administrative des régimes de retraite et d'assurances has consulted with the pension committees referred to in sections 164 and 173.1 of the Act ;

WHEREAS the pension committees have been consulted ;

WHEREAS the Government made the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan by Order in Council 690-96 dated 12 June 1996 and its subsequent amendments ;

WHEREAS it is expedient to amend the Regulation ;

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

WHEREAS the Minister of Finance has been consulted ;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES :

THAT the Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, attached to this Decision, is hereby made.

SERGE MARTINAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan *

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 215.13, 1st par., subpar. 2 and s. 215.17)

1. Section 5 of the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan is amended by replacing the fourth paragraph by the following :

“The amount to which the first paragraph refers bears interest, compounded annually, at the rate determined in Schedule VII to the Act or, in the case of the Pension Plan of Management Personnel, at the rate determined

* The Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 690-96 dated 12 June 1996 (1996, *G.O.* 2, 2759), was last amended by the regulation made by Conseil du trésor Decision T.B. 201353 dated 6 July 2004 (2004, *G.O.* 2, 2349). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

in Schedule VIII to the Act respecting the Pension Plan of Management Personnel, in force on the date the application is received at the Commission and computed from that date until the date of the transfer. In the event of death, that amount accrued with the interest is paid to the spouse or, if there is no spouse, to the successors.”.

2. Section 6 is amended by replacing the last two sentences in the first paragraph by “That value bears interest at the rate computed in accordance with the fourth paragraph of section 5. In the event of death, that value accrued with interest is paid to the spouse or, if there is no spouse, to the successors.”.

3. Section 8 is amended

(1) by replacing “compounded annually at the rate determined for each period by Schedule VI to the Act respecting the Government and Public Employees Retirement Plan. The interest runs from the date of the transfer and, where applicable, of the reimbursement” in the first paragraph by “, compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan from the date of the transfer and, where applicable, the date of the reimbursement until the date the application is received at the Commission and at the rate determined in Schedule VII to that Act from the day following the latter date”;

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

“For the purposes of the first paragraph, where a person was a member of the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel before the date of the transfer and the person holds or again holds employment under either of those plans, the years or parts of a year of service that were credited before the date of the transfer are credited under the plan of which the person is a member after that date, and the interest rates are those of that plan, namely the rates determined in Schedules VI and VII to the Act respecting the Government and Public Employees Retirement Plan or the rates determined in Schedules VII and VIII to the Act respecting the Pension Plan of Management Personnel.”.

4. This Regulation comes into force on 1 June 2005.

6857

T.B. 202422, 24 May 2005

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(R.S.Q., c. R-9.2; 2004, c. 39)

Regulation — Amendments

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

WHEREAS, under paragraph 10 of section 130 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2), amended by section 47 of the Act to amend the Act respecting the Pension Plan of Peace Officers in Correctional Services and other legislative provisions (2004, c. 39), the Government may, by regulation, establish, for the purposes of section 132.2 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, the limit applicable to the pensionable salary, the limit applicable to the service credited, the rules and procedures for computing the pension, and the conditions for applying those limits, rules and procedures;

WHEREAS, under paragraph 11 of that section 130, the Government may establish, for the purposes of section 132.3 of the Act, the periods of absence that may be credited for each type of absence and in total;

WHEREAS, under paragraph 14 of that section 130, the Government may establish, for the purposes of section 143.19 of the Act, the procedures for the computation of the annual basic salary;

WHEREAS, under section 284 of the Act to amend the Act respecting the Pension Plan of Peace Officers in Correctional Services and other legislative provisions, the first regulation made under section 143.19 of the Act respecting the Pension Plan of Peace Officers in Correctional Services may have effect from 1 January 2005;

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

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the

powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES :

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

SERGE MARTINEAU,
Clerk of the Conseil du trésor

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

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(R.S.Q., c. R-9.2, s. 130, pars. 10, 11 and 14; 2004, c. 39, s. 47, pars. 8 and 9 and s. 284)

1. Section 8.1 of the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services is amended

(1) by inserting “in which the employee was not a member of a pension plan within the meaning of the Income Tax Act (Statutes of Canada)” in the first paragraph after “January 1990”;

(2) by replacing “(Statutes of Canada) for the year in which the redemption proposal is made to the employee” in the first paragraph by “(Statutes of Canada) for the year in which the application for redemption is received at the Commission administrative des régimes de retraite et d’assurances”;

(3) by replacing “applicable for the year in which the redemption proposal is made to the employee” in the first paragraph by “applicable for the year in which the application for redemption is received at the Commission”.

* The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, made by Order in Council 1842-88 dated 14 December 1988 (1988, *G.O.* 2, 4149), was last amended by the regulation made by Conseil du trésor Decision T.B. 201440 dated 24 August 2004 (2004, *G.O.* 2, 2611). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

2. Section 8.2 is amended by replacing “parts of years prior to 1 January 1990 that were” in the first paragraph by “parts of a year prior to 1 January 1990 in which the employee was not a member of a pension plan within the meaning of the Income Tax Act (Statutes of Canada) and that were”.

3. The heading of Chapter X is replaced by the following:

“PERIODS OF ABSENCE THAT MAY BE CREDITED UNDER THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES (s. 130, par. 11)”.

4. Section 8.3 is amended by replacing “, except those during which he is eligible for salary insurance and those” in the first paragraph by “after 31 December 1991, except the periods during which the employee was exempt from any contribution under section 18 or 19 of the Act and the periods”.

5. The following is inserted after section 8.3:

8.3.1. An employee may be credited under the plan with each period of absence without pay prior to 1 January 1990, without exceeding two years of service except in the case of a period of absence related to total disability, educational leave, sabbatical leave, maternity leave, paternity leave or adoption leave.

8.3.2. Despite section 8.3.1, an employee may be credited under the plan, without exceeding three years of service, with each period of absence prior to 1 January 1990 during which the employee held employment with the Government of Canada, the government of another province, a union, an association representing management personnel, a charitable organization or an educational institution if no contribution concerning that period has been accumulated in another plan.

CHAPTER X.1 ANNUAL BASIC SALARY (s. 130, par. 14)

8.3.3. If the total service credited to the employee is reduced under section 16 of the Act to which section 143.18 of the Act refers, the annual basic salary of the employee or person, for the years 1989 to 1992, corresponds to the pensionable salary received for the year concerned divided by the service credited for that year.

The salary must not exceed, for each of the years concerned, the maximum of the salary scale for peace officers in correctional services applicable for the years 1989 to 1992 respectively.”.

6. This Regulation comes into force on the date it is made by the Government. However, Chapter X.1 of the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, enacted by section 5, has effect from 1 January 2005.

6856

Index

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

	Page	Comments
Agreement concerning new methods of voting for an election using computerized polling stations and “ACCU-VOTE ES 2000 “ ballot boxes — Municipality of Salaberry-de-Valleyfield (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	1673	N
Agreement concerning new methods of voting for an election using computerized polling stations and “ACCU-VOTE ES 2000 “ ballot boxes — Ville de Sainte-Marie (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	1688	N
Agreement concerning new methods of voting using “PER-FAS “ ballot boxes — Municipalité of Saint-Constant (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	1703	N
Amendments to Orders in Council 960-2003 and 961-2003 dated 17 September 2003 (An Act respecting the Pension Plan of Management Personnel, R.S.Q., c. R-12.1 ; 2004, c. 39)	1653	M
Basic adult general education (Education Act, R.S.Q., c. I-13.3)	1663	M
Basic school regulation for preschool, elementary and secondary education . . . (Education Act, R.S.Q., c. I-13.3)	1655	M
Basic vocational training (Education Act, R.S.Q., c. I-13.3)	1665	M
Building Act — Construction Code (R.S.Q., c. B-1.1)	1717	Draft
Civil Service Superannuation Plan, An Act respecting the... — Regulation (R.S.Q., c. R-12; 2002, c. 30; 2004, c. 39)	1727	M
Conservation and development of wildlife, An Act respecting the... — Wildlife sanctuaries (R.S.Q., c. C-61.1)	1724	Draft
Conservation and development of wildlife, An Act respecting the... — Salmon fishing controlled zones (R.S.Q., c. C-61.1)	1722	Draft
Construction Code (Building Act, R.S.Q., c. B-1.1)	1717	Draft
Education Act — Basic adult general education (R.S.Q., c. I-13.3)	1663	M
Education Act — Basic school regulation for preschool, elementary and secondary education (R.S.Q., c. I-13.3)	1655	M
Education Act — Basic vocational training (R.S.Q., c. I-13.3)	1665	M

Elections and referendums in municipalities, An Act respecting... — Agreement concerning new methods of voting for an election using computerized polling stations and “ACCU-VOTE ES 2000 “ ballot boxes — Municipality of Salaberry-de-Valleyfield (R.S.Q., c. E-2.2)	1673	N
Elections and referendums in municipalities, An Act respecting... — Agreement concerning new methods of voting for an election using computerized polling stations and “ACCU-VOTE ES 2000 “ ballot boxes — Ville de Sainte-Marie (R.S.Q., c. E-2.2)	1688	N
Elections and referendums in municipalities, An Act respecting... — Agreement concerning new methods of voting using “PER-FAS “ ballot boxes — Municipalité of Saint-Constant (R.S.Q., c. E-2.2)	1703	N
Food Products Act, amended (2005, Bill 93)	1647	
Government and Public Employees Retirement Plan, An Act respecting the... — Regulation (R.S.Q., c. R-10; 2002, c. 30, 2004, c. 39)	1727	M
Government and Public Employees Retirement Plan, An Act respecting... — Application of Title IV.2 of the Act (R.S.Q., c. R-10)	1738	M
Highway Safety Code — Special Road Train Operating Permits (R.S.Q., c. C-24.2)	1669	M
Highway Safety Code — Transportation of dangerous substances (R.S.Q., c. C-24.2)	1666	M
List of Bills sanctioned (24 May 2005)	1645	
Medical Act — Physicians — Professional activities that may be engaged in by a medical electrophysiology technologist (R.S.Q., c. M-9)	1721	Draft
Medications — Terms and conditions for the sale (Pharmacy Act, R.S.Q., c. P-10)	1720	Draft
Ministère de l’Agriculture, des Pêcheries et de l’Alimentation and the Food Products Act, An Act respecting the..., amended (2005, Bill 93)	1647	
Ministère de l’Agriculture, des Pêcheries et de l’Alimentation and the Food Products Act, An Act to amend the Act respecting the... (2005, Bill 93)	1647	
Pension Plan of Certain Teachers, An Act respecting the... — Regulation (R.S.Q., c. R-9.1; 2004, c. 39)	1727	M
Pension Plan of Management Personnel — Regulation (An Act respecting the Pension Plan of Management Personnel, R.S.Q., c. R-12.1; 2001, c. 31; 2002, c. 30; 2004, c. 39)	1733	N
Pension Plan of Management Personnel, An Act respecting the... — Amendments to Orders in Council 960-2003 and 961-2003 dated 17 September 2003 (R.S.Q., c. R-12.1; 2004, c. 39)	1653	M

Pension Plan of Management Personnel, An Act respecting the... — Regulation (R.S.Q., c. R-12.1; 2001, c. 31; 2002, c. 30; 2004, c. 39)	1733	N
Pension Plan of Peace Officers in Correctional Services, An Act respecting... — Regulation (R.S.Q., c. R-9.2)	1739	M
Pharmacy Act — Medications — Terms and conditions for the sale (R.S.Q., c. P-10)	1720	Draft
Physicians — Professional activities that may be engaged in by a medical electrophysiology technologist (Medical Act, R.S.Q., c. M-9)	1721	Draft
Physicians — Professional activities that may be engaged in by a medical electrophysiology technologist (Professional Code, R.S.Q., c. C-26)	1721	Draft
Plans exempted from the application of certain provisions (Supplemental Pension Plans Act, R.S.Q, c. R-15.1)	1718	Draft
Professional Code — Physicians — Professional activities that may be engaged in by a medical electrophysiology technologist (R.S.Q., c. C-26)	1721	Draft
Salmon fishing controlled zones (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	1722	Draft
Special Road Train Operating Permits (Highway Safety Code, R.S.Q., c. C-24.2)	1669	M
Supplemental Pension Plans Act — Plans exempted from the application of certain provisions (R.S.Q, c. R-15.1)	1718	Draft
Teachers Pension Plan, An Act respecting the... — Regulation (R.S.Q., c. R-11; 2002, c. 30; 2004, c. 39)	1727	M
Transportation of dangerous substances (Highway Safety Code, R.S.Q., c. C-24.2)	1666	M
Wildlife sanctuaries (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	1724	Draft

