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PROVINCE OF QUÉBEC

1st SESSION

37th LEGISLATURE

QUÉBEC, 8 JUNE 2005

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 8 June 2005

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

92 An Act to amend the Act respecting petroleum products and equipment, the Building Act and other legislative provisions

96 An Act respecting the Ministère des Services gouvernementaux

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

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 92
(2005, chapter 10)

An Act to amend the Act respecting petroleum products and equipment, the Building Act and other legislative provisions

Introduced 7 April 2005
Passage in principle 19 April 2005
Passage 8 June 2005
Assented to 8 June 2005

Québec Official Publisher
2005

EXPLANATORY NOTES

The object of this bill is to transfer to the Régie du bâtiment du Québec and to the Minister of Sustainable Development, Environment and Parks some of the responsibilities currently held by the Minister of Natural Resources and Wildlife under the Act respecting petroleum products and equipment.

The responsibilities transferred to the Régie du bâtiment du Québec consist in ensuring the quality of construction work on petroleum equipment, ensuring the safety of people using petroleum equipment, and monitoring and controlling compliance with construction and safety standards relating to petroleum equipment.

The responsibilities transferred to the Minister of Sustainable Development, Environment and Parks concern the environmental issues related to the use of certain petroleum equipment and the cases where a characterization study — and, possibly, a rehabilitation plan — is necessary.

This bill abolishes the advisory committee established under the Act respecting petroleum products and equipment, and makes consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

– Building Act (R.S.Q., chapter B-1.1);

– Highway Safety Code (R.S.Q., chapter C-24.2);

– Act respecting administrative justice (R.S.Q., chapter J-3);

– Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., chapter M-25.2);

– Act respecting petroleum products and equipment (R.S.Q., chapter P-29.1);

– Environment Quality Act (R.S.Q., chapter Q-2);

– Act respecting the Régie de l'énergie (R.S.Q., chapter R-6.01).

Bill 92

AN ACT TO AMEND THE ACT RESPECTING PETROLEUM PRODUCTS AND EQUIPMENT, THE BUILDING ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING PETROLEUM PRODUCTS AND EQUIPMENT

1. The title of the Act respecting petroleum products and equipment (R.S.Q., chapter P-29.1) is replaced by the following title:

"Petroleum Products Act".

2. Section 1 of the Act is amended

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

"(1) to ensure the continuity and security of the petroleum products supply;";

(2) by striking out "and equipment" in paragraph 2.

3. Section 2 of the Act is replaced by the following section:

"**2.** In this Act, "petroleum product" includes gasoline, diesel or biodiesel fuel, fuel ethanol, heating oil and any liquid hydrocarbon mixture determined by regulation of the Government."

4. The heading of Chapter II of the Act is amended by striking out "AND SAFETY".

5. Section 4 of the Act is amended by replacing "and petroleum equipment must be manufactured, installed, used and maintained in order" in the first and second lines by "in such a way as".

6. Section 5 of the Act is amended

(1) by striking out "and safety" in the first paragraph;

(2) by replacing ", sell or store in high-risk petroleum equipment" in the second paragraph by "or sell".

7. Sections 6 to 14 of the Act are repealed.

8. Chapters III and IV of the Act, comprising sections 16 to 66, are repealed.

9. Chapter VII of the Act, comprising sections 77 to 86, is repealed.

10. Section 87 of the Act is amended

(1) by replacing the first paragraph and the first sentence of the second paragraph by the following paragraph:

"**87.** The Minister shall appoint inspectors under the Public Service Act (chapter F-3.1.1), or authorize a personnel member of a government department or body or another natural person, by agreement, to ensure the enforcement of this Act and the regulations.";

(2) by replacing "shall, in such a case, be applicable to such persons as regards the exercise of such powers" in the third and fourth lines of the second paragraph by "are also applicable to persons authorized by the Minister under the first paragraph to ensure the enforcement of this Act".

11. Section 88 of the Act is amended

(1) by replacing "An inspector may, in order to ascertain whether this Act and the regulations thereunder, the private inspection programs and the conditions of the authorizations given under section 64 are being complied with" in the portion before paragraph 1 by "To ascertain compliance with this Act and the regulations, an inspector may";

(2) by replacing "petroleum products or equipment" in paragraph 1 by "where petroleum products";

(3) by replacing "of the petroleum products and equipment found there" in paragraph 1.1 by "of the petroleum products found on the premises";

(4) by striking out "and test any petroleum equipment" in paragraph 2;

(5) by striking out "and equipment" in paragraph 3.

12. Section 90 of the Act is replaced by the following section:

"**90.** The Minister may ban the sale or use of a petroleum product not compliant with the standards prescribed by regulation based on the findings of an analysis report to that effect commissioned by an inspector."

13. Section 91 of the Act is replaced by the following section:

"**91.** The Minister shall lift the ban when satisfied that the petroleum product is once again compliant and that noncompliant residues of the product have been disposed of in keeping with the standards prescribed by regulation."

14. Section 92 of the Act is amended by replacing "the holder of a permit a notice of correction in which he specifies" in the first paragraph by "the person in default a notice of correction specifying".

15. Section 93 of the Act is repealed.

16. Section 96 of the Act is amended

(1) by striking out "or for testing petroleum equipment" in subparagraph 1 of the first paragraph;

(2) by adding the following subparagraph at the end of the first paragraph:

"(5) determine how the continuity and security of the petroleum products supply are to be ensured."

17. Section 97 of the Act is replaced by the following section:

"**97.** The standards and fees determined by regulation may vary according to the types of petroleum products and how, where and by whom they are used."

18. Sections 100 to 102 of the Act are repealed.

19. Section 103 of the Act is amended by replacing ", and every permit holder or inspector" in the second line by "or".

20. Sections 104 and 105 of the Act are repealed.

21. Section 110 of the Act is amended by replacing "sections 98 to 106" by "section 98, 99, 103 or 106".

22. Section 114 of the Act is amended by replacing "22, 24, 25, 27, 29, 30, 32, 33, 34, 37, 39, 40, 42, 44, 45, 46, 50, 57, 61, 62, 63, 64, 66, 70, 87, 91, 92, 112 and 113" by "70, 91, 92, 112 and 113".

23. The Act is amended by inserting the following section after section 114:

"**114.1.** For the purposes of paragraph 1 of section 1, the Minister may obtain access from the Régie du bâtiment du Québec to contact information for the holder of a permit for the use or operation of a petroleum equipment installation issued under the Building Act (chapter B-1.1) and to information on the capacity and characteristics of the petroleum equipment covered by the permit and the type of products used."

BUILDING ACT

24. Section 1 of the Building Act (R.S.Q., chapter B-1.1) is amended

(1) by replacing "or installations independent of a building" in subparagraph 1 of the first paragraph by ", installations independent of a building or petroleum equipment installations";

(2) by adding "or petroleum equipment installations" at the end of subparagraph 2 of the first paragraph.

25. Section 2 of the Act is amended by inserting the following paragraph after paragraph 3:

"(3.1) to petroleum equipment installations;".

26. Section 3 of the Act is amended by inserting "or petroleum equipment installation" after "pressure installation" in the second paragraph.

27. Section 4.1 of the Act is amended by replacing "owners of buildings, facilities intended for use by the public or installations independent of a building" by "or owners of buildings, facilities intended for use by the public, installations independent of a building or petroleum equipment installations".

28. Section 7 of the Act is amended

(1) by inserting the following definition after that of "owner-builder":

""**petroleum equipment installation**" means an installation intended to use, store or distribute a petroleum product;";

(2) by inserting the following definition after that of "petroleum equipment installation":

""**petroleum product**" means gasoline, diesel or biodiesel fuel, fuel ethanol, heating oil and any liquid hydrocarbon mixture determined by regulation of the Government;".

29. Section 12 of the Act is amended by replacing "any building work relating to a building, facilities intended for use by the public or installations independent of a building" by "all construction work on buildings, facilities intended for use by the public, installations independent of a building and petroleum equipment installations".

30. Section 13 of the Act is amended by replacing "and installations independent of a building" by ", installations independent of a building and petroleum equipment installations".

31. The heading of Division III of Chapter II of the Act is replaced by the following heading:

"ELECTRICITY, GAS OR PETROLEUM PRODUCT DISTRIBUTION UNDERTAKINGS".

32. Section 25 of the Act is amended by replacing the first paragraph by the following paragraph:

"**25.** A gas or petroleum product distribution undertaking may supply a new installation intended to use gas or a new petroleum equipment installation only if the construction work on the installation has been carried out by a licensed contractor or owner-builder."

33. Section 27 of the Act is replaced by the following section:

"**27.** A gas or petroleum product distribution undertaking shall refuse to supply a new installation intended to use gas or a new petroleum equipment installation if the Board advises it that its authorization is required."

34. Section 29 of the Act is amended by replacing "an electrical or gas installation located in a building" in the second paragraph by "electrical installations, installations intended to use gas or petroleum equipment installations located in buildings".

35. Section 30 of the Act is amended by replacing "or an installation independent of a building" in paragraph 1 by ", an installation independent of a building or a petroleum equipment installation".

36. Section 31 of the Act is amended by adding "or a petroleum equipment installation" at the end of the first paragraph.

37. Section 32 of the Act is amended by replacing "of facilities intended for use by the public or of an installation independent of a building" by "facility intended for use by the public, installation independent of a building or petroleum equipment installation".

38. Section 34 of the Act is amended by replacing "or of an installation independent of a building" by ", installation independent of a building or petroleum equipment installation".

39. Section 35 of the Act is amended by replacing "of a facility intended for use by the public or of an installation independent of a building" by "facility intended for use by the public, installation independent of a building or petroleum equipment installation".

40. Section 35.2 of the Act is amended by replacing "of a facility intended for use by the public or of an installation independent of a building" in the first

paragraph by "facility intended for use by the public, installation independent of a building or petroleum equipment installation".

41. Section 38 of the Act is amended by replacing the first paragraph by the following paragraph:

"**38.** An electricity, gas or petroleum product distribution undertaking shall refuse to supply an electrical installation, an installation intended to use gas or a petroleum equipment installation if the installation is defective or known by the undertaking to constitute a safety hazard."

42. Section 38.1 of the Act is replaced by the following section:

"**38.1.** An electricity, gas or petroleum product distribution undertaking shall refuse to supply an electrical installation, an installation intended to use gas or a petroleum equipment installation if the Board advises it that its authorization is required."

43. Section 41 of the Act is amended by replacing "paragraph 2 or 3" by "paragraph 2, 3 or 3.1".

44. Section 49 of the Act is amended by replacing "a gas installation" in the second paragraph by "an installation intended to use gas, a petroleum equipment installation".

45. Section 78 of the Act is amended by replacing "paragraph 2 or 3" in the sixth line of the first paragraph by "paragraph 2, 3 or 3.1".

46. Section 85 of the Act is amended by replacing "paragraph 2 or 3" in the ninth line of the first paragraph by "paragraph 2, 3 or 3.1".

47. Section 112 of the Act is amended

(1) by replacing "or an installation independent of a building" in paragraph 1 by ", an installation independent of a building or a petroleum equipment installation";

(2) by replacing "owner-builder or owner of a building, a facility intended for use by the public or an installation independent of a building, of a manufacturer of a pressure vessel, or of a gas distribution undertaking" in paragraph 2 by "of an owner-builder, of the owner of a building, facility intended for use by the public, installation independent of a building or petroleum equipment installation, of a pressure vessel manufacturer or of a gas or petroleum product distribution undertaking".

48. Section 114 of the Act is amended by replacing "owner-builder, owner of a building, facility intended for use by the public or installation independent of a building, a manufacturer of a pressure vessel or gas distribution undertaking" by "an owner-builder, the owner of a building, facility intended

for use by the public, installation independent of a building or petroleum equipment installation, a pressure vessel manufacturer, a gas or petroleum product distribution undertaking".

49. Section 115 of the Act is amended by replacing "or installation independent of a building" by ", installation independent of a building or petroleum equipment installation".

50. Section 116 of the Act is amended by replacing "owner-builder, owner of a building, facility intended for use by the public or installation independent of a building, a manufacturer of a pressure vessel or gas distribution undertaking" by "an owner-builder, the owner of a building, facility intended for use by the public, installation independent of a building or petroleum equipment installation, a pressure vessel manufacturer or a gas or petroleum product distribution undertaking".

51. Section 120 of the Act is replaced by the following section:

"**120.** The Board may require an electricity, gas or petroleum product distribution undertaking to obtain its authorization before supplying an electrical installation, an installation intended to use gas or a petroleum equipment installation."

52. Section 121 of the Act is replaced by the following section:

"**121.** The agents of an electricity, gas or petroleum product distribution undertaking engaged in verifying electrical installations, installations that use gas, petroleum equipment installations or construction work have the powers and must comply with the obligations set out in paragraph 1 of section 112 and in sections 113 to 118."

53. Section 122 of the Act is amended by replacing "or installation independent of a building" in the second paragraph by ", installation independent of a building or petroleum equipment installation".

54. Section 123 of the Act is amended by replacing "or installation independent of a building" in the second paragraph by ", installation independent of a building or petroleum equipment installation".

55. Section 124 of the Act is amended by replacing "or of equipment or an installation in a building," in the first paragraph by ", of a petroleum equipment installation or of equipment or an installation in a building".

56. Section 128 of the Act is amended by replacing "or installation independent of a building" by ", installation independent of a building or petroleum equipment installation".

57. Section 151 of the Act is amended

(1) by replacing "of a facility intended for use by the public, or of an installation independent of a building," in the first and second lines of paragraph 4 by "facility intended for use by the public, installation independent of a building or petroleum equipment installation";

(2) by replacing "or installation independent of a building" in the fifth and sixth lines of paragraph 4 by "installation independent of a building or petroleum equipment installation";

(3) by inserting "or petroleum product distribution" after "operator of a gas" in the first line of paragraph 5 and by inserting "or petroleum products" after "volume of gas" in the third and fourth lines of that paragraph.

58. Section 153 of the Act is amended by replacing "or installations independent of buildings, on manufacturers of pressure installations and on owners or operators of gas undertakings" in the first paragraph by ", installations independent of buildings or petroleum equipment installations, on manufacturers of pressure installations and on owners or operators of gas or petroleum product distribution undertakings".

59. Section 173 of the Act is amended

(1) by replacing "concerning buildings, facilities intended for use by the public and installations independent of a building" in the second paragraph by "for buildings, facilities intended for use by the public, installations independent of a building and petroleum equipment installations";

(2) by replacing "construction of buildings, of facilities intended for use by the public or of installations independent of a building" in subparagraph 1 of the third paragraph by "the construction of buildings, facilities intended for use by the public, installations independent of a building or petroleum equipment installations";

(3) by replacing "of facilities intended for use by the public or of installations independent of a building" in subparagraph 3 of the third paragraph by "facilities intended for use by the public, installations independent of a building or petroleum equipment installations";

(4) by replacing "in facilities intended for use by the public or in installations independent of a building" in subparagraph 7 of the third paragraph by "facilities intended for use by the public, installations independent of a building or petroleum equipment installations";

(5) by adding the following subparagraph at the end of the third paragraph:

"(10) the storage, handling and distribution of petroleum products."

60. Section 175 of the Act is amended

(1) by replacing "for facilities intended for use by the public and for installations independent of a building" in the second paragraph by "facilities intended for use by the public, installations independent of a building and petroleum equipment installations";

(2) by replacing "in facilities intended for use by the public or in installations independent of a building" in subparagraph 4 of the third paragraph by "facilities intended for use by the public, installations independent of a building or petroleum equipment installations".

61. Section 182 of the Act is amended by replacing "owners of buildings, facilities intended for use by the public or installations independent of a building" in subparagraph 1 of the first paragraph by "or owners of buildings, facilities intended for use by the public, installations independent of a building or petroleum equipment installations".

62. Section 185 of the Act is amended

(1) by replacing "or installation independent of a building" in subparagraph 5 of the first paragraph by ", installation independent of a building or petroleum equipment installation";

(2) by replacing "or installations independent of a building" in subparagraph 6.2 of the first paragraph by ", installations independent of a building or petroleum equipment installations";

(3) by inserting "or petroleum equipment installation" after "plumbing installation" in subparagraph 6.3 of the first paragraph;

(4) by replacing "gas installation" in subparagraph 19 of the first paragraph by "installation intended to use gas, petroleum equipment installation";

(5) by replacing "gas undertaking owner or operator" in subparagraph 22 of the first paragraph by "owner or operator of a gas or petroleum product distribution undertaking" and by inserting "or petroleum products" after "volume of gas" in the second and fourth lines of that subparagraph;

(6) by replacing "or installation independent of a building" in subparagraph 23 of the first paragraph by ", installation independent of a building or petroleum equipment installation";

(7) by replacing "a gas undertaking owner or operator" in subparagraph 24 of the first paragraph by "the owner or operator of a gas or petroleum product distribution undertaking";

(8) by replacing "or installation independent of a building" in subparagraph 25 of the first paragraph by ", installation independent of a building or petroleum equipment installation";

(9) by replacing "a facility intended for use by the public or installation independent of a building" in subparagraph 27 of the first paragraph by "facility intended for use by the public, installation independent of a building or petroleum equipment installation";

(10) by replacing "gas undertaking owner or operator" in subparagraph 28 of the first paragraph by "owner or operator of a gas or petroleum product distribution undertaking" and by inserting "or petroleum products" after "volume of gas" in that subparagraph;

(11) by replacing "a gas undertaking owner or operator" in subparagraph 29 of the first paragraph by "the owner or operator of a gas or petroleum product distribution undertaking";

(12) by replacing "or installation independent of a building" in subparagraph 30 of the first paragraph by ", installation independent of a building or petroleum equipment installation";

(13) by inserting "or petroleum product" after "forwarding the gas" in subparagraph 32 of the first paragraph and by replacing "gas undertaking owner or operator" in that subparagraph by "owner or operator of a gas or petroleum product distribution undertaking";

(14) by replacing "or installations independent of a building" in subparagraph 33 of the first paragraph by ", installations independent of a building or petroleum equipment installations";

(15) by replacing "a gas undertaking owner or operator" in subparagraph 34 of the first paragraph by "the owner or operator of a gas or petroleum product distribution undertaking";

(16) by replacing "or installation independent of a building and by each gas undertaking owner or operator" in subparagraph 36 of the first paragraph by ", installation independent of a building or petroleum equipment installation and each owner or operator of a gas or petroleum product distribution undertaking";

(17) by striking out the second paragraph.

63. Section 192 of the Act is amended by replacing "or installations independent of a building, of gas undertaking owners or operators" in the first paragraph by ", installations independent of a building or petroleum equipment installations, owners or operators of gas or petroleum product distribution undertakings".

64. Section 194 of the Act is amended

(1) by replacing "or installation independent of a building" in paragraph 6 by "installation independent of a building or petroleum equipment installation";

(2) by replacing "or gas installation" in paragraph 6.1 by "installation, an installation intended to use gas or a petroleum equipment installation".

65. Section 263 of the Act is repealed.

66. The Act is amended

(1) by replacing "An electricity or piped gas undertaking may not connect an electrical or gas installation" in the first paragraph of section 24 by "An electricity or piped gas distribution undertaking may not connect an electrical installation or an installation intended to use gas";

(2) by replacing "An electricity or piped gas undertaking shall refuse to connect an electrical or gas installation" in section 26 by "An electricity or piped gas distribution undertaking shall refuse to connect an electrical installation or an installation intended to use gas";

(3) by replacing "electricity or piped gas undertaking obtain its consent before connecting an electric or gas installation" in section 119 by "electricity or piped gas distribution undertaking obtain its consent before connecting an electrical installation or an installation intended to use gas".

HIGHWAY SAFETY CODE

67. Section 519.65 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by striking out paragraph 13.

ACT RESPECTING ADMINISTRATIVE JUSTICE

68. Schedule IV to the Act respecting administrative justice (R.S.Q., chapter J-3), amended by section 72 of chapter 23 of the statutes of 2003 and by section 82 of chapter 37 of the statutes of 2004, is again amended by striking out paragraph 15.2.

ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES, DE LA FAUNE ET DES PARCS

69. Section 12 of the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., chapter M-25.2) is amended by replacing "ensuring the control of the quality of energy products and petroleum equipment and their safe distribution and use" in paragraph 15 by "monitoring the quality of energy products, especially in view of their use."

ENVIRONMENT QUALITY ACT

70. The Environment Quality Act (R.S.Q., chapter Q-2) is amended by inserting the following section after section 31.51:

"**31.51.1.** The owner or operator of a tank that is part of a petroleum equipment installation within the meaning of the Building Act (chapter B-1.1) must, in the cases, under the conditions and within the time limits prescribed by regulation, notify the Minister and perform or commission a characterization study of all or part of the land where the tank is located. If the characterization study reveals the presence of contaminants in a concentration exceeding the regulatory limit values, the owner or operator must present to the Minister, for approval, a rehabilitation plan setting out the measures that will be implemented to protect human beings, the other living species and the environment in general, including property, together with an implementation schedule.

Sections 31.46 to 31.48 apply in such a case, with the necessary modifications."

71. Section 31.69 of the Act is amended by inserting the following paragraphs after paragraph 2:

"(2.1) determine, for the purposes of section 31.51, the cases in which and conditions under which there is a permanent cessation of an industrial or commercial activity belonging to a category determined under paragraph 2 and relating to the sale or storage of petroleum products, and to specify the cases where a cessation notice must be sent to the Minister;

"(2.2) prescribe the cases, conditions and time limits applicable to the notice and the characterization study required under section 31.51.1;".

ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

72. Section 59 of the Act respecting the Régie de l'énergie (R.S.Q., chapter R-6.01) is amended by replacing "section 45.1 of the Act respecting petroleum products and equipment" in the first paragraph by "section 67 of the Petroleum Products Act".

TRANSITIONAL AND FINAL PROVISIONS

73. The appropriations allocated to the Ministère des Ressources naturelles et de la Faune for matters transferred to the Minister of Labour are transferred to the Ministère du Travail, as determined by the Government.

74. The personnel members of the Service de la réglementation des équipements pétroliers et du développement de l'industrie of the Direction du développement des hydrocarbures of the Ministère des Ressources naturelles et de la Faune designated by the Minister of Natural Resources and Wildlife become personnel members of the Régie du bâtiment du Québec, under the terms of the agreement made with the Régie for that purpose.

75. The records and other documents of the Service de la réglementation des équipements pétroliers et du développement de l'industrie of the Direction du développement des hydrocarbures of the Ministère des Ressources naturelles

et de la Faune relating to petroleum equipment become records and documents of the Régie du bâtiment du Québec, while those relating to environmental matters and waste oil become those of the Ministère du Développement durable, de l'Environnement et des Parcs.

76. Civil proceedings to which the Attorney General of Québec is a party in connection with responsibilities transferred to the Régie du bâtiment du Québec are continued by or against the Attorney General.

77. A permit issued under the Act respecting petroleum products and equipment (R.S.Q., chapter P-29.1) remains valid until its expiry date and the permit holder may, until that date, perform the operations authorized by the permit, subject to the Building Act (R.S.Q., chapter B-1.1) and the regulations.

The Régie du bâtiment du Québec may suspend or revoke the permit during that time if any of the situations described in section 32 of the Act respecting petroleum products and equipment, as it read before being repealed, applies to the permit holder.

On the expiry of the permit, the holder must obtain a new permit as required under section 35.2 of the Building Act and comply with all relevant regulatory provisions.

78. Applications under section 27 of the Act respecting petroleum products and equipment (R.S.Q., chapter P-29.1) under consideration on 1 April 2006 are continued before the Régie du bâtiment du Québec in accordance with that section.

79. The certification granted an inspector under the Act respecting petroleum products and equipment (R.S.Q., chapter P-29.1) remains valid for a period of five years from 1 April 2006. The inspector may furnish the certificates of conformity required under sections 16 and 35 of the Building Act (R.S.Q., chapter B-1.1).

The Régie du bâtiment du Québec may suspend or revoke the certification during that time if any of the situations described in section 45 of the Act respecting petroleum products and equipment, as it read before being repealed, applies to the certified inspector.

80. The private inspection programs approved under section 57 of the Act respecting petroleum products and equipment (R.S.Q., chapter P-29.1) remain valid until the approval expires. Subject to the Building Act (R.S.Q., chapter B-1.1) and the regulations, the holder of an approval may perform the operations for which the approval was granted until it expires. The holder may also be exempted from furnishing the certificates of conformity required under sections 16 and 35 of the Building Act, as determined by the Government under section 182 of the Building Act.

The Régie du bâtiment du Québec may terminate the program during that time if any of the situations described in section 61 of the Act respecting petroleum products and equipment, as that section read before being repealed, occurs.

81. Alternative equipment, processes or standards approved under section 64 of the Act respecting petroleum products and equipment (R.S.Q., chapter P-29.1) and entered in the register kept under section 66 of that Act are deemed approved by the Régie du bâtiment du Québec under sections 127 and 128 of the Building Act (R.S.Q., chapter B-1.1).

82. The inspection certificates issued by a certified inspector under section 52 of the Act respecting petroleum products and equipment (R.S.Q., chapter P-29.1) in the year preceding the coming into force of this Act replace the certificates of conformity required under sections 16 and 35 of the Building Act (R.S.Q., chapter B-1.1) for a period of one year from 1 April 2006.

83. A reference in an Act, regulation, ordinance, order in council, order, contract, agreement or other document to a provision of the Act respecting petroleum products and equipment (R.S.Q., chapter P-29.1) regarding a matter transferred under this Act is deemed a reference to the corresponding provision enacted under this Act.

84. This Act comes into force on 1 April 2006 or on any later date to be set by the Government.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 96
(2005, chapter 11)

An Act respecting the Ministère des Services gouvernementaux

Introduced 19 April 2005
Passage in principle 3 May 2005
Passage 3 June 2005
Assented to 8 June 2005

Québec Official Publisher
2005

EXPLANATORY NOTES

This bill creates the Ministère des Services gouvernementaux. To that end, the bill defines the mission of the department, which is to develop a variety of means to give citizens and businesses, as well as departments and government bodies, simplified access to quality services throughout Québec. The Minister is to pursue, in particular, optimal use of information and communications technologies while taking into consideration the choice of citizens regarding the mode of service delivery.

The bill also clarifies the Act respecting Services Québec, makes certain changes to the internal organization of Services Québec and transfers the functions of the chief information officer to the Minister of Government Services.

Lastly, the bill contains transitional and consequential provisions.

LEGISLATION AMENDED BY THIS BILL:

– Public Administration Act (R.S.Q., chapter A-6.01);

– Health Insurance Act (R.S.Q., chapter A-29);

– Executive Power Act (R.S.Q., chapter E-18);

– Act to secure the handicapped in the exercise of their rights with a view to achieving social, school and workplace integration (R.S.Q., chapter E-20.1);

– Government Departments Act (R.S.Q., chapter M-34);

– Act respecting Services Québec (2004, chapter 30).

Bill 96

AN ACT RESPECTING THE MINISTÈRE DES SERVICES GOUVERNEMENTAUX

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

RESPONSIBILITIES OF THE MINISTER

1. The Ministère des Services gouvernementaux is under the direction of the Minister of Government Services appointed under the Executive Power Act (R.S.Q., chapter E-18).

2. The mission of the Minister is to develop a variety of means to give citizens and businesses, as well as departments and government bodies, simplified access to quality services throughout Québec.

The Minister is to pursue optimal use of information and communications technologies in the delivery of public services while taking into consideration the choice of citizens regarding the mode of service delivery; the Minister is to support methods that foster an efficient and economical delivery of services.

In particular, the Minister is to encourage the development of leading-edge expertise giving government departments and bodies access to shared services that they would not reasonably be able to develop on their own.

3. The Minister is to develop and propose to the Government policies and guidelines designed, on the one hand, to upgrade delivery of services, making it easier for citizens and businesses to access them, and on the other, to make shared services available for government departments and bodies, thus contributing to the improvement of those services.

The Minister is to coordinate the implementation of government policies and guidelines that concern information resources or that are made under this Act, and ensure follow-up.

4. The Minister is also to ensure the development, implementation and deployment of the e-government initiative and the promotion and implementation of any measure furthering the adaptation of public services to e-government.

5. In the area of information resource management, the functions of the Minister include, more particularly, developing and proposing to the Conseil du trésor:

(1) a global management strategy;

(2) policies, management frameworks, standards, systems and investments to achieve optimal use of information and communications technologies with a view to information security.

The Minister is to give the Conseil du trésor advice on any question concerning information resources.

6. The functions of the Minister also include

(1) coordinating the efforts of government departments and bodies to achieve an integrated approach to the delivery of services to citizens and businesses and a shared understanding of service quality standards;

(2) facilitating the implementation of shared services for government departments and bodies where such an initiative answers a need for efficiency and profitability in the management of their human, financial, physical and information resources;

(3) submitting to the Government proposals for standards applicable to the Government's signature and to the visual identification of the departments and bodies designated by the Government.

7. The functions of the Minister also include ensuring that the immovables and property required by government departments and bodies to deliver their services are made available to them.

8. In exercising the responsibilities of office, the Minister may, in particular:

(1) enter into agreements with a person, association, partnership or body;

(2) enter into agreements, subject to the applicable legislative provisions, with a government other than the Gouvernement du Québec, with a department or body of that government, or with an international organization or one of its agencies;

(3) obtain from government departments and bodies the information required to prepare and follow up on policies and guidelines.

9. The Minister is also responsible for the administration of the Acts assigned to the Minister, and assumes any other responsibility conferred on the Minister by the Government.

CHAPTER II

ORGANIZATION OF THE DEPARTMENT

10. The Government appoints a person as Deputy Minister of Government Services, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

11. Under the direction of the Minister, the Deputy Minister administers the department.

The Deputy Minister, in addition, exercises any other function assigned by the Minister or the Government.

12. In the exercise of deputy-ministerial functions, the Deputy Minister has the authority of the Minister.

13. The Deputy Minister may, in writing and to the extent indicated, delegate the exercise of deputy-ministerial functions under this Act to a public servant or employee.

In the instrument of delegation, the Deputy Minister may authorize the subdelegation of the functions indicated. The public servant or employee to whom the functions may be subdelegated is to be identified by the Deputy Minister.

14. The personnel of the department consists of the public servants necessary to carry on the functions of the Minister; they are appointed in accordance with the Public Service Act.

The Minister is to determine the duties of the public servants to the extent that they are not determined by law or by the Government.

15. The signature of the Minister or Deputy Minister gives authority to any document emanating from the department.

A deed, document or writing is binding on the Minister or may be attributed to the Minister only if it is signed by the Minister, the Deputy Minister, a member of the personnel of the department or an employee and, in the last two cases, only so far as determined by the Government.

16. The Government may allow a signature to be affixed by an automatic device or electronic process, subject to the conditions it determines.

The Government may allow a facsimile of a signature to be engraved, lithographed or printed, subject to the conditions it determines. Except in the cases prescribed by the Government, the facsimile must be authenticated by the countersignature of a person authorized by the Minister.

17. A document or copy of a document emanating from the department or forming part of its records, signed or certified true by a person referred to in the second paragraph of section 15, is authentic.

18. An intelligible transcription of a decision or other data stored by the department on a computer or any other medium is a document of the department and is proof of its contents if certified true by a person referred to in the second paragraph of section 15.

19. The Minister must table an annual management report in the National Assembly within four months of the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption.

CHAPTER III

AMENDING AND TRANSITIONAL PROVISIONS

20. Sections 66.1, 66.2 and 66.3 of the Public Administration Act (R.S.Q., chapter A-6.01), enacted by section 52 of chapter 30 of the statutes of 2004, are repealed.

21. Section 77 of the Act is amended

(1) by striking out paragraphs 7 and 8;

(2) by replacing ", physical and information" at the end of paragraph 12 by "and physical".

22. Section 65 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 62 of chapter 11 of the statutes of 2004, is again amended by inserting ", Services Québec" after "travail" in the last line of the sixth paragraph.

23. Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 147 of chapter 29 of the statutes of 2003, is again amended by adding the following subparagraph at the end of the first paragraph:

"(36) A Minister of Government Services."

24. Section 6.1 of the Act to secure the handicapped in the exercise of their rights with a view to achieving social, school and workplace integration (R.S.Q., chapter E-20.1), enacted by section 6 of chapter 31 of the statutes of 2004, is amended by inserting ", the Deputy Minister of Government Services" after "Services" in the fifth line.

25. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 153 of chapter 29 of the statutes of 2003, is again amended by adding the following paragraph at the end:

"(36) The Ministère des Services gouvernementaux."

26. Section 6 of the Act respecting Services Québec (2004, chapter 30) is amended by adding the following paragraph at the end:

"The National Assembly and persons appointed or designated by the National Assembly to exercise a function under its authority are not public bodies."

27. Section 19 of the Act is amended

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

"(2) a person designated by the Minister.";

(2) by replacing "chief information officer" in the first and second lines of the second paragraph by "person designated by the Minister".

28. Section 20 of the Act is amended by replacing "chief information officer" in the second and third lines of the first paragraph by "person designated by the Minister".

29. Section 23 of the Act is amended by inserting "du conseil" after "vice-président" in the first line of the second paragraph of the French text.

30. Section 24 of the Act is amended

(1) by replacing the second sentence by the following sentence: "The president and director general is assisted in the exercise of those functions by one or more vice-chairs appointed by the Government in the number it determines for a term of not more than five years.";

(2) by adding the following paragraph:

"The president and director general and the vice-chair or vice-chairs of Services Québec exercise their functions on a full-time basis."

31. The Act is amended by inserting the following section after section 38:

"**38.1.** The Government determines the remuneration, employment benefits and other conditions of employment of the vice-chair or vice-chairs of Services Québec."

32. Section 54 of the Act is amended

(1) by inserting "and the Minister of Government Services" after "Immigration" in the second line;

(2) by striking out "par celui-ci" in the second line of the French text.

33. Section 55 of the Act is amended

(1) by replacing "on" in the third line by "or the Minister of Government Services before";

(2) by striking out "*preceding the date*" in the fourth line.

34. Section 56 of the Act is amended by inserting "or the Minister of Government Services" after "Immigration" in the third line.

35. Section 60 of the Act is replaced by the following section:

"**60.** The Minister of Government Services is responsible for the administration of this Act."

36. This Act comes into force on 8 June 2005.

Coming into force of Acts

Gouvernement du Québec

O.C. 550-2005, 8 June 2005

An Act respecting Services Québec (2004, c. 30) — Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act respecting Services Québec

WHEREAS the Act respecting Services Québec (2004, c. 30) was assented to on 17 December 2004;

WHEREAS, by Order in Council 384-2005 dated 20 April 2005 made under section 61 of the Act, it came into force on 2 May 2005 except sections 4 to 18, 37, 45 to 49, 51 to 57 and 59 which come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 22 June 2005 as the date of coming into force of sections 4 to 18, 37, 45 to 49, 51, 53 to 56 and 59 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Government Services:

THAT sections 4 to 18, 37, 45 to 49, 51, 53 to 56 and 59 of the Act respecting Services Québec (2004, c. 30) come into force on 22 June 2005.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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Regulations and other acts

Gouvernement du Québec

O.C. 531-2005, 8 June 2005

An Act respecting lotteries, publicity contests and amusement machines
(R.S.Q., c. L-6)

Bingo licences and bingo hall manager's licences — Suspension of the issue

CONCERNING the suspension of the issue of bingo licences and bingo hall manager's licences

WHEREAS, under section 2 of the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., c. R-6.1), the Régie des alcools, des courses et des jeux is responsible for the carrying out of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6);

WHEREAS, under section 23 of that Act and section 34 of the Act respecting lotteries, publicity contests and amusement machines, the board is the body responsible for issuing the licences necessary to conduct bingo as a lottery scheme, for establishing the conditions attached to the licences and monitoring their use, and for seeing to the protection and safety of the public;

WHEREAS, under section 50.0.1 of the Act respecting lotteries, publicity contests and amusement machines, the board meeting in plenary session on 18 May 2005 decided, in the public interest, to suspend the issue of bingo licences and bingo hall manager's licences for a period of one hundred eighty days, calculated from the date on which the suspension measures become effective, for all of the territory of Québec with the exception of certain parts of the territory and certain types of licence applications;

WHEREAS, under the third paragraph of section 50.0.1 of the Act respecting lotteries, publicity contests and amusement machines, a suspension measure must be submitted to the Government for approval and shall take effect on the date of its publication in the *Gazette officielle du Québec* or on any later date mentioned therein;

WHEREAS it is expedient to approve the suspension measures;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the suspension measures concerning the issue of bingo licences and bingo hall manager's licences, taken by the Régie des alcools, des courses et des jeux on 18 May 2005 and attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Decision No. 1

CONCERNING the suspension of the issue of bingo licences

WHEREAS in the last few years the bingo sector has been undergoing major reform aimed at providing a solution to the various problems faced by charitable and religious organizations;

WHEREAS the main problems encountered with this lottery scheme concern the existence of tensions between the various stakeholders, deficiencies in control measures affecting the integrity of the game, a drop in the number of players in bingo halls and saturation of the market, especially in certain cities or regions of Québec owing to an excessive number of outstanding licences, the latter two factors combined resulting in a decrease in the percentage of profits going to the recipient organizations;

WHEREAS since 27 September 1997, the board has suspended the issue of bingo licences and, since 25 November 2000, the issue of bingo hall manager's licences, on the conditions prescribed by the applicable texts as they read at all material times, with a view to re-establishing orderly development of the bingo industry in Québec, those last two suspension measures being effective from 29 December 2004 to 26 June 2005;

WHEREAS in association with the taking of the suspension measures, the board consulted extensively in the spring of 1999, which resulted in the submission to the Minister of Public Security of a report entitled Le Bingo au Québec, État de la question et pistes de solutions, made public on 12 April 2000;

WHEREAS the report was an assessment of the bingo reform accomplished up to that date and identified the remaining problems associated with this area of activity; it also proposed a plan of action aimed at pursuing the impetus given to bingo activities in Québec, particularly where bingo serves as a fund-raising mechanism for charitable and religious organizations;

WHEREAS section 57.0.1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), hereafter referred to as "the Act", established two consultative bodies in the bingo sector, namely the Forum des organismes de charité ou religieux titulaires de licence de bingo and the Secrétariat du bingo, each composed of partners in this field of activity, thereby creating exchange and coordination groups, with the additional objective of creating representative consultative bodies for dealings with the board;

WHEREAS an interim board of directors was named for each of the consultative bodies on 17 April 2002, following the appointment by the Minister of Public Security of members from the industry, although neither body has as yet elected its board of directors;

WHEREAS major efforts continue to be made and accomplishing the reform undertaken requires taking new suspension measures to apply in certain areas that have been especially affected by the different problems the reform is seeking to solve;

WHEREAS the survival of bingo as a lottery scheme intended to be a fund-raising mechanism for charitable and religious organizations requires an in-depth rationalization of the market in order for a balance to be achieved;

WHEREAS the primary objectives of the current reform are to enable bingo to develop harmoniously as a lottery scheme, to enhance the integrity of the game and to maximize the financial benefits for the eligible charitable and religious organizations;

WHEREAS it is therefore essential in the public interest and to the fulfilment of the above-mentioned objectives that the board once again suspend the issue of bingo licences in part of the territory of Québec;

WHEREAS certain Native communities maintain their desire to assume greater autonomy as regards the issue of bingo licences on their reserve or in their settlement determined by regulation, as authorized by the second paragraph of section 34 of the Act;

WHEREAS there is no need to deprive all charitable or religious organizations of the attendant benefits from the issue of a bingo licence when circumstances allow for the presence of new bingo licences because of the satisfactory profitability of the licences already issued;

WHEREAS the issue of recreational bingo licences under which the total maximum value of the prizes is $200 or less has no significant impact on the profitability of the other bingo licences issued in the surrounding territory;

THEREFORE, the board, meeting in plenary session on 18 May 2005, hereby decides to suspend the issue of bingo licences for a period of one hundred eighty days, calculated from the effective date of this suspension measure, for all of the territory of Québec, except

(1) a territory where a Native community referred to in the second paragraph of section 34 of the Act resides and for which a local body is duly designated;

(2) the territory consisting of the territory of the following regional county municipalities:

Rimouski-Neigette, Charlevoix-Est, Charlevoix, L'Île d'Orléans, La Jacques-Cartier, La Nouvelle-Beauce, Robert-Cliche, L'Érable, Mékinac, Bécancour, Coaticook, Memphrémagog, La Haute-Yamaska, Maskinongé, Le Haut-Saint-Laurent, La Vallée-de-la-Gatineau, Témiscamingue, Sept-Rivières, Minganie;

(3) the territory consisting of the territory of the following local municipalities:

Les Îles-de-la-Madeleine, Ville de Shawinigan, Ville de Mirabel, Ville de Lévis, Côte-Nord-du-Golfe-du-Saint-Laurent, Gros-Mécatina, Saint-Augustin, Blanc-Sablon, Bonne-Espérance;

(4) the territory consisting of the territory of the Kativik Regional Government and the Category I lands of the Cree community of Whapmagoostui; and

(5) the territory consisting of the territory of the following Native reserves and settlements:

Uashat-Maliothenam, Mingan, Wôlinak, Kitigan Zibi, Timiskaming, Kebaowek, Winneway, Hunter's Point, La Romaine and Pakuashipi.

The suspension measure does not apply to an application for a recreational bingo licence under which the total maximum value of the prizes is $200 or less.

The suspension measure applies to bingo licence applications received before or after the date on which the suspension measure becomes effective and in respect of which the board has not made a decision.

The suspension measure shall not prevent the board from modifying the operating conditions for a bingo licence in force on the date on which the suspension measure becomes effective, particularly with regard to the number of events, the hours, days and place of operation and the value of the prizes offered.

The suspension measure shall not prevent the board from issuing a bingo licence to a holder of a bingo licence in force on the date on which the suspension measure becomes effective.

Subject to its approval by the Government, this suspension measure becomes effective on 27 June 2005 or on the date of its publication in the *Gazette officielle du Québec* if that date is later.

Montréal, 18 May 2005

FRANÇOIS CÔTÉ,
Secretary of the board

Decision No. 2

CONCERNING the suspension of the issue of bingo hall manager's licences

WHEREAS, in the last few years the bingo sector has been undergoing major reform aimed at providing a solution to the various problems faced by charitable and religious organizations;

WHEREAS the main problems encountered with this lottery scheme concern the existence of tensions between the various stakeholders, deficiencies in control measures affecting the integrity of the game, a drop in the number of players in bingo halls and saturation of the market, especially in certain cities or regions of Québec owing to an excessive number of outstanding licences, the latter two factors combined resulting in a decrease in the percentage of profits going to the recipient organizations;

WHEREAS since 27 September 1997, the board has suspended the issue of bingo licences and, since 25 November 2000, the issue of bingo hall manager's licences, on the conditions prescribed by the applicable texts as they read at all material times, with a view to re-establishing orderly development of the bingo industry in Québec, those last two suspension measures being effective from 29 December 2004 to 26 June 2005;

WHEREAS in association with the taking of the suspension measures, the board consulted extensively in the spring of 1999, which resulted in the submission to the Minister of Public Security of a report entitled Le Bingo au Québec, État de la question et pistes de solutions, made public on 12 April 2000;

WHEREAS the report was an assessment of the bingo reform accomplished up to that date and identified the remaining problems associated with this area of activity; it also proposed a plan of action aimed at pursuing the impetus given to bingo activities in Québec, particularly where bingo serves as a fund-raising mechanism for charitable and religious organizations;

WHEREAS section 57.0.1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), hereafter referred to as "the Act", established two consultative bodies in the bingo sector, namely the Forum des organismes de charité ou religieux titulaires de licence de bingo and the Secrétariat du bingo, each composed of partners in this field of activity, thereby creating exchange and coordination groups, with the additional objective of creating representative consultative bodies for dealings with the board;

WHEREAS an interim board of directors was named for each of the consultative bodies on 17 April 2002, following the appointment by the Minister of Public Security of members from the industry, although neither body has as yet elected its board of directors;

WHEREAS major efforts continue to be made and accomplishing the reform undertaken requires taking new suspension measures to apply in certain areas that have been especially affected by the different problems the reform is seeking to solve;

WHEREAS the survival of bingo as a lottery scheme intended to be a fund-raising mechanism for charitable and religious organizations requires an in-depth rationalization of the market in order for a balance to be achieved;

WHEREAS the primary objectives of the current reform are to enable bingo to develop harmoniously as a lottery scheme, to enhance the integrity of the game and to maximize the financial benefits for the eligible charitable and religious organizations;

WHEREAS it is therefore essential in the public interest and to the fulfilment of the above-mentioned objectives that the board once again suspend the issue of bingo hall manager's licences in part of the territory of Québec;

THEREFORE, the board, meeting in plenary session on 18 May 2005, hereby decides to suspend the issue of bingo hall manager's licences for a period of one hundred eighty days, calculated from the effective date of this suspension measure, for all of the territory of Québec, except

(1) a territory where a Native community referred to in the second paragraph of section 34 of the Act resides and for which a local body is duly designated;

(2) the territory consisting of the territory of the following regional county municipalities:

Rimouski-Neigette, Charlevoix-Est, Charlevoix, L'Île d'Orléans, La Jacques-Cartier, La Nouvelle-Beauce, Robert-Cliche, L'Érable, Mékinac, Bécancour, Coaticook, Memphrémagog, La Haute-Yamaska, Maskinongé, Le Haut-Saint-Laurent, La Vallée-de-la-Gatineau, Témiscamingue, Sept-Rivières, Minganie;

(3) the territory consisting of the territory of the following local municipalities:

Les Îles-de-la-Madeleine, Ville de Shawinigan, Ville de Mirabel, Ville de Lévis, Côte-Nord-du-Golfe-du-Saint-Laurent, Gros-Mécatina, Saint-Augustin, Blanc-Sablon, Bonne-Espérance;

(4) the territory consisting of the territory of the Kativik Regional Government and the Category I lands of the Cree community of Whapmagoostui; and

(5) the territory consisting of the territory of the following Native reserves and settlements:

Uashat-Maliothenam, Mingan, Wôlinak, Kitigan Zibi, Timiskaming, Kebaowek, Winneway, Hunter's Point, La Romaine and Pakuashipi.

The suspension measure applies to bingo hall manager's licence applications received before or after the date on which the suspension measure becomes effective and in respect of which the board has not made a decision.

The suspension measure shall not prevent the board from authorizing a change in the place of operation of a bingo hall manager's licence in force on the date on which the suspension measure becomes effective.

The suspension measure shall not prevent the board from issuing a bingo hall manager's licence to a holder of a bingo hall manager's licence in force on the date on which the suspension measure becomes effective.

The suspension measure shall not prevent the board from issuing a new bingo hall manager's licence on the condition that the issue of the licence does not operate to increase the number of bingo halls and is not contrary to the public interest, within the meaning of the Act itself, where the new licence application is made

(1) by reason of the death of the holder of the licence, by the liquidator of the succession, the legatee by particular title or heir of the holder of the licence or a person designated by them;

(2) by a trustee, a liquidator, a sequestrator or a trustee in bankruptcy who is temporarily administering a bingo hall for which a licence has been issued; or

(3) by any person where, following the cessation of operation of a bingo hall manager's licence, the holders of the bingo licence for that hall have no premises to operate the licence, as required by the regulation.

Subject to its approval by the Government, this suspension measure becomes effective on 27 June 2005 or on the date of its publication in the *Gazette officielle du Québec* if that date is later.

Montréal, 18 May 2005

FRANÇOIS CÔTÉ,
Secretary of the board

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Gouvernement du Québec

O.C. 539-2005, 8 June 2005

An Act respecting reciprocal enforcement of maintenance orders
(R.S.Q., c. E-19)

Designation of Vermont for the purposes of the Act

Designation of Vermont for the purposes of the Act respecting reciprocal enforcement of maintenance orders

WHEREAS section 10 of the Act respecting reciprocal enforcement of maintenance orders (R.S.Q., c. E-19) authorizes, by an order published in the *Gazette officielle du Québec*, the designation of any state, province or territory which the Government considers to have legislation substantially similar to the provisions of the Québec statute authorizing the execution of judgments ordering payment of maintenance rendered in Québec;

WHEREAS that section further provides that the order must give the date of the coming into force of the Act for each state, province or territory it designates;

WHEREAS the Government considers that the Vermont legislation is substantially similar to that of Québec and authorizes the execution of judgments ordering payment of maintenance rendered in Québec;

WHEREAS on 4 December 2003, the governments of Québec and Vermont signed a cooperation agreement having a justice component dealing precisely with the development of judicial cooperation in the area of reciprocal enforcement of maintenance orders;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice and the Minister of International Relations:

THAT Vermont be designated in accordance with section 10 of the Act respecting reciprocal enforcement of maintenance orders;

THAT the Act come into force for that State on the day this Order in Council is made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 540-2005, 8 June 2005

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

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

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

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

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

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 28 July 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

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

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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

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

DIVISION I
GENERAL

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

In this Regulation,

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

"training equivalence" means recognition by the Bureau of the Order that a candidate's training has enabled him or her to attain a level of knowledge and skills equivalent to the level attained by the holder of a diploma recognized by a regulation of the Government, made pursuant to the first paragraph of section 184 of the Professional Code, as giving access to a guidance counsellor's permit or psychoeducator's permit issued by the Order.

DIVISION II
DIPLOMA EQUIVALENCE STANDARDS

§1. Guidance counsellor's permit

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

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

(a) 9 credits in psychometrics and evaluation;

(b) 3 credits in human development;

(c) 3 credits in psychopathology;

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

(e) 6 credits in vocational development and insertion;

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

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

(a) 12 credits in individual and group counselling;

(b) 6 credits in academic and professional information;

(c) 3 credits in leadership and training;

(4) a minimum of 3 credits in consultation approaches, supervision models, work team management and conflict management;

(5) a minimum of 6 credits in practice analysis methods and research methods;

(6) a minimum of 3 credits in professional organization, ethics, the Québec professions system, the statutes and regulations governing the practice of the profession of guidance counsellor and the standards of practice applicable to the practice of the profession;

(7) a minimum of 15 credits or 675 hours of internship in guidance counselling, including a minimum of 9 credits or 405 hours under the program of study leading to the master's degree and, under the same program, at least 170 hours of direct contact with the clientele and

at least 40 hours of direct supervision. The internship shall consist of activities designed to familiarize the student with the various aspects of the profession of guidance counsellor with a diverse clientele, including evaluation, the conception of guidance intervention, intervention in the environment and management of the student's practice.

§2. Psychoeducator's permit

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

(1) a minimum of 36 credits in situation evaluation, including a minimum of 24 credits apportioned as follows:

(a) 9 credits in normal development and adjustment difficulties;

(b) 9 credits in observation and in psychometrics and evaluation;

(c) 6 credits in the psychoeducational assessment of persons and environments, clinical diagnosis, case studies and report drafting;

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

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

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

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

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

(b) 3 credits in program evaluation;

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

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

4. Despite sections 2 and 3, where the diploma for which an equivalence application is made was obtained more than five years before the application and, considering the developments in the profession of guidance counsellor or in the profession of psychoeducator, the knowledge certified by the diploma no longer corresponds to the knowledge currently being taught, the candidate shall be granted a training equivalence pursuant to section 5 if the candidate has acquired the required level of knowledge and skills since obtaining his or her diploma.

DIVISION III
TRAINING EQUIVALENCE STANDARDS

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

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

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

(1) the nature and duration of the candidate's experience;

(2) the fact that the candidate holds one or more diplomas awarded in Québec or elsewhere;

(3) the nature and content of courses taken and the marks obtained; and

(4) the nature and content of training periods and other training activities.

§2. Psychoeducator's permit

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

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

(a) a bachelor's degree in psychoeducation awarded by Université de Montréal or Université de Sherbrooke;

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

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

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

(3) the candidate has taken at least 125 hours of training in ethics, measurement and clinical evaluation as well as clinical intervention apportioned as follows:

(a) 25 hours in ethics;

(b) 50 hours in measurement and clinical evaluation;

(c) 50 hours in clinical intervention.

DIVISION IV
TRAINING EQUIVALENCE RECOGNITION PROCEDURE

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

(1) the candidate's academic record, including a description of courses taken, the number of hours of each course, and an official transcript of the results obtained;

(2) proof that the candidate's diploma was awarded;

(3) a document from the educational institution at the university level that issued the diploma attesting to the candidate's participation in and successful completion of the training sessions and practical work; and

(4) a document attesting to and describing the candidate's relevant work experience.

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

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

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

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

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

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

The Bureau shall, at the first regular meeting following the date of receipt of the application, examine the application for review. It must, before making a decision, allow the candidate to make submissions at the meeting.

A candidate who wishes to be present at the meeting to make submissions must notify the secretary at least five days before the date scheduled for the meeting. The candidate may, however, send written submissions to the secretary at any time before the date scheduled for the meeting.

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

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

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

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

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Gouvernement du Québec

O.C. 541-2005, 8 June 2005

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

Chiropractors
— Professional activities that may be engaged in by persons other than chiropractors

Regulation respecting the professional activities that may be engaged in by persons other than chiropractors

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the Order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i* of that section, and the terms and conditions on which such persons may engage in such activities;

WHEREAS the Bureau of the Ordre des chiropraticiens du Québec made the Regulation respecting the professional activities that may be engaged in by persons other than chiropractors;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québe*c of 7 July 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS no comments were received by the Office des professions following that publication;

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

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the professional activities that may be engaged in by persons other than chiropractors, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the professional activities that may be engaged in by persons other than chiropractors

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

1. The purpose of this Regulation is to determine, among the professional activities that may be engaged in by chiropractors, those that may be engaged in by a chiropractic student on the terms and conditions set out herein.

"Chiropractic student" means any person enrolled in the doctoral program in chiropractic of the Université du Québec à Trois-Rivières.

2. A chiropractic student may, among the professional activities that may be engaged in by chiropractors, engage in the activities required to complete the program of studies so long as the student engages in the activities within the framework of the clinical training period of the program under the authority and supervision of a chiropractor on the premises.

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

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Gouvernement du Québec

O.C. 543-2005, 8 June 2005

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

Forest management plans and reports — Amendments

Regulation to amend the Regulation respecting forest management plans and reports

WHEREAS, under subparagraph 7 of the first paragraph of section 172 of the Forest Act (R.S.Q., c. F-4.1), the Government may, by regulation, prescribe the form and content of a general forest management plan, of a five-year forest management plan, of an annual forest management plan, of updatings of a general forest management plan and the form and content of the progress reports an agreement holder is required to submit to the Minister and the times at which the plans and reports are to be submitted;

WHEREAS the Government made the Regulation respecting forest management plans and reports by Order in Council 418-89 dated 22 March 1989;

WHEREAS it is expedient to amend the Regulation to take into account the amendments made to section 170 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6) by the Act to amend the Forest Act and other legislative provisions and to enact certain special provisions applicable to forest management activities prior to 1 April 2008 (2003, c. 16), amended by section 6 of chapter 3 of the Statutes of 2005), concerning certain precisions on the volumes of ligneous matter left on the harvest sites that must be evaluated every year by the forest management agreement holders;

WHEREAS it is also expedient to take into account the postponement of the dates of filing of the forest management plans prescribed by the Act to amend the Forest Act and other legislative provisions and to enact certain special provisions applicable to forest management activities prior to 1 April 2008 and by the Act to amend the Forest Act and other legislative provisions applicable to forest management activities (2005, c. 3);

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting forest management plans and reports, attached to this Order in Council, was published in Part 2 of the *Gazette officielle du Québec* of 9 June 2004 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting forest management plans and reports, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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

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

1. The Regulation respecting forest management plans and reports is amended in section 12 by replacing "This part also contains, by forest management sector, the result of the evaluations referred to in section 170 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6), namely :" in paragraph 1 by "This part also contains the result of the evaluations referred to in section 170 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6), as amended by section 56 of the Act to amend the Forest Act and other legislative provisions and to enact certain special provisions applicable to forest management activities prior to 1 April 2008 (2003, c. 16 ; 2005, c. 3 s. 6), namely :" and "- an evaluation of the volume of ligneous matter usable but not harvested and left on the management sector by the agreement holder, once all sylvicultural treatments and other forest management activities have been carried out in that sector." by "- an evaluation of the volume of ligneous matter left on the harvest sites of the common area ; the volume includes the trees or parts of trees, by species or group of species, that should have been harvested in carrying out the sylvicultural treatments under the forest management permit in the fiscal year to which the report applies.".

2. Section 16.1 is amended by replacing "31 March 2004" by "31 March 2007".

3. Section 16.2 is amended by replacing "31 August 2006" by "31 August 2009" and "1 April 2005" by "1 April 2008".

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

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* The Regulation respecting forest management plans and reports, made by Order in Council 418-89 dated 22 March 1989 (1989, *G.O.* 2, 1553), was last amended by the regulation made by Order in Council 192-2002 dated 28 February 2002 (2002, *G.O.* 2, 1575). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

Gouvernement du Québec

O.C. 574-2005, 15 June 2005

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

School tax
— Computation of the maximum yield for the 2005-2006 school year

Regulation respecting computation of the maximum yield of the school tax for the 2005-2006 school year

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

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

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

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

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

THAT the Regulation respecting computation of the maximum yield of the school tax for the 2005-2006 school year, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting computation of the maximum yield of the school tax for the 2005-2006 school year

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

1. For the computation of the maximum yield of the school tax for the 2005-2006 school year, provided for in section 308 of the Education Act (R.S.Q., c. I-13.3), the allowable number of students must be determined by

(1) calculating the number of four-year-old preschool students who may be taken into account, by multiplying by 1.00 the number of such students legally enrolled for a minimum of 144 half days on 30 September 2004 in the schools under the jurisdiction of the school board;

(2) calculating the number of five-year-old preschool students who may be taken into account, by multiplying by 1.80 the number of such students legally enrolled for a minimum of 180 days on 30 September 2004 in the schools under the jurisdiction of the school board, except students referred to in paragraphs 7 and 8;

(3) calculating the number of elementary school students who may be taken into account, by multiplying by 1.55 the number of such full-time students legally enrolled on 30 September 2004 in the schools under the jurisdiction of the school board, except students referred to in paragraphs 7 and 9;

(4) calculating the number of secondary school students who may be taken into account, by multiplying by 2.40 the number of such full-time students legally enrolled on 30 September 2004 in the schools under the jurisdiction of the school board, except students referred to in paragraphs 7 and 10;

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

(a) multiplying by 3.40 the number of full-time students admitted to a program of study leading to a secondary school vocational diploma, except students referred to in subparagraph *b*, or to an attestation of vocational specialization, legally enrolled during the 2003-2004 school year in the vocational training centres under the jurisdiction of the school board and recognized by the Minister of Education, Recreation and Sports for the purposes of the budgetary rules for the 2003-2004 school year;

(b) multiplying by 3.40 the number of full-time students admitted to a program of study leading to an attestation of vocational studies or admitted, following Secondary III, to a program of study leading to a secondary school vocational diploma, legally enrolled on 30 September 2003 in the vocational training centres under the jurisdiction of the school board and recognized by the Minister for the purposes of the budgetary rules for the 2003-2004 school year;

(c) multiplying by 3.40 the number of students corresponding to the difference between the number of new places, in terms of the enrolment capacity of an educational institution, allotted by the Minister for one or more vocational programs of study and the number of full-time students admitted to such program or programs of study during the 2003-2004 school year in the vocational training centres under the jurisdiction of the school board and recognized by the Minister for the purposes of the budgetary rules for the 2003-2004 school year; and

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

(6) calculating the number of students admitted to adult education services who may be taken into account, in accordance with the Schedule to this Regulation, by multiplying by 2.20 the number of full-time students;

(7) calculating the number of handicapped five-year-old preschool, elementary school and secondary school students who may be taken into account, by multiplying by 6.40 the number of such full-time students legally enrolled on 30 September 2004 in the schools under the jurisdiction of the school board and recognized by the Minister for the purposes of the budgetary rules for the 2004-2005 school year;

(8) calculating the number of five-year-old preschool students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 2.25 the number of such full-time students enrolled in welcoming classes and francization classes and legally enrolled on 30 September 2004 in the schools under the jurisdiction of the school board;

(9) calculating the number of elementary school students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 2.40 the number of such full-time students enrolled in welcoming classes and francization classes and legally enrolled on 30 September 2004 in the schools under the jurisdiction of the school board;

(10) calculating the number of secondary school students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 3.40 the number of such full-time students enrolled in welcoming classes and francization classes and legally enrolled on 30 September 2004 in the schools under the jurisdiction of the school board;

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

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

(a) multiplying by 0.75 the number of students enrolled on 30 September 2004 in a transport service employing vehicles used exclusively to transport such students;

(b) multiplying by 0.40 the number of students enrolled on 30 September 2004 in a transport service employing vehicles that have specific public transit routes and are not reserved exclusively to transport such students; and

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

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

2. The allowable number of students determined under section 1 must be adjusted by adding the number of students who may be taken into account for the purposes of the reduction in the school population.

The number of students who may be taken into account for the purposes of the reduction in the school population is determined by

(1) calculating the number of students who may be taken into account for the purposes of the reduction in the total number of students by

(a) multiplying by 0.99 the total of the numbers obtained under paragraphs 2 to 4 and 7 to 10 of section 1 or, where applicable, under section 2 of the Regulation respecting computation of the maximum yield of the school tax for the 2004-2005 school year made by Order in Council 500-2004 dated 26 May 2004; and

(b) subtracting from the product obtained under subparagraph *a,* the sum of the numbers obtained under paragraphs 2 to 4 and 7 to 10 of section 1, as they read before the application of section 3, if applicable;

(2) determining the number of students who may be taken into account for the purposes of the reduction in the number of five-year-old preschool and elementary school students by

(a) calculating the number of five-year-old preschool and elementary school students who may be taken into account under paragraph 7 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2004-2005 school year;

(b) calculating the percentage that the total of the numbers obtained under subparagraph *a* and paragraphs 2, 3, 8 and 9 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2004-2005 school year is of the total of the numbers obtained under paragraphs 2 to 4 and 7 to 10 of section 1 of that Regulation;

(c) multiplying by the percentage obtained under subparagraph *b* the number of students equal to the adjustment obtained, where applicable, under section 2 of the Regulation respecting computation of the maximum yield of the school tax for the 2004-2005 school year;

(d) multiplying by 0.99 the total of the numbers obtained under subparagraph *a* and paragraphs 2, 3, 8 and 9 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2004-2005 school year to which is added, where applicable, the number obtained under subparagraph *c*;

(e) calculating the number of five-year-old preschool and elementary school students who may be taken into account under paragraph 7 of section 1; and

(f) subtracting from the product obtained under subparagraph *d,* the total of the numbers obtained under subparagraph *e* and paragraphs 2, 3, 8 and 9 of section 1, as they read before the application of section 3, if applicable;

(3) calculating the number of students who may be taken into account for the purposes of the reduction in the number of secondary school students by

(a) calculating the number of secondary school students who may be taken into account under paragraph 7 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2004-2005 school year;

(b) calculating the percentage that the total of the numbers obtained under subparagraph *a* and paragraphs 4 and 10 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2004-2005 school year is of the total of the numbers obtained under paragraphs 2 to 4 and 7 to 10 of section 1 of that Regulation;

(c) multiplying by the percentage obtained under subparagraph *b,* the number of students equal to the adjustment obtained, if any, under section 2 of the Regulation respecting computation of the maximum yield of the school tax for the 2004-2005 school year;

(d) multiplying by 0.99 the total of the numbers obtained under subparagraph *a* and paragraphs 4 and 10 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2004-2005 school year to which is added, where applicable, the number obtained under subparagraph *c*;

(e) calculating the number of secondary school students who may be taken into account under paragraph 7 of section 1; and

(f) subtracting from the product obtained under subparagraph *d*, the total of the numbers obtained under subparagraph *e* and paragraphs 4 and 10 of section 1, as they read before the application of section 3, if applicable;

(4) subtracting from the sum of numbers obtained under paragraphs 2 and 3, the number obtained under paragraph 1 and multiplying by 0.37 the resulting number; and

(5) adding the numbers obtained under paragraphs 1 and 4.

In the operations prescribed in this section, when a number is lower than zero, it is deemed to be zero.

3. Where the sum obtained by adding the numbers of full-time students referred to in paragraphs 2 to 4 and 7 to 10 of section 1 exceeds the sum obtained by adding the numbers of full-time students referred to in paragraphs 2 to 4 and 7 to 10 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2004-2005 school year by 200 or 2%, and is at least 200 or 2% lower than the sum obtained by adding the numbers of full-time students in the categories referred to in paragraphs 2 to 4 and 7 to 10 of section 1, established according to the Minister's enrolment estimates for the 2005-2006 school year, paragraphs 2 to 4 of section 1 are to be as follows:

"(2) calculating the number of five-year-old preschool students who may be taken into account, by multiplying by 1.80 the number of such full-time students, established according to the Minister's enrolment estimates for the 2005-2006 school year, except students referred to in paragraphs 7 and 8;

(3) calculating the number of elementary school students who may be taken into account, by multiplying by 1.55 the number of such full-time students, established according to the Minister's enrolment estimates for the 2005-2006 school year, except students referred to in paragraphs 7 and 9;

(4) calculating the number of secondary school students who may be taken into account, by multiplying by 2.40 the number of such full-time students, established according to the Minister's enrolment estimates for the 2005-2006 school year, except students referred to in paragraphs 7 and 10;".

4. For the purposes of section 1,

(1) students who may be taken into account by a school board for the purposes of paragraph 5 of section 1 are students who were admitted for the 2003-2004 school year to a vocational training centre under the jurisdiction of the school board to receive educational services in vocational training, in vocational training programs authorized pursuant to section 467 of the Education Act;

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

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

$$\frac{\text{the student's number of hours of activities per school year}}{\text{the minimum number of hours of activities per school year prescribed by the basic school regulation applicable to the student}}$$

; and

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

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

(a) four-year-old preschool students enrolled on 30 September 2004 in the day care services of the school board for a minimum of 2 periods per day, at least 3 days per week; and

(b) five-year-old preschool students and elementary school students enrolled on 30 September 2004 in the day care services of the school board for a minimum of 2 periods per day, at least 3 days per week; and

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

5. For the computation of the maximum yield of the school tax for the 2005-2006 school year, the amount per student is $689.45, or $896.27 if the allowable number of students is less than 1,000, and the base amount is $206,831, namely the amounts established for the 2004-2005 school year increased by 1.23%.

6. The Regulation respecting computation of the maximum yield of the school tax for the 2004-2005 school year, made by Order in Council 500-2004 dated 26 May 2004, is revoked.

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

SCHEDULE
(s. 1, par. 6)

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

Code	School board (Commission scolaire)	Number of full-time students
711 000	des Monts-et-Marées	620.15
712 000	des Phares	475.49
713 000	du Fleuve-et-des-Lacs	375.01
714 000	de Kamouraska–Rivière-du-Loup	354.66
721 000	du Pays-des-Bleuets	543.02
722 000	du Lac-Saint-Jean	650.35
723 000	des Rives-du-Saguenay	1,145.32
724 000	De La Jonquière	548.67
731 000	de Charlevoix	136.45
732 000	de la Capitale	2,309.94
733 000	des Découvreurs	688.00
734 000	des Premières-Seigneuries	1,204.62
735 000	de Portneuf	241.89
741 000	du Chemin-du-Roy	717.51
742 000	de l'Énergie	483.27
751 000	des Hauts-Cantons	251.31
752 000	de la Région-de-Sherbrooke	1,092.77
753 000	des Sommets	315.35
761 000	de la Pointe-de-l'Île	2,542.74
762 000	de Montréal	7,412.24
763 000	Marguerite-Bourgeoys	3,260.51
771 000	des Draveurs	1,163.88
772 000	des Portages-de-l'Outaouais	997.99
773 000	au Coeur-des-Vallées	399.89
774 000	des Hauts-Bois-de-l'Outaouais	418.97
781 000	du Lac-Témiscamingue	178.49
782 000	de Rouyn-Noranda	485.38
783 000	Harricana	201.30
784 000	de l'Or-et-des-Bois	463.09
785 000	du Lac-Abitibi	190.72
791 000	de l'Estuaire	339.84
792 000	du Fer	298.29
793 000	de la Moyenne-Côte-Nord	57.44
801 000	de la Baie-James	131.79
811 000	des Îles	79.76
812 000	des Chic-Chocs	352.51
813 000	René-Lévesque	476.44
821 000	de la Côte-du-Sud	315.77
822 000	de L'Amiante	358.42
823 000	de la Beauce-Etchemin	578.96
824 000	des Navigateurs	697.47
831 000	de Laval	1,621.07
841 000	des Affluents	1,028.05
842 000	des Samares	790.71
851 000	de la Seigneurie-des-Mille-Îles	783.26
852 000	de la Rivière-du-Nord	771.45
853 000	des Laurentides	304.37
854 000	Pierre-Neveu	319.31

Code	School board (Commission scolaire)	Number of full-time students
861 000	de Sorel-Tracy	415.35
862 000	de Saint-Hyacinthe	530.47
863 000	des Hautes-Rivières	522.57
864 000	Marie-Victorin	1,533.77
865 000	des Patriotes	623.38
866 000	du Val-des-Cerfs	606.53
867 000	des Grandes-Seigneuries	521.02
868 000	de la Vallée-des-Tisserands	505.56
869 000	des Trois-Lacs	260.99
871 000	de la Riveraine	201.16
872 000	des Bois-Francs	414.62
873 000	des Chênes	392.22
881 000	Central Québec	81.66
882 000	Eastern Shores	110.59
883 000	Eastern Townships	210.29
884 000	Riverside	148.55
885 000	Sir Wilfrid Laurier	268.43
886 000	Western Québec	318.24
887 000	English Montréal	3,274.53
888 000	Lester B. Pearson	1,125.76
889 000	New Frontiers	131.65

6896

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 VILLAGE DE SAINT-ZOTIQUE, a legal person established in the public interest, having its head office at 1250, rue Principale, Saint-Zotique, Province de Québec, represented by the mayor, Monsieur Robert Hovington, and the secretary-treasurer, Monsieur Pierre Chevrier, under a resolution bearing number 2004-11-457, 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. 2004-09-352, passed at its meeting of 13 September 2004, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of 6 November 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 general election held on 6 November 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 1st November 2004, resolution No. 2004-11-457 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 general election of 6 November 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, Sports and Recreation of the decision he intends to make.

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

6.5 **Notice of election**

The following is added after paragraph 7 of section 99:

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

6.6 **Polling subdivisions**

The following is substituted for section 104 of the Act:

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

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

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

6.7 **Verification of electronic voting systems**

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

"***§1.1*** *Verification of electronic voting systems*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.8 **Advance polling**

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

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

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

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

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

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

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

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

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

(3) print the operations trail (audit);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.9 **Revocation**

Sections 186 and 187 of the Act are revoked.

6.10 **Polling place**

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

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

6.11 **Booths**

The following is substituted for section 191 of the Act:

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

6.12 **Ballot papers and electronic voting cards**

The following is substituted for section 192 of the Act:

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

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

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

6.13 **Identification of the candidates**

The following is substituted for section 196 of the Act:

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

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

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

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

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

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

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

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

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

6.14 **Reverse of ballot paper**

Section 197 is revoked.

6.15 **Withdrawal of a candidate**

The following is substituted for section 198 of the Act:

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

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

6.16 **Withdrawal of authorization or recognition**

The following is substituted for section 199 of the Act:

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

6.17 **Number of voting terminals**

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

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

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

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

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

6.18 **Provision of polling materials**

The following is substituted for section 204 of the Act:

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

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

(2) a poll book;

(3) electronic voting cards;

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

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

6.19 **Examination of polling materials and documents**

The following is substituted for section 207 of the Act:

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

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

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

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

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

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

POLLING PROCEDURE

6.20 **Presence at the polling station**

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

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

6.21 **Electronic voting cards**

The following is substituted for section 221 of the Act:

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

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

6.22 **Voting**

The following is substituted for section 222 of the Act:

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

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

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

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

6.23 **Following the vote**

The following is substituted for section 223 of the Act:

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

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

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

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

6.24 **Cancelled and spoiled ballot papers**

Sections 224 and 225 of the Act are revoked.

6.25 **Assistance for electors**

The following is substituted for section 226 of the Act:

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

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

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

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

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

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

The following is substituted for section 228 of the Act:

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

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

The following is substituted for section 229 of the Act:

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

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

(2) recording the results of each voting terminal;

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

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

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

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

6.28 **Entries in poll book**

The following is substituted for section 230 of the Act:

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

(1) the number of electors who have voted;

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

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

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

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

6.29 **Compiling sheet**

Section 231 of the Act is revoked.

6.30 **Counting of the votes**

Section 232 of the Act is revoked.

6.31 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

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

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

Sections 234 to 237 of the Act are revoked.

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

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

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

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

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

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

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

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

6.33 **Separate envelopes**

The following is substituted for section 241 of the Act:

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

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

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

6.34 **Seals**

The following is substituted for section 242 of the Act:

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

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

(2) the envelopes provided for in section 230.1;

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

(4) the electronic voting cards.

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

6.35 **Placing in ballot box**

Section 243 of the Act is revoked.

6.36 **Delivery to returning officer**

The following is substituted for section 244 of the Act:

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

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

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

6.37 **Addition of votes**

The following is substituted for section 247 of the Act:

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

6.38 **Adjournment of the addition of votes**

The following is substituted for section 248 of the Act:

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

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

6.39 **Placing in envelope**

The following is substituted for section 249 of the Act:

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

6.40 **New counting of the votes**

Section 250 of the Act is revoked.

6.41 **Notice to the Minister**

The following is substituted for section 251 of the Act:

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

6.42 **Access to voting papers**

Section 261 of the Act is revoked.

6.43 **Application for a recount or re-addition**

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

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

6.44 **Notice to candidates**

The following is substituted for section 267 of the Act:

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

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

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

The following is substituted for section 268 of the Act:

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

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

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

6.46 **Repeal**

Section 269 is revoked.

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

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

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

6.48 **Custody of items and documents, and verification**

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

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

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

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

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

7. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before 2 November 2009.

8. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general election to be held on 6 November 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 general election held on 6 November 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 general election on 6 November 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 general election held on 6 November 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-Zotique, this 24th day of November 2004

MUNICIPALITY OF VILLAGE DE SAINT-ZOTIQUE

By: _____
ROBERT HOVINGTON, *Mayor*

_____
PIERRE CHEVRIER,
Clerk or Secretary-Treasurer of the municipality

In Québec, on this 13th day of December 2004

THE CHIEF ELECTORAL OFFICER

_____
MARCEL BLANCHET

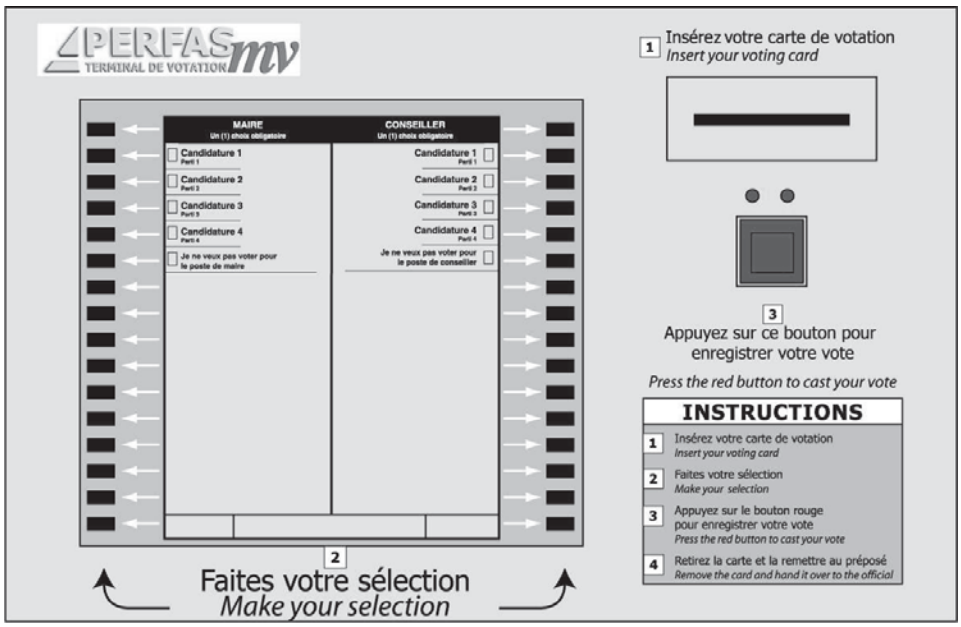
In Québec, on this 14th day of February 2005

THE MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION

_____
DENYS JEAN, *Deputy Minister*

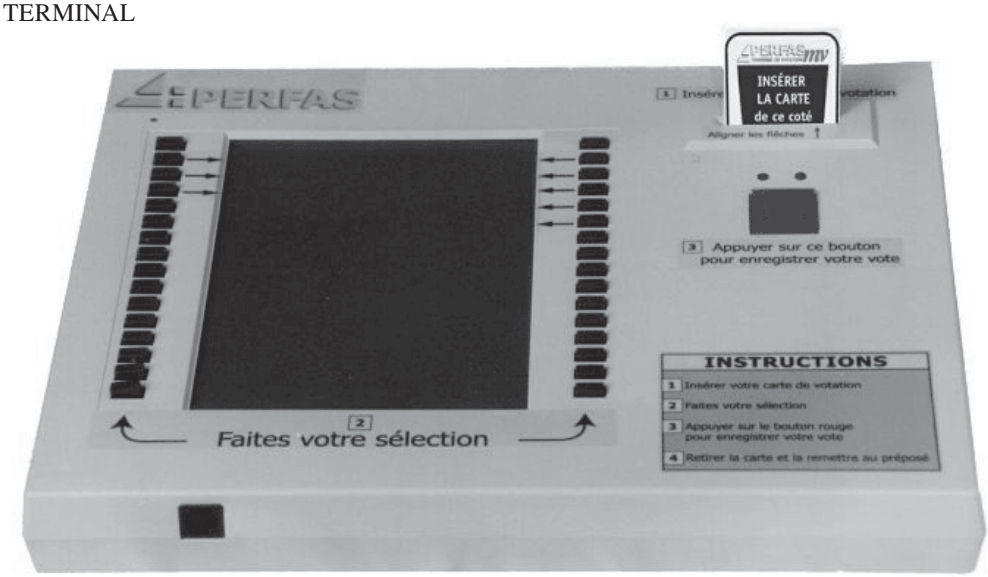
SCHEDULE I

BALLOT PAPER



SCHEDULE II

VOTING TERMINAL



6880

M.O., 2005

Order number AM 2005-026 of the Minister of Natural Resources and Wildlife dated 9 June 2005

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

CONCERNING the delimitation of fur-bearing animal management units

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

CONSIDERING the second paragraph of section 84.1 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) which provides that the Minister may delimit a territory, in particular for trapping purposes;

CONSIDERING that the Société de la faune et des parcs du Québec, by Resolution 02-61 dated 30 May 2002, has adopted and delimited fur-bearing animal management units;

CONSIDERING that section 79 of the Act to repeal the Act respecting the Société de la faune et des parcs du Québec and to amend other legislative provisions (2004, c. 11) provides that the territorial delimitations established pursuant to section 84.1 of the Act respecting the conservation and development of wildlife are deemed to have been made established by the Minister of Natural Resources, Wildlife and Parks;

CONSIDERING that section 84.3 of the Act respecting the conservation and development of wildlife, amended by chapter 11 of the statutes of 2004, provides in particular that an order made by the Minister under section 84.1 shall be published in the *Gazette officielle du Québec* and comes into force on the date of its publication;

CONSIDERING that it is expedient to modify the delimitation of fur-bearing animal management units 21, 30, 41 and 43;

ORDERS AS FOLLOWS:

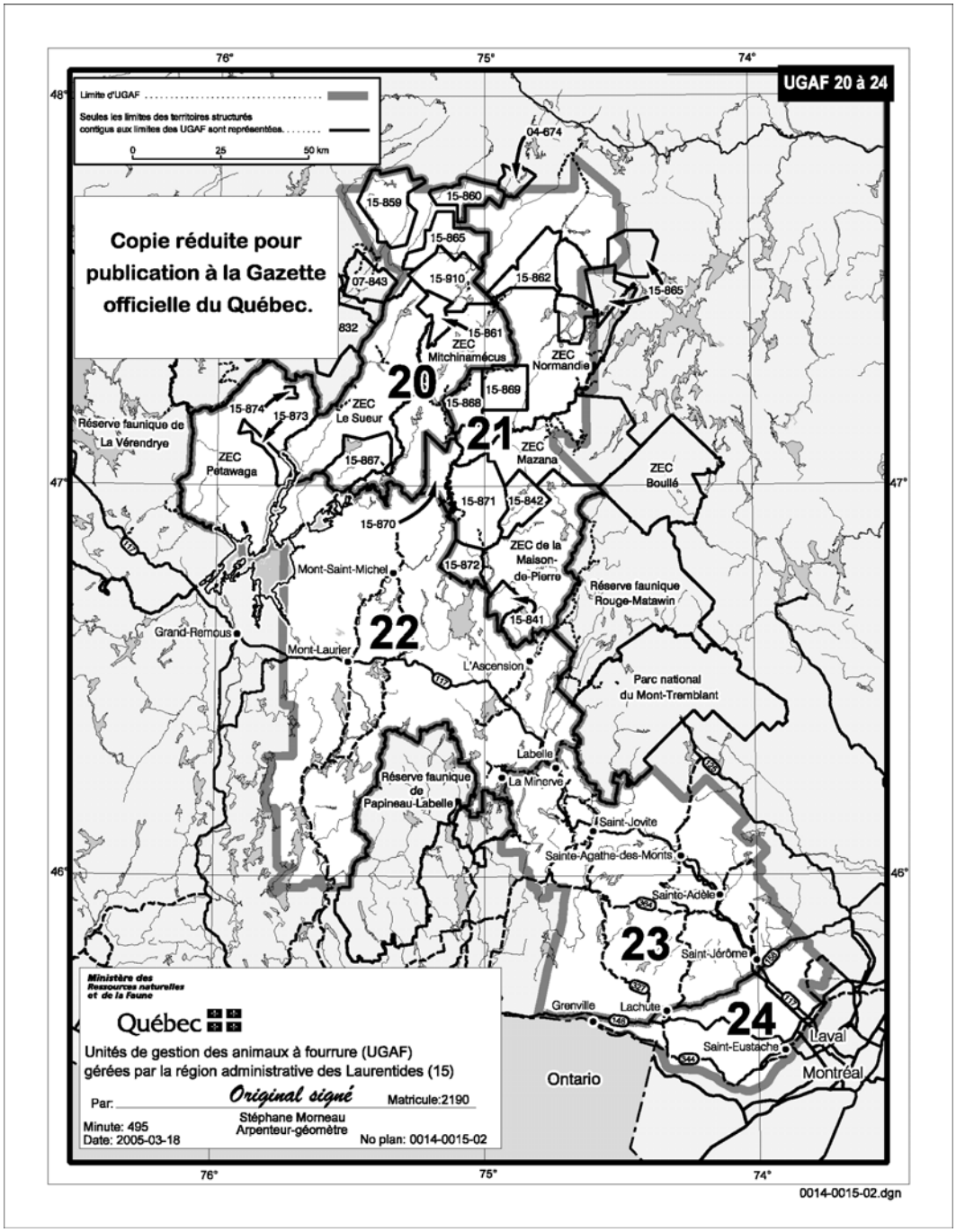
The delimitation of the fur-bearing animal management units effected by the Société de la faune et des parcs du Québec by Resolution 02-61 dated 30 May 2002 is modified by replacing Schedules III, V, VI and VII by the attached Schedules III, V, VI and VII;

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

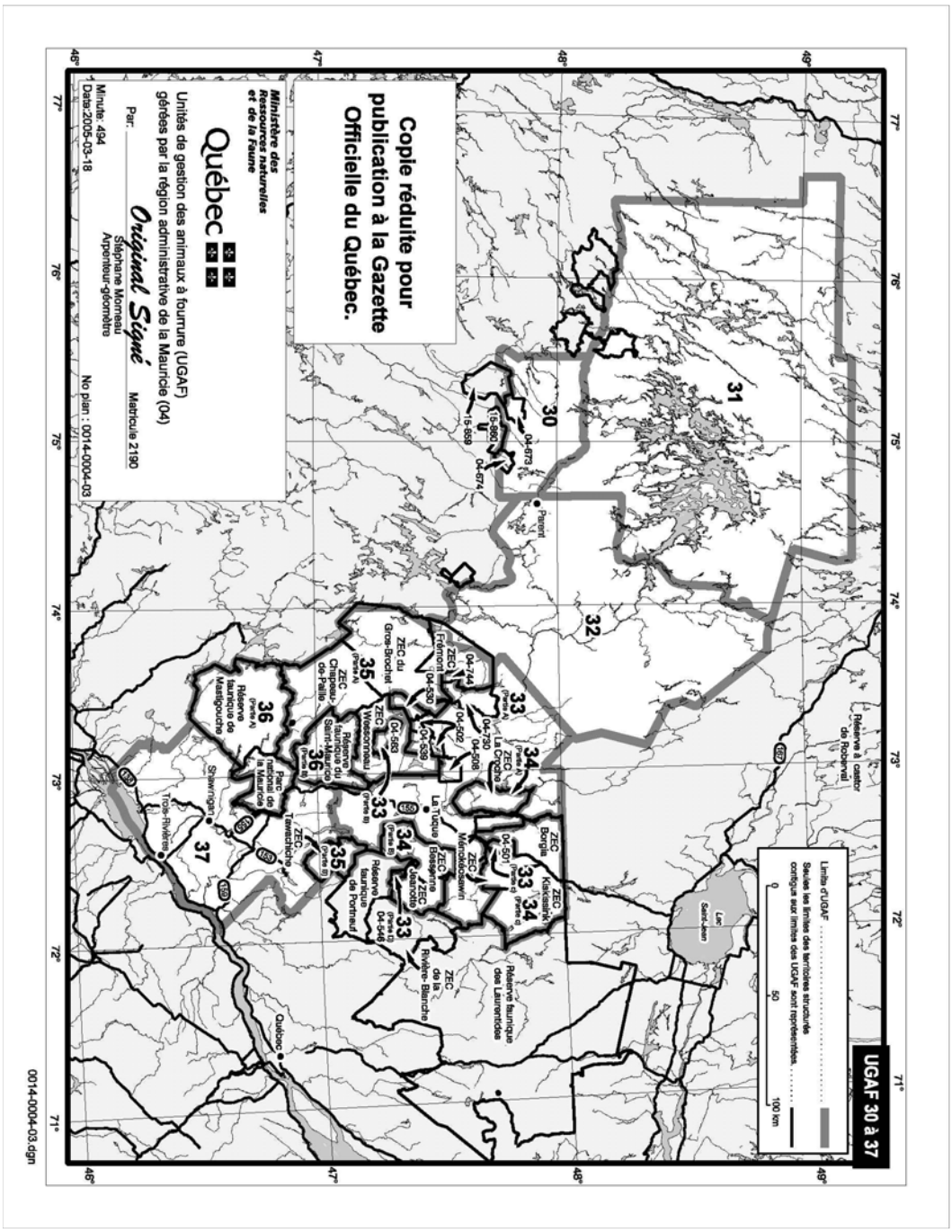
Québec, 9 June 2005

PIERRE CORBEIL,
Minister of Natural Resources and Wildlife

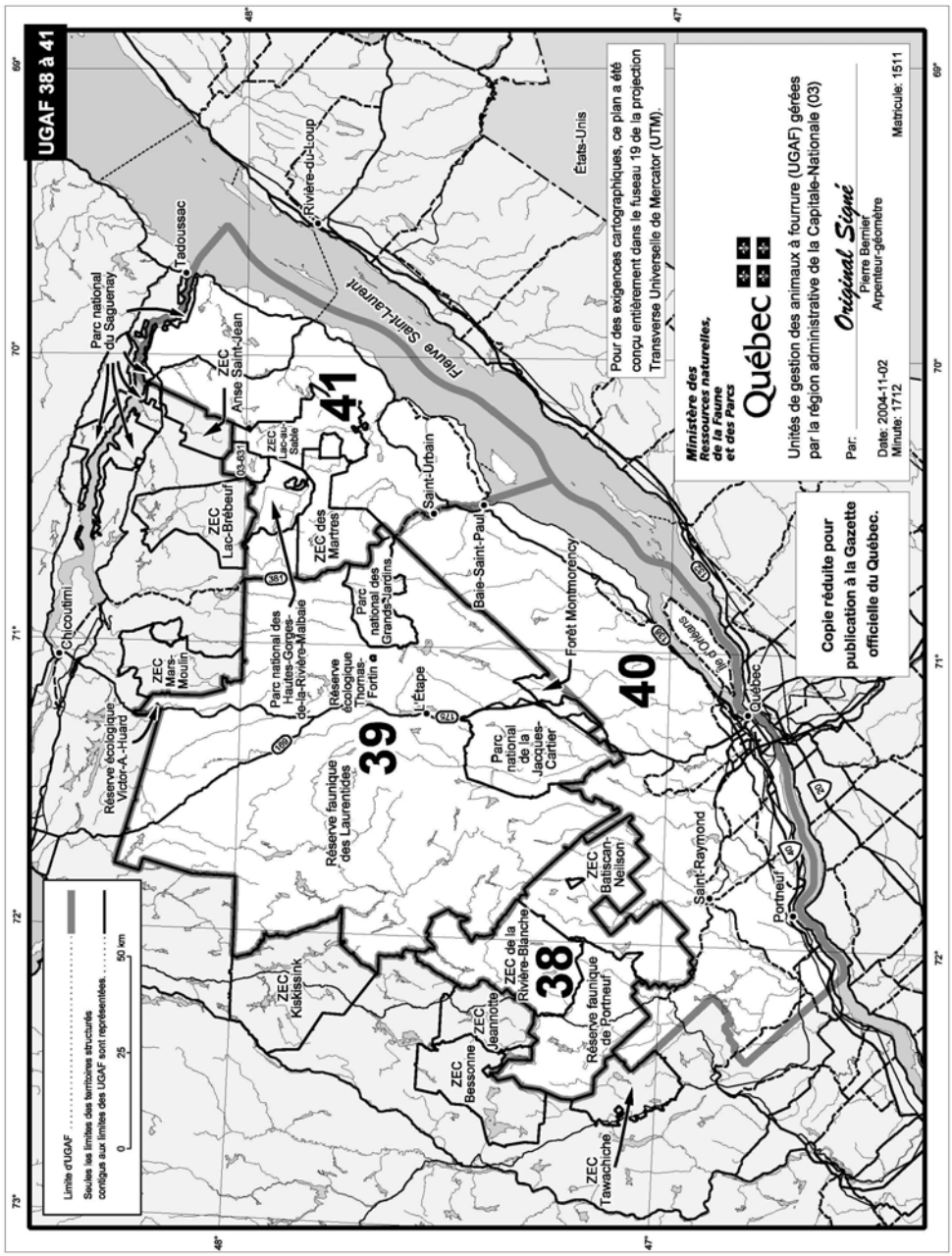
SCHEDULE III



SCHEDULE V


UGAF 30 à 37
Limites d'UGAF
Seules les limites des territoires structurés contiguës aux limites des UGAF sont représentées.
0 50 100 km
Copie réduite pour publication à la Gazette Officielle du Québec.
Ministère des Ressources naturelles et de la Faune
Québec
Unités de gestion des animaux à fourrure (UGAF) gérées par la région administrative de la Mauricie (04)
Par: Original Signé Matricule 2190
Stéphane Morneau
Arpenteur-géomètre
Minute: 494
Date:2005-03-18
No plan : 0014-0004-03
0014-0004-03.dgn

SCHEDULE VI


UGAF 38 à 41
Limite d'UGAF
Seules les limites des territoires structurés contigus aux limites des UGAF sont représentées.
0 25 50 km
Pour des exigences cartographiques, ce plan a été conçu entièrement dans le fuseau 19 de la projection Transverse Universelle de Mercator (UTM).
Ministère des Ressources naturelles, de la Faune et des Parcs
Québec
Unités de gestion des animaux à fourrure (UGAF) gérées par la région administrative de la Capitale-Nationale (03)
Par: Original Signé
Pierre Bernier
Arpenteur-géomètre
Date: 2004-11-02
Minute: 1712
Matricule: 1511
Copie réduite pour publication à la Gazette officielle du Québec.
38
39
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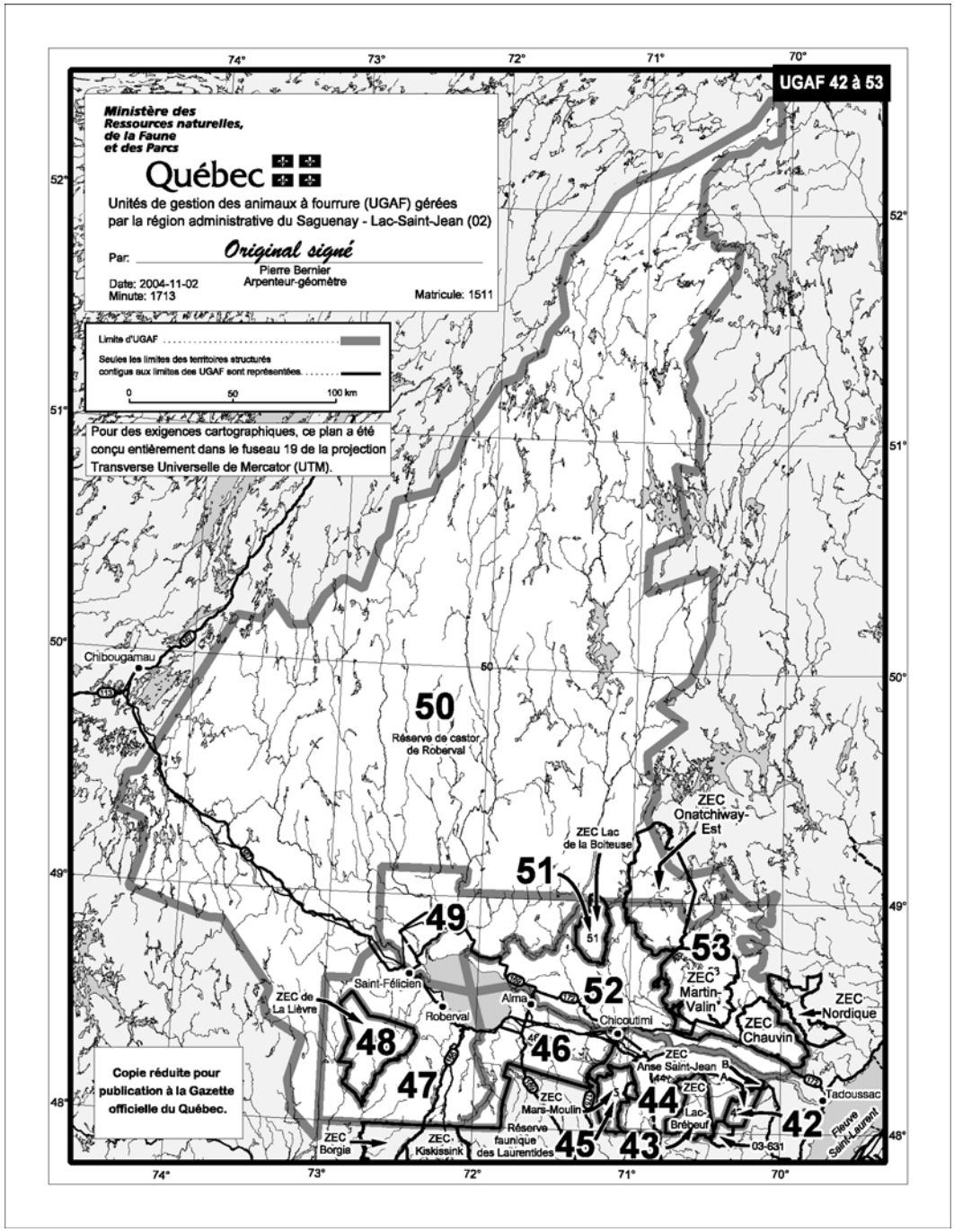
41
Rivière-du-Loup
Tadoussac
Chicoutimi
Québec
Saint-Urbain
Baie-Saint-Paul
Saint-Raymond
Portneuf
L'Étape
Forêt Montmorency
Île d'Orléans
Fleuve Saint-Laurent
États-Unis
Parc national du Saguenay
Parc national des Hautes-Gorges-de-la-Rivière-Malbaie
Parc national des Grands-Jardins
Parc national de la Jacques-Cartier
Réserve écologique Victor-A.-Huard
Réserve écologique Thomas-Fortin
Réserve faunique des Laurentides
Réserve faunique de Portneuf
ZEC Anse Saint-Jean
ZEC Lac-au-Sable
ZEC Lac-Bréboeuf
ZEC des Martres
ZEC Mars-Moulin
ZEC Kiskissink
ZEC Jeannotte
ZEC Bessonne
ZEC de la Rivière-Blanche
ZEC Batiscan-Neilson
ZEC Tawachiche

SCHEDULE VII



M.O., 2005-10

Order number V-1.1-2005-10 of the Minister of Finance dated 7 June 2005

Securities Act
(R.S.Q., c. V-1.1 ; 2004, c. 37)

CONCERNING the Regulation 52-110 respecting audit committees

WHEREAS the Securities Act (R.S.Q., c. V-1.1) has been amended by the chapter 37 of the statutes of 2004 ;

WHEREAS paragraphs 1, 11, 19.2 and 34 of section 331.1 of the Securities Act stipulate that the Autorité des marchés financiers may make regulations concerning the matters referred to in those paragraphs ;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication ;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation ;

WHEREAS sections 691 and 696 of chapter 45 of the statutes of 2002 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Commission" wherever it appears by "Agency", and making the necessary modifications ;

WHEREAS sections 37 and 38 of chapter 37 of the statutes of 2004 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Agency" wherever it appears by "Authority" ;

WHEREAS the draft Regulation 52-110 respecting audit committees was published in the Supplement to the weekly Bulletin of the Commission des valeurs mobilières du Québec, volume 35, No. 2 of January 16, 2004 ;

WHEREAS on June 3, 2005, by the decision No. 2005-PDG-0154, the Authority made the Regulation 52-110 respecting audit committees ;

WHEREAS there is cause to approve this regulation without amendment ;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation 52-110 respecting audit committees appended hereto.

June 7, 2005

MICHEL AUDET,
Minister of Finance

Regulation 52-110 respecting audit committees

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (11), (19.2) and (34) ; 2004, c. 37)

PART 1
DEFINITIONS AND APPLICATION

1.1 **Definitions**

In this Regulation,

"accounting principles" has the meaning ascribed to it in Regulation 52-107 respecting Acceptable Accounting Principles, Auditing Standards and Reporting Currency approved by Minister's Order No. 2005-08 dated May 19, 2005 ;

"AIF" has the meaning ascribed to it in Regulation 51-102 respecting Continuous Disclosure Obligations approved by Minister's Order No. 2005-03 dated May 19, 2005 ;

"asset-backed security" has the meaning ascribed to it in Regulation 51-102 ;

"audit committee" means a committee (or an equivalent body) established by and among the board of directors of an issuer for the purpose of overseeing the accounting and financial reporting processes of the issuer and audits, by its external auditor, of the financial statements of the issuer, and, if no such committee exists, the entire board of directors of the issuer ;

"audit services" means the professional services rendered by the issuer's external auditor for the audit and review of the issuer's financial statements or services that are normally provided by the external auditor in connection with statutory and regulatory filings or engagements ;

"board of directors" means, for a person or company that does not have a board of directors, an individual or group that acts in a capacity similar to a board of directors ;

"credit support issuer" has the meaning ascribed to it in section 13.4 of Regulation 51-102;

"designated foreign issuer" has the meaning ascribed to it in Regulation 71-102 respecting Continuous Disclosure and Other Exemptions Relating to Foreign Issuers;

"exchangeable security issuer" has the meaning ascribed to it in section 13.3 of Regulation 51-102;

"executive officer" of an entity means an individual who is:

(a) a chair of the entity;

(b) a vice-chair of the entity;

(c) the president of the entity;

(d) a vice-president of the entity in charge of a principal business unit, division or function including sales, finance or production;

(e) an officer of the entity or any of its subsidiary entities who performs a policy-making function in respect of the entity; or

(f) an individual who performs a policy-making function in respect of the entity, excluding the individuals set out in paragraphs *a* to *e*;

"foreign private issuer" means an issuer that is a foreign private issuer within the meaning of Rule 405 under the 1934 Act;

"immediate family member" means an individual's spouse, parent, child, sibling, mother or father-in-law, son or daughter-in-law, brother or sister-in-law, and anyone (other than an employee of either the individual or the individual's immediate family member) who shares the individual's home;

"investment fund" has the meaning ascribed to it in Regulation 51-102;

"marketplace" has the meaning ascribed to it in Regulation entitled National Instrument 21-101, Marketplace Operation adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0409 dated August 28, 2001;

"MD&A" has the meaning ascribed to it in Regulation 51-102;

"non-audit services" means services other than audit services;

"SEC foreign issuer" has the meaning ascribed to it in Regulation 71-102 respecting Continuous Disclosure and Other Exemptions Relating to Foreign Issuers approved by Minister's Order No. 2005-07 dated May 19, 2005;

"U.S. marketplace" means an exchange registered as a 'national securities exchange' under section 6 of the 1934 Act, or the Nasdaq Stock Market;

"venture issuer" means an issuer that, at the end of its most recently completed financial year, does not have any of its securities listed or quoted on the Toronto Stock Exchange, a U.S. marketplace or a marketplace outside of Canada and the United States of America.".

1.2 **Application**

This Regulation applies to all reporting issuers other than:

(a) investment funds;

(b) issuers of asset-backed securities;

(c) designated foreign issuers;

(d) SEC foreign issuers;

(e) issuers that are subsidiary entities, if

i. the subsidiary entity does not have equity securities (other than non-convertible, non-participating preferred securities) trading on a marketplace, and

ii. the parent of the subsidiary entity is

(A) subject to the requirements of this Regulation, or

(B) an issuer that (1) has securities listed or quoted on a U.S. marketplace, and (2) is in compliance with the requirements of that U.S. marketplace applicable to issuers, other than foreign private issuers, regarding the role and composition of audit committees;

(f) exchangeable security issuers, if the exchangeable security issuer qualifies for the relief contemplated by, and is in compliance with the requirements and conditions set out in, section 13.3 of Regulation 51-102; and

(g) credit support issuers, if the credit support issuer qualifies for the relief contemplated by, and is in compliance with the requirements and conditions set out in, section 13.4 of Regulation 51-102.

1.3 **Member of Affiliated Entity, Subsidiary Entity and Control**

(1) For the purposes of this Regulation, a person or company is considered to be an affiliated entity of another person or company if

(a) one of them controls or is controlled by the other or if both persons or companies are controlled by the same person or company, or

(b) the person is an individual who is

i. both a director and an employee of an affiliated entity, or

ii. an executive officer, general partner or managing member of an affiliated entity.

(2) For the purposes of this Regulation, a person or company is considered to be a subsidiary entity of another person or company if

(a) it is controlled by,

i. that other, or

ii. that other and one or more persons or companies each of which is controlled by that other, or

iii. two or more persons or companies, each of which is controlled by that other; or

(b) it is a subsidiary entity of a person or company that is the other's subsidiary entity.

(3) For the purpose of this Regulation, "control" means the direct or indirect power to direct or cause the direction of the management and policies of a person or company, whether through ownership of voting securities or otherwise.

(4) Despite subsection (1), an individual will not be considered to control an issuer for the purposes of this Regulation if the individual:

(a) owns, directly or indirectly, ten per cent or less of any class of voting securities of the issuer; and

(b) is not an executive officer of the issuer.

1.4 **Independence**

(1) An audit committee member is independent if he or she has no direct or indirect material relationship with the issuer.

(2) For the purposes of subsection (1), a "material relationship" is a relationship which could, in the view of the issuer's board of directors, be reasonably expected to interfere with the exercise of a member's independent judgement.

(3) Despite subsection (2), the following individuals are considered to have a material relationship with an issuer:

(a) an individual who is, or has been within the last three years, an employee or executive officer of the issuer;

(b) an individual whose immediate family member is, or has been within the last three years, an executive officer of the issuer;

(c) an individual who:

i. is a partner of a firm that is the issuer's internal or external auditor,

ii. is an employee of that firm, or

iii. was within the last three years a partner or employee of that firm and personally worked on the issuer's audit within that time;

(d) an individual whose spouse, minor child or stepchild, or child or stepchild who shares a home with the individual:

i. is a partner of a firm that is the issuer's internal or external auditor,

ii. is an employee of that firm and participates in its audit, assurance or tax compliance (but not tax planning) practice, or

iii. was within the last three years a partner or employee of that firm and personally worked on the issuer's audit within that time;

(e) an individual who, or whose immediate family member, is or has been within the last three years, an executive officer of an entity if any of the issuer's current executive officers serves or served at that same time on the entity's compensation committee; and

(f) an individual who received, or whose immediate family member who is employed as an executive officer of the issuer received, more than $75,000 in direct compensation from the issuer during any 12 month period within the last three years.

(4) Despite subsection (3), an individual will not be considered to have a material relationship with the issuer solely because

(a) he or she had a relationship identified in subsection (3) if that relationship ended before June 30, 2005; or

(b) he or she had a relationship considered to be material under this section with the parent or subsidiary of the issuer that ended before June 30, 2005.

(5) For the purposes of clauses (3)*c* and (3)*d*, a partner does not include a fixed income partner whose interest in the firm that is the internal or external auditor is limited to the receipt of fixed amounts of compensation (including deferred compensation) for prior service with that firm if the compensation is not contingent in any way on continued service.

(6) For the purposes of clause (3)*f*, direct compensation does not include:

(a) remuneration for acting as a member of the board of directors or of any board committee of the issuer, and

(b) the receipt of fixed amounts of compensation under a retirement plan (including deferred compensation) for prior service with the issuer if the compensation is not contingent in any way on continued service.

(7) Despite subsection (3), an individual will not be considered to have a material relationship with the issuer solely because the individual or his or her immediate family member

(a) has previously acted as an interim chief executive officer of the issuer, or

(b) acts, or has previously acted, as a chair or vice-chair of the board of directors or of any board committee of the issuer on a part-time basis.

(8) For the purpose of section 1.4, an issuer includes a subsidiary entity of the issuer and a parent of the issuer.

1.5 **Additional Independence Requirements**

(1) Despite any determination made under section 1.4, an individual who

(a) accepts, directly or indirectly, any consulting, advisory or other compensatory fee from the issuer or any subsidiary entity of the issuer, other than as remuneration for acting in his or her capacity as a member of the board of directors or any board committee, or as a part-time chair or vice-chair of the board or any board committee; or

(b) is an affiliated entity of the issuer or any of its subsidiary entities,

is considered to have a material relationship with the issuer.

(2) For the purposes of subsection (1), the indirect acceptance by an individual of any consulting, advisory or other compensatory fee includes acceptance of a fee by

(a) an individual's spouse, minor child or stepchild, or a child or stepchild who shares the individual's home; or

(b) an entity in which such individual is a partner, member, an officer such as a managing director occupying a comparable position or executive officer, or occupies a similar position (except limited partners, non-managing members and those occupying similar positions who, in each case, have no active role in providing services to the entity) and which provides accounting, consulting, legal, investment banking or financial advisory services to the issuer or any subsidiary entity of the issuer.

(3) For the purposes of subsection (1), compensatory fees do not include the receipt of fixed amounts of compensation under a retirement plan (including deferred compensation) for prior service with the issuer if the compensation is not contingent in any way on continued service.

1.6 **Meaning of Financial Literacy**

For the purposes of this Regulation, an individual is financially literate if he or she has the ability to read and understand a set of financial statements that present a breadth and level of complexity of accounting issues that are generally comparable to the breadth and complexity of the issues that can reasonably be expected to be raised by the issuer's financial statements.

PART 2
AUDIT COMMITTEE RESPONSIBILITIES

2.1 **Audit Committee**

Every issuer must have an audit committee that complies with the requirements of the Regulation.

2.2 **Relationship with External Auditors**

Every issuer must require its external auditor to report directly to the audit committee.

2.3 **Audit Committee Responsibilities**

(1) An audit committee must have a written charter that sets out its mandate and responsibilities.

(2) An audit committee must recommend to the board of directors:

(a) the external auditor to be nominated for the purpose of preparing or issuing an auditor's report or performing other audit, review or attest services for the issuer; and

(b) the compensation of the external auditor.

(3) An audit committee must be directly responsible for overseeing the work of the external auditor engaged for the purpose of preparing or issuing an auditor's report or performing other audit, review or attest services for the issuer, including the resolution of disagreements between management and the external auditor regarding financial reporting.

(4) An audit committee must pre-approve all non-audit services to be provided to the issuer or its subsidiary entities by the issuer's external auditor.

(5) An audit committee must review the issuer's financial statements, MD&A and annual and interim earnings press releases before the issuer publicly discloses this information.

(6) An audit committee must be satisfied that adequate procedures are in place for the review of the issuer's public disclosure of financial information extracted or derived from the issuer's financial statements, other than the public disclosure referred to in subsection (5), and must periodically assess the adequacy of those procedures.

(7) An audit committee must establish procedures for:

(a) the receipt, retention and treatment of complaints received by the issuer regarding accounting, internal accounting controls, or auditing matters; and

(b) the confidential, anonymous submission by employees of the issuer of concerns regarding questionable accounting or auditing matters.

(8) An audit committee must review and approve the issuer's hiring policies regarding partners, employees and former partners and employees of the present and former external auditor of the issuer.

2.4 **De Minimis Non-Audit Services**

An audit committee satisfies the pre-approval requirement in subsection 2.3(4) if:

(a) the aggregate amount of all the non-audit services that were not pre-approved is reasonably expected to constitute no more than five per cent of the total amount of fees paid by the issuer and its subsidiary entities to the issuer's external auditor during the fiscal year in which the services are provided;

(b) the issuer or the subsidiary entity of the issuer, as the case may be, did not recognize the services as non-audit services at the time of the engagement; and

(c) the services are promptly brought to the attention of the audit committee of the issuer and approved, prior to the completion of the audit, by the audit committee or by one or more of its members to whom authority to grant such approvals has been delegated by the audit committee.

2.5 **Delegation of Pre-Approval Function**

(1) An audit committee may delegate to one or more independent members the authority to pre-approve non-audit services in satisfaction of the requirement in subsection 2.3(4).

(2) The pre-approval of non-audit services by any member to whom authority has been delegated pursuant to subsection (1) must be presented to the audit committee at its first scheduled meeting following such pre-approval.

2.6 **Pre-Approval Policies and Procedures**

An audit committee satisfies the pre-approval requirement in subsection 2.3(4) if it adopts specific policies and procedures for the engagement of the non-audit services, if:

(a) the pre-approval policies and procedures are detailed as to the particular service;

(b) the audit committee is informed of each non-audit service; and

(c) the procedures do not include delegation of the audit committee's responsibilities to management.

PART 3
COMPOSITION OF THE AUDIT COMMITTEE

3.1 **Composition**

(1) An audit committee must be composed of a minimum of three members.

(2) Every audit committee member must be a director of the issuer.

(3) Subject to sections 3.2, 3.3, 3.4, 3.5 and 3.6, every audit committee member must be independent.

(4) Subject to sections 3.5 and 3.8, every audit committee member must be financially literate.

3.2 **Initial Public Offerings**

(1) Subject to section 3.9, if an issuer has filed a prospectus to qualify the distribution of securities that constitutes its initial public offering, subsection 3.1(3) does not apply for a period of up to 90 days commencing on the date of the receipt for the prospectus, provided that one member of the audit committee is independent.

(2) Subject to section 3.9, if an issuer has filed a prospectus to qualify the distribution of securities that constitutes its initial public offering, subsection 3.1(3) does not apply for a period of up to one year commencing on the date of the receipt for the prospectus, provided that a majority of the audit committee members are independent.

3.3 **Controlled Companies**

(1) An audit committee member that sits on the board of directors of an affiliated entity is exempt from the requirement in subsection 3.1(3) if the member, except for being a director (or member of a board committee) of the issuer and the affiliated entity, is otherwise independent of the issuer and the affiliated entity.

(2) Subject to section 3.7, an audit committee member is exempt from the requirement in subsection 3.1(3) if:

(a) the member would be independent of the issuer but for the relationship described in paragraph 1.5(1)*b* or as a result of section 1.4;

(b) the member is not an executive officer, general partner or managing member of a person or company that

i. is an affiliated entity of the issuer, and

ii. has its securities trading on a marketplace;

(c) the member is not an immediate family member of an executive officer, general partner or managing member referred to in paragraph *b*, above;

(d) the member does not act as the chair of the audit committee; and

(e) the board determines in its reasonable judgement that

i. the member is able to exercise the impartial judgement necessary for the member to fulfill his or her responsibilities as an audit committee member, and

ii. the appointment of the member is required by the best interests of the issuer and its shareholders.

3.4 **Events Outside Control of Member**

Subject to section 3.9, if an audit committee member ceases to be independent for reasons outside the member's reasonable control, the member is exempt from the requirement in subsection 3.1(3) for a period ending on the later of:

(a) the next annual meeting of the issuer, and

(b) the date that is six months from the occurrence of the event which caused the member to not be independent.

3.5 **Death, Disability or Resignation of Member**

Subject to section 3.9, if the death, disability or resignation of an audit committee member has resulted in a vacancy on the audit committee that the board of directors is required to fill, an audit committee member appointed to fill such vacancy is exempt from the requirements in subsections 3.1(3) and (4) for a period ending on the later of:

(a) the next annual meeting of the issuer, and

(b) the date that is six months from the day the vacancy was created.

3.6 **Temporary Exemption for Limited and Exceptional Circumstances**

Subject to section 3.7, an audit committee member is exempt from the requirement in subsection 3.1(3) if:

(a) the member is not an individual described in subsection 1.5(1);

(b) the member is not an employee or officer of the issuer, or an immediate family member of an employee or officer of the issuer;

(c) the board, under exceptional and limited circumstances, determines in its reasonable judgement that

i. the member is able to exercise the impartial judgement necessary for the member to fulfill his or her responsibilities as an audit committee member, and

ii. the appointment of the member is required by the best interests of the issuer and its shareholders;

(d) the member does not act as chair of the audit committee; and

(e) the member does not rely upon this exemption for a period of more than two years.

3.7 **Majority Independent**

The exemptions in subsection 3.3(2) and section 3.6 are not available to a member unless a majority of the audit committee members would be independent.

3.8 **Acquisition of Financial Literacy**

Subject to section 3.9, an audit committee member who is not financially literate may be appointed to the audit committee provided that the member becomes financially literate within a reasonable period of time following his or her appointment.

3.9 **Restriction on Use of Certain Exemptions**

The exemptions in sections 3.2, 3.4, 3.5 and 3.8 are not available to a member unless the issuer's board of directors has determined that the reliance on the exemption will not materially adversely affect the ability of the audit committee to act independently and to satisfy the other requirements of this Regulation.

PART 4
AUTHORITY OF THE AUDIT COMMITTEE

4.1 **Authority**

An audit committee must have the authority

(a) to engage independent counsel and other advisors as it determines necessary to carry out its duties,

(b) to set and pay the compensation for any advisors employed by the audit committee, and

(c) to communicate directly with the internal and external auditors.

PART 5
REPORTING OBLIGATIONS

5.1 **Required Disclosure**

Every issuer must include in its AIF the disclosure required by Form 52-110F1.

5.2 **Management Information Circular**

If management of an issuer solicits proxies from the security holders of the issuer for the purpose of electing directors to the issuer's board of directors, the issuer must include in its management information circular a cross-reference to the sections in the issuer's AIF that contain the information required by section 5.1.

PART 6
VENTURE ISSUERS

6.1 **Venture Issuers**

Venture issuers are exempt from the requirements of Parts 3 (Composition of the Audit Committee) and 5 (Reporting Obligations).

6.2 **Required Disclosure**

(1) Subject to subsection (2), if management of a venture issuer solicits proxies from the security holders of the venture issuer for the purpose of electing directors to its board of directors, the venture issuer must include in its management information circular the disclosure required by Form 52-110F2.

(2) A venture issuer that is not required to send a management information circular to its security holders must provide the disclosure required by Form 52-110F2 in its AIF or annual MD&A.

PART 7
U.S. LISTED ISSUERS

7.1 **U.S. Listed Issuers**

An issuer that has securities listed or quoted on a U.S. marketplace is exempt from the requirements of Parts 2 (Audit Committee Responsibilities), 3 (Composition of the Audit Committee), 4 (Authority of the Audit Committee), and 5 (Reporting Obligations), if:

(a) the issuer is in compliance with the requirements of that U.S. marketplace applicable to issuers, other than foreign private issuers, regarding the role and composition of audit committees; and

(b) if the issuer is incorporated, continued or otherwise organized in a jurisdiction in Canada, the issuer includes in its AIF the disclosure (if any) required by paragraph 7 of Form 52-110F1.

PART 8
EXEMPTIONS

8.1 **Exemptions**

(1) The securities regulatory authority may grant an exemption from this rule, in whole or in part, subject to such conditions or restrictions as may be imposed in the exemption.

(2) Despite subsection (1), in Ontario, only the regulator may grant such an exemption.

(3) In Québec, this exemption is granted pursuant to section 263 of the Securities Act (R.S.Q., c. V-1.1).

PART 9
EFFECTIVE DATE

9.1 **Effective Date**

(1) This Regulation comes into force on June 30, 2005.

FORM 52-110F1
AUDIT COMMITTEE INFORMATION REQUIRED IN AN AIF

1. **The Audit Committee's Charter**

Disclose the text of the audit committee's charter.

2. **Composition of the Audit Committee**

Disclose the name of each audit committee member and state whether or not the member is (i) independent and (ii) financially literate.

3. **Relevant Education and Experience**

Describe the education and experience of each audit committee member that is relevant to the performance of his or her responsibilities as an audit committee member and, in particular, disclose any education or experience that would provide the member with:

(a) an understanding of the accounting principles used by the issuer to prepare its financial statements;

(b) the ability to assess the general application of such accounting principles in connection with the accounting for estimates, accruals and reserves;

(c) experience preparing, auditing, analyzing or evaluating financial statements that present a breadth and level of complexity of accounting issues that are generally comparable to the breadth and complexity of issues that can reasonably be expected to be raised by the issuer's financial statements, or experience actively supervising one or more individuals engaged in such activities; and

(d) an understanding of internal controls and procedures for financial reporting.

4. **Reliance on Certain Exemptions**

If, at any time since the commencement of the issuer's most recently completed financial year, the issuer has relied on

(a) the exemption in section 2.4 (De Minimis Non-audit Services),

(b) the exemption in section 3.2 (Initial Public Offerings),

(c) the exemption in section 3.4 (Events Outside Control of Member),

(d) the exemption in section 3.5 (Death, Disability or Resignation of Audit Committee Member) or

(e) an exemption from this Instrument, in whole or in part, granted under Part 8 (Exemptions),

state that fact.

5. **Reliance on the Exemption in Subsection 3.3(2) or Section 3.6**

If, at any time since the commencement of the issuer's most recently completed financial year, the issuer has relied upon the exemption in subsection 3.3(2) (Controlled Companies) or section 3.6 (Temporary Exemption for Limited and Exceptional Circumstances), state that fact and disclose

(a) the name of the member, and

(b) the rationale for appointing the member to the audit committee.

6. **Reliance on Section 3.8**

If, at any time since the commencement of the issuer's most recently completed financial year, the issuer has relied upon section 3.8 (Acquisition of Financial Literacy), state that fact and disclose

(a) the name of the member,

(b) that the member is not financially literate, and

(c) the date by which the member expects to become financially literate.

7. **Audit Committee Oversight**

If, at any time since the commencement of the issuer's most recently completed financial year, a recommendation of the audit committee to nominate or compensate an external auditor was not adopted by the board of directors, state that fact and explain why.

8. **Pre-Approval Policies and Procedures**

If the audit committee has adopted specific policies and procedures for the engagement of non-audit services, describe those policies and procedures.

9. **External Auditor Service Fees (By Category)**

(1) Disclose, under the caption "Audit Fees", the aggregate fees billed by the issuer's external auditor in each of the last two fiscal years for audit services.

(2) Disclose, under the caption "Audit-Related Fees", the aggregate fees billed in each of the last two fiscal years for assurance and related services by the issuer's external auditor that are reasonably related to the performance of the audit or review of the issuer's financial statements and are not reported under clause (1) above. Include a description of the nature of the services comprising the fees disclosed under this category.

(3) Disclose, under the caption "Tax Fees", the aggregate fees billed in each of the last two fiscal years for professional services rendered by the issuer's external auditor for tax compliance, tax advice, and tax planning. Include a description of the nature of the services comprising the fees disclosed under this category.

(4) Disclose, under the caption "All Other Fees", the aggregate fees billed in each of the last two fiscal years for products and services provided by the issuer's external auditor, other than the services reported under clauses (1) to (3), above. Include a description of the nature of the services comprising the fees disclosed under this category.

INSTRUCTION

The fees required to be disclosed by this paragraph 9 relate only to services provided to the issuer or its subsidiary entities by the issuer's external auditor.

FORM 52-110F2
DISCLOSURE BY VENTURE ISSUERS

1. **The Audit Committee's Charter**

Disclose the text of the audit committee's charter.

2. **Composition of the Audit Committee**

Disclose the name of each audit committee member and state whether or not the member is (i) independent and (ii) financially literate.

3. **Relevant Education and Experience**

Describe the education and experience of each audit committee member that is relevant to the performance of his or her responsibilities as an audit committee member and, in particular, disclose any education or experience that would provide the member with:

(a) an understanding of the accounting principles used by the issuer to prepare its financial statements;

(b) the ability to assess the general application of such accounting principles in connection with the accounting for estimates, accruals and reserves;

(c) experience preparing, auditing, analyzing or evaluating financial statements that present a breadth and level of complexity of accounting issues that are generally comparable to the breadth and complexity of issues that can reasonably be expected to be raised by the issuer's financial statements, or experience actively supervising one or more individuals engaged in such activities; and

(d) an understanding of internal controls and procedures for financial reporting.

4. **Audit Committee Oversight**

If, at any time since the commencement of the issuer's most recently completed financial year, a recommendation of the audit committee to nominate or compensate an external auditor was not adopted by the board of directors, state that fact and explain why.

5. **Reliance on Certain Exemptions**

If, at any time since the commencement of the issuer's most recently completed financial year, the issuer has relied on

(a) the exemption in section 2.4 (De Minimis Non-audit Services), or

(b) an exemption from this Instrument, in whole or in part, granted under Part 8 (Exemptions),

state that fact.

6. **Pre-Approval Policies and Procedures**

If the audit committee has adopted specific policies and procedures for the engagement of non-audit services, describe those policies and procedures.

7. **External Auditor Service Fees (By Category)**

(1) Disclose, under the caption "Audit Fees", the aggregate fees billed by the issuer's external auditor in each of the last two fiscal years for audit fees.

(2) Disclose, under the caption "Audit-Related Fees", the aggregate fees billed in each of the last two fiscal years for assurance and related services by the issuer's external auditor that are reasonably related to the performance of the audit or review of the issuer's financial statements and are not reported under clause (1) above. Include a description of the nature of the services comprising the fees disclosed under this category.

(3) Disclose, under the caption "Tax Fees", the aggregate fees billed in each of the last two fiscal years for professional services rendered by the issuer's external auditor for tax compliance, tax advice, and tax planning. Include a description of the nature of the services comprising the fees disclosed under this category.

(4) Disclose, under the caption "All Other Fees", the aggregate fees billed in each of the last two fiscal years for products and services provided by the issuer's external auditor, other than the services reported under clauses (1) to (3), above. Include a description of the nature of the services comprising the fees disclosed under this category.

INSTRUCTION

The fees required to be disclosed by this paragraph 7 relate only to services provided to the issuer or its subsidiary entities by the issuer's external auditor.

8. **Exemption**

Disclose that the issuer is relying upon the exemption in section 6.1 of the Instrument.

6886

M.O., 2005-09

Order number V-1.1-2005-09 of the Minister of Finance dated 7 June 2005

Securities Act
(R.S.Q., c. V-1.1 ; 2004, c. 37)

CONCERNING the Regulation 52-109 respecting certification of disclosure in issuers annual and interim filings

WHEREAS the Securities Act (R.S.Q., c. V-1.1) has been amended by the chapter 37 of the statutes of 2004 ;

WHEREAS paragraphs 1, 2, 3, 9, 11, 20 and 34 of section 331.1 of the Securities Act stipulate that the Autorité des marchés financiers may make regulations concerning the matters referred to in those paragraphs ;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication ;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation ;

WHEREAS sections 691 and 696 of chapter 45 of the statutes of 2002 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Commission" wherever it appears by "Agency", and making the necessary modifications ;

WHEREAS sections 37 and 38 of chapter 37 of the statutes of 2004 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Agency" wherever it appears by "Authority" ;

WHEREAS the draft Regulation 52-109 respecting certification of disclosure in issuers annual and interim filings was published in the Supplement to the weekly Bulletin of the Commission des valeurs mobilières du Québec, volume 35, No. 2 of January 16, 2004;

WHEREAS on June 3, 2005, by the decision no. 2005-PDG-0153, the Authority made the Regulation 52-109 respecting certification of disclosure in issuers annual and interim filings;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation 52-109 respecting certification of disclosure in issuers annual and interim filings appended hereto.

June 7, 2005

MICHEL AUDET,
Minister of Finance

Regulation 52-109 respecting certification of disclosure in issuers' annual and interim filings

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (2), (3), (9), (11), (20) and (34); 2004, c. 37)

PART 1
DEFINITIONS AND APPLICATION

1.1 **Definitions**

In this Regulation,

"AIF" has the meaning ascribed to it in Regulation 51-102 respecting Continuous Disclosure Obligations approved by Minister's Order No. 2005-03 dated May 19, 2005;

"annual certificate" means the certificate required to be filed pursuant to Part 2;

"annual filings" means the issuer's AIF, if any, and annual financial statements and annual MD&A filed under provincial and territorial securities legislation for the most recently completed financial year, including for greater certainty all documents and information that are incorporated by reference in the AIF;

"annual financial statements" means the annual financial statements required to be filed under Regulation 51-102;

"disclosure controls and procedures" means controls and other procedures of an issuer that are designed to provide reasonable assurance that information required to be disclosed by the issuer in its annual filings, interim filings or other reports filed or submitted by it under provincial and territorial securities legislation is recorded, processed, summarized and reported within the time periods specified in the provincial and territorial securities legislation and include, without limitation, controls and procedures designed to ensure that information required to be disclosed by an issuer in its annual filings, interim filings or other reports filed or submitted under provincial and territorial securities legislation is accumulated and communicated to the issuer's management, including its chief executive officers and chief financial officers (or persons who perform similar functions to a chief executive officer or a chief financial officer), as appropriate to allow timely decisions regarding required disclosure;

"interim certificate" means the certificate required to be filed pursuant to Part 3;

"interim filings" means the issuer's interim financial statements and interim MD&A filed under provincial and territorial securities legislation for the most recently completed interim period;

"interim financial statements" means the interim financial statements required to be filed under Regulation 51-102;

"interim period" has the meaning ascribed to it in Regulation 51-102;

"internal control over financial reporting" means a process designed by, or under the supervision of, the issuer's chief executive officers and chief financial officers, or persons performing similar functions, and effected by the issuer's board of directors, management and other personnel, to provide reasonable assurance regarding the reliability of financial reporting and the preparation of financial statements for external purposes in accordance with the issuer's GAAP and includes those policies and procedures that:

(a) pertain to the maintenance of records that in reasonable detail accurately and fairly reflect the transactions and dispositions of the assets of the issuer,

(b) provide reasonable assurance that transactions are recorded as necessary to permit preparation of financial statements in accordance with the issuer's GAAP, and that receipts and expenditures of the issuer are being made only in accordance with authorizations of management and directors of the issuer, and

(c) provide reasonable assurance regarding prevention or timely detection of unauthorized acquisition, use or disposition of the issuer's assets that could have a material effect on the annual financial statements or interim financial statements;

"investment fund" has the meaning ascribed to it in Regulation 51-102;

"issuer's GAAP" has the meaning ascribed to it in Regulation 52-107;

"MD&A" has the meaning ascribed to it in Regulation 51-102;

"Sarbanes-Oxley Act" means the Sarbanes-Oxley Act of 2002, Pub.L. No. 107-204, 116 Stat. 745 (2002), of the United States of America;

"SEDAR" means the computer system for the transmission, receipt, acceptance, review and dissemination of documents filed in electronic format pursuant to Regulation 13-101 respecting the System for Electronic Document Analysis and Retrieval (SEDAR) adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0272 dated June 12, 2001;

"subsidiary" has the meaning ascribed to it in Section 1590 of the CICA Handbook; and

"US GAAP" has the meaning ascribed to it in Regulation 52-107 respecting Acceptable Accounting Principles, Auditing Standards and Reporting Currency approved by Minister's Order No. 2005-08 dated May 19, 2005.

1.2 **Application**

This Regulation applies to all reporting issuers other than investment funds.

PART 2
CERTIFICATION OF ANNUAL FILINGS

2.1 Every issuer must file a separate annual certificate, in Form 52-109F1, in respect of and personally signed by each person who, at the time of filing the annual certificate:

(a) is a chief executive officer;

(b) is a chief financial officer; and

(c) in the case of an issuer that does not have a chief executive officer or chief financial officer, performs similar functions to a chief executive officer or a chief financial officer, as the case may be.

2.2 The annual certificates must be filed by the issuer separately but concurrently with the latest of the following:

(a) if it files an AIF, the filing of its AIF; and

(b) the filing of its annual financial statements and annual MD&A.

PART 3
CERTIFICATION OF INTERIM FILINGS

3.1 Every issuer must file for each interim period a separate interim certificate, in Form 52-109F2, in respect of and personally signed by each person who, at the time of the filing of the interim certificate:

(a) is a chief executive officer;

(b) is a chief financial officer; and

(c) in the case of an issuer that does not have a chief executive officer or chief financial officer, performs similar functions to a chief executive officer or a chief financial officer, as the case may be.

3.2 The interim certificates must be filed by the issuer separately but concurrently with the filing of its interim filings.

PART 4
EXEMPTIONS

4.1 **Exemption for Issuers that Comply with U.S. Laws**

(1) An issuer is exempt from Part 2 with respect to the most recently completed financial year if:

(a) the issuer is in compliance with U.S. federal securities laws implementing the annual report certification requirements in section 302*(a)* of the Sarbanes-Oxley Act; and

(b) the issuer's signed certificates relating to its annual report for its most recently completed financial year are filed through SEDAR as soon as reasonably practicable after they are filed with the SEC.

(2) An issuer is exempt from Part 3 with respect to the most recently completed interim period if :

(a) the issuer is in compliance with U.S. federal securities laws implementing the quarterly report certification requirements in section 302*(a)* of the Sarbanes-Oxley Act ; and

(b) the issuer's signed certificates relating to its quarterly report for its most recently completed quarter are filed through SEDAR as soon as reasonably practicable after they are filed with the SEC.

(3) An issuer is exempt from Part 3 with respect to the most recently completed interim period if :

(a) the issuer furnishes to the SEC a current report on Form 6-K under the 1934 Act containing the issuer's quarterly financial statements and MD&A ;

(b) the Form 6-K is accompanied by signed certificates that are furnished to the SEC in the same form required by U.S. federal securities laws implementing the quarterly report certification requirements in section 302*(a)* of the Sarbanes-Oxley Act ; and

(c) the signed certificates relating to the quarterly report filed under cover of the Form 6-K are filed through SEDAR as soon as reasonably practicable after they are furnished to the SEC.

(4) Notwithstanding subsection 4.1(1), Part 2 of this Regulation applies to an issuer with respect to the most recently completed financial year if the issuer files annual financial statements prepared in accordance with Canadian GAAP, unless the issuer files those statements with the SEC in compliance with U.S. federal securities laws implementing the annual report certification requirements in section 302*(a)* of the Sarbanes-Oxley Act.

(5) Notwithstanding subsection 4.1(2), Part 3 of this Regulation applies to an issuer with respect to the most recently completed interim period if the issuer files interim financial statements prepared in accordance with Canadian GAAP, unless the issuer files those statements with the SEC in compliance with U.S. federal securities laws implementing the quarterly report certification requirements in section 302*(a)* of the Sarbanes-Oxley Act.

4.2 **Exemption for Foreign Issuers**

An issuer is exempt from the requirements in this Regulation so long as it qualifies for the relief contemplated by, and is in compliance with the requirements and conditions set out in, sections 5.4 and 5.5 of Regulation 71-102 respecting Continuous Disclosure and Other Exemptions Relating to Foreign Issuers approved by Minister's Order No. 2005-07 dated May 19, 2005.

4.3 **Exemption for Certain Exchangeable Security Issuers**

An issuer is exempt from the requirements in this Regulation so long as it qualifies for the relief contemplated by, and is in compliance with the requirements and conditions set out in, section 13.3 of Regulation 51-102.

4.4 **Exemption for Certain Credit Support Issuers**

An issuer is exempt from the requirements in this Regulation so long as it qualifies for the relief contemplated by, and is in compliance with the requirements and conditions set out in, section 13.4 of Regulation 51-102.

4.5 **General Exemption**

(1) The securities regulatory authority may grant an exemption from this Regulation, in whole or in part, subject to such conditions or restrictions as may be imposed in the exemption.

(2) Despite subsection (1), in Ontario only the regulator may grant such an exemption.

(3) In Québec, this exemption is granted pursuant to section 263 of the Securities Act (R.S.Q., c. V-1.1).

PART 5
EFFECTIVE DATE AND TRANSITION

5.1 **Effective Date**

This Regulation comes into force on June 30, 2005.

5.2 **Transition**

(1) Annual Certificates

(a) The provisions of this Regulation concerning annual certificates apply for financial years ended on or after June 30, 2005.

(b) Notwithstanding Part 2 or paragraph (1)*(a)*, an issuer may file annual certificates in Form 52-109FT1 in respect of any financial year ending on or before March 30, 2005.

c) Notwithstanding Part 2 or paragraph (1)*(a)*, an issuer that files an annual certificate in Form 52-109F1 in respect of a financial year ending on or before June 29, 2006 may omit from Form 52-109F1

i. the words "and internal control over financial reporting" in the introductory language in paragraph 4;

ii. paragraph 4*(b)*; and

iii. paragraph 5.

(2) Interim Certificates

(a) The provisions of this Regulation concerning interim certificates apply for interim periods ended on or after June 30, 2005.

(b) Notwithstanding Part 3 or paragraph (2)*(a)*, an issuer may file interim certificates in Form 52-109FT2 in respect of any interim period that occurs prior to the end of the first financial year in respect of which the issuer is required to file an annual certificate in Form 52-109F1.

(c) Notwithstanding Part 3 or paragraph (2)*(a)*, an issuer that files an interim certificate in Form 52-109F2 for a permitted interim period may omit from Form 52-109F2

i. the words "and internal control over financial reporting" in the introductory language in paragraph 4;

ii. paragraph 4*(b)*; and

iii. paragraph 5.

(d) For the purpose of paragraph (2)*(c)*, a permitted interim period is an interim period that occurs prior to the end of the issuer's first financial year ending after June 29, 2006.

FORM 52-109F1
CERTIFICATION OF ANNUAL FILINGS

I, ‹identify the certifying officer, the issuer, and his or her position at the issuer›, certify that:

1. I have reviewed the annual filings (as this term is defined in Regulation 52-109 respecting Certification of Disclosure in Issuers' Annual and Interim Filings) of ‹identify issuer› (the issuer) for the period ending ‹state the relevant date›;

2. Based on my knowledge, the annual filings do not contain any untrue statement of a material fact or omit to state a material fact required to be stated or that is necessary to make a statement not misleading in light of the circumstances under which it was made, with respect to the period covered by the annual filings;

3. Based on my knowledge, the annual financial statements together with the other financial information included in the annual filings fairly present in all material respects the financial condition, results of operations and cash flows of the issuer, as of the date and for the periods presented in the annual filings;

4. The issuer's other certifying officers and I are responsible for establishing and maintaining disclosure controls and procedures and internal control over financial reporting for the issuer, and we have:

(a) designed such disclosure controls and procedures, or caused them to be designed under our supervision, to provide reasonable assurance that material information relating to the issuer, including its consolidated subsidiaries, is made known to us by others within those entities, particularly during the period in which the annual filings are being prepared;

(b) designed such internal control over financial reporting, or caused it to be designed under our supervision, to provide reasonable assurance regarding the reliability of financial reporting and the preparation of financial statements for external purposes in accordance with the issuer's GAAP; and

(c) evaluated the effectiveness of the issuer's disclosure controls and procedures as of the end of the period covered by the annual filings and have caused the issuer to disclose in the annual MD&A our conclusions about the effectiveness of the disclosure controls and procedures as of the end of the period covered by the annual filings based on such evaluation; and

5. I have caused the issuer to disclose in the annual MD&A any change in the issuer's internal control over financial reporting that occurred during the issuer's most recent interim period that has materially affected, or is reasonably likely to materially affect, the issuer's internal control over financial reporting.

Date: _____

_____
[Signature]
[Title]

FORM 52-109FT1
CERTIFICATION OF ANNUAL FILINGS DURING TRANSITION PERIOD

I, ‹identify the certifying officer, the issuer, and his or her position at the issuer›, certify that:

1. I have reviewed the annual filings (as this term is defined in Regulation 52-109 respecting Certification of Disclosure in Issuers' Annual and Interim Filings) of ‹identify issuer› (the issuer) for the period ending ‹state the relevant date›;

2. Based on my knowledge, the annual filings do not contain any untrue statement of a material fact or omit to state a material fact required to be stated or that is necessary to make a statement not misleading in light of the circumstances under which it was made, with respect to the period covered by the annual filings; and

3. Based on my knowledge, the annual financial statements together with the other financial information included in the annual filings fairly present in all material respects the financial condition, results of operations and cash flows of the issuer, as of the date and for the periods presented in the annual filings.

Date: _____

_____
[Signature]
[Title]

FORM 52-109F2
CERTIFICATION OF INTERIM FILINGS

I ‹identify the certifying officer, the issuer, and his or her position at the issuer›, certify that:

1. I have reviewed the interim filings (as this term is defined in Regulation 52-109 respecting Certification of Disclosure in Issuers' Annual and Interim Filings) of ‹identify the issuer›, (the issuer) for the interim period ending ‹state the relevant date›;

2. Based on my knowledge, the interim filings do not contain any untrue statement of a material fact or omit to state a material fact required to be stated or that is necessary to make a statement not misleading in light of the circumstances under which it was made, with respect to the period covered by the interim filings;

3. Based on my knowledge, the interim financial statements together with the other financial information included in the interim filings fairly present in all material respects the financial condition, results of operations and cash flows of the issuer, as of the date and for the periods presented in the interim filings;

4. The issuer's other certifying officers and I are responsible for establishing and maintaining disclosure controls and procedures and internal control over financial reporting for the issuer, and we have:

(a) designed such disclosure controls and procedures, or caused them to be designed under our supervision, to provide reasonable assurance that material information relating to the issuer, including its consolidated subsidiaries, is made known to us by others within those entities, particularly during the period in which the interim filings are being prepared; and

(b) designed such internal control over financial reporting, or caused it to be designed under our supervision, to provide reasonable assurance regarding the reliability of financial reporting and the preparation of financial statements for external purposes in accordance with the issuer's GAAP; and

5. I have caused the issuer to disclose in the interim MD&A any change in the issuer's internal control over financial reporting that occurred during the issuer's most recent interim period that has materially affected, or is reasonably likely to materially affect, the issuer's internal control over financial reporting.

Date: _____

_____
[Signature]
[Title]

FORM 52-109FT2
CERTIFICATION OF INTERIM FILINGS DURING TRANSITION PERIOD

I ‹identify the certifying officer, the issuer, and his or her position at the issuer›, certify that:

1. I have reviewed the interim filings (as this term is defined in Regulation 52-109 respecting Certification of Disclosure in Issuers' Annual and Interim Filings) of ‹identify the issuer›, (the issuer) for the interim period ending ‹state the relevant date›;

2. Based on my knowledge, the interim filings do not contain any untrue statement of a material fact or omit to state a material fact required to be stated or that is necessary to make a statement not misleading in light of the circumstances under which it was made, with respect to the period covered by the interim filings; and

3. Based on my knowledge, the interim financial statements together with the other financial information included in the interim filings fairly present in all material respects the financial condition, results of operations and cash flows of the issuer, as of the date and for the periods presented in the interim filings.

Date: _____

_____
[Signature]
[Title]

6885

M.O., 2005-12

Order number V-1.1-2005-12 of the Minister of Finance dated 7 June 2005

Securities Act
(R.S.Q., c. V-1.1; 2004, c. 37)

CONCERNING the Regulation to amend Regulation 54-101 respecting communication with beneficial owners of securities of a reporting issuer

WHEREAS the Securities Act (R.S.Q., c. V-1.1) has been amended by the chapter 37 of the statutes of 2004;

WHEREAS paragraphs 1, 8 and 34 of section 331.1 of the Securities Act stipulate that the Autorité des marchés financiers may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS sections 691 and 696 of chapter 45 of the statutes of 2002 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Commission" wherever it appears by "Agency", and making the necessary modifications;

WHEREAS sections 37 and 38 of chapter 37 of the statutes of 2004 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Agency" wherever it appears by "Authority";

WHEREAS the Regulation 54-101 respecting communication with beneficial owners of securities of a reporting issuer have been made by the Commission des valeurs mobilières du Québec on March 3, 2003 by the decision No. 2003-C-0082;

WHEREAS the draft Regulation to amend Regulation 54-101 respecting communication with beneficial owners of securities of a reporting issuer was published in the Supplement to the Bulletin concerning securities of the Agence nationale d'encadrement du secteur financier, volume 1, No. 43 of November 26, 2004;

WHEREAS on June 3, 2005, by the decision No. 2005-PDG-0156, the Authority made the Regulation to amend Regulation 54-101 respecting communication with beneficial owners of securities of a reporting issuer;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation to amend Regulation 54-101 respecting communication with beneficial owners of securities of a reporting issuer appended hereto.

June 7, 2005

MICHEL AUDET,
Minister of Finance

Regulation to amend Regulation 54-101 respecting communication with beneficial owners of securities of a reporting issuer *

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (8) and (34); 2004, c. 37)

1. Section 1.1 of Regulation 54-101 respecting Communication with Beneficial Owners of Securities of a Reporting Issuer is amended:

* Regulation 54-101 respecting Communication with Beneficial Owners of Securities of a Reporting Issuer adopted on March 3, 2003 pursuant to decision No. 2003-C-0082 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 34, No. 19 dated May 16, 2003 has not been amended since its adoption.

(a) by replacing, wherever they appear, the words "this Instrument" with the words "this Regulation";

(b) by repealing the definition of "routine business";

(c) by inserting the following after the definition of "send":

""special meeting" means a meeting at which a special resolution is being submitted to the securityholders of a reporting issuer;

"special resolution" for a meeting:

(a) has the same meaning given to the term "special resolution" under corporate law; or

(b) if no such term exists under corporate law, means a resolution that is required to be passed by at least two-thirds of the votes cast;";

(d) by replacing the definition of "legal proxy" with the following:

""legal proxy" means a voting power of attorney, in the form of Form 54-101F8, granted to a beneficial owner or to a person designated by the beneficial owner, by either an intermediary or a reporting issuer under a written request of the beneficial owner;".

2. Subparagraph 2.2(2)*(h)* of the Regulation is replaced with the following:

"*(h)* whether the meeting is a special meeting.".

3. Section 2.20 of the Regulation is amended:

(a) by inserting "in paragraph 2.1*(b)*, or" after the word "prescribed";

(b) by replacing the words "this Instrument" in paragraph *(a)* with the words "this Regulation";

(c) by replacing the words "this Instrument" in paragraph *(b)* with the words "this Regulation".

4. Section 3.2 of the Regulation is amended by inserting "if applicable," at the beginning of subparagraph *(b)iii*.

5. Section 3.3 of the Regulation is amended:

(a) by replacing, wherever they appear, the words "this Instrument" with the words "this Regulation";

(b) in paragraph *(a)* by adding the word "and" after the word "pertains;";

(c) in paragraph *(b)*:

i. by replacing subparagraph *ii* with the following:

"ii. If the client was deemed to have permitted the intermediary to disclose the client's name and security holdings to the issuer of the security or other sender of material, the intermediary may choose to treat the client as a NOBO under this Regulation;";

ii. in subparagraph *iv*:

A) by deleting the words "or if the intermediary was permitted not to provide that material to the client,";

B) by replacing subparagraph A with the following:

"*(A)* proxy-related materials that are sent in connection with a securityholder meeting;";

iii. by inserting the following after subparagraph *iv*:

"v. If the intermediary was permitted not to provide material relating to annual meetings of securityholders or audited financial statements, the client is considered to have declined under this Regulation to receive:

(A) proxy-related materials that are sent in connection with a securityholder meeting that is not a special meeting;

(B) financial statements and annual reports that are not part of proxy-related materials; and

(C) materials sent to securityholders that are not required by corporate or securities law to be sent to registered securityholders";

iv. by replacing the numerical order of subparagraphs *v* and *vi* so they become subparagraphs *vi* and *vii* respectively;

(d) by repealing paragraph *(c)*.

6. The Regulation is amended by inserting the following after section 4.7:

"4.8 **Fees from Persons or Companies other than Reporting Issuers**

A proximate intermediary that receives securityholder materials from a person or company that is not a reporting issuer for sending to beneficial owners is not required to send the securityholder materials to any beneficial owners or intermediaries that are clients of the proximate

intermediary unless the proximate intermediary receives reasonable assurance of payment for the delivery of the securityholder materials.".

7. Section 6.2 of the Regulation is amended:

(a) by replacing subsection (1) with the following:

"(1) A person or company may take any action permitted under this Regulation to be taken by a reporting issuer and, in so doing, has all the rights, and is subject to all of the obligations, of a reporting issuer in connection with that action, unless this Regulation specifies a different right or obligation.";

(b) by replacing the words "this Instrument" in subsection (2) with the words "this Regulation";

(c) by replacing "section 2.18" in subsection (3) with "paragraphs 2.12(1)*(a)* and *(b)*, sections 2.14 and 2.18";

(d) by adding the following after subsection (5):

"(6) A person or company, other than a reporting issuer to which the request relates, that sends materials indirectly to beneficial owners shall pay to the proximate intermediary a fee for sending the securityholder materials to the beneficial owners.".

8. The title of Part 7 and section 7.1 of the Regulation are replaced with the following:

"**PART 7**
USE OF NOBO LIST AND INDIRECT SENDING OF MATERIALS

7.1 **Use of NOBO List**

No reporting issuer or other person or company shall use a NOBO list or a report prepared under section 5.3 relating to the reporting issuer and obtained under this Regulation, except in connection with:

(a) sending securityholder materials to NOBOs in accordance with this Regulation;

(b) an effort to influence the voting of securityholders of the reporting issuer;

(c) an offer to acquire securities of the reporting issuer; or

(d) any other matter relating to the affairs of the reporting issuer.

7.2 **Indirect Sending of Materials**

No person or company other than the reporting issuer shall send any materials indirectly to beneficial owners of a reporting issuer under section 2.12 of this Regulation except in connection with:

(a) an effort to influence the voting of securityholders of the reporting issuer;

(b) an offer to acquire securities of the reporting issuer; or

(c) any other matter relating to the affairs of the reporting issuer.".

9. Form 54-101F1 of the Regulation is amended:

(a) in the "Explanation to Clients" portion:

i. by replacing the second and third paragraphs under the heading "Disclosure of Beneficial Ownership Information" with the following:

"If you DO NOT OBJECT to the disclosure of your beneficial ownership information, please mark the first box in Part 1 of the form. In those circumstances, you will not be charged with any costs associated with sending securityholder materials to you.

If you OBJECT to the disclosure of your beneficial ownership information by us, please mark the second box in Part 1 of the form. If you do this, all materials to be delivered to you as a beneficial owner of securities will be delivered by us. [Instruction: Disclose particulars of any fees or charges that the intermediary may require an objecting beneficial owner to pay in connection with the sending of securityholder materials.]"

ii. by replacing the third paragraph under the heading "Receiving Securityholder Materials" with the following:

"Securities law permits you to decline to receive securityholder materials. The three types of materials that you may decline to receive are:

(a) proxy-related materials, including annual reports and financial statements, that are sent in connection with a securityholder meeting;

(b) annual reports and financial statements that are not part of proxy-related materials; and

(c) materials that a reporting issuer or other person or company sends to securityholders that are not required by corporate or securities law to be sent to registered holders.";

iii. by replacing "Either state" under the heading "Electronic Delivery of Documents" with the words "If applicable, either state" and replacing the words "the enclosed" with "an enclosed";

(b) by replacing Part 2 of the "Client Response Form" with the following:

"**PART 2 – Receiving Securityholder Materials**

Please mark the corresponding box to show what materials you want to receive. Securityholder materials sent to beneficial owners of securities consist of the following materials: *(a)* proxy-related materials for annual and special meetings; *(b)* annual reports and financial statements that are not part of proxy-related materials; and *(c)* materials sent to securityholders that are not required by corporate or securities law to be sent.

☐ I WANT to receive ALL securityholder materials sent to beneficial owners of securities.

☐ DECLINE to receive ALL securityholder materials sent to beneficial owners of securities. *(Even if I decline to receive these types of materials, I understand that a reporting issuer or other person or company is entitled to send these materials to me at its expense.)*

☐ WANT to receive ONLY proxy-related materials that are sent in connection with a special meeting.

(Important note: These instructions do not apply to any specific request you give or may have given to a reporting issuer concerning the sending of interim financial statements of the reporting issuer. In addition, in some circumstances, the instructions you give in this client response form will not apply to annual reports or financial statements of an investment fund that are *not* part of proxy-related materials. An investment fund is also entitled to obtain specific instructions from you on whether you wish to receive its annual report or financial statements, and where you provide specific instructions, the instructions in this form with respect to financial statements will not apply.)".

10. Form 54-101F2 of the Regulation is amended:

(a) by deleting the words "and whether only routine business is to be conducted at the meeting" in paragraph *(a)* of items 7.5 and 9.3 in Part 1;

(b) by replacing the words "the Instrument" at the end of item 6 in Part 2 with the words "the Regulation".

11. Form 54-101F8 of the Regulation is amended by replacing the words "the beneficial owner of, and are entitled to vote, such securities" in the fourth paragraph with the words "the beneficial owner of those securities or a person designated by the beneficial owner to vote such securities, and that you are entitled to vote such securities".

12. The Regulation is amended by replacing, wherever they appear, the words "this Instrument" with "this Regulation", and making the necessary changes.

13. This Regulation comes into effect on June 30, 2005.

Notwithstanding the first paragraph, the provisions contained in Regulation 54-101 respecting Communication with Beneficial Owners of Securities of a Reporting Issuer before the coming into force of these amendments apply to a reporting issuer that has filed a notice of a meeting and record date with the securities regulatory authority before June 30, 2005 even if such meeting takes place after such date.

6888

M.O., 2005-11

Order number V-1.1-2005-11 of the Minister of Finance dated 7 June 2005

Securities Act
(R.S.Q., c. V-1.1; 2004, c. 37)

CONCERNING the Regulation 58-101 respecting disclosure of corporate governance practices

WHEREAS the Securities Act (R.S.Q., c. V-1.1) has been amended by the chapter 37 of the statutes of 2004;

WHEREAS paragraphs 1, 2, 8 and 34 of section 331.1 of the Securities Act stipulate that the Autorité des marchés financiers may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS sections 691 and 696 of chapter 45 of the statutes of 2002 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Commission" wherever it appears by "Agency", and making the necessary modifications;

WHEREAS sections 37 and 38 of chapter 37 of the statutes of 2004 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Agency" wherever it appears by "Authority";

WHEREAS the draft Regulation 58-101 respecting disclosure of corporate governance practices was published in the Supplement to the Bulletin concerning securities of the Agence nationale d'encadrement du secteur financier, volume 1, No. 39 of October 29, 2004;

WHEREAS on June 3, 2005, by the decision No. 2005-PDG-0155, the Authority made the Regulation 58-101 respecting disclosure of corporate governance practices;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation 58-101 respecting disclosure of corporate governance practices appended hereto.

June 7, 2005

MICHEL AUDET,
Minister of Finance

Regulation 58-101 respecting disclosure of corporate governance practices

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (2), (8) and (34); 2004, c. 37)

PART 1
DEFINITIONS AND APPLICATION

1.1 **Definitions**

In this Regulation,

"AIF" has the same meaning as in Regulation 51-102 respecting Continuous Disclosure Obligations approved by Minister's Order No. 2005-03 dated May 19, 2005;

"CEO" means a chief executive officer;

"code" means a code of business conduct and ethics;

"executive officer" has the same meaning as in Regulation 51-102 respecting Continuous Disclosure Obligations;

"marketplace" has the same meaning as in Regulation entitled National Instrument 21-101, Marketplace Operation adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0409 dated August 28, 2001;

"MD&A" has the same meaning as in Regulation 51-102 respecting Continuous Disclosure Obligations;

"SEDAR" means the computer system for the transmission, receipt, acceptance, review and dissemination of documents filed in electronic format pursuant to Regulation 13-101 respecting the System for Electronic Document Analysis and Retrieval (SEDAR) adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0272 dated June 12, 2001;

"significant security holder" means, in relation to an issuer, a security holder that

(a) owns or controls 10% or more of any class of the issuer's voting securities, or

(b) is able to affect materially the control of the issuer, whether alone or by acting in concert with others;

"subsidiary entity" has the meaning set out in Regulation 52-110 respecting Audit Committees approved by Minister's Order No. 2005-10 dated June 7, 2005;

"U.S. marketplace" means an exchange registered as of the effective date of this Regulation as a 'national securities exchange' under section 6 of the 1934 Act, or the Nasdaq Stock Market; and

"venture issuer" means an issuer that, at the end of its most recently completed financial year, does not have any of its securities listed or quoted on the Toronto Stock Exchange, a U.S. marketplace, or a marketplace outside of Canada and the United States of America.

1.2 **Meaning of Independence**

(1) In a jurisdiction other than British Columbia, a director is independent if he or she would be independent within the meaning of section 1.4 of Regulation 52-110.

(2) In British Columbia, a director is independent if

(a) a reasonable person with knowledge of all the relevant circumstances would conclude that the director is independent of management of the issuer and of any significant security holder, or

(b) the issuer is a reporting issuer in a jurisdiction other than British Columbia, and the director is independent under subsection (1).

1.3 **Application**

This Regulation applies to a reporting issuer other than:

(a) an investment fund or issuer of asset-backed securities, as defined in Regulation 51-102 respecting Continuous Disclosure Obligations;

(b) a designated foreign issuer or SEC foreign issuer, as defined in Regulation 71-102 respecting Continuous Disclosure and Other Exemptions Relating to Foreign Issuers approved by Minister's Order No. 2005-07 dated May 19, 2005;

(c) a credit support issuer or exchangeable security issuer that is exempt under sections 13.2 and 13.3 of Regulation 51-102 respecting Continuous Disclosure Obligations, as applicable; and

(d) an issuer that is a subsidiary entity, if

i. the issuer does not have equity securities, other than non-convertible, non-participating preferred securities, trading on a marketplace, and

ii. the person or company that owns the issuer is

(A) subject to the requirements of this Regulation, or

(B) an issuer that has securities listed or quoted on a U.S. marketplace, and is in compliance with the corporate governance disclosure requirements of that U.S. marketplace.

PART 2
DISCLOSURE AND FILING REQUIREMENTS

2.1 **Required Disclosure**

(1) If management of an issuer, other than a venture issuer, solicits a proxy from a security holder of the issuer for the purpose of electing directors to the issuer's board of directors, the issuer must include in its management information circular the disclosure required by Form 58-101F1.

(2) An issuer, other than a venture issuer, that does not send a management information circular to its security holders must provide the disclosure required by Form 58-101F1 in its AIF.

2.2 **Venture Issuers**

(1) If management of a venture issuer solicits a proxy from a security holder of the venture issuer for the purpose of electing directors to the issuer's board of directors, the venture issuer must include in its management information circular the disclosure required by Form 58-101F2.

(2) A venture issuer that does not send a management information circular to its security holders must provide the disclosure required by Form 58-101F2 in its AIF or annual MD&A.

2.3 **Filing of Code**

If an issuer has adopted or amended a written code, the issuer must file a copy of the code or amendment on SEDAR no later than the date on which the issuer's next financial statements must be filed, unless a copy of the code or amendment has been previously filed.

PART 3
EXEMPTIONS AND EFFECTIVE DATE

3.1 **Exemptions**

(1) The securities regulatory authority may grant an exemption from this rule, in whole or in part, subject to any conditions or restrictions imposed in the exemption.

(2) Despite subsection (1), in Ontario, only the regulator may grant an exemption.

(3) In Québec, this exemption is granted pursuant to section 263 of the Securities Act (R.S.Q., c. V-1.1).

3.2 **Effective Date**

(1) This Regulation comes into force on June 30, 2005.

(2) Despite subsection (1), sections 2.1 and 2.2 only apply to management information circulars, AIFs and annual MD&A, as the case may be, which are filed following an issuer's financial year ending on or after June 30, 2005.

FORM 58-101F1
CORPORATE GOVERNANCE DISCLOSURE

1. **Board of Directors**

(a) Disclose the identity of directors who are independent.

(b) Disclose the identity of directors who are not independent, and describe the basis for that determination.

(c) Disclose whether or not a majority of directors are independent. If a majority of directors are not independent, describe what the board of directors (the board) does to facilitate its exercise of independent judgement in carrying out its responsibilities.

(d) If a director is presently a director of any other issuer that is a reporting issuer (or the equivalent) in a jurisdiction or a foreign jurisdiction, identify both the director and the other issuer.

(e) Disclose whether or not the independent directors hold regularly scheduled meetings at which non-independent directors and members of management are not in attendance. If the independent directors hold such meetings, disclose the number of meetings held since the beginning of the issuer's most recently completed financial year. If the independent directors do not hold such meetings, describe what the board does to facilitate open and candid discussion among its independent directors.

(f) Disclose whether or not the chair of the board is an independent director. If the board has a chair or lead director who is an independent director, disclose the identity of the independent chair or lead director, and describe his or her role and responsibilities. If the board has neither a chair that is independent nor a lead director that is independent, describe what the board does to provide leadership for its independent directors.

(g) Disclose the attendance record of each director for all board meetings held since the beginning of the issuer's most recently completed financial year.

2. **Board Mandate**

Disclose the text of the board's written mandate. If the board does not have a written mandate, describe how the board delineates its role and responsibilities.

3. **Position Descriptions**

(a) Disclose whether or not the board has developed written position descriptions for the chair and the chair of each board committee. If the board has not developed written position descriptions for the chair and/or the chair of each board committee, briefly describe how the board delineates the role and responsibilities of each such position.

(b) Disclose whether or not the board and CEO have developed a written position description for the CEO. If the board and CEO have not developed such a position description, briefly describe how the board delineates the role and responsibilities of the CEO.

4. **Orientation and Continuing Education**

(a) Briefly describe what measures the board takes to orient new directors regarding

i. the role of the board, its committees and its directors, and

ii. the nature and operation of the issuer's business.

(b) Briefly describe what measures, if any, the board takes to provide continuing education for its directors. If the board does not provide continuing education, describe how the board ensures that its directors maintain the skill and knowledge necessary to meet their obligations as directors.

5. **Ethical Business Conduct**

(a) Disclose whether or not the board has adopted a written code for the directors, officers and employees. If the board has adopted a written code:

i. disclose how a person or company may obtain a copy of the code;

ii. describe how the board monitors compliance with its code, or if the board does not monitor compliance, explain whether and how the board satisfies itself regarding compliance with its code; and

iii. provide a cross-reference to any material change report filed since the beginning of the issuer's most recently completed financial year that pertains to any conduct of a director or executive officer that constitutes a departure from the code.

(b) Describe any steps the board takes to ensure directors exercise independent judgement in considering transactions and agreements in respect of which a director or executive officer has a material interest.

(c) Describe any other steps the board takes to encourage and promote a culture of ethical business conduct.

6. **Nomination of Directors**

(a) Describe the process by which the board identifies new candidates for board nomination.

(b) Disclose whether or not the board has a nominating committee composed entirely of independent directors. If the board does not have a nominating committee composed entirely of independent directors, describe what steps the board takes to encourage an objective nomination process.

(c) If the board has a nominating committee, describe the responsibilities, powers and operation of the nominating committee.

7. **Compensation**

(a) Describe the process by which the board determines the compensation for the issuer's directors and officers.

(b) Disclose whether or not the board has a compensation committee composed entirely of independent directors. If the board does not have a compensation committee composed entirely of independent directors, describe what steps the board takes to ensure an objective process for determining such compensation.

(c) If the board has a compensation committee, describe the responsibilities, powers and operation of the compensation committee.

(d) If a compensation consultant or advisor has, at any time since the beginning of the issuer's most recently completed financial year, been retained to assist in determining compensation for any of the issuer's directors and officers, disclose the identity of the consultant or advisor and briefly summarize the mandate for which they have been retained. If the consultant or advisor has been retained to perform any other work for the issuer, state that fact and briefly describe the nature of the work.

8. **Other Board Committees**

If the board has standing committees other than the audit, compensation and nominating committees, identify the committees and describe their function.

9. **Assessments**

Disclose whether or not the board, its committees and individual directors are regularly assessed with respect to their effectiveness and contribution. If assessments are regularly conducted, describe the process used for the assessments. If assessments are not regularly conducted, describe how the board satisfies itself that the board, its committees, and its individual directors are performing effectively.

INSTRUCTION:

(1) This Form applies to both corporate and non-corporate entities. Reference to a particular corporate characteristic, such as a board, includes any equivalent characteristic of a non-corporate entity.

Income trust issuers must provide disclosure in a manner which recognizes that certain functions of a corporate issuer, its board and its management may be performed by any or all of the trustees, the board or management of a subsidiary of the trust, or the board, management or employees of a management company. In the case of an income trust, references to "the issuer" refer to both the trust and any underlying entities, including the operating entity.

(2) If the disclosure required by Item 1 is included in a management information circular distributed to security holders of the issuer for the purpose of electing directors to the issuer's board of directors, provide disclosure regarding the existing directors and any proposed directors.

(3) Disclosure regarding board committees made under Item 8 of this Form may include the existence and summary content of any committee charter.

FORM 58-101F2
CORPORATE GOVERNANCE DISCLOSURE
(VENTURE ISSUERS)

1. **Board of Directors**

Disclose how the board of directors (the board) facilitates its exercise of independent supervision over management, including

i. the identity of directors that are independent, and

ii. the identity of directors who are not independent, and the basis for that determination.

2. **Directorships**

If a director is presently a director of any other issuer that is a reporting issuer (or the equivalent) in a jurisdiction or a foreign jurisdiction, identify both the director and the other issuer.

3. **Orientation and Continuing Education**

Describe what steps, if any, the board takes to orient new board members, and describe any measures the board takes to provide continuing education for directors.

4. **Ethical Business Conduct**

Describe what steps, if any, the board takes to encourage and promote a culture of ethical business conduct.

5. **Nomination of Directors**

Disclose what steps, if any, are taken to identify new candidates for board nomination, including :

i. who identifies new candidates, and

ii. the process of identifying new candidates.

6. **Compensation**

Disclose what steps, if any, are taken to determine compensation for the directors and CEO, including :

i. who determines compensation, and

ii. the process of determining compensation.

7. **Other Board Committees**

If the board has standing committees other than the audit, compensation and nominating committees, identify the committees and describe their function.

8. **Assessments**

Disclose what steps, if any, that the board takes to satisfy itself that the board, its committees, and its individual directors are performing effectively.

INSTRUCTION :

(1) This form applies to both corporate and non-corporate entities. Reference to a particular corporate characteristic, such as a board, includes any equivalent characteristic of a non-corporate entity.

Income trust issuers must provide disclosure in a manner which recognizes that certain functions of a corporate issuer, its board and its management may be performed by any or all of the trustees, the board or management of a subsidiary of the trust, or the board, management or employees of a management company. In the case of an income trust, references to "the issuer" refer to both the trust and any underlying entities, including the operating entity.

(2) If the disclosure required by Items 1 and 2 is included in a management information circular distributed to security holders of the issuer for the purpose of electing directors to the issuer's board of directors, provide disclosure regarding the existing directors and any proposed directors.

(3) Disclosure regarding board committees made under Item 7 of this Form may include the existence and summary content of any committee charter.

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Draft Regulations

Draft Regulation

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

Certified management accountants
— Diplomas giving access to permits
— 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 diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend section 1.25 to update the list of diplomas that give access to the permit issued by the Ordre professionnel des comptables en management accrédités du Québec.

The draft Regulation proposes to revoke paragraph g which contains a reference to the Baccalauréat en comptabilité de management formerly offered by the Université du Québec à Montréal, since that institution no longer offers the program. Certain amendments describe more precisely the programs in the current Regulation, specifying the coursework or concentration in management accounting. Lastly, various stylistic adjustments and consequential amendments are made, in particular as regards the name of the École des Hautes Études Commerciales (now HEC Montréal) and the Université du Québec à Hull–UQAH (now the Université du Québec en Outaouais–UQO).

The Order anticipates no impact on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted for an opinion to the Office des professions du Québec and the Ordre professionnel des comptables en management accrédités du Québec. The opinion received from the Order will be sent by the Office to the Minister responsible for the administration of legislation respecting the professions, along with its own opinion following the results of its consultation with the departments, educational institutions and other bodies concerned.

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

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

YVON MARCOUX,
Minister responsible for the administration of legislation respecting the professions

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is amended in section 1.25

(1) by replacing "cheminement Sciences comptables" in paragraph *b* by "concentration Comptabilité de management";

* The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulation made by Order in Council 1064-2004 dated 16 November 2004 (2004, *G.O.* 2, 3155). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

(2) by replacing "concentration Comptabilité professionnelle from the École des Hautes Études Commerciales de l'Université de Montréal" in paragraph *c* by "spécialisation Comptabilité professionnelle, filière CMA, from HEC Montréal";

(3) in paragraph *e*,

(a) by striking out "from the Université du Québec," after "B.A.A.,";

(b) by replacing "of the Université du Québec, offered by" by ", concentration comptabilité de management, from";

(4) in paragraph *f*,

(a) by striking out "from the Université du Québec," after "B.A.A.,";

(b) by replacing "concentration Contrôle financier, of the Université du Québec, offered by" by "orientation CMA, from";

(c) by replacing "à Hull" by "en Outaouais";

(5) by deleting paragraph *g*;

(6) in paragraph *h*,

(a) by striking out "from the Université du Québec à Montréal," after "B.A.A.,";

(b) by replacing "of the Université du Québec, offered by" by "from";

(7) in paragraph *i,*

(a) by striking out "from the Université du Québec," after "B.A.A.,";

(b) by replacing "cheminement en comptabilité de management, of the Université du Québec, offered by" by "concentration en comptabilité de management, from";

(8) in paragraph *j*,

(a) by striking out "from the Université du Québec," after "B.A.A.,";

(b) by replacing "of the Université du Québec, offered by" by "from";

(9) in paragraph *k*,

(a) by striking out "from the Université du Québec," after "B.A.A.,";

(b) by replacing "of the Université du Québec, offered by" by "from";

(10) by inserting ", cheminement CMA" in paragraph *l* after "Comptabilité";

(11) by inserting ", Management Accounting Profile" in paragraph *m* after "Concentration";

(12) by adding the following at the end:

"*(n)* bachelier en gestion, B.Gest, obtained upon completion of the programme de baccalauréat en gestion, cheminement en comptabilité professionnelle (filière CMA), from HEC Montréal.".

2. The title of the Regulation and sections 1.01, 1.03 to 1.07, 1.09, 1.12 to 1.18, 1.20 to 1.30, 4.01 and 4.02 are amended by replacing "teaching establishments" by "educational institutions" and section 1.08 is amended by replacing "teaching establishment" by "educational institution".

3. Despite section 1, paragraph *g* of section 1.25, deleted by that provision, remains applicable to persons who, on (*insert the date of coming into force of this Regulation*), hold the diplomas referred to in the deleted provision or are registered in a program leading to those diplomas.

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

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